

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/882

<u>Applicant</u>	: Mr. TANG Mo Pun represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 2417 (Part), 2418 (Part) and 2421 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 1,655m ² (about)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction machinery and material for a period of 3 years at the application site (the Site). The Site is currently occupied for the applied use with valid planning permission under Application No. A/YL-TYST/717 (**Plans A-2 and A-4**).
- 1.2 The Site was involved in 7 previous applications (No. A/YL-TYST/318, 390, 465, 513, 542, 571 and 717) for temporary open storage of construction machinery and material with or without ancillary office. Except Application No. A/YL-TYST/542, the other 6 applications were all approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 2.6.2006, 23.5.2008, 15.1.2010, 18.2.2011, 24.2.2012 and 27.3.2015 respectively for 2 to 3 years each time. The approval conditions of the last application (No. A/YL-TYST/717) have been complied with and the permission is valid up to 27.3.2018. Compared with the last application (No. A/YL-TYST/717), the current application is submitted by the same applicant on the same site with different development parameters.
- 1.3 The Site is accessible via a local track leading from Kung Um Road to its east with an ingress/egress provided at the eastern periphery of the Site (**Plan A-2 and Drawing A-2**). According to the applicant, the applied development is intended

to store construction machinery and materials. The Site would be fenced off by 2.5m high corrugated metal sheets and the stacking height of stored items within 5m of the Site boundary would be restricted below the height of boundary fencing. No heavy goods vehicle exceeding 24 tonnes including container tractor/trailer is allowed to access the Site and no cutting, dismantling, cleaning, repairing and other workshop activities would be carried out. The location plan with vehicular access, the proposed layout plan, the proposed landscape and tree preservation plan, and the as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.4 A comparison of the major development parameters of the current application and the last approved application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/717 (a)	Current Application No. A/YL-TYST/882 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years		---
Site Area	1,701m ²	1,655m ²	-46m ²
Total Floor Area (Non-domestic)	About 448m ²	About 380m ²	-68m ²
No. of Structures	5 (for storage, office, toilet and open shed)	3 (for toilet and open shed)	-2
Height of Structure	3m to 7m (1 to 2 storeys)	3.5m to 7m (1 to 2 storeys)	---
Parking Spaces/ Loading/Unloading Spaces	2 private car/light goods vehicle parking spaces	1 medium goods vehicle loading/unloading space	---
Operation Hours	7:00 a.m. to 7:00 p.m. Mondays to Saturdays with no operation on Sundays and public holidays		---

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 31.1.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 3 of the Supplementary Planning Statement (**Appendix Ia**). They can be summarized as follows:

- (a) The current application resembles the last planning permission under Application No. A/YL-TYST/717 in that merely open storage is involved, and the applicant

would continue to undertake that there will be restrictions on stacking height and access of heavy vehicles.

- (b) The applied development conforms to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The Site is situated within the Category 1 areas which are considered suitable for open storage and port back-up uses. The development conforms to TPB PG-No. 13E in that the Site has been granted with planning permissions for 6 times since 2006; landscape proposal had been submitted and implemented in previous permissions; there are sufficient buffering from residential settlement; the proposed development would not generate queuing of traffic; and no excessive or on-going operative noise would be emitted.
- (c) The Site is zoned “U” on the OZP. The proposed development is in line with the planning intention of the “U” zone which is to cater for the continuing demand for open storage uses which cannot be accommodated in conventional godown premises. Besides, there is a shortage of land for open storage use in Tong Yan San Tsuen (TYST) because the “Open Storage” (“OS”) zone is already fully occupied. As there is a pressing demand for open storage land and the subject “U” zone of TYST is considered generally satisfactory for open storage use as revealed in the Study on Port Back-up Land and Open Storage Requirements commissioned by the Government, the applicant seeks to solicit the Board to sympathetically approve the planning application.
- (d) The subject “U” zone is mainly filled with open storage uses and intermixed with vehicle repair workshops. Although the Site is close to Tin Liu Tsuen, there are a number of open storage yards and vehicle repairing workshops to the north and south of the Site. There are also a number of similar open storage yards operating with planning permissions in close proximity of the Site.
- (e) Insignificant environmental, traffic and drainage impacts are anticipated. A number of environmental mitigation measures are proposed, including restriction on operation hours, access of heavy goods vehicle and stacking height as well as provision of peripheral planting and prohibiting workshop activities. As the Site is intended for open storage use, traffic generated by the proposed development is extremely insignificant. Besides, adequate space is provided within the Site for manoeuvring and loading/unloading, and no queuing up of traffic nor aggravation of traffic conditions of Kung Um Road and nearby road network would be resulted. The applicant also undertakes to maintain the existing trees (**Drawing A-3**) and drainage facilities (**Drawing A-4**) on Site.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice of the application outside the Site and sending the notice to the Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) are relevant to the application. The Site falls within Category 1 areas under TPB PG-No.13E promulgated by the Board on 17.10.2008. The relevant extract of the Guidelines is attached at **Appendix II**.

5. **Background**

The Site is currently not subject to planning enforcement action.

6. **Previous Applications**

- 6.1 The Site was involved in 7 previous applications (No. A/YL-TYST/318, 390, 465, 513, 542, 571 and 717) for temporary open storage of construction machinery and material with or without ancillary office. Details of the applications are summarized in **Appendix III** and the locations of the sites are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-TYST/318, 390, 465, 513, 571 and 717 were approved with conditions each for a period of 2 or 3 years by the Committee on 2.6.2006, 23.5.2008, 15.1.2010, 18.2.2011, 24.2.2012 and 27.3.2015 respectively. The planning approvals of Applications No. A.YL-TYST/390, 465 and 513 were revoked on 23.6.2009, 15.7.2010 and 15.4.2011 respectively due to non-compliance with the approval conditions. All the approval conditions of other 3 applications were complied with by the applicants.
- 6.3 Application No. A/YL-TYST/542 by a different applicant was rejected by the Committee on 2.9.2011 on grounds that development involving parking/storage of heavy crane vehicles and vehicles with lifting platform would generate adverse environmental impacts; the width of the vehicular access is inadequate for use by such heavy vehicles; and the approval of the application involved in three consecutive revoked planning permissions due to non-compliance would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying statutory planning control.
- 6.4 Compared with the last application (No. A/YL-TYST/717), the current application is submitted by the same applicant on the same site with different development parameters.

7. **Similar Applications**

- 7.1 A total of 118 similar applications for various types of temporary open storage uses with or without warehouse and/or ancillary workshop uses in this part of the “U” zone had been considered by the Committee or the Board on review since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 There are 117 applications for temporary open storage uses with or without warehouse and/or ancillary workshop uses approved mainly on similar

considerations that they were generally in line with TPB PG-No. 13E in that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant Government departments could be addressed by imposing approval conditions. However, amongst these approved applications, 23 were revoked due to non-compliance with approval conditions.

- 7.3 The other one application was rejected mainly on the grounds, amongst other, that approval of the application with repeated non-compliances would set an undesirable precedent.
- 7.4 For Members' information, Application No. A/YL-TYST/880 for temporary container tractor/trailer park and open storage of construction machinery with ancillary office for a period of 3 years within the same part of the "U" zone on the OZP will also be considered at this meeting (**Plan A-1a**).

8. The Site and Its Surrounding Areas (Plans A-1a, A-2 to A-4b)

8.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east;
- (b) paved and fenced off;
- (c) currently used for the applied use with planning permission under Application No. A/YL-TYST/717.

8.2 The surrounding areas have the following characteristics:

- (a) mixed with open storage yards, warehouses, workshops, container office, scattered residential structures, vacant structures and land, cultivated agricultural land, and unused land;
- (b) there is a number of scattered residential structures in its vicinity with the nearest one located to its immediate north (**Plan A-2**);
- (c) about 20m to its west is a nullah with Lam Tai East Road and Lam Tai West Road on its sides;
- (d) there are a number of warehouses and open storage yards in the vicinity of the Site operating with planning permissions under Applications No. A/YL-TYST/734, 757, 768, 775, 808, 840, 848 and 853; and
- (e) the other open storage yards, warehouses and workshops are suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

9. Planning Intention

The planning intention of the "U" zone is to cater for the continuing demand for open storage, which cannot be accommodated in conventional godown premises. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic from the

proposed development. The area is therefore zoned “U” pending further detailed studies on the infrastructural impacts and the preparation of detailed layout plan.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agriculture Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot Nos. 2417 and 2418 in D.D.120 are covered by Short Term Waiver (STW) No. 3790 to permit structures erected thereon for the purpose of “Ancillary Use to Open Storage of Construction Machinery and Materials”.
- (c) The Site is accessible to Kung Um Road via Government land (GL) and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions if there is any irregularities on site and the lot owner(s) of the lot(s) without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site at Kung Um Road shall be checked with the lands authority.

- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, vehicle queuing and reverse movement of vehicles on public road are allowed.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by the Transport Department.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

Environment

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located to its immediate north) (**Plan A-2**), and environmental nuisance is expected.
- (b) There was no environmental complaint concerning the Site received in the past 3 years.
- (c) Should the planning application be approved, the applicant should also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Landscape

10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site is involving open storage of construction machinery within an area zoned “U” on the draft Tong Yan San Tsuen OZP No. S/YL-TYST/11. The Site was the subject of 7 previous applications (No. A/YL-TYST/318, 390, 456, 513, 542, 571 and 717) for the open storage uses. The current application is for planning permission for the similar use in the same site for a period of 3 year.

- (b) With reference to the information submitted and the record of our previous site visit, there are some existing trees along the boundary that will be preserved on Site. Significant landscape impact arising from the proposed use on the area is not anticipated. Therefore, she has no objection to the application from the landscape planning perspective.
- (c) Should the Board approve this application in view of the above, she would recommend the standard approval condition for maintenance of all existing trees and landscape plantings within the Site at all times be applied in the planning permission.
- (d) Other detailed comments are at **Appendix V**.

Drainage

10.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) Based on the drainage proposal enclosed in the application (**Drawing A-4**), apparently the applicant would maintain the same drainage facilities as those maintained under previous planning applications.
- (b) In view of the above, he has no objection in principle to the proposed development. Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

- (iii) the good practice guidelines for open storage (**Appendix VI**) should be adhered to.
- (c) Moreover, having considered the nature of the open storage, an approval condition requiring the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to his satisfaction should be added. To address this approval condition, the applicant should be advised to submit a valid fire certificate (FS 251) to his department for approval.
- (d) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The applicant's attention is drawn to the following points:

- (i) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (ii) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (iii) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (iv) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

Long-term Development

10.1.9 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) - Investigation" (the Study). According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the subject site falls within an area zoned as "Special Residential – Public Rental Housing (with Commercial)" ("RSc") and an area shown as "Road".
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS. As regard the implementation programme of YLS, we would leave it for CEDD to advise.

10.1.10 Comments of Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

He has no objection to the captioned temporary use for 3 years, which should be considered in accordance with the provisions of the current OZP and existing infrastructure capacities. However, the captioned site falls within the boundary of YLS Development. According to the Study, to ensure timely and orderly implementation, the development of YLS and relevant site formation and infrastructure works would be implemented in four stages. The lot(s) concerned falls within a site under Stage 1 Works. While the detailed implementation programme for the project is still being formulated, based on the Study, it is envisaged that clearance of the Site in question will not be arranged before 2022.

District Officer's Comments

10.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

The local consultation was completed on 2.3.2018 and his office has not received any comments from the village representatives in the vicinity regarding the application.

10.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);

- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 9.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.3.2018, no public comment was received.

12. Planning Considerations and Assessments

12.1 According to TPB PG-No. 13E, the Site falls within Category 1 areas. The following guidelines are relevant:

Category 1 areas are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

12.2 The application is for temporary open storage of construction machinery and material at the Site zoned “U” on the OZP. The applied use is not in conflict with the planning intention of the “U” zone on the OZP which is generally intended for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. Whilst the Site falls within an area partly zoned as “RSc” and an area shown as “Road” on the RODP of YLS promulgated on 8.8.2017, CE/CID of PlanD does not raise objection to the application and PM(W) of CEDD has no objection to the proposed temporary use for 3 years. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area.

12.3 The subject “U” zone is mainly occupied by open storage/storage yards, warehouses, workshops, and similar uses are found in the vicinity of the Site. As such, the development is not incompatible with the surrounding uses in the subject “U” zone comprising similar open storage uses.

12.4 The application is also generally in line with TPB PG-No. 13E in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and the technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.

12.5 There is no adverse comment on the application from concerned Government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site, with the nearest one located to its immediate north (**Plan A-2**), and environmental nuisance is expected. However, there has been no environmental complaint concerning the

Site received in the past 3 years. To address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical requirements of other concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact, and to keep the Site clean and tidy at all times.

- 12.6 As the Committee has approved 6 similar uses covering the Site and 117 similar applications for open storage uses in the vicinity of the Site, approval of the subject application is considered in line with the Committee’s previous decisions.
- 12.7 There is no public comment received on the application during the statutory publication period.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary open storage of construction machinery and material could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a further period of 3 years from 16.3.2018 to 16.3.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no cutting, repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (f) the stacking height of the materials stored within 5m of the periphery of the Site shall not exceed the height of boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (g) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.6.2018;
- (j) the provision of boundary fencing within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.9.2018;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.4.2018;
- (l) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.9.2018;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.12.2018;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix VII**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 31.1.2018
Appendix Ia	Supplementary Planning Statement
Appendix II	Relevant extract of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E)
Appendix III	Previous Applications covering the Site
Appendix IV	Similar applications in this part of the “U” zone on the OZP since the promulgation of TPB PG-NO. 13E
Appendix V	Detailed Departmental Comments
Appendix VI	The Good Practice Guidelines for Open Storage Sites
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan
Drawing A-4	As-Built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**