



16<sup>th</sup> May 2022

Director of Planning  
Department of Planning, Bermuda Government  
Dame Lois Browne-Evans Building, 5<sup>th</sup> Floor  
58 Court Street  
Hamilton HM 12

Our ref: 0229/2211

Dear Madam Director,

**Re: P0144-22**  
**Retroactive Application for New Food Truck, Landscape Paving and**  
**Pedestrian Entry Gate 5ft 6ins high**  
**Vacant Lot East of 13 North Shore Road and North of 36 and 38 North Shore**  
**Road, Hamilton Parish**

Adwick Planning has been instructed by Palmetto Gardens Ltd (PGL), the company responsible for the management of the condominium development at the corner of Middle Road and Harrington Sound Road, to object to the above planning application.

The condominium development consists of 20 units in four blocks and one of the blocks containing five units is located directly opposite the application site. PGL, in managing the interests of the owners and occupiers of the condominiums, wishes to register its strongest objections due to the impact that the proposed use and development of the site is likely to have on the units within the estate but particularly those closest to the application site. It also strongly objects on the more general ground that a proposal such as this would be likely to have an overall negative impact on this part of Bermuda, which is one of the island's more environmentally important and serene areas. The proposed use and development of the site would detract from these qualities to the detriment of the attractiveness and ambience of Flatts.

The application site consists of a small area of residual land at the extreme eastern end of Flatts Inlet. North Shore Road skirts the eastern perimeter of the site. The Brightside Resort and spa, which are under the same ownership as the application site, are located on the southern side of North Shore Road as is Rustico's restaurant. There is a mix of residential and commercial development extending westward along North Shore Road terminating at the St. James's Court condominium complex. The eastern side of North

Shore Road at its junction with Middle Road is characterised by residential development, including the objector's condominium estate. The application location, therefore, places the site at the centre of a busy, varied mix of uses but close to many residential units to the extent that activities at the site are bound to have a significant impact on the locality generally.

The planning application only describes the physical development at the site, all of which has already taken place rendering the application retroactive. The application description says little about the proposed use of the site but the applicant's supporting letter makes it clear that a range of activities are planned for this small site. It is described as a "private membership club" but no details are provided of how such a club would operate, whether the public would be admitted, for instance to obtain take-away food from the proposed food truck, or how access to the club would be policed. Such vague arrangements at this formative stage of the proposed use can only lead to problems if the proposal is allowed to commence. There is an urgent need to clarify these arrangements.

Similarly, the activities proposed for the site include a performance venue for live entertainment, an extension of the facilities currently available at the Brightside resort, an open air restaurant serving breakfast with other meals and take-out service available throughout the day, a sports bar and a cocktail lounge. Apparently a tent pavilion may also be erected but no details are provided of this aspect of the proposals. The planning application does not refer to any of these uses/activities so there is obviously a need to clarify exactly what is being applied for. At the very least these uses and activities would seem to amount to a very significant intensification of use of this small area of open space.

The site is zoned Coastal Reserve which implies having regard to the waterfront setting and conservation of the coastal environment in any development proposals. The application proposals and the development so far undertaken will detract from the attractiveness of this small coastal open space to the detriment of the Flatts community.

The intensification of use of this site would be likely to have adverse impacts for the area generally but especially for nearby residents. These impacts are likely to manifest themselves in issues related to traffic and parking in an area that is already congested with vehicles and in general noise and disturbance that would affect residential occupiers in the near vicinity.

No information is provided as to the numbers of people that are expected to attend events at the site but no provision is made for parking for these events. Instead the applicant appears to be relying on existing parking at the Brightside resort with a supplementary shuttle service. However, the latter will only be able to cater to a limited number of people and appears to intend to make use of land near Flatts bridge as a pick-up/drop-off point

with no indication of what rights may exist to use this location. Of greater concern is that the existing parking arrangement's near the site are already over subscribed. At present the parking facilities at the Brightside resort are intended to meet the needs of the resort, the associated spa and Rustico's restaurant. A condition of the planning permission for the restaurant was the provision of a certain number of parking spaces. Since that permission was issued the spa has been added at the resort. During busy lunchtime and evening periods the parking facility is often full. It does not have the capacity to cater for additional activities that may take place at the application site. Already Palmetto Gardens suffers from its parking spaces being used as overflow parking for the activities at Brightside and Rustico's. The proposed new operation will exacerbate the problem of trespassers trying to park on PGL property.

These additional activities should require dedicated parking facilities but there is insufficient space either within the site or at Brightside. Nor should it be permitted to rely on the parking facility opposite the Aquarium. Even if space was available at the site it would be highly undesirable to create a parking facility in this location given the scale and intensity of traffic movements at the North Shore Road/Middle Road junction. This location is already a traffic hotspot with frequent accidents and inadequate parking arrangements can only make matters worse.

The intensification of activity at the site would also be likely to result in increased pedestrian movements in the area with people parking wherever available or being dropped off and then walking to the venue. The roadways around the site are very busy especially during morning and afternoon peak hour traffic movements and carry a high proportion of heavy vehicles. The increase in pedestrians trying to cross busy roads to reach the site is likely to lead to hazardous conditions with a high risk of traffic accidents. This risk can only be heightened when the potential for a food take-away service is added into the mix as these are renowned for leading to casual parking activities by customers seeking to pick up orders. These, too, will cause unsafe traffic conditions on roads around the site.

Furthermore, no mention is made in the application of what provision is to be made for sanitary facilities for the proposed uses. In the absence of these details it is to be presumed that the intention would be to make facilities available at the Brightside resort but this would result in pedestrians constantly seeking to cross North Shore Road to reach these facilities. This can only exacerbate the potential for conflict between pedestrians and vehicles at this site.

The range of activities proposed for the site which will extend through the day and well into the evening and, perhaps, occasionally beyond will bring with it the potential for noise and disturbance which will adversely affect residents in the locality. The prospect of live

entertainment or simply broadcast music which will emanate from the site would be likely to reverberate around Flatts inlet due to the geography of the area and could affect many residents. Residents of Palmetto Gardens, however, are likely to be particularly badly affected due to their proximity to the site. The residents of this housing complex are entitled to expect reasonable enjoyment of the residential amenities that their housing estate affords without constant disturbance and noise from a nearby outdoor entertainment venue. No doubt, given the nature of the range of uses proposed, the applicant will be intending to apply for a liquor license for the facility. The consumption of alcohol at the site can only lead to further disturbance and possibly rowdiness at the venue to the detriment of residential amenity in the area. In a densely built-up area like Flatts the application site must be considered a particularly inappropriate location for such a venue.

The proposal, therefore, is an inappropriate location for the proposed use and activities as they will be likely to create traffic and parking problems to the detriment of pedestrian safety in the area, will result in unacceptable noise and disturbance to the nearby residents and will detract from the character and appearance of this small coastal open space. Planning permission should not be granted for the proposed development.

Yours sincerely,  
ADWICK PLANNING

A handwritten signature in black ink, appearing to be 'P. Adwick', written in a cursive style.

Peter Adwick  
c.c. Client