

**THE NEWSTEAD HOTEL (PAGET PARISH) SPECIAL
DEVELOPMENT ORDER 2004**

BR 38/2004

DEVELOPMENT AND PLANNING ACT 1974

1974 : 51

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The Minister of the Environment in exercise of the powers conferred upon her by section 15(2)(a) of the Development and Planning Act 1974, makes the following Order:—

Citation

1 This Order may be cited as the Newstead Hotel (Paget Parish) Special Development Order 2004.

Interpretation

2 (1) In this Order —

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

"the applicant" means Belmont Hills Property Limited, a company registered under the Companies Act 1981 on 29th July 2002;

"Building Official" has the meaning given in the Building Act 1988;

"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 for the Development made by the applicant numbered P0920/03 and dated 1st December 2003, as revised on 29th April 2004, and the accompanying drawings numbered A.1 to A.17 and B.1, B.5, B.6, B.9, B.10 and B.11 prepared by Entasis Architecture and submitted on behalf of the applicant;

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

(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

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

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

- (a) an application for a building permit shall be submitted to and shall be approved by the Building Official prior to the commencement of any construction work;
- (b) the application for a building permit shall comply with the requirements of the Bermuda Building Code 1998 and with any directions given by the Chief Fire Officer in respect of fire protection and the Chief Environmental Health Officer in respect of public health;
- (c) the points of access from the site to Harbour Road shall be designed and bell-mouthed to the satisfaction of the Ministry of Works and Engineering in accordance with the standards specified in paragraph 8.7(1) of the Bermuda Plan 1992 Planning Statement;
- (d) all hard-surfaced roadways and parking areas, and the junction of the access road with Harbour Road, shall be designed and graded to drain, retain and dispose of all storm water run-off within the curtilage of the site, and to avoid any storm water run-off onto Harbour Road or any neighbouring property;
- (e) an application for a construction permit for the proposed plant for the collection, treatment and disposal of sewage shall be submitted to and shall be approved by the Environmental Authority in accordance with the relevant

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provisions of the Clean Air Act 1991 prior to the commencement of construction;

- (f) applications for any proposed wells or drainage systems shall be submitted to and shall be approved by the Environmental Authority prior to the commencement of construction;
- (g) the applicant shall take such measures as are necessary to ensure that no excess or waste water is drained or dumped directly into Hamilton Harbour during the course of construction nor on completion of the Development;
- (h) the applicant shall enter into a 21-year foreshore lease with the Ministry of Works and Engineering and Housing in accordance with the relevant provisions of the Department of Works and Engineering Act 1984 with respect to the hereby approved dock prior to the commencement of construction of the dock; and
- (i) the entire site shall be landscaped in accordance with the approved landscape plan shown on drawing B.5 within six months of the issuance of a completion and occupancy certificate in accordance with the Bermuda Building Code 1998.

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 redevelopment of the Newstead Hotel site through part demolition and part conversion to create 41 suites, 5 cottages, two tennis courts with parking beneath, pool, spa, restaurant and ancillary facilities.
2. The conversion and refurbishment of building No. 1 (as shown and numbered on drawing B-6) to accommodate 6 guestrooms with 8 bedrooms totalling approximately 6,700 square feet of gross floorspace.

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3. Renovations to buildings Nos. 2, 3 and 4 to accommodate 11 guestrooms with 17 bedrooms totalling approximately 9,100 square feet of gross floorspace.
4. The construction of building No. 5 to accommodate a spa, gym, beauty salon and ancillary rooms, and operational and service facilities at the lower level including storage, laundry, mechanical and electrical rooms, and changing rooms totalling approximately 14,600 square feet of gross floorspace.
5. The construction of building No. 6 comprising four floors and a basement to accommodate a restaurant, bar, lounge and kitchen, administrative offices, storage and associated services, and 8 suites with 20 bedrooms totalling approximately 27,800 square feet of gross floorspace.
6. The construction of building No. 7 comprising four floors to accommodate 23 suites with 58 bedrooms totalling approximately 30,000 square feet of gross floorspace, below ground mechanical and electrical rooms, and a basement tank.
7. The construction of buildings Nos. 8, 9, 10, 11 and 12, each as a two-storey, two-bedroom cottage of approximately 1,600 square feet.
8. The construction of building No. 13 as a single-storey reception area of approximately 2,500 square feet of gross floorspace.
9. The change from residential use to a class II office use at no. 37 Harbour Road.
10. The construction of two tennis courts with car and cycle parking beneath.
11. The construction of a below ground sewage treatment plant.
12. The construction of a dock of approximately 360 square feet.
13. The construction of a swimming pool, equipment rooms and associated terraces.
14. The development of an internal system of roadways, footpaths, terraces and parking areas in landscaped grounds.

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SECOND SCHEDULE (paragraph 2(1))

The Site

ALL THAT LAND in the Parish of Paget having an area of 3.95 acres (1.60 hectares) shown outlined in black on drawing number B.6 accompanying the planning application.

Made this 31st day of May, 2004

Minister of the Environment