

**THE CLIFFS RESORT HOTEL AND RESIDENTIAL
DEVELOPMENT (WARWICK PARISH) SPECIAL DEVELOPMENT
ORDER 2004**

BR 39/2004

DEVELOPMENT AND PLANNING ACT 1974

1974 : 51

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The Minister of the Environment in exercise of the powers conferred upon him by section 15(1) of the Development and Planning Act 1974, makes the following Order:—

Citation

1 This Order may be cited as the Cliffs Resort Hotel and Residential Development (Warwick Parish) Special Development Order 2004.

Interpretation

2 In this Order —

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

"the applicant" means The Cliffs Bermuda Limited, a company registered under the Companies Act 1981 on 24 February 2003;

"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 P0722/03 and dated 16 September 2003 as revised on 8 March 2004, and the accompanying drawings numbered A1.00, A2.00 to 2.02, A6.10, OB2.1-02, V2.01, SP2.01-02 and R.1 prepared by Conyers & Associates Ltd. and submitted 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 Third Schedule;

"the subdivision" means the subdivision of land referred to in the draft plan of subdivision application and more particularly described in the Second Schedule;

"the subdivision application" means the application for planning permission for the draft plan of subdivision made by the applicant, numbered S0071/03 and dated 16 September 2003, and the accompanying drawing numbered 2299/1 to 3 prepared by Surveying Services Ltd. and submitted on behalf of the applicant.

(2) Subject to subparagraph (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 in principle

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

(2) The reserved matters referred to in subparagraph (1) are as follows —

- (a) the siting, scale, height, design, architectural detailing, external appearance and materials of any building or works;
- (b) the design and layout of all access roads and parking areas; and

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(c) the siting and design of all development along the coastline.

(3) The conditions referred to in subparagraph (1) are as follows —

(a) all access roads, turning lanes, junctions with the public roads and sidewalks shall be sited, designed and laid out in accordance with the requirements of the Ministry of Works and Engineering and Housing and in compliance with the provisions of paragraph 8.7 of the Bermuda Plan 1992 Planning Statement;

(b) the internal roadway system shall be no less than 14 feet in width to provide for the safe passage of two-way traffic;

(c) the bus lay by and shelter shall be located and designed in accordance with the requirements of the Ministry of Works and Engineering and Housing;

(d) the mode, design and specifications of the proposed methods of sewage disposal, the supply of water and the provision made for containing and disposing of storm water run off within the curtilage of the site shall comply with the requirements of the Government Hydrogeologist in the Department of Environmental Protection;

(e) all utility cables, including cable television relay cables, shall be placed underground within the curtilage of the site;

(f) prior to the submission of the application for final planning permission, the applicant shall submit to the Ministry of the Environment for its review, information and details sufficient to satisfy the Ministry that the applicant has a realistic plan in place to make adequate provision for staff housing;

(g) the application for final planning permission shall be accompanied with —

(i) a comprehensive landscape scheme prepared in accordance with the provisions of paragraph 6.13 of the Bermuda Plan 1992 Planning Statement, and in preparing the landscape scheme, particular attention shall be given to

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the screening of parking and service areas, and to the design, materials, treatment and planting of the site along its northern boundary with the public road; and

- (ii) the application for final planning permission shall be accompanied with a detailed technical report on the conditions, stability and erosion of the south shore cliff face, and specific proposals shall be included regarding the installation of shoreline defences in keeping with the natural appearance of the foreshore; and such a report shall include, but shall not be limited to, slope stability calculations and an assessment of the potential impact of storm water erosion on the cliff face, and shall include quantified recommendations regarding the safe setback of buildings from the edge of the cliff.

Gas station excluded

4 The planning permission in principle hereby granted does not include permission for the proposed gas station, and prior to the submission of the application for final planning permission, the applicant shall consult with all parties (including the objectors, the Building Control and Fire Departments) with respect to the location, development and design of a proposed gas station on South Road.

Planning permission to subdivide land

5 (1) Subject to the conditions specified in subparagraph (2), planning permission of the draft plan of subdivision is granted by this Order for the subdivision.

(2) The conditions referred to in subparagraph (1) are as follows —

- (a) an application for planning permission based on a final plan of subdivision shall be submitted for the approval of the Board;
- (b) the width of the proposed right of way shall be increased to a minimum of 14 feet in the final plan of subdivision; and

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- (c) the planning permission of the draft plan of subdivision hereby granted does not include permission for lot 1 for the proposed gas station.

Saving

6 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 paragraphs 3 and 5.

FIRST SCHEDULE (paragraph 2(1))

The Development

1 The development of a three-storey hotel building comprising 38 guest rooms, kitchen, bar, dining room and ancillary facilities, a separate spa building and associated swimming pools, a beach bar and cabanas, with a gross floor area of approximately 65,000 square feet.

2 The development of a single storey service building linked to the main hotel by an underground service tunnel comprising a lower floor cistern, reverse osmosis plant, sewage treatment plant and kitchen, and, at ground level, a laundry, loading dock, storage, security and employee facilities with a gross floor area of approximately 24, 000 square feet.

3 The development of 32 two-storey, two-bedroom tourist villas with a total gross floor area of approximately 56,000 square feet.

4 The development of 12 two-storey, three-bedroom, semi-detached, residential villas with associated pools and terraces with a gross floor per unit of approximately 3,800 square feet.

5 The development of 13 two-bedroom attached residential units of approximately 1,500 square feet of floor space per unit, and 10 three-bedroom attached residential units of approximately 1,800 square feet of floor space per unit, arranged in three buildings of part two-storeys and part three-storeys in height.

6 The development of an internal system of roadways, service areas and parking areas.

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SECOND SCHEDULE (paragraph 2(1))

The Subdivision

1 Adjustments to existing boundary lines to create three new lots and a right of way as follows—

- (a) lot 2 of 7.84 acres (3.17 hectares) to accommodate the tourism development;
- (b) lot 3 of 5.55 acres (2.25 hectares) to accommodate the residential development;
- (c) lot 4 of 0.69 acres (0.288 hectares) to accommodate a detached house; and
- (d) the creation of a right of way from the public road across lots 2 and 3 to lot 4.

THIRD SCHEDULE (paragraph 2(1))

The Site

ALL THAT LAND in the Parish of Warwick having an area of 14.27 acres (5.77 hectares) shown outlined in black on drawing number A1.00 accompanying the planning application.

Made this 16th day of April, 2004

Minister of the Environment