



# North East Hamilton Local Plan







# **North East Hamilton**

## Local Plan

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# Introduction

This document is a “local plan”, as defined by Section 7 of the Development and Planning Act 1974, and has been prepared for the purpose of regulating the development and use of land in North East Hamilton, as defined in Figure 1. The City of Hamilton Plan 2001 is currently the operative plan for North East Hamilton.

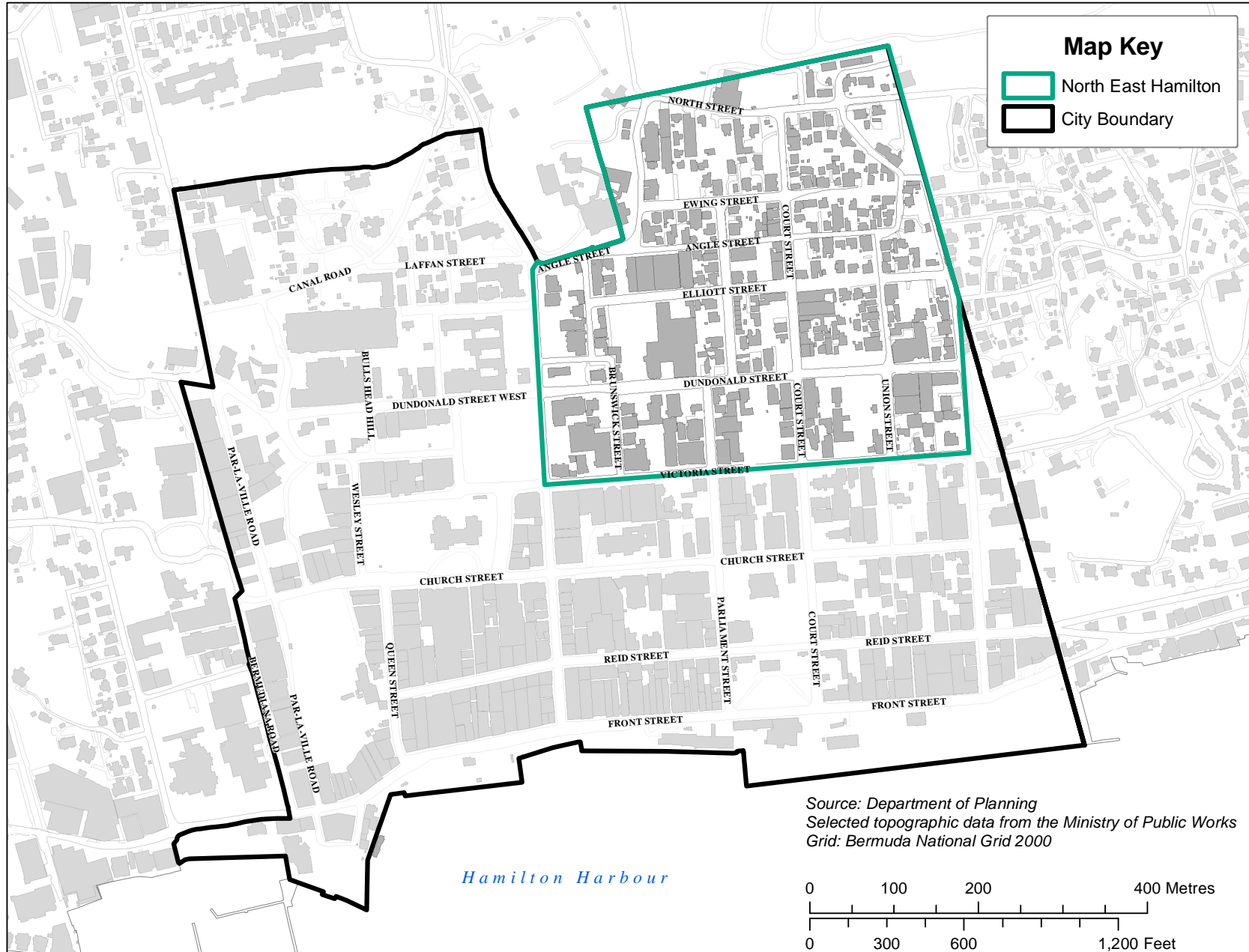
North East Hamilton is an area which organically formed to function as the first suburb of the City, providing occupants of the area with quick and easy access to the remainder of the City. This area was crucial at a time when commuting into the City on a daily basis from other parts of the Island was impractical as a consequence of both infrastructure constraints and a lack of transportation options.

Today, the area is home to a variety of different land uses but remains predominantly residential in character. North East Hamilton plays a critical role in the cultural context of the Island as a whole and is home to a number of the Island’s Bermudian-owned businesses. The area has experienced incremental socio-economic decline over the last 100 years to the extent that there are clear social, economic and environmental disparities between this area and other parts of the City.

This Plan has been designed to facilitate new economic investment in the area through providing a flexible planning framework which is responsive to the needs of the community, with the intention of making North East Hamilton a more appealing place to reside, establish a business and visit.



Figure 1: North East Hamilton Boundary



## 1.1 Background

As a consequence of the socio-economic challenges of North East Hamilton, it has been identified as an area which merits a different approach to the use and development of land than the remainder of the City. Over the last ten years, a significant amount of research has been undertaken in order to devise a strategy which supports economic investment within the area which is representative of the views of residents and business owners. This Plan represents the culmination of a conscientious effort to prepare an informed land use strategy which is intended to benefit existing residents and business owners in a sustainable and meaningful way.

In preparing this Plan, the Department of Planning has consulted with a range of internal and external stakeholders to ensure that all of the relevant bodies are aware of its strategic direction. This process has had the dual benefit of reaffirming and establishing relationships and networks, which can be used to provide for a coordinated approach to highlighting and addressing issues within the area.

Public consultation is the key component in devising a land use strategy. Whilst there have been a number of informal routes through which public opinion has been gathered in preparing the Plan, there have also been more structured processes such as a series of facilitated workshops held in 2015. These workshops were used to establish a clear understanding of how residents and business owners felt about their community, their visions for its future and the actions which would be required to realise the vision. The information obtained during these workshop sessions has informed key parts of this Plan, including the overall vision.

Upon its release, the Plan will be the subject of a further period of detailed public consultation to obtain feedback on the content of the document. In this regard, it is important to acknowledge that this is a draft plan and the Department of Planning is committed to ensuring that information gathered through the public consultation process will be used to refine the Plan before it is formally adopted.

## 1.2 History and Key Characteristics of North East Hamilton

North East Hamilton comprises approximately 20% of the City of Hamilton's 177 acre land mass, spans 21 blocks, which are generally laid out in a grid-based street pattern, and contains a total of 270 buildings. The boundaries of the Plan area are defined by Victoria Street to the south, Pembroke Canal to the north, King Street to the east and Cedar Avenue to the west.

North East Hamilton is a predominantly low-rise, residential neighbourhood with approximately 80% of the City of Hamilton's residents living within its boundaries. Detached houses and apartment houses account for 65% of the neighbourhood's building typology.

The area contains the highest concentration of City buildings deemed to be of historic, architectural, cultural and/or social significance, with the majority of its building stock having been constructed in





## Section 1: Introduction

the late 1800's and early 1900's. Almost 90% of its existing buildings are two storeys or less in height and largely of traditional Bermudian design. There are a few taller buildings sporadically spread across the neighbourhood, in addition to the concentration of high-rise buildings found on Victoria Street and Cedar Avenue.

Many lots within North East Hamilton are shared by two or more buildings and 60% of the lots are less than the standard City lot size of 5,000 square feet. Aside from two public open spaces, there are 18 lots that do not contain buildings; 12 of these are currently utilised for surface level parking.

Topographically, the southern part of North East Hamilton is predominantly flat whilst its northern section (approximately the area north of Elliott Street) rises to a plateau to the eastern part of Ewing Street and slopes downward North Street, the lowest point of North East Hamilton. There is also a notable elevation change in the south eastern portion of the area as the land gradually rises to a high point at King Street.



# Vision and Objectives

An essential component of land use strategy documents is a clear established vision for what is trying to be achieved. The Vision for this document has been informed by public consultation as well as through input from the various consultees who have contributed to the plan-making process. The Vision for the Plan is:

*“To realise North East Hamilton’s economic potential in a manner which is cognisant of the established environment, sense of community and cultural importance of the neighbourhood.”*

To deliver the vision, a number of underpinning objectives have been established. Alongside the Vision, these objectives have been used to inform the content of the entire Plan. The objectives of the Plan are as follows:

- to provide a flexible planning framework which facilitates sustainable economic investment within North East Hamilton
- to promote the redevelopment of brownfield sites and vacant/derelict buildings
- to support the implementation of strategic infrastructure improvement projects
- to encourage innovative and contemporary forms of architecture which respect the established character, form and layout of the area
- to recognise the unique historical and cultural assets of the area and ensure that they are afforded an appropriate level of protection
- to promote healthier and safer communities



# How to use this Plan

To enable the successful delivery of the Vision and objectives, a progressive approach to the application of planning policy is required. It is recognised that, in some instances, it may not always be possible or practicable to meet all of the general policy provisions of the Plan and that there may be instances where such provisions impose restrictions on development which would have no conceivable detrimental impacts upon the area or its occupants. Accordingly, this Plan provides a framework which enables the Board to determine applications in a constructive manner, whilst ensuring that development proposals adhere to a set of overarching Strategic Principles.

This approach sets out a supportive and flexible framework for the determination of planning applications by affording greater discretionary powers to the Board and placing the interests of the existing community at the heart of the decision-making process. It is hoped that, by adopting this approach, appropriate and balanced land use decisions can be made which contribute to the establishment of a dynamic and thriving local community.

## The Strategic Principles Approach

### Policy NEH.1

Development proposals will be assessed against the provisions of the Plan as a whole and balanced judgements will be made based on all material planning considerations, having particular regard to adherence to the Strategic Principles as set out by Policy SP.1.

The approach set out by policy NEH.1 requires that development should strive to accord with all provisions of the Plan in the majority of cases, but crucially provides a degree of flexibility which is necessary to encourage development and attract investment into North East Hamilton. With this flexibility comes a greater responsibility on applicants to ensure that development proposals are properly informed by the context of sites and their surroundings.



# Strategic Policies (SP)

This section sets out the Strategic Principles against which planning applications must be assessed by the Board. In recognition of the importance of ensuring that new development provides real benefits to the community, this Plan includes scope for the Board to require developers to provide or contribute towards schemes which will directly benefit the area, known as “community benefits”. In addition, the importance of delivering strategic projects, which would typically result in a notable investment within the area, is recognised and expressly encouraged by this Plan.

## Strategic Principles

Policy SP.1 sets out the overarching guiding Strategic Principles which inform the detailed content of this document and to which all development proposals must align, where relevant. These broad principles provide a policy context for the assessment of all planning applications and should be fully considered by all prospective applicants at the inception of a project.

The unique value and contribution of Court Street to the wider area, and economic opportunities that it affords to existing and future occupants, merits specific recognition within the Strategic Principles. Court Street is the main area for commercial activity within North East Hamilton and in order for this area to flourish, it must experience a high level of pedestrian activity. Accordingly, the street level of buildings in this area will be required to have active frontages which generate interest and activity and contribute to the overall vitality of the area.





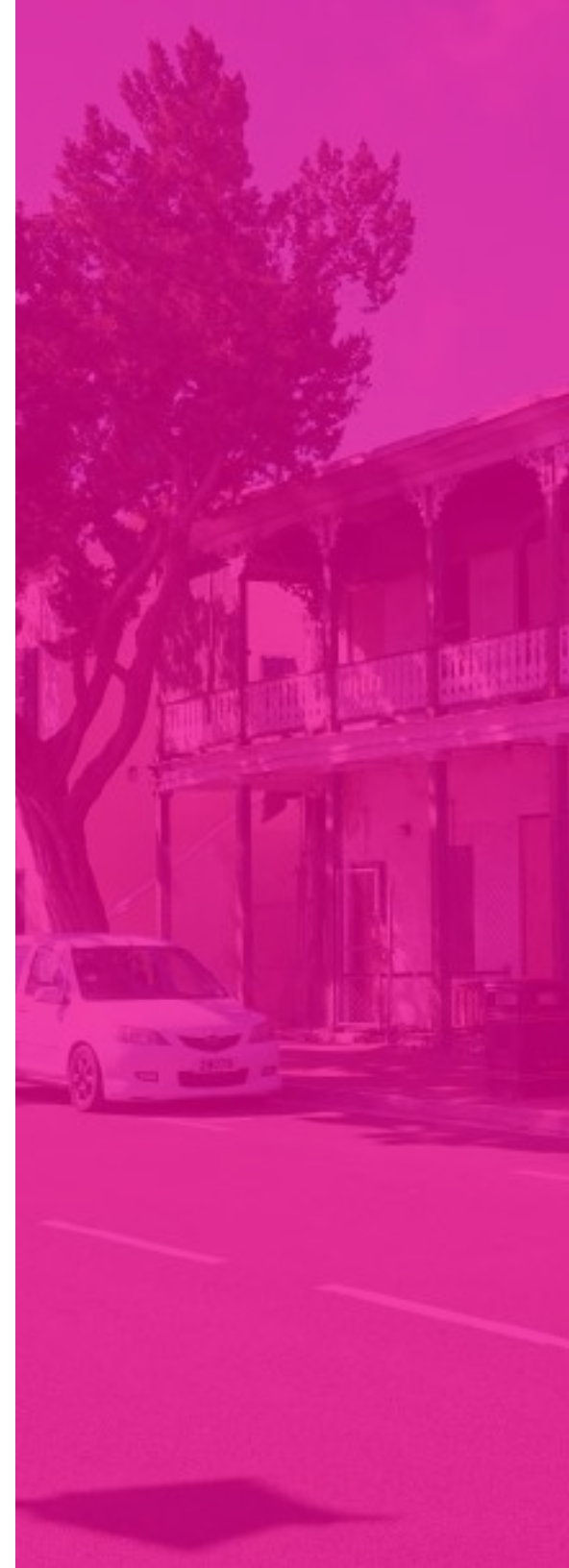
### Policy SP.1

All development proposals will be required to meet the following criteria, where relevant:

- a)** to be appropriate in terms of impacts upon the amenity of the surrounding area;
- b)** to achieve an acceptable standard of development for the proposed use;
- c)** to be appropriate in terms of layout, scale, massing, design and materials in relation to its surroundings;
- d)** to respect, protect, and where possible, enhance natural, built and cultural heritage assets;
- e)** to contribute towards a safer, more pleasant and walkable environment, which is accessible to all;
- f)** to maximize energy efficiency through the siting, orientation, use of appropriate materials and incorporation of energy efficient technologies;
- g)** to be appropriate to the area in terms of road safety and to minimise street-level parking;
- h)** to avoid negative impacts upon water and air quality;
- i)** to contribute towards healthy communities;
- j)** to provide the necessary supporting infrastructure, incorporating sustainable design solutions, where possible; and
- k)** to retain and require active frontages on the ground floor of properties on Court Street.

### Community Benefits

Improvements to the environment and infrastructure of North East Hamilton is critical to the realisation of the Vision of this Plan. Such works require significant financial investment which would be extremely challenging to achieve through public funding alone. It is therefore imperative that greater responsibility be placed on developers to ensure that development adequately addresses its impacts, considers the well-being of the area and delivers real benefits to the community. However, this Plan does not intend to place an undue burden on developers to such an extent as to discourage investment into North East Hamilton. As such, this Plan recognises the importance of achieving an appropriate balance of encouraging sustainable development whilst ensuring that the area and community benefit from development.







### Policy SP.2

The Board may require a commitment or contribution from a developer towards a community benefit for North East Hamilton. In determining whether a community benefit contribution will be required, the Board will take into account a range of factors including, but not limited to:

- scale;
- use;
- site context; and
- the impact of the proposed development;

The required community benefits must be commensurate with the nature of the development proposed, broadly align with the objectives of the affected District.

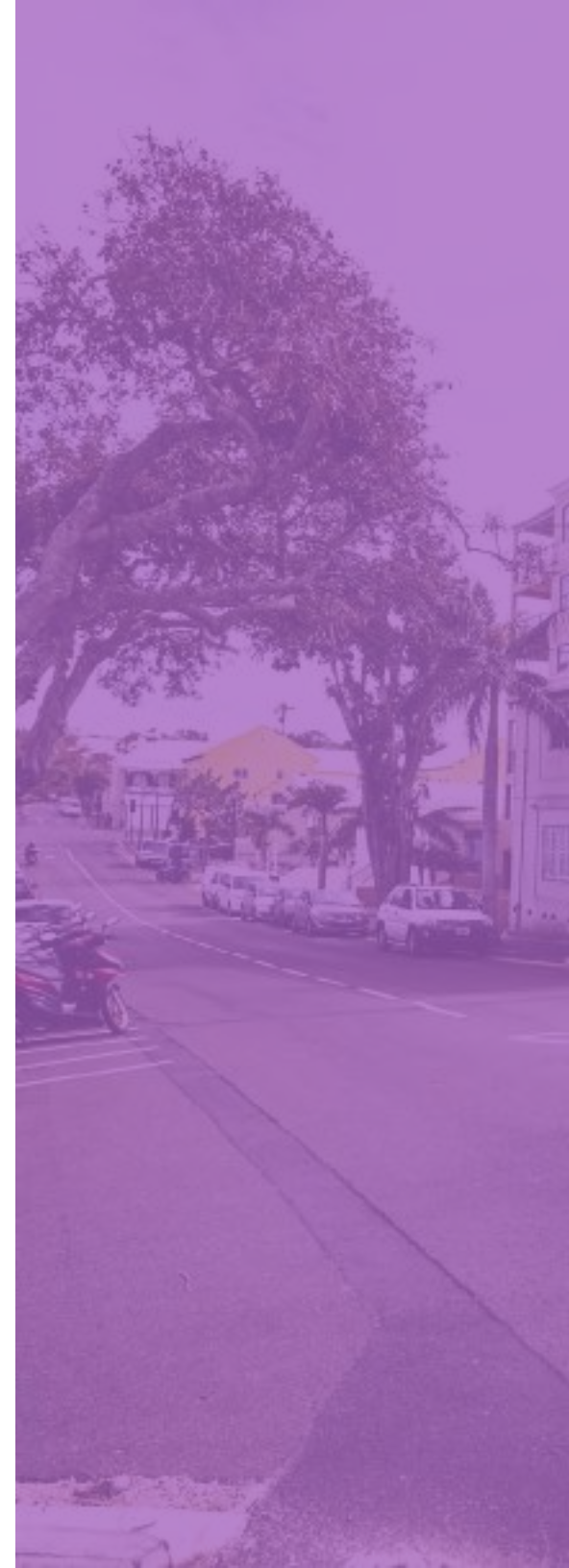
- the creation of new, or enhancement of existing, public spaces
- improvements to sidewalks and the public realm
- public art (in various forms)
- infrastructure improvements
- affordable housing
- educational facilities
- community gardens
- exercise or play facilities
- pedal cycle parking/storage

The community benefit may, but not necessarily, offset a particular effect of a proposal and does not need to be contained within the same District as the application site. However, it should typically be reflective of the objectives of the Districts as set out in section 7 of this Plan.

The community benefit will be determined by the Board either on a case-by-case basis or in the form of guidance notes or other publications, as deemed appropriate. Where a specific community benefit is proposed, the applicant must include confirmation of approval of all affected landowners, together with details of installation and future maintenance.

### Strategic Projects

There will be overarching support for development proposals which have significant positive economic, social and/or environmental impacts upon the area. These forms of development which, for the purposes of this Plan, are named 'Strategic Projects', will typically comprise of large-scale structures or major infrastructure works but may also take the form of development of a moderate physical scale providing it satisfies the criteria of Policy SP.3.



### Policy SP.3

Strategic projects will be encouraged within the North East Hamilton area if:

- a)** they significantly promote and enhance the viability and vitality of the area;
- b)** they deliver strategic infrastructure improvements;
- c)** a significant amount of vacant, redundant, under-utilised or brownfields land will be regenerated; or
- d)** the Board otherwise deems that the proposal would result in significant net benefits to the area.







Murals, public art and soft landscaping can be used to improve and add interest to an area.

# Procedural Policies (PP)

This section references and expands upon the legislative requirements of the Development Applications Board (the “Board”) for processing and determining planning applications and is intended to be read in conjunction with supplementary guidance notes issued on behalf of the Board.

## 5.1 General direction to the Board

The Board is required to determine applications for planning permission and the subdivision of land in accordance with Sections 17 and 35C of the Act respectively. The Board may not grant planning permission for development which is at variance with the Act or this Plan.

### Policy GP.1

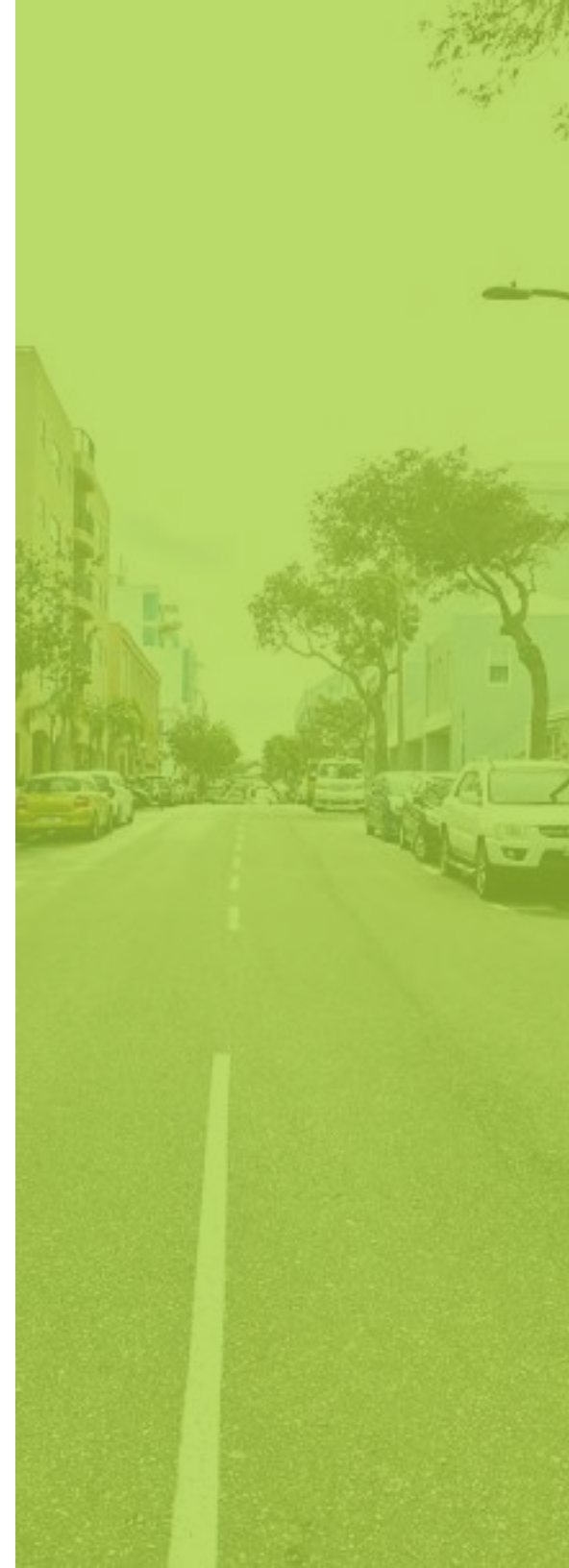
The Board will determine applications against the provisions of the Plan as a whole and will make balanced judgements based on all material planning considerations, having particular regard to adherence to the Strategic Principles, as set out under Policy SP.1.

### Policy GP.2

In addition to the provisions of Policy GP.1, the Board may refuse planning permission if it considers that:

- a) insufficient details have been submitted to allow the Board to make a fully informed assessment of the proposal; or
- b) the proposal is premature.

Where there is a conflict between a provision of a Special Act as approved by the Legislature, a Special Development Order made under Section 15 of the Act or an agreement made under Section 34 of the Act and a policy of this Plan, the provision of the Special Act, Special Development Order or Section 34 agreement, as appropriate, prevails and shall apply.



## Planning permission applied for or granted before commencement day

### Policy GP.3

Where, before commencement day, the Board granted in-principle planning permission for development or approved a draft plan of subdivision, any application submitted on or after commencement day for approval of any reserved matters of the in-principle planning permission or for the approval of a final plan of subdivision shall be determined by the Board under the provisions of the City of Hamilton Plan 2001.

### Policy GP.4

Where, before commencement day, an application for planning permission was received by or on behalf of the Board but was not determined by the Board before that day, the application shall be determined by the Board under the provisions of the City of Hamilton Plan 2001.

## Land subject to an objection to the Draft Plan

### Policy GP.5

During the period when the Draft Plan is operative, in accordance with Section 10 of the Act, and where land which is the subject of an application for planning permission is also the subject of an objection to the Draft Plan under Section 11(3) of the Act, the Board will determine the application based on all relevant information.

## Lots crossing the Plan boundary

### Policy GP.6

Where a lot lies partly outside of the Plan boundary, the Board shall apply the policies of the development plan or local plan against which it considers to be most logical and appropriate for the application to be assessed.

## Changes of use

For the avoidance of doubt, North East Hamilton is subject to the Development and Planning (Use Classes) Order 1975 and/or any subsequent amendments or re-enactments as issued by the Legislature. Therefore, an application for planning permission is not required for a new use of a building or land provided that it falls with the same Use Class as its existing lawful use.





## 5.2 Supplementary Documentation

In addition to the statutory requirements set out by the Act and the Development and Planning (Application Procedure) Rules 1997, the below sets out submission requirements relating specifically to planning applications affecting the Plan area. In all cases, all documentation should be submitted at the time the application is submitted. Other supplementary documentation may also be required, as detailed in this Plan, and the Board will issue further details in the form of guidance notes to ensure consistency in the quality of submissions, which will be updated regularly.

### Grounds in Support

#### Policy GP.7

The Board may require an applicant to submit written grounds in support to justify a proposal, which shall include such detailed and relevant information as deemed necessary by the Board.

### Design Statements

#### Policy GP.8

In order to assess the design, scale and massing of a proposal, the Board may require the submission of a Design Statement, which will normally be required for proposals for development:

- a) which exceeds three storeys;
- b) which affects a building or the setting of a building which is considered by the Board to be of special historical or architectural interest; or
- c) which does not, in the opinion of the Board, reflect the design, scale or massing of the established character, form and layout of the area.

The Design Statement must explain and illustrate the design principles and design concept for the proposal and include such details as specified by the Board.





## Traffic Impact Statements

### Policy GP.9

The Board may require the submission of a Traffic Impact Statement where the characteristics of the site or the particulars of the proposal require a careful examination of the potential traffic impacts of the development prior to the determination of the application. A Traffic Impact Statement shall include appropriate plans, information and data as specified by the Board in order to enable the Board to make a fully informed assessment of the potential traffic impacts of the proposal.

## Environmental Impact Statements

### Policy GP.10

An Environmental Impact Statement will be required for development projects which, because of the characteristics of the site and the particulars of the proposal, are likely to have a significant impact on the environment. Such projects may include, but are not limited to:

- major tourist and resort developments
- power plants and water supply systems
- major utility development
- major quarrying operations or development
- major commercial developments
- major industrial developments
- major infrastructure or transport developments
- reclamation projects

An Environmental Impact Statement shall include the appropriate plans, information and data in sufficient detail to enable the Board to determine, examine and assess the potential environmental impacts of the proposal, as specified by the Board or as directed by the legislature, as appropriate.



### 5.3 Consultations

In accordance with Section 19 of the Development and Planning (Application Procedure) Rules 1997, the Board may seek comments and specialist advice from other sources on an application. This may typically include, but not limited to, the following:

- **Bermuda Arts Council**, or other such relevant body, in considering the appropriateness of public art proposals
- **Corporation of Hamilton** in respect of any matter which falls within its remit
- **Department of Health** on matters affecting water supply and telecommunications development
- **Environmental Authority** on applications which may affect a water resource or propose the use of controlled plant
- **Historic Buildings Advisory Committee** in considering development affecting a Listed Building or Historic Area or their setting

The Board will issue and regularly update guidance on consultations, which will set out which bodies will be consulted based on specific criteria relating to the nature of the proposed development and the context and constraints of a site and its surroundings.



# General Policies (GP)

This section sets out the more detailed policies against which planning applications must be assessed. These policies align with the Strategic Policies of this Plan. Proposals will be expected to adhere to all of the relevant policies of this section.

## 6.1 Subdivision (SDV)

Subdivision is the process of splitting a tract of land into smaller parcels or lots, the adjustment of boundaries between existing lots and the creation of rights or easements over land. The legal provisions regulating the subdivision of land are contained in Part VI of the Development and Planning Act 1974 and the Development and Planning (Application Procedure) Rules 1997 and all applications for planning permission for the subdivision of land, whether for draft or final approval, must contain the information detailed in Section 16 of the 1997 Rules.

North East Hamilton contains 270 buildings on 247 lots, many of which contain two or more buildings. Approximately sixty percent of the lots are undersized when considered against the provisions of the City of Hamilton Plan 2015.

To encourage and support development in the City and given the high density nature of the urban environment of North East Hamilton, it is not considered necessary to specify absolute minimum lot sizes for North East Hamilton. This Plan affords the Board flexibility in determining appropriate minimum lot sizes provided that it can be demonstrated that the proposed subdivision provides an adequate area to accommodate a development and its associated facilities and infrastructure, without prejudicing the development potential of existing lots or the delivery of infrastructure improvements.



## Suitability of land for subdivision

### Policy SDV.1

The minimum lot size created shall normally be not less than 5,000 square feet, however the Board shall have the discretion to approve a subdivision proposing an undersized lot. In all cases the Board shall be satisfied that:

- a)** the land is suited to the use for which the subdivision is intended;
- b)** any proposed lot contains an adequate development area and can reasonably accommodate any required vehicle parking, with turnaround, and private outdoor living space;
- c)** the layout and design of the proposed subdivision are sensitive to the physical and environmental characteristics of the site and:
  - i)** retains as many mature trees as possible;
  - ii)** respects the topography of the site; and
  - iii)** avoids creating lots where development would require excessive cutting and filling
- d)** where the land is susceptible to subsidence, flooding or erosion, appropriate mitigation is proposed;
- e)** a safe and adequate access is provided to each lot;
- f)** the provision of services and utilities are adequate to meet the needs of the proposed subdivision;
- g)** the subdivision would not prejudice the retention or provision of an adequately-sized pedestrian pathway or the delivery of any planned highway or sidewalk improvements;
- h)** no lot is created which is likely to result in a form of development which would adversely impact upon the historic or architectural importance of a Listed Building, Historic Area or their setting.
- i)** the proposed subdivision would not compromise the development potential of an existing lot.





## Plans of subdivision

### Policy SDV.2

All plans of subdivision (draft and final) shall be accompanied by sufficient, detailed and illustrated information in accordance with the statutory requirements as set out by the Development and Planning (Application Procedure) Rules 1997, as well as all other requirements as detailed by the Board.

## 6.2 Design and Sustainable Building (DSN)

The Plan area contains a broad range of buildings which vary significantly in terms of height and architectural style, as set out in further detail in the respective district sections of this Plan. The intention of this Plan is to encourage innovation in sustainable design, affording greater flexibility for bespoke design solutions, whilst preserving and enhancing the positive features of the built environment of North East Hamilton.

This Plan does not define any parameters for the maximum height of building and provides the Board with full discretion on this matter. In the event that a building is proposed which would exceed three storeys in height, the onus will be on the developer to demonstrate to the Board, through the submission of a Design Statement and any other supplementary details, that the proposed building is acceptable within its context and adheres to the Strategic Principles of the Plan, having regard to the character and objectives of that District. Development must also respect the setting of the Anglican Cathedral and ensure that this remains a focal feature of the City's skyline.

This Plan does not impose a requirement for street level or upper storey setbacks in order to incentivise development and to allow developers freedom to explore innovative design solutions which respect and respond to the character and appearance of the area. However, the incorporation of setbacks is encouraged and may be required by the Board in some instances, based on the individual circumstances of a proposal and the characteristics of a site and its surroundings.



## Design Principles

### Policy DSN.1

The Board shall support development which makes a positive contribution to the area and, as such, all development proposals shall respond appropriately to:

- a) the positive prevalent architectural characteristics of the District;
- b) the existing scale, proportion and character of the immediate and wider vicinity of the site;
- c) the preservation of Bermuda's architectural heritage, important features, landmarks, views and vistas;
- d) the character defining features of individual buildings as well as the building frontages, setbacks from roads, building materials, and light and shadow characteristics of a group of buildings;
- e) the topographical conditions of the site and surrounding area; and
- f) the skyline and the role of the Anglican Cathedral as a dominant feature of the City skyline.

In assessing proposals against the above provisions, the Board should ensure that:

- development is not detrimental to the visual quality of the streetscape and relates well to its context and any surrounding buildings;
- windows and/or other architectural details are provided to add interest to the appearance of external walls of buildings and improve safety by providing natural surveillance;
- large areas of reflective glass are avoided, particularly on the street level storeys; and
- roof design is compatible with the existing roof designs within the street and wider District.

Corner lots provide development opportunities for taller buildings, which can provide defining landmarks and shape the built form of the remainder of the streets. Given their high visual prominence, buildings on corner lots should be designed to a high architectural standard, providing visual interest on both elevations fronting the public road. Such buildings should also incorporate a splayed corner at street level in order to facilitate safe pedestrian movement by avoiding the creation of blind corners.

## Sustainable Design

Designing buildings in a sustainable energy-efficient manner is essential to reducing Bermuda's carbon footprint and can have significant long-term cost benefits. This Plan does not prescribe any specific standards of energy efficiency, given that these are necessarily updated regularly in line with international standards and advancements in technology, however Policy DSN.2 sets out the expectation that buildings will be designed sustainably from inception. Building design should consider the recommendations





Good example of how the design of a building has responded to its positioning on a corner lot.



of ASHRAE 90.1 and must have regard to the Bermuda Building Code which currently requires all commercial development, including residential buildings exceeding two storeys in height, to adhere to the International Energy Conservation Code.

### Policy DSN.2

New development should be designed in a manner that incorporates energy efficiency measures, water conservation, green building materials and/or other sustainable design measures into the building design and site layout.

## Accessible buildings and Universal Design

### Policy DSN.3

All facilities and amenities open to the public should be designed to ensure that they are barrier free and usable to everyone regardless of physical ability.

## Setbacks and Buildings Lines

### Policy DSN.4

New buildings and additions to existing buildings shall normally project no further beyond the existing front building line of the host building or that formed by adjacent buildings.

The Board may require development to be set back from the existing building lines, taking into account the character and appearance of the street, sight lines and pedestrian accessibility.





## Refuse and Recycling Storage

### Policy DSN.5

All developments shall provide appropriate facilities for the collection and storage of refuse and recyclable goods, which must normally be:

- a) located within the development site;
- b) conveniently located for collection;
- c) enclosed and covered;  
and
- e) designed to blend in with the overall character of the development.

## Roller Shutters and Grilles, Plant and Machinery

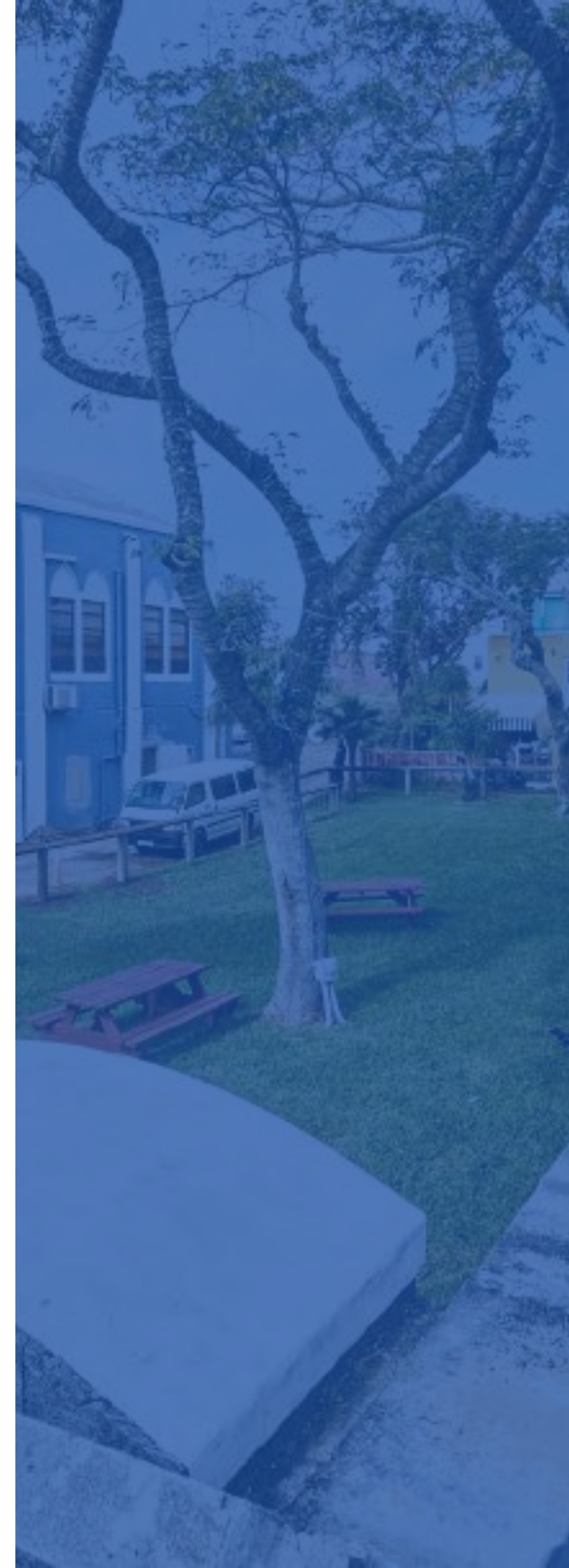
### Policy DSN.6

All roller shutters and grilles fronting on to a street should be open-panelled and normally located internally within the building.

### Policy DSN.7

Where practicable, all plant and machinery should be housed within the building; where this is not possible they should:

- a) be integrated into the overall design scheme for the development, through coordination of materials, colour and configuration;
- b) be placed on the part of the property which is least visible from adjacent streets and properties, as far as practicable; and
- c) be adequately screened from view.



## Re-grading

### Policy DSN.8

Re-grading shall be designed in accordance with the following provisions:

- a)** the overall height and extent should be kept to a practical minimum;
- b)** rock cuts and retaining walls should be:
  - i)** stepped; and/or
  - ii)** screened by planting; and/or
  - iii)** screened by buildings;
- c)** high retaining walls should be avoided and;
- d)** fill material should be properly landscaped, grassed over and planted to give a natural appearance.

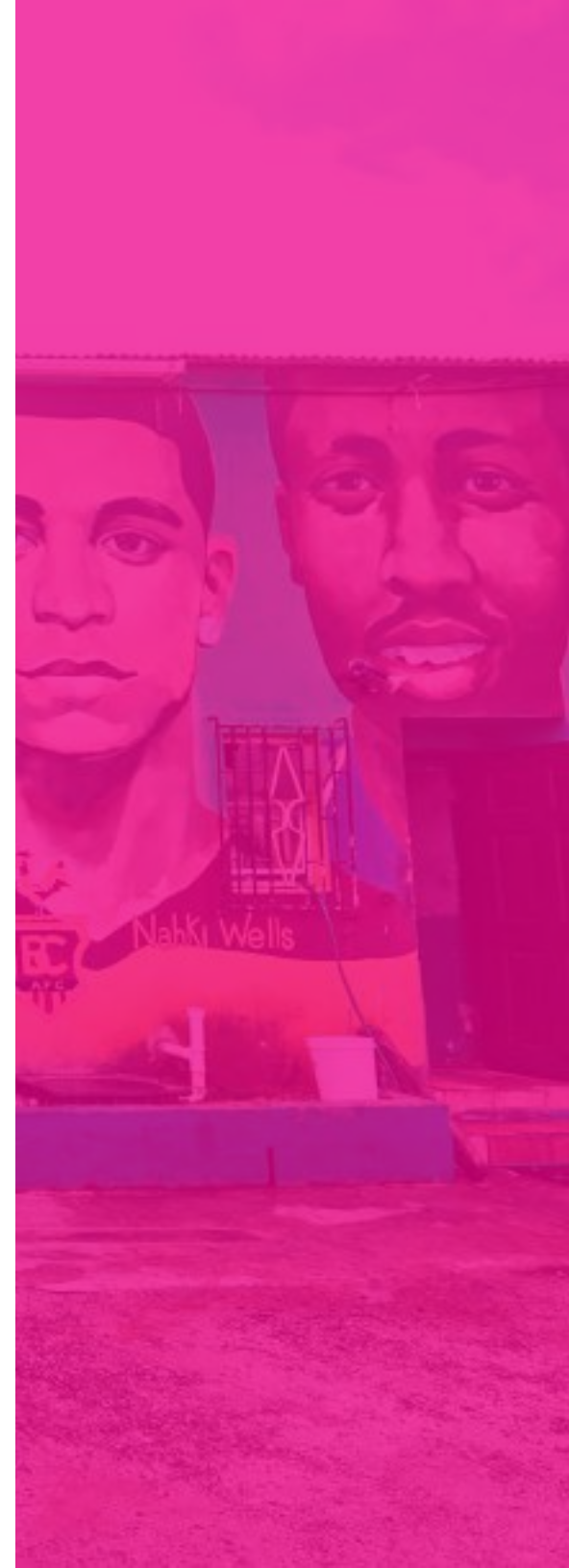
## Walls and fencing

### Policy DSN.9

Careful consideration shall be given to the design, height and materials of proposed walls and fencing. In all cases the height of walls and fencing shall be kept to a practical minimum and should not normally exceed 4 feet in height. The following criteria will also be applicable:

- a)** preference will be given to the use of Bermuda stone, cut coursed stone or stone cladding to achieve a natural stone finish;
- b)** concrete block walls should be rendered, plastered and painted (or cement washed or cladded to achieve a natural appearance); and
- c)** the use of chain link or mesh fencing shall be discouraged and, where chain link fencing is permitted, it must be plastic coated in an appropriate colour, preferably green.

Where a wall is proposed within an area which is publicly visible, the use of appropriately designed murals will be encouraged.



## Landscaping

### Policy DSN.10

Development proposals will normally be required to be accompanied by a landscaping scheme, which may be provided on and/or within proximity to the application site.

The requirement for a landscaping scheme can be waived at the discretion of the Board provided that the Board is satisfied that the proposal would pose no material impact on visual or residential amenity.

## 6.3 The Historic Environment (HE)

the Island which reflect the Island's cultural, political and social history. North East Hamilton in particular contains such notable historic properties as Victoria Terrace and Wantley on Princess Street, Belvoir on Ewing Street and the former Pembroke Sunday School building on the corner of Angle Street and North Street.

No listed buildings lie within North East Hamilton and this Plan does not propose any such designations at this time, however a policy relating to listed buildings is included in this Plan in case a building within the Plan area becomes listed during the Plan period.

Development proposals within North East Hamilton must also consider potential impacts on the setting of listed buildings, in particular the Grade 1 listed Anglican Cathedral, Bermuda's first listed building, which is the largest ecclesiastical building in Bermuda and has been the most prominent feature on the Hamilton skyline for over 100 years. The ridge of the building is 138 feet above ordnance datum and therefore any development exceeding this height must carefully consider the setting of the Cathedral and impacts upon the skyline of the City.

In addition to protecting individual buildings, there are also certain areas which are important to preserve because of their special historic, architectural or cultural character. Historic Areas are designated pursuant to Section 31 of the Act and the provisions of the Act shall apply for the purpose of protecting the historic, architectural or cultural character of these areas.

This Plan designates the Princess Street District as a Historic Area. The boundaries of the Historic Area have been amended to exclude buildings to the north of Angle Street, as it is considered that there are no buildings within this area which warrant the level of protection afforded by a Historic Area designation.



## Listed Buildings

### Policy HE.1

In determining an application that affects a listed building or its setting, the Board shall ensure that the appearance, siting, layout, scale, design, materials and details of development preserve and enhance the quality and character of the special building or its setting in accordance with its listing grade.

## Historic Area

### Policy HE.2

All development proposals shall be sympathetic to the character and appearance of a Historic Area and its setting and should seek to enhance its architectural and historic qualities, having regard to the layout, size, scale, design and materials of the area.

## 6.4 Residential Standards (RS)

This section seeks to ensure that an appropriate standard of living is afforded to existing and new residents of North East Hamilton. To this end, setbacks to existing residential properties are specified and this Plan retains the residential unit size standards applied across Bermuda and the private outdoor living space standards of the remainder of the City. However, the Board is afforded discretion to relax setbacks and private outdoor living space standards in order to allow appropriate flexibility for developers and to promote the adaptive re-use of existing buildings, a key regeneration objective.

This Plan does not require the provision of communal outdoor living space in lieu of providing a community benefit as detailed in Policy RS.4. This approach is considered to be more beneficial to North East Hamilton given that the outdoor space which would be gained or improved would be accessible to all rather than limited to the residents of a new development.





## Residential Amenity

### Policy RS.1

All development proposals must ensure that there would be no unacceptable detrimental impact on the amenity of existing residents by ensuring that:

- a) adequate levels of privacy, natural lighting and ventilation are retained to all habitable rooms of neighbouring properties;
- b) there would be no overbearing impact on residential properties; and
- c) the proposed use would not be injurious to the environment of nearby residential properties by reason of noise, vibration, disturbance, smell, fumes, ash, dust or other noxious condition.

## Residential Setbacks

The provision of setbacks is necessary to ensure that development proposed within proximity to residential properties can be properly considered by the Board and existing residents are made aware and afforded the opportunity to comment on such proposals. Such setbacks apply to existing residential lots and bona fide lots which are reasonably capable of accommodating residential development. Given its dense urban character and the limited average size of lots across North East Hamilton, it is accepted that standardised setbacks are difficult to achieve in many cases. Accordingly, the Board will be required to take a pragmatic approach in considering its use of discretion to approve development within setbacks.

### Policy RS.2

The minimum setback from a lot line shall be 10 feet where the lot line is shared with a residential lot.

The Board may vary the lot line setback requirement provided that it is satisfied that the proposal adheres to policy RS.1 and:

- a) there is no alternative location or design solution which would pose a lesser adverse impact in respect of policy RS.1;
- b) the proposal would not unduly compromise the development potential of an adjacent lot; and
- c) a neighbour acknowledgement letter from the owner of any affected neighbouring property has been provided.

The Board may waive the requirement for a neighbour acknowledgement letter provided that the applicant can demonstrate to the satisfaction of the Board that the appropriate action and necessary steps were taken to contact and obtain an acknowledgement from the affected neighbour.



## Minimum Unit Sizes

### Policy RS.3

All new residential development, including the conversion of existing buildings, shall comply with the following minimum standards:

Dwelling Unit Type	Minimum Gross Floor Area
Studio	275 square feet
One bedroom	425 square feet
Two bedroom	600 square feet
Three bedroom	800 square feet
Four or more bedrooms	1,100 square feet

Group Housing	Minimum Gross Floor Area
Bedroom	70 square feet
Shared living room / kitchen	150 square feet
Separate shared kitchen	50 square feet

## Outdoor Living Space

### Policy RS.4

Private outdoor living space shall be provided for each dwelling unit in any residential development to an appropriate standard with the following minimum area, or a combination of these:

Size of Unit	Minimum Area At Grade	Minimum Area Above Grade
Studio	100 square feet	60 square feet
One bedroom	100 square feet	60 square feet
Two bedroom	150 square feet	100 square feet
Three or more bedroom	300 square feet	130 square feet



In consideration of proposals for the adaptive re-use of existing buildings, the Board may require a contribution towards a community benefit in lieu of the private outdoor living space requirements.

All proposals for additional residential units will also normally be required to provide an improvement to outdoor space in vicinity to the application site or contribute towards an alternative community benefit, which shall be commensurate with the scale of the proposed development.

### Home Occupations

In recognition of the importance of affording flexibility to residents and entrepreneurs, this Plan supports the limited occupational use of residential properties. The carrying out of a business from home does not require an application for planning permission where no material change of use would take place, as assessed on a case-by-case basis. Where the operation of a business would amount to a material change of use, the carrying out of a business from home may be permitted by the Board subject to the provisions of Policy RS.5.

#### Policy RS.5

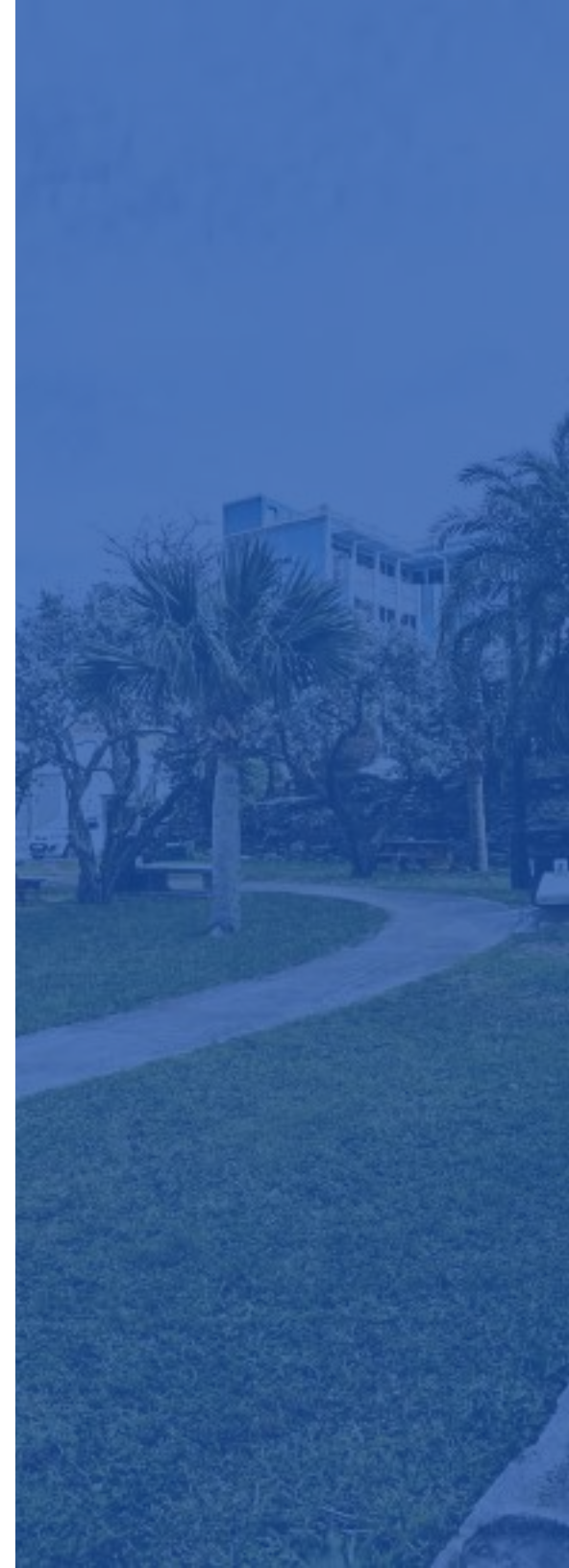
Home occupations are permitted within any District provided that the home occupation:

- a) employs no more than two persons on the premises, of which at least one person shall be a bona fide resident of the dwelling;
- b) is strictly accessory to and compatible with the residential use of a property;
- c) maintains the residential appearance and character of the building and land;
- d) does not involve the direct sale of goods or produce from the premises to the general public;
- e) occupies no more than 25% of the total floor space of the dwelling in which it is located;
- f) is not injurious to the amenity of the residential area by reason of noise, vibration, odour, smoke, dust or the generation of traffic; and
- g) does not involve more than one commercial vehicle.

For the avoidance of doubt, the approval of a home occupation shall not be considered as a grant of use rights for any form of commercial development.

### 6.5 Traffic and Parking (TP)

It is apparent that North East Hamilton accommodates a significant level of car parking, predominantly in the form of parking lots and on-street parking, which results in congestion and is not conducive to a pleasant pedestrian environment. This Plan aims to reverse this trend by preventing the addition of further parking lots at street level, permitting limited additional below-ground parking and encouraging the use of sustainable modes of transport.



## Traffic Management

### Policy TP.1

All development proposals shall:

- a) provide for the safe and free movement of traffic and pedestrians to and from the application site;
- b) provide appropriate means of servicing and/or drop-off, where appropriate; and
- c) provide for ease of access and movement of emergency vehicles.

Only one vehicular crossing per site, not exceeding 16 feet in width, shall normally be permitted over a sidewalk.

## Parking

### Policy TP.2

No new parking lot, or the extension of an existing parking lot, shall be permitted in any District unless:

- a) provided below ground or at first floor level or above; or
- b) required to accommodate parking for a new development.





**Policy TP.3**

Additional car and/or motorcycle parking may be acceptable where it is specifically required to serve a new development and where:

- a) the number of spaces is limited to the minimum amount required to serve the proposed development (as determined by the Board); and
- b) unless provided below ground or at first floor level or above, does not exceed the following standards:

Form of development	Maximum number of parking spaces
Retail	1 car/light truck and 1 motorcycle per 500 sq.ft.
Office	1 car/light truck and 1 motorcycle per 500 sq.ft.
Industrial/Warehousing	1 car/light truck and 1 motorcycle per 2,500 sq.ft.
Restaurant/Bar	1 car/light truck and 1 motorcycle per 10 seats
Religious	1 car/light truck and 1 motorcycle per 10 seats
Educational	1 car/light truck and 1 motorcycle per 4 staff and 1 motorcycle per 5 students aged 16+
Residential	See policy TPT.4

Parking will be strongly encouraged to be provided underground and, where surface or upper storey parking is proposed, it should be appropriately screened by landscaping, walls and/or fencing to soften its visual impact.

**Parking for Disabled Persons and Electric Vehicle Charging**

**Policy TP.4**

In any parking area designed to accommodate 10 or more cars and/or trucks, at least 10% of the spaces shall be reserved for disabled persons, to be provided in a convenient location and designated and reserved specifically for use by disabled persons, and at least 10% shall be provided with an electric vehicle charging point.



Figure 2: Parking Lots



### Policy TP.5

All car and motorbike parking spaces must be independently accessible and comply with the following criteria:

- a) a car parking space shall be not less than 16 feet in clear length, 8 feet 6 inches in clear width and 7 feet 6 inches in clear height;
- b) a cycle parking space shall be not less than 6 feet in clear length, 3 feet in clear width and 7 feet 6 inches in clear height; and
- c) a car parking space for a disabled person shall not be less than 16 feet in clear length, 12 feet in clear width and 7 feet 6 inches in clear height.

### Policy TP.6

Where on-site loading is to be provided, the following requirements shall apply:

- a) the loading space shall be not less than 20 feet in clear length, 9 feet in clear width and 16 feet in clear height; and
- b) the entire loading space and adequate space for turning vehicles shall be provided.

## 6.6 Utilities, Drainage and Telecommunications (UDT)

An adequate and modern utilities infrastructure system is essential to the health and welfare of the residents, businesses and visitors of North East Hamilton, in terms of addressing existing shortfalls in the availability of piped water and to provide sufficient capacity for future growth.

Street lighting has been highlighted as an issue of concern for the residents of the area for some time. Adequate street lighting is one of the most fundamental ways of deterring antisocial behaviour and providing residents and visitors to the area with sense of security and confidence to move around the area during evening hours. Measures to improve the quality and quantity of street lighting within the area are strongly supported. Policy SP.2 sets out a mechanism for securing community benefits from certain types of development and improving street lighting has been identified as one of the key issues which could be addressed as part of this process.



## All Utilities

It is apparent that the number of overhead power lines poses a negative visual impact on North East Hamilton and, as per the remainder of the City and Bermuda as a whole, this Plan seeks to ensure that any additional utilities are provided underground to avoid adding to this adverse impact and to create a more resilient network..

### Policy UDT.1

Where practicable, utilities and associated infrastructure should be provided underground.

## Water Supply

### Policy UDT.2

Development proposals must ensure that adequate water supply be made available to each unit for both drinking and flushing purposes and the roof area (water catch) and water tank capacity of all developments should be of sufficient size to provide an adequate potable water supply, unless another source of potable water of sufficient capacity is provided.

## Sewage and Waste Disposal

Priority should be given to disposal via the City sewer system and connections to this system may be required in some cases, as per the provisions of the Hamilton Sewerage Act 1917.

In addition, this Plan designates areas in proximity to the Island's main water resources as Water Resource Protection Areas, where the protection of Bermuda's water resources shall be of paramount importance, having particular regard to methods of sewage disposal within this area. Within North East Hamilton the Water Resource Protection Area includes all areas which are at an elevation of 13 feet or less above sea level.

### Policy UDT.3

All development must be designed to dispose of sewage and other effluent in an environmentally satisfactory manner and the protection of the Island's water resources shall take precedence over all other planning considerations. To this end, the Board shall give careful consideration to any application which proposes development within a Water Resources Protection Area (see Figure 3).





## Storm Water Management

Approximately two thirds of the City and the entire of North East Hamilton falls within the Pembroke Marsh Canal Watershed storm water system (north of Victoria Street). Much of the Pembroke Canal Watershed has a high water table and the Pembroke Marsh Canal has been subject to flooding in the past. All lands that are at or below 13 feet above sea level are affected by this high water table. As such, all development proposals will be required to demonstrate that the control and disposal of storm water runoff will take place within the boundaries of the application site, be sustainably managed and satisfies the requirements of Pembroke Marsh Canal Act 1969.

### Policy UDT.4

All development must demonstrate that the control and disposal of all storm water runoff will take place within the boundaries of the application site using sustainable drainage systems. The use of impermeable surfaces must be kept to a practical minimum and may only be accepted where it is demonstrated to the satisfaction of the Board that permeable or porous paving is not appropriate for that development.

## Telecommunications

In addition to the visual and residential impact considerations set out in Policies DSN.1 and RS.1, the Board must consider potential health impacts of telecommunications development, for which the advice of the Department of Health and the Regulatory Authority will be sought. This Plan promotes sharing of towers amongst telecommunications operators in order to limit the number of towers needed for signal coverage, so to this end it will be necessary for the applicant to demonstrate that proper consideration has been given to sharing a tower in the first instance.

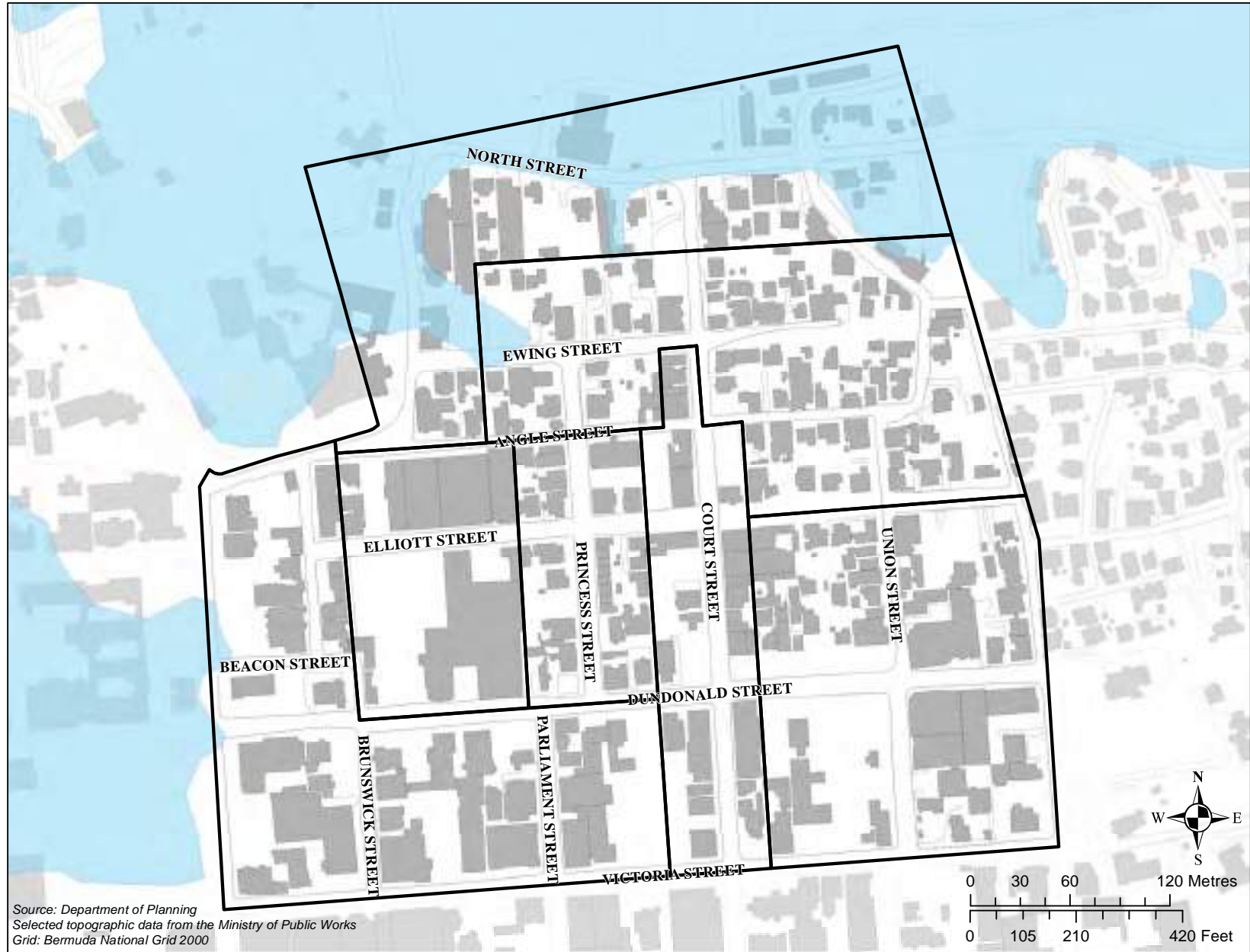
### Policy UDT.5

In assessing applications for the installation of a new support structure or the replacement of an existing support structure, the Board must be satisfied that:

- a) the proposal would not have a demonstrable detrimental impact on the health and safety of the surrounding area;
- b) the applicant has demonstrated that every effort has been made to utilize or share an existing support structure or, where not practicable, the proposed structure is capable of being shared with multiple operators;
- c) appropriate arrangements are in place for the removal of any apparatus that are no longer required.



Figure 3: Water Resource Protection Area



## 6.7 Aviation (AV)

Obstacle Limitation Surface (OLS) requirements have been created for the LF Wade International Airport in order to protect the controlled airspace around Bermuda, in accordance with International Civil Aviation Organisation (ICAO) requirements, the UK Air Navigation (Overseas Territories) Order 2013 (as amended), Air Safety Support International (ASSI) requirements and the Bermuda Development of Land (Airport Approaches) Act 1956 (as amended). North East Hamilton is located within the 15 Kilometre OLS, also known as the "outer horizontal surface", where no development may be permitted which exceeds a height of 150 metres above the elevation of the runway threshold, which lies at 5.5 metres Above Mean Sea Level.

### Policy UDT.6

The Board shall ensure that development proposals do not interfere with aerial navigation and the safe operation of aircraft.



# The Districts

Whilst the Vision and Strategic Policies of this Plan relate to the entire of North East Hamilton, it is recognised that more detailed objectives are needed at a more specific geographic level to respond to the different characteristics and opportunities within the area. This Plan therefore divides North East Hamilton into seven separate Districts, as illustrated by Figure 4, which have been selected based on their current predominant uses, built form and the common issues faced within each District.

The policies set out below relate to all of North East Hamilton and are to be read in conjunction with the appropriate District section as well as the relevant Strategic Policies and General Policies of this Plan.

Under the provisions of Policy SP.2, the Board may require developers to provide, or contribute towards, projects which it considers would represent a "Community Benefit". The priorities of such community benefits are set out within the respective District sections below, however this Plan acknowledges that such priorities may change from time to time and the Board may consider any alternative community benefit proposal in any District.

## Policy DIS.1

All development proposals shall broadly align with the objectives of the relevant District. Where this is not the case, proposals will be assessed against the Strategic Principles of the Plan, taking into account any proposed community benefits.

Where a lot lies in two different Districts or near to the boundary of a District, the Board may consider the objectives of both Districts and apply those objectives which it considers to be most appropriate to the application site.

## Uses

A range of uses are encouraged throughout North East Hamilton, which will be considered on their individual merits having regard to the character and objectives of each district and the Strategic Principles of this Plan. Particular care will be given to the use of the ground floor units on Court Street, which must be retained for commercial uses which are publicly accessible and present an active frontage.

It is apparent that previous industrial development has posed a negative impact on the appearance, character and environment of parts of North East Hamilton; this is particularly prevalent within the Parker's Square District where large warehouses dominate the skyline and the street scenes of Elliott





## Section 7: The Districts

Street and Angle Street. To this end, the introduction of new industrial uses will typically not be permitted in any District unless the proposal would replace an existing industrial use and pose no greater adverse impact than the existing use. The Board will give careful consideration to proposed additions to existing industrial uses, having particular regard to potential impacts on amenity and the local environment.

### DIS.2

No new industrial use shall normally be permitted in any District unless replacing an existing industrial use.

No new light industrial use shall normally be permitted in any District unless replacing an existing industrial or light industrial use.

### Development Opportunities

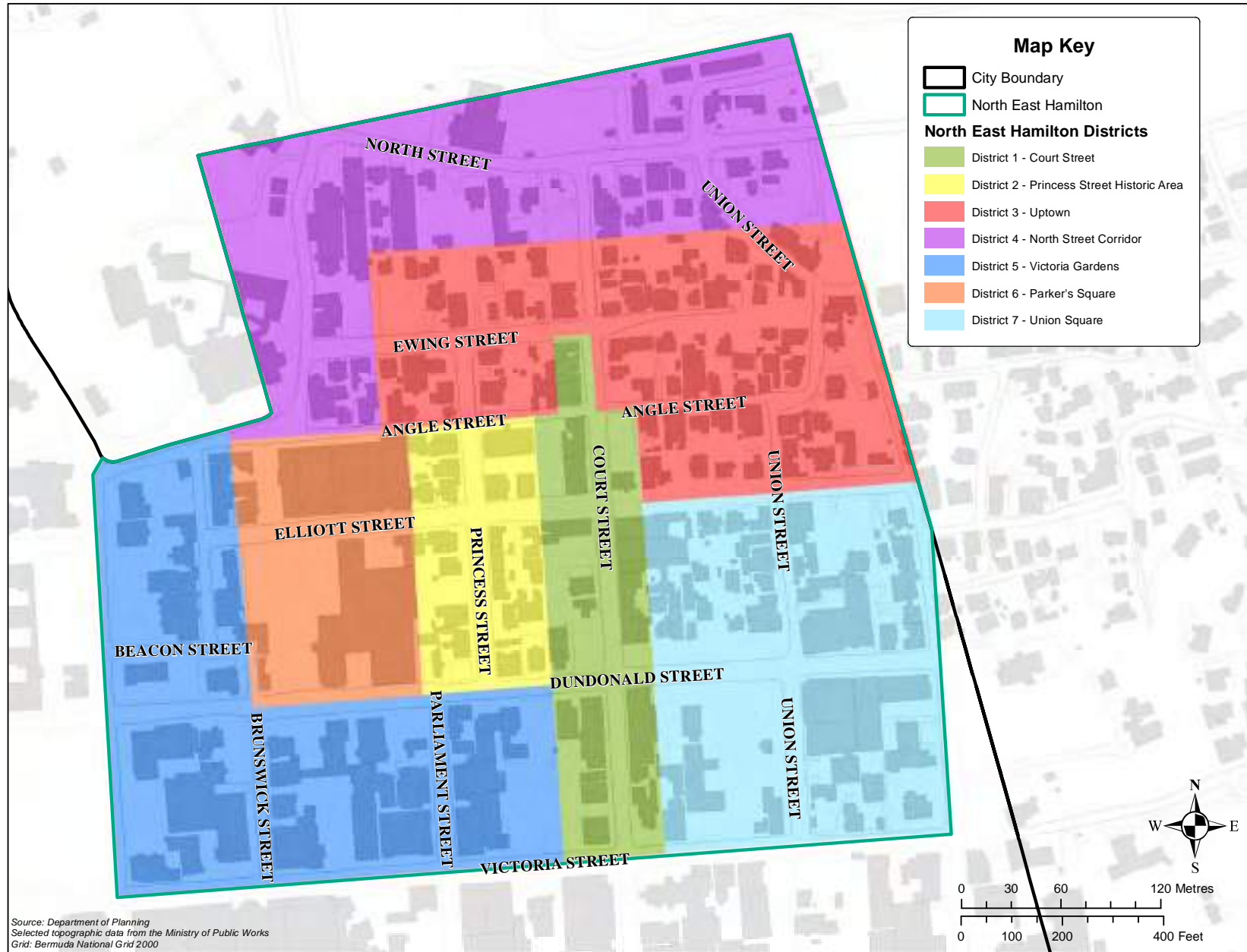
Sites are identified within a number of districts which are considered to represent a clear development opportunity. A number of these sites are vacant and some accommodate existing buildings which could either be extended or redeveloped to their full potential, which would contribute positively to the character, appearance and vitality of the area. The sites which have been identified are not intended to represent an exhaustive list and it is anticipated that further publications will be prepared to support Policy DIS.3 to ensure that an updated list of potential development sites is made publicly available.

### Policy DIS.3

The Board will give favourable consideration to proposals for the development of identified Development Opportunity sites which align with the objectives of the relevant District and the guidance set out within the 'Development Opportunities' section of the District.



Figure 4: Districts



## Public Green Spaces

Any development proposed on any existing public green space must preserve and enhance that green space or provide alternative green space of at least equal size and community value elsewhere in North East Hamilton.

### Policy DIS.4

The Board will only support development within areas of open space, as identified by Figure 5, where:

- a) there is no individual or cumulative impact upon the amenity or recreational value of the site;
- b) an alternative area of quality open space of at least equal size is offered within proximity; or
- c) the proposed works will enhance the recreational or amenity value of the site.



Figure 5: Green Spaces





# District 1: Court Street



Court Street is the main thoroughfare of North East Hamilton and known as the 'heartbeat' of the area, with predominant uses comprising local shops, eateries, bars and night clubs at ground floor level, with residential uses contained in upper floors which support the vitality of the area. The buildings in this District are almost exclusively either single or two storey; one building (44 Court Street) has three storeys, with its upper floors set back from the street. Such a scale of development, together with the wide tree-lined street with sidewalks on both sides, creates a relatively pleasant pedestrian environment, however this is somewhat compromised by the high level of vehicular traffic and on-street parking which is common along Court street, together with a lack of traffic calming measures and limited number of pedestrian crossings.



## District 1: Court Street

The boundary of the Court Street District has been determined based on the extent of which this area is intended to be preserved and enhanced as the main commercial street of North East Hamilton, which the Plan recognises as a key strategic principle for the regeneration of North East Hamilton as a whole, as reflected by Policy SP.1.

### ★ Characteristics / Features

- Established main commercial street and thoroughfare of North East Hamilton
- Almost exclusively one and two storey buildings
- Sidewalks along both sides of street
- High level of vehicular traffic and on-street parking
- Well used public outdoor spaces, particularly on eastern corner of Court Street / Dundonald Street
- Lack of high quality / usable green space

### 🎯 Objectives

It is vital that ground floor uses remain predominantly commercial in nature throughout this District and, whilst shops, restaurants and cafés are preferred, other uses which provide active frontages and contribute to the vitality and viability of the District will be permitted.

- To retain commercial uses with active frontages on ground floor units
- To ensure that street frontages maintain a “human scale” which respects the established built form
- To ensure that future design solutions are integrated with measures which assist in deterring crime and antisocial behaviour
- To improve the pedestrian environment and encourage the use of public outdoor space

### 👤 Community Benefits

- Additional green/recreational space and enhancement of existing public spaces, in particular direct access to Gordon’s Green from Court Street
- Improvements to street lighting
- Strategy for reducing on-street parking and reducing traffic along residential streets / creating safer environment for pedestrians
- Improved and additional street furniture





## District 1: Court Street



### Development Opportunities

- 57 Victoria Street is a key 'gateway' site, defining the main entrance into North East Hamilton with the remainder of the City. This site currently accommodates a flat-roofed single-storey building which could be redeveloped to provide a multi-storey landmark building which appropriately defines the prominent corner.
- 53 Court Street is predominantly single-storey and includes an attractive two-storey section defining the corner with Dundonald Street. The single-storey part of this building could be extended upwards to accommodate a range of potential uses.
- Lots 1, 3, 4 & 5 Court Street are currently vacant and offer a broad range of development opportunities.
- The car park on Court Street stretches eastward as far as Union Street and is well used during daytime hours, however it represents a clear gap in the built form of this part of Court Street. The development of the western extent of this car park would fill this gap whilst retaining the majority of the car park. A building on this site would need to be carefully designed with regard to the windows of adjacent residential properties
- Lot 16 Court Street is currently vacant and acts as a transition site between the predominantly commercial Court Street and the predominantly residential Uptown districts. This site offer a broad range of development opportunities, preferably residential with commercial units at ground floor level onto Court Street.



Development Opportunity site, Court Street







Gordon's Green, Court Street



# District 2: Princess Street



This District is located between Dundonald Street to the south and Angle Street to the north and is home to a concentration of buildings of architectural merit, most notably Victoria Terrace at 13-27 Princess Street, the Wantley building at 20-22 Princess Street and 11 Princess Street. The District also contains one and two storey examples of traditional Bermudian architecture. The predominant land use within the area is residential, however, there are also commercial uses including a social club, a health food shop, a clothing store and a café. Princess Street has been the subject of improvements to the pedestrian environment in recent years through the introduction of traditional street lighting columns, the replacement of sidewalk materials with high quality monoblocking and landscaping works.



## ☰ District 2: Princess Street

This District is designated as a Historic Area under Section 31 of the Act, which prohibits the alteration of any building and the commencement or continuation of a building operation within the area unless planning permission has been granted. The intent of this designation is to ensure that appropriate consideration is given to any development which could impact upon the historic, architectural or cultural character of the area.

### ★ Characteristics / Features

- One and two storey buildings of architectural merit
- High quality sidewalk materials complemented by landscaping works and traditional street lighting columns
- The setting of the northern section of the District is dominated by an inappropriately large building to the west

### 🎯 Objectives

- To ensure that future development proposals within and around the District are respectful of the character, appearance, form and layout of the area and its setting
- To support the residential use of the area given its established character, however, there is scope for small-scale commercial activities
- To support the retention and restoration of the Wantley building in recognition of its historical and architectural contribution to the area

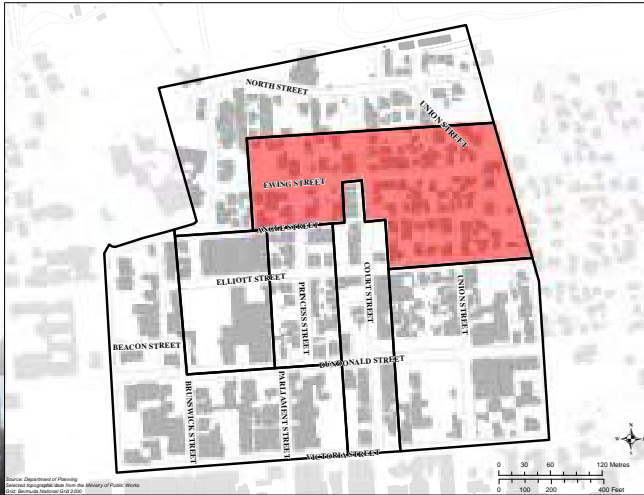
### 👤 Community Benefits

This District is one of the most pleasant within the North East Hamilton area and has benefited, in visual terms, from works to improve the pedestrian environment in recent years. Whilst development opportunities within this District are extremely restricted at present, it is considered that community benefits accrued from any future development activity could be more effectively utilised within the wider North East Hamilton Local Plan area, as identified within the other 'District' sections of this Plan.





# District 3: Uptown



District 3 is partially located on a steep slope and is predominantly residential character, however, as with all other districts, there are a range of commercial activities taking place, including retail, a laundrette and a takeaway restaurant. The western section of Ewing Street is one of the most distinctive parts of North East Hamilton due to the implementation of a shared surface scheme, which is complemented by a quality landscaping works. During a previous public consultation exercise, this area was highlighted as one of the most visually appealing parts of North East Hamilton. The junction of Ewing Street and Court Street is one of the highest points in the City, with clear views to the south over Court Street and to the north over Pembroke Marsh and the residential neighbourhood beyond.



### ⋮ **District 3: Uptown**

The eastern section of this District is a densely developed residential neighbourhood with mainly one and two storey buildings and extremely limited development opportunities. The car park at Court Street/ Elliot Street has been identified as a development opportunity within the Court Street District, however, the redevelopment or reuse of this site could extend further east into the site, covering both this District and the adjacent Union Square District.

#### ★ **Characteristics / Features**

- Predominantly residential, with some commercial and religious buildings
- Mostly single and two storey buildings to a maximum of 4 storeys, most notably at the corner with Ewing Street and Court Street.
- Number of topographically challenging lots, particularly in the western section of the District
- Shared surface area defined by block paving with pillars at either end, along the western part of Ewing Street

#### 🎯 **Objectives**

- To encourage new residential development in order increase the resident population of the City and make a positive contribution towards the vitality of the wider area
- To enhance the amenity and quality of life of existing residents through retaining the predominant residential character of the area whilst accommodating other small-scale complementary uses subject to impacts upon the amenity of the area
- The sites are within proximity of light industrial uses, however such uses are inappropriate within this area and the intensification of light industrial uses is unlikely to be supported

#### 👤 **Community Benefits**

- Creating a safer and more pleasant pedestrian environment through exploring sidewalk implementation/enhancements and improved street lighting
- Improved and additional street furniture and soft landscaping
- Although mostly outside of the District, Jubilee Park is the closest area of public open space. This area is underutilised at present. Community benefits could focus on improving the quality of this space to make it more appealing to residents of the District
- The implementation of community art schemes along the Till's Hill boundary walls, in consultation with the Corporation of Hamilton and its Vivid Public Art Initiative
- Community garden or open space would also be supported

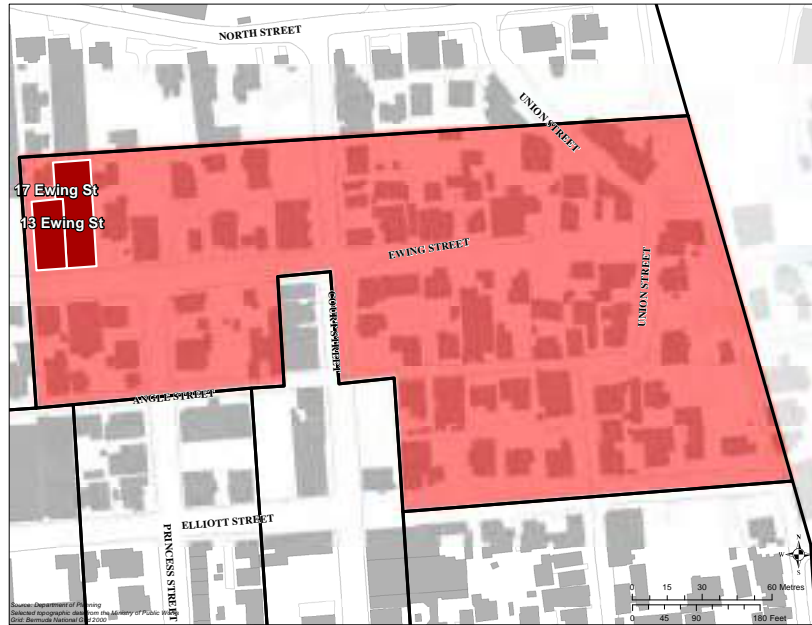




⋮ **District 3: Uptown**

 **Development Opportunities**

- **13 and 17 Ewing Street** are currently vacant and present an opportunity for residential development.



Development Opportunity site, Ewing Street





## ⋮ District 4: North Street Corridor

Many of the lots along North Street are narrow and long, extending to over 150 feet in some cases. Some of the buildings within this area have an overbearing impact upon the streetscape in terms of both their scale and massing. This is also true of the buildings which present large blank gables onto Angle Street, making for a poor quality built environment. Some of the uses along North Street generate notable volumes of traffic which often results in congestion within the area and bikes being parked on the sidewalk.

North Street is a generally well-used vehicular route along the northern edge of the City, providing connectivity in a number of directions. It is therefore unfortunate that the quality of the streetscape has been diminished by the scale and massing of some of the buildings in the area. Geographically, this area is at the periphery of the City's northern boundary and is generally not an area which people will walk to and from to access the services available. Whilst this is partly to do with the nature of the services offered, it is also as a consequence of the significant topographical difference between this area and the remainder of the City.

The Transport Control Department (TCD), within the central part of the District, is one of the key land uses within the area in terms of the volume of traffic that it generates. The eastern part of this District contains the Salvation Army emergency shelter buildings. A recent commitment has been made to either upgrade or replace some of the shelter buildings to provide a better standard of accommodation for residents.

### ★ Characteristics / Features

- Mixture of uses, including residential, retail, warehousing, civic, restaurants and an automotive repair garage
- Steeply sloping area of land which falls from its high point at the Court Street/Ewing Street junction toward the northern and western boundaries of the District at North Street
- Access to centre of City can be difficult for those with impaired mobility, due to the significant gradient change
- Long narrow lots along the northern part of North Street
- Sidewalk typically on one side of the road but not attractive pedestrian environment
- Prominent Salvation Army Hamilton Citadel building at 10 North Street
- Warehouse developments on south side of Angle Street (within the adjacent Parker's Square District) makes for a poor and unwelcoming approach into the City from the north





## Objectives

- To enhance the quality of the built environment through ensuring that the scale and massing of future development contributes positively to the streetscape
- The topographical conditions of the northern section of North Street present an opportunity for a higher scale of development, however, such development should be designed and set back in a manner which ensures that there is no overbearing impact upon the streetscape
- To encourage the implementation of public art works on blank facades and walls, most notably Till's Hill, Angle Street and North Street
- To encourage additional residential development in recognition of the fact that this area benefits from good access to usable areas of public open space and sports facilities at Jubilee Park Parsons Road Playground, Bernard Park and the W.E.R. Joell Tennis Stadium
- To ensure that any future non-residential uses are compatible, in amenity terms, with existing residential properties
- To encourage the implementation of landscaping works to soften the appearance of the area and enhance the pedestrian environment
- To prevent the deterioration of the pedestrian environment and encourage works which would improve pedestrian accessibility and connectivity
- To encourage a range of uses which would increase the volume of pedestrian traffic to and from the core of the City, thereby generating passing trade for businesses and amenities along Court Street

## Community Benefits

- Addressing the appearance of blank façades and high boundary walls
- Improvements to the pedestrian environment
- Improving the quality of nearby public parks and associated facilities







## ❖ District 5: Victoria Gardens

The District has a number of larger lots that accommodate larger developments, namely a modern business park and residential high-rise structures. The south western corner of this District is adjacent to Victoria Park gardens, which is one of the City's most attractive amenities. The Victoria Street section of this District and the southern extent of Cedar Avenue are distinct from the wider North East Hamilton area as they have relatively modern developments, which have high occupancy levels. These land uses contribute to the vitality of the area as they generate pedestrian traffic, particularly during the working week. It is understandable why this area has proven to be a more appealing prospect for investment as it is closer to the core commercial area of the City, is adjacent to Victoria Park and is within proximity to the bus terminal.

Cedar Avenue is one of the main routes into the City of Hamilton and has a pleasant, tree-lined roadside environment. The street benefits from the natural surveillance offered by windows of adjacent properties fronting onto the street, with the obvious exception of Mount St Agnes Academy. Cedar Avenue accommodates a range of uses, including residential, institutional, social, places of worship, a school, private clubs and a service association.

### ★ Characteristics / Features

- Mixture of commercial and residential uses, along with some ground floor shops and restaurants, mainly along Victoria Street
- Includes a supermarket, gas station and headquarters of the Bermuda Public Services Union
- Variety of building heights – from single to 8 storey
- Number of modern buildings, particularly within the southern part of the District
- Properties generally well maintained with low vacancy rates
- Bus stops on Cedar Avenue and near to central bus terminal
- District has been well invested in recent years, acts as transition from more prosperous centre of City to remainder of North East Hamilton
- Good level of street planting

### 🎯 Objectives

- To enable taller buildings of contemporary design within the southern part of the District, in recognition of the established characteristics of the area
- Broad mix of uses acceptable, preferably office and residential with ground floor shops, restaurants and cafes to complement such uses
- To ensure future development fronts onto the public realm to improve natural surveillance
- To ensure the continued protection and enhancement of the pleasant roadside environment of Cedar Avenue, including its tree-lined boulevard appearance and appropriate setbacks







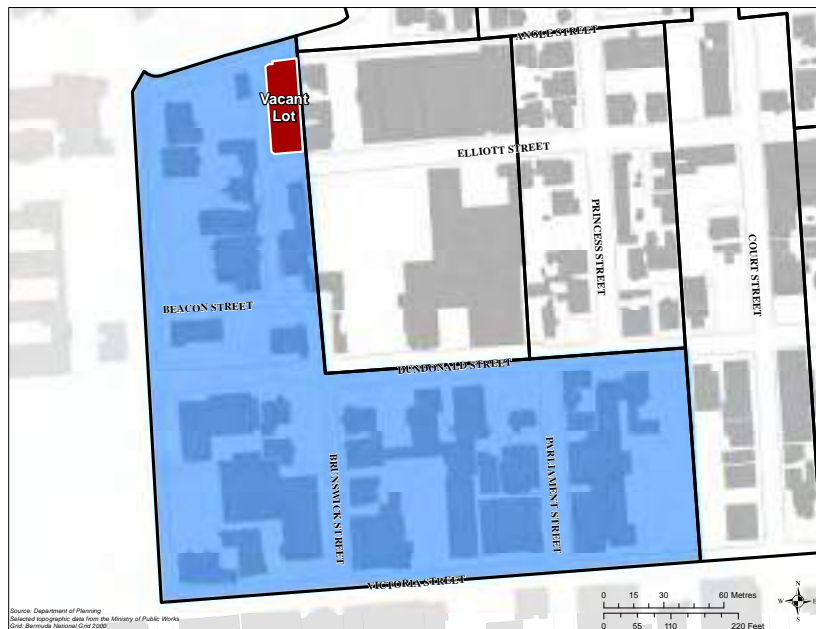
## Community benefits

This District benefits from a high quality built environment and easy access to one of the City's best assets - Victoria Park. There is also good pedestrian connectivity within the area through the network of sidewalks and a generally pleasing, tree-lined roadside environment. The implementation of landscaping works and public art schemes will always be encouraged. However, in general terms, this District has one of the best quality environments and therefore, community benefit requirements arising from development within this District can be more meaningfully utilised through implementing projects within the wider North East Hamilton Local Plan area, as identified within the other 'District' sections of this Plan.



## Development Opportunities

- This vacant lot accommodates the exposed steelwork of a partially constructed building which has been in place for some time. An appropriately designed permanent building on this site will notably enhance the character and appearance of the area.

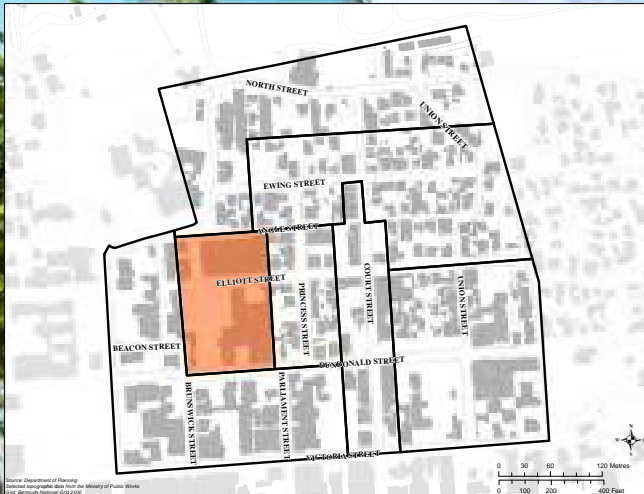


Development Opportunity site, Brunswick Street/Angle Street

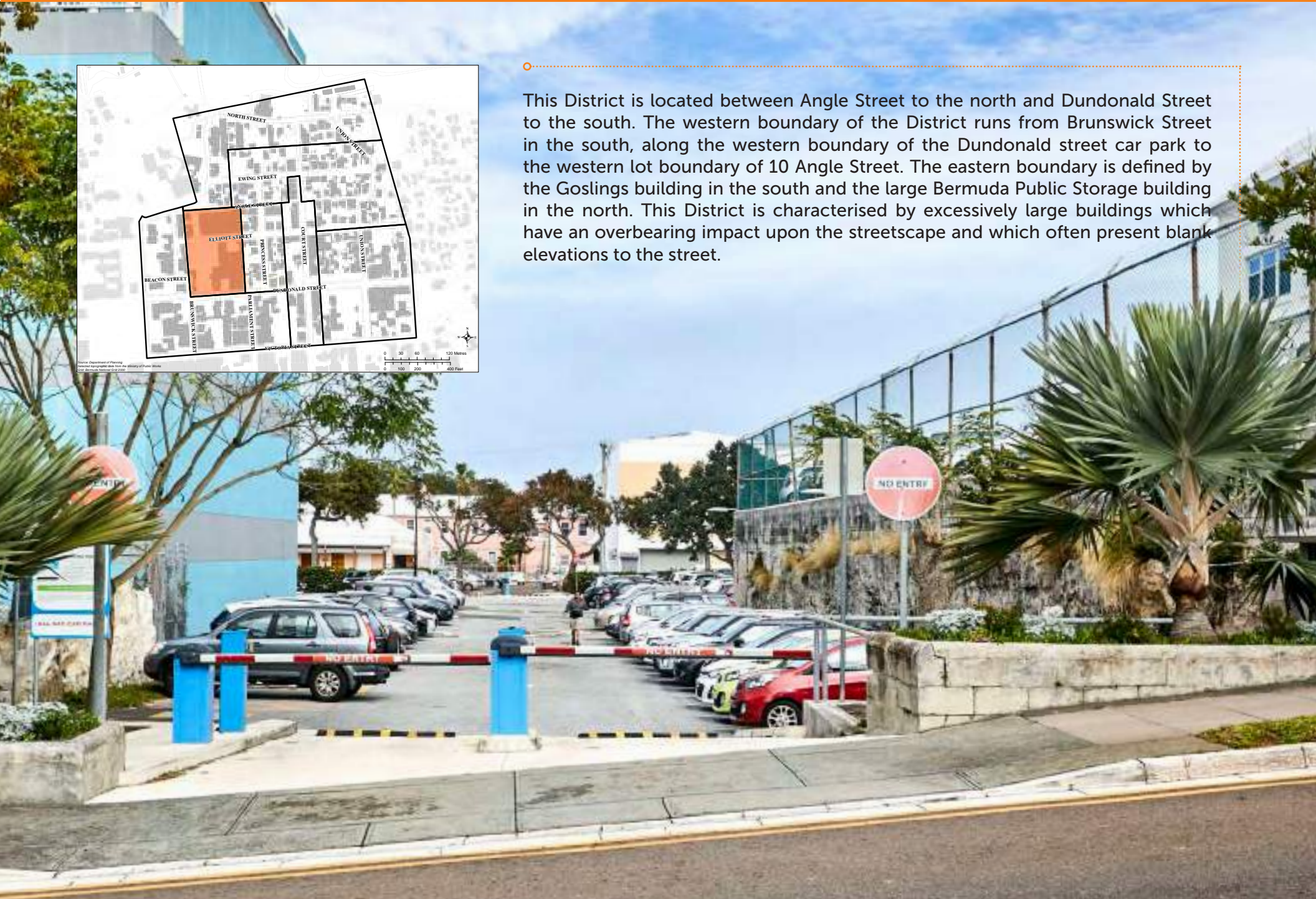




# District 6: Parker's Square



This District is located between Angle Street to the north and Dundonald Street to the south. The western boundary of the District runs from Brunswick Street in the south, along the western boundary of the Dundonald street car park to the western lot boundary of 10 Angle Street. The eastern boundary is defined by the Goslings building in the south and the large Bermuda Public Storage building in the north. This District is characterised by excessively large buildings which have an overbearing impact upon the streetscape and which often present blank elevations to the street.





## ⋮ District 6: Parker's Square

The Elliot Street car park covers a significant proportion of land within this District. While there is a functional requirement for car parking within the City, this site contains minimal landscaping works to soften the visual impact of a large area of hard-surfacing and is bordered on two sides by large buildings with blank elevations. This makes the area susceptible to crime, particularly in the evening when there is reduced activity within the car park. The section of Elliot Street within this District unfortunately also exemplifies design features which should be avoided when designing for a City including, a lack of active frontages, a lack of natural surveillance by surrounding buildings and the use of roller shutters. Positive features of the street are that it is highly accessible due to its width and it contains sidewalks on both sides of the road.

The land use activities taking place within the District are predominantly commercial in the form of warehousing, offices, a funeral home, a restaurant and a large modern storage building. The Goslings building, at 9 Dundonald Street is one of the largest buildings within the entire City in terms of its footprint and floorspace. Although the predominant use of the Goslings building is warehousing, it does contain a wine store and event space, accessible via the Dundonald Street entrance. Such uses are to be encouraged within the City as they generate pedestrian activity.

Development opportunities within this District are limited as most lots are in active use, including the lots which are used for car parking. Any meaningful regeneration of this area would most likely require a fundamental rethink of the design of buildings within the District and how they visually impact upon the streetscape and facilitate antisocial behaviour. Some of the uses taking place within this District do not make any tangible contribution to the viability and vitality of the area as they do not have a public interface. Therefore, whilst these uses are undoubtedly important from an Island-wide perspective as they provide jobs and generate economic activity, they are not suited to a city. Consequently, any future development proposals within this area should carefully consider its impacts upon the area from a visual and social perspective and it is unlikely that further light industrial operations would be appropriate.

## ★ Characteristics / Features

- Large warehouses and car park between Elliott Street and Dundonald Street which has poor natural surveillance
- Poor environment along Angle Street where warehouses back onto single and two storey residential properties and Pembroke Community Centre
- Poor environmental and design quality of Elliot Street which makes it conducive to antisocial behaviour
- Lack of pedestrian activity along west part of Elliott Street due to warehouse uses (no shops / service counters) and rear of Goslings warehouse
- Goslings building successfully integrates wine store and event space fronting Dundonald Street
- Good sidewalk coverage, complemented by street trees



## Objectives

- To accommodate a broad range of uses
- Future development should contribute to the vitality and viability of the area through having active frontages and uses which have a public interface on the ground floor
- To ensure that future design solutions are integrated with measures which assist in deterring crime and antisocial behaviour

## Community Benefits

- Improving street lighting within Elliot Street
- Encouraging murals on blank facades and walls, including within the Elliot Street Car Park
- Soft landscaping works





## ☰ District 7: Union Square

The District is essentially comprised of 4 distinct blocks, each with its own characteristics. The South western block is dominated by the Hamilton Health Centre, which is a Government-owned facility. However there are some commercial activities taking place within the south eastern corner of the block, including a bike repair shop, a retail clothing store and a barber shop. The Hamilton Health Centre site presents one of the best opportunities for large-scale redevelopment within the Plan area and would be suitable for a mixed-use development, comprising a broad range of uses and outdoor public space. However, it is also recognised that the site currently contains an important and well-utilised medical facility and that the services offered by this facility would have to either be replaced elsewhere or incorporated within a redevelopment scheme.

The Liberty Theatre building at the corner of Union Street and Dundonald Street is the key landmark within the south eastern block. There are commercial activities taking place within the south western corner in the form of a repair workshop and tire business and the offices of a security company are located at the south eastern corner. The Dundonald Street elevation is dominated by a series of facades at the street level which negatively impact upon the streetscape, with minimal windows. The warehouse building at 62 Dundonald Street also contains roller shutters, which are an unfortunate feature of North East Hamilton.

The north eastern block contains the Heritage Worship Centre at the corner of Union Street and Dundonald Street. The eastern section of this block contains a series of small-scale commercial and residential buildings which read as single-storey from the street elevation, however, due to the topographical conditions, these buildings also have sub-street floor space. On the Elliot Street side of this block there is a residential property with an uncharacteristically large area of lawn to the front of the property. The Union Street section contains a small pharmacy and carpentry shop, as well as the Metropolitan Building which is principally used for residential purposes.

The north western block is the most densely developed, with frontages on to both Union Street and Dundonald Street. The Elliot Street car park is located along the northern boundary. This car park is well-used during the day, however, this area is also known for antisocial behaviour in the evening as it provides for easy access away from Court Street into the more residential parts of the neighbourhood. The Dundonald Street section of this block contains some small commercial activities, a bar and residential uses. These buildings face directly onto another public car parking area.



### Characteristics / Features

- Predominantly one and two storey buildings, although three storey buildings are apparent
- Mixed use area
- Land rises gently from west to east
- Good sidewalk coverage generally
- Poor street lighting in some parts of the District
- Significant amount of space taken up by car parking, including on-street parking during the working day



## District 7: Union Square

### Objectives

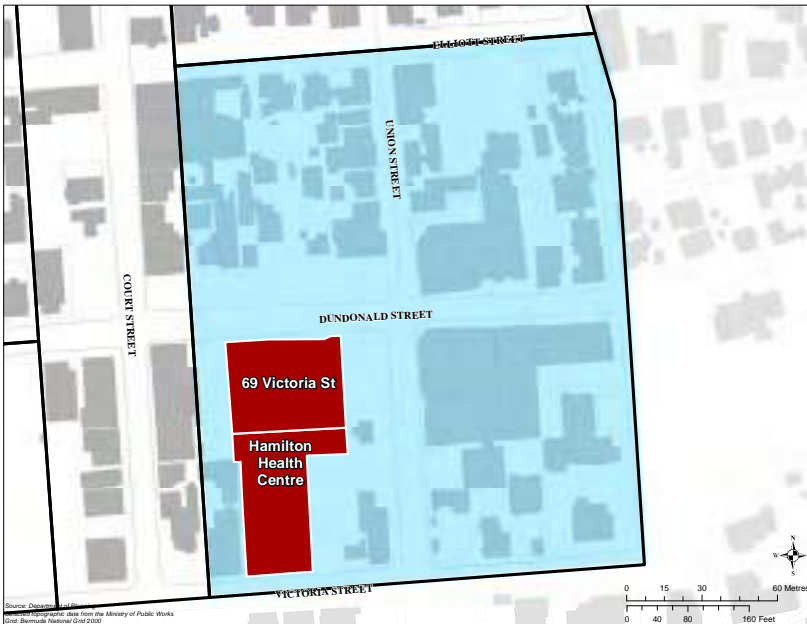
- The southern boundary of this District is at the edge of North East Hamilton and therefore this area presents an opportunity to accommodate land uses which could be used to entice both residents and visitors into the area, with the hope of achieving knock-on benefits for established businesses.
- To discourage additional car parking facilities

### Community Benefits

- Improved street lighting, particularly within areas lacking in natural surveillance, for example eastern section of Dundonald Street and southern section of Union Street
- Landscaping works to improve the quality of the streetscape

### Development Opportunities

The Hamilton Health Centre provides a redevelopment opportunity which could accommodate a range of uses and be used as a flagship scheme and encourage increased pedestrian activity and expenditure within the wider area. Part of the site lends itself to being a public outdoor space, which are in extremely short supply within the Plan area.



Development Opportunity site, Hamilton Health Centre, Victoria Street



# Definitions

**Accessory** – in relation to a building or use, means a structure or use which is supplementary, subsidiary and incidental to the principal building or the principal use on the same site

**Act, The** – the Development and Planning Act 1974 and any subsequent amendments thereto

**Active Frontage** – elevations of buildings with windows and doors onto the street which create interest and activity

**Amenity** – an element or elements that contribute to the overall character or enjoyment of an area and the living conditions of residents

**Board, The** – the Development Applications Board, a body of persons appointed by the Minister to determine planning applications as well as set out procedures and guidance on the planning process

**Building line** – a line parallel to the facade of an existing structure drawn from the outermost wall or surface of that structure;

**Commencement Day** – \_\_\_\_\_, the day on which the Draft North East Hamilton Local Plan became operative as a local plan in accordance with Section 10 of the Act

**Commercial Development** – development for the provision of goods and services including, but not limited to shops; restaurants, cafes and bars; offices; services such as beauty parlours, laundromats, locksmiths and shoe repair shops; artists' studios and local craft shops; and showrooms and rental outlets

**Community Benefit** – as defined by Policy SP.2

**Compatible** – the ability of a proposed development to co-exist within its environment without causing conflict, discord, incongruity or visual incoherence, and is generally applied to use, size, scale, proportion, massing, height, setback, detailing and materials

**Controlled Plant** – as defined by the Clean Air Act 1991

**Development** – the carrying out of building, engineering or other operations in, on, over or under any land, the making of any material change in the use of any building or other land, or the demolition or the making of a material alteration to the external appearance of a Listed Building, subject to the exceptions as set out by Section 14 of the Act

**District** – one of seven geographic areas defined by Figure 4 of this Plan



**Dwelling Unit** – a self-contained residential unit capable of human habitation having its own bathroom, permanent cooking facilities, living space, private outdoor living space and access and where the accommodation is intended for related persons or no more than five unrelated persons

**Façade** – the principal elevation(s) of a building

**Grade** – with reference to a structure, the average elevation of the ground adjoining the structure on all sides; with reference to private outdoor living space, the area from ground to first floor level; with reference to an excavation, the elevation of the ground at any point along the sides of the excavation

**Gross Floor Area** – the habitable area within the perimeter of the outside walls of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features

**Group Housing** – accommodation such as boarding houses, rooming houses and staff accommodation intended for persons who are ordinarily resident in Bermuda and in which cooking and/or sanitary facilities are shared, and for the avoidance of doubt, the occupation of a dwelling by no more than five unrelated persons shall not constitute group housing

**Habitable Room** – any room in a building meeting the requirements of the Building Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, storage spaces, pantries, bath or toilet rooms, laundries, hallways, utility rooms and other similar areas

**Hard Surfacing** – any surface not occurring naturally on the land, and being any form of hard paving made up of such materials as concrete, asphalt, stone or wood, and for the avoidance of doubt the site coverage of any building or structure including swimming pools shall be considered as hard surfacing

**Height** – in relation to a structure, the vertical distance from the grade to the highest point of a coping on a flat roof, or to the eaves of any other type of roof

**Home Occupation** – a business, profession, occupation or trade conducted entirely within a residential building

**Hotel** – premises and related grounds, services and facilities which are operated on a commercial basis and provide sleeping accommodation for six or more paying guests in a building or buildings

**Industrial** – development for the purpose of carrying on any process for, or incidental to, any of the following:

- a) the making of any article or part of any article, including a ship or boat;
- b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing, or adapting for sale, break-up or demolition, of any article; and

∴ Definitions

c) the storing, warehousing and wholesaling of merchandise and including, but not limited to, the sale, rental and repair of cycles, motor vehicles and boats and building supply establishments

**Institutional** – uses such as educational establishments (nursery, pre-schools, middle and senior schools, colleges and centres of research), cultural (museum, art gallery, library, exhibition room), civic and community centres, places of worship, hospitals, clinics, special care facilities, retirement homes, police, fire, regiment and emergency services

**Landscaping Scheme** – a landscape plan or plans illustrating high quality hard and soft landscaping proposals and specifically detailing:

- a) existing vegetation noting species, height, spread, condition and whether the vegetation is to be retained, relocated or removed;
- b) other physical features such as rock cuts, walls and existing buildings;
- c) the extent of the proposed development including areas of hard surfacing;
- d) the location of all proposed planting, noting species, number and size;
- e) measures for achieving site protection of soil and vegetation to be retained or reused; and
- (l) details of implementation and future maintenance

**Layout** – in relation to development, the way in which the various components of the proposal are arranged on the site and the relationship between such components as buildings, structures, parking areas, means of access, private open spaces, communal spaces and areas of hard surfacing

**Light Industrial** – industrial development which is not detrimental to the amenity of a surrounding area, particularly any residential area, by reason of noise, vibration, smell, fumes, dust or grit, excessive traffic generation or unsightliness

**Loading** – a space provided for the temporary parking of motor vehicles, taking on board or discharging of materials in connection with a use exercised on site

**Lot** – a parcel of land which before 27 June 1974 was held by single title or which is within a registered plan of subdivision or which is deemed registered in accordance with the Development and Planning Amendment Act 1997

**Lot Size** – the area of a lot which is calculated by excluding any land used as a road and any land which is used as a right-of-way or easement for vehicular access to other lots

**Massing** – in relation to development, the overall size, bulk and form of buildings, and the overall appearance and visual impact thereof resulting from the juxtaposition of buildings

**Neighbour Acknowledgement** – signed written confirmation from the affected neighbour that a description of the proposed development and the drawings included with the planning application have been made available to them

**Premises** – the land or lot and all of its buildings

**Private Outdoor Living Space** – an open area provided specifically for the enjoyment of the residents of a dwelling unit including, but not limited to, a private garden, courtyard, terrace, patio or balcony

**Public Art** – installations which would be clearly visible to the public, to typically be located outdoors, which may include, but not limited to, murals, sculptures and water features

**Renewable Energy** – those energy flows that occur naturally and repeatedly in the environment from the wind, the fall of water, the movement of the oceans, the sun and from biomass

**Residential** – the use of land or buildings for the provision of a dwelling unit in a detached house, an attached house, an apartment house or special needs housing

**Road** – the carriageway and related verges and/or sidewalks of a public or private road but not including a driveway

**Scale** – in relation to a building, the proportions of a building and the relationship of the building to its surroundings and to the physical characteristics of the site

**Setback** – the distance, measured perpendicular to a lot line or estate road boundary, within which no building, wall or structure over 4 feet in height, including a swimming pool, may be constructed without the approval of the Board

**Servicing** – activities such as garbage collection, deliveries, building maintenance, loading and unloading items

**Shared Surface** – a space designed for use by both pedestrians and vehicles

**Social Development** – development that meets a local need for educational, health or welfare related activities and is of a residential scale including, but not limited to:

- a) places of worship and related facilities;
- b) educational facilities including nursery schools and day care centres;
- c) community centres, public meeting rooms and youth facilities;
- d) medical services including doctors' and dentists' surgeries and offices;
- e) health and leisure facilities and
- f) any other similar purpose;

**Special Needs Housing** – accommodation to meet the needs of groups of people who may need special care including but not limited to elderly and disabled persons as well as persons requiring hostel accommodation in which care is provided for health, disciplinary or other reasons in a residential environment



∴ Definitions

**Street** – the carriageway and related verges and/or sidewalks of a public or private road but not including a driveway

**Street Level** – the floor level within a building which is at-grade with the adjoining street or sidewalk

**Storey** – that portion of a building between the surface of a floor and the upper surface of the floor or roof above with one or more windows which provide a sufficient amount of natural light to a space to render it capable of being a habitable room, notwithstanding that the room may not be used for habitable purposes

**Structure** – a combination of materials which form a permanent or semi-permanent construction including but not limited to buildings, platforms, swimming pools, radio towers, satellite dish receivers, aerial masts, water tanks, piers, docks, wharves, sheds, walls and fences

**Subdivision** – as defined by Section 35A of the Act

**Sustainable Development** – development which meets the needs of the present generation without harming the ability of future generations to meet their own particular needs

**Sustainable Drainage Systems** – methods of drainage designed to manage stormwater locally (as close its source as possible), to mimic natural drainage and encourage its infiltration, attenuation and passive treatment

**Tourist Development** – buildings where sleeping accommodation is provided for paying guests including hotels, cottage colonies, housekeeping cottages and apartments, guest houses and land and/or buildings, or part(s) of buildings, that include dwelling units that have fractional ownership, leases, licenses, timeshare or other forms of real estate ownership and/or right to use the land and/or building(s) or a part of buildings for the enjoyment and accommodation of persons who do not reside in Bermuda on a full-time basis

**Utility** – provisions for energy and water supplies, the treatment of sewage and wastewater disposal, the storage of refuse, the management of storm water, telecommunication systems, public roads and transportation facilities

**Warehousing** – the storage of wholesale or food products whether or not refrigerated

**Waste** – sewage, waste water, materials and liquids which, if dumped, mishandled or improperly stored, may cause a detrimental impact to water resources, natural features and/or public health

**Water Resources** – ground water and bodies of water including marshes, ponds, lakes, bays, coastal waters and the Pembroke Canal





GOVERNMENT OF BERMUDA  
**Department of Planning**

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