

**SONESTA BEACH HOTEL RESORT PROPERTY
(SOUTHAMPTON PARISH) SPECIAL DEVELOPMENT ORDER
2003**

BR 31 / 2003

DEVELOPMENT AND PLANNING ACT 1974

1974 : 51

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In exercise of the powers conferred upon the Minister by section 15(2)(a) of the Development and Planning Act 1974, and all the powers him hereunto enabling, the following Order is hereby made:

Citation

1 This Order may be cited as the Sonesta Beach Hotel Resort Property (Southampton Parish) Special Development Order 2003.

Interpretation

2 (1) In this Order —

"the Act" means the Development and Planning Act 1974;

"applicant" means Southampton Beach Resort Limited a company registered under the Companies Act 1981 on 24 January 2003;

"the Board" means the Development Applications Board;

"conditions" means conditions specified in paragraph 3(3);

"the development" means the development referred to in the planning application and more particularly described in the First Schedule;

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"the planning application" means the application for planning permission in principle for the development made by the applicant numbered P0945/02 and dated 12 November 2002 as amended by the submission dated 12 March 2003 submitted by Cooper & Gardner on behalf of the applicant;

"reserved matters" means matters reserved for approval by the Board in accordance with section 23(8) of the Act in relation to the planning permission in principle granted by paragraph 3(1);

"the site" means the land described in the Second Schedule.

(2) Subject to sub-paragraph (1), any expression used in this Order that is also used in the Act has the meaning assigned to it in the Act.

Planning Permission

3 (1) Subject to the reserved matters specified in sub-paragraph (2) and the conditions specified in sub-paragraph (3), planning permission in principle is granted by this Order for the development of the site.

(2) The reserved matters referred to in sub-paragraph (1) are as follows—

- (a) the siting and site coverage of any buildings and the siting of any works;
- (b) the height, design, architectural detailing, external appearance and materials, of any building or works;
- (c) the location, size and design of all private outdoor living spaces; and
- (d) a landscape scheme prepared in accordance with paragraph 6.13 of the Bermuda Plan 1992 Planning Statement.

(3) The conditions referred to in sub-paragraph (1) are as follows—

- (a) prior to the submission of the application for final planning permission, the applicant shall discuss and agree with the Director of Planning the number, location and design of the on-site car and cycle parking spaces to be provided;
- (b) the application for final planning permission shall include full details of the stormwater and sewage treatment facilities designed to the satisfaction of the

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Ministry of the Environment and the Chief Environmental Health Officer; and

- (c) the minimum setback of the South Road Cottages development shall be 30 feet from South Road as specified in paragraph 15.64 of the Bermuda Plan 1992 Planning Statement.

Saving

4 For the avoidance of doubt, it is hereby declared that nothing in this Order grants planning permission for any matters of development for which planning permission is required, apart from any matter for which planning permission has been granted by paragraph 3.

**FIRST SCHEDULE (paragraph 2(1))
The Development**

1. The development of the Sonesta Beach Hotel Resort Property.
2. The demolition of two existing dwellings in the vicinity of South Road, of storage facilities near Sinky Bay and of the Snack Bar at Cross Bay.
3. The demolition of such sections of the existing hotel as are agreed with the Director of Planning.
4. Forty-two two and three-storey self-contained townhouses with garages forming the Boat Bay Village.
5. Sixteen attached two-storey self-contained townhouses forming South Road Cottages.
6. Two detached luxury residential houses in the vicinity of Cross Bay.
7. One detached luxury residential house in a location to be agreed with the Director of Planning.
8. Twenty-seven guest units east of the existing Bay Wing.
9. A single-storey restaurant building and associated facilities at Cross Bay.
10. Two tennis courts at Sinky Bay.
11. A covered parking structure at the entry to the hotel.

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**SECOND SCHEDULE (paragraph 2(1))
The Site**

ALL THAT LAND in the Parish of Southampton having an area of 12.973 hectares (32.057 acres) shown outlined in red drawing number DWG. No. S-1 on the accompanying planning application.

Made this 10th day of April, 2003

Minister of the Environment