

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/973

<u>Applicant</u>	:	Mr. WONG Tse Yan represented by Metro Planning and Development Company Limited
<u>Site</u>	:	Lots 1816 (Part) and 1820 (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
<u>Site Area</u>	:	1,327 m ² (about)
<u>Lease</u>	:	New Grant Lots (demised for agricultural/orchard use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
<u>Zonings</u>	:	“Residential (Group B) 1” (“R(B)1”) <i>[Restricted to maximum plot ratio of 1, maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]</i>
<u>Application</u>	:	Temporary Shop and Services (Retail Shop for Hardware Accessories) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary shop and services (retail shop for hardware accessories) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “R(B)1” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by logistics centre use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site was the subject of 2 previous applications (No. A/YL-TYST/421 and 799) for open storage and shop and services uses respectively (**Plan A-1**). The last application for the same applied use was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 12.8.2016. All the approval conditions had been complied with and the permission had lapsed on 13.8.2019. Details of the previous applications are summarised in paragraph 5 below and **Appendix II**. Compared with the last application, the current application is submitted by a different applicant for the same use with different site layout and development parameters on the same site.

1.3 According to the applicant, the proposed use is for retailing of hardware accessories (including metal pipes, drills, nuts and screws, screw drivers, aluminum bar, metal bar and metal rod) mainly to serve the nearby residents. As some of the items are bulky, higher headroom and larger floor plan is required. No workshop activities and open storage will be carried out within the Site. The applicant also undertakes that all existing trees/drainage facilities within the Site will be preserved/maintained at his own expense. Furthermore, no vehicle exceeding 5.5 tonnes, including medium and heavy goods vehicle, container trailers and tractors, will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, site layout, tree preservation proposal and as-built drainage proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.4 The major development parameters of the previously approved application and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/799 (a)	Current Application No. A/YL-TYST/973 (b)	Difference (b)-(a)
Applied Use	Temporary Shop and Services (Retail Shop for Hardware Accessories) for a Period of 3 Years		---
Site Area	About 1,327 m ²		---
Total Floor Area (Non-domestic)	440 m ²	424 m ²	-16 m ² (-3.6%)
No. and Height of Structures	1 • one retail shop with a toilet (5m, 1 storey)	4 • two retail shops (5m, 1 storey) • one site office (3m, 1 storey) • one toilet (3m, 1 storey)	+3 (+300%)
Parking Spaces	Nil		---
Loading/Unloading Space	1 (for light goods vehicle) (7 m x 3.5 m)		---
Operation Hours	9:00 a.m. to 7:00 p.m. daily		---

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

- (a) Application Form received on 20.6.2019 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Supplementary Information dated 24.6.2019 providing clarification on the proposed use and replacement pages of the Application Form and the Supplementary Planning **(Appendix Ib)**

Statement

- (d) Further Information dated 2.8.2019 providing clarifications (**Appendix Ic**) on the background of the Site and the proposed operation
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 3 of Supplementary Planning Statement and further information at **Appendices Ia** and **Ic** respectively. They can be summarised as follows:

- (a) The current applied use remains the same from the last application No. A/YL-TYST/799. All planning conditions imposed to the last application have been complied with.
- (b) The previously approved retail shop for hardware accessories was closed in May 2019. The warehouse use currently at the Site will be discontinued and replaced by the proposed retail shop for hardware accessories upon approval.
- (c) The proposed development is in line with the planning intention of the “R(B)1” zone. A number of shop and services uses have been approved by the Board within the “R(B)1” zone of the OZP. The proposed development is a clean, tidy and non-polluting use. Therefore, it is compatible with the surrounding environment.
- (d) There will be insignificant traffic, environmental, landscape and drainage impacts arising from the proposal. Sufficient manoeuvring space will be provided within the Site. The applicant also undertakes to follow a number of environmental mitigation measures in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice).

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 application outside the Site and sending the notice to Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in two previous applications (No. A/YL-TYST/421 and 799). Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 5.2 Application No. A/YL-TYST/421 for temporary open storage of construction materials was rejected by the Committee on 17.4.2009 mainly on the grounds that the development was not in line with the planning intention of the “R(B)1” zone and non-compliance with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E).
- 5.3 Application No. A/YL-TYST/799 for the same use as the current application was approved with conditions by the Committee on 12.8.2016 for a period of 3 years mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the application site; the applied use was not incompatible with the surrounding uses; there were no adverse comments/objection from relevant departments; and the departmental concerns on the application could be addressed by imposing approval conditions. All the approval conditions had been complied with and the planning permission had lapsed on 13.8.2019.
- 5.4 Compared with the last application, the current application is submitted by a different applicant for the same use with slightly different site layout and development parameters on the same site.

6. Similar Applications

- 6.1 There are 10 similar applications (No. A/YL-TYST/445, 473, 622, 709, 767, 785, 820, 859, 915 and 940) for various shop and services with/without eating place or wholesale uses within or straddling the subject “R(B)1” zone. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Out of these 10 similar applications, 9 were approved by the Committee on a temporary basis ranging from 1 to 3 years. Applications No. A/YL-TYST/445, 622, 767 and 940 for temporary carpet shop and wholesale of carpet; application No. A/YL-TYST/473 for temporary retail shop for selling stationery and paper products; application No. A/YL-TYST/709 for proposed temporary eating place (small restaurant) and shop and services (convenience store/supermarket and laundry and real estate agency); applications No. A/YL-TYST/785 and 859 for proposed temporary shop and services (real estate agency); and application No. A/YL-TYST/820 for temporary shop and services (retail shop for metal and home appliances) were all approved with conditions by the Committee on 7.8.2009, 7.12.2012, 18.12.2015, 1.2.2019, 7.5.2010, 17.4.2015, 8.4.2016, 10.11.2017 and 23.12.2016 respectively. The applications were approved mainly on the similar considerations that the uses were not incompatible with the surrounding environment; the development would not jeopardise the long-term planning intention of the “R(B)1” zone and would not generate adverse environmental impact on the surrounding areas; there were no adverse comments from relevant departments; and the departmental concerns on the application could be addressed

by imposing approval conditions. However, planning permissions No. A/YL-TYST/445, 473 and 785 were subsequently revoked on 7.6.2012, 7.2.2011 and 8.10.2017 respectively due to non-compliance with approval conditions.

- 6.3 The remaining application No. A/YL-TYST/915 for temporary shop and services (motor-vehicle showroom) was rejected by the Committee on 21.9.2018 on the considerations that the proposed development was not in line with the planning intention of the “R(B)1” zone and no strong planning justification has been given in the submission for a departure from the planning intention even on a temporary basis; the scale of the proposed motor-vehicle showroom was excessive; and the applicant had failed to demonstrate the need for the proposed development in the area.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Site is:

- (a) accessible via a local track leading from Tong Yan San Tsuen Road to its northwest (**Drawing A-1** and **Plan A-3**);
- (b) paved and fenced off; and
- (c) currently occupied by logistics centre use without valid planning permission.

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) comprise predominately residential developments/structures intermixed with open storage/storage yards, a logistics centre, a warehouse, a workshop and storage, a construction site, a residential care home for the elderly (RCHE), agricultural land, a car service, an orchard, unused land and vacant land/structures;
- (b) there are residences nearby with the nearest one located to the immediate north and south of the Site;
- (c) a temporary logistics centre located to the west of the Site is operating with valid planning permission under application No. A/YL-TYST/913; and
- (d) except for the aforementioned logistics centre, as well as a warehouse and a workshop and storage in the adjacent “Industrial (Group D)” zone across Tong Yan San Tsuen Road, the other open storage/storage yards, car service and RCHE in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

Land Administration

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

- (a) The Site comprises New Grant Lots. Lot No. 1816 in D.D 121 is a New Grant Lot which shall not be used for any purpose other than agricultural purpose. Lot No. 1820 in D.D 121 is a New Grant Lot which shall not be used for any purpose other than as an orchard.
- (b) Lot Nos. 1816 and 1820 in D.D. 121 within the Site are covered by Short Term Waiver (STW) No. 4897 to permit structures erected thereon for the purpose of ‘Temporary Shop and Services (Retail Shop for Hardware Groceries)’.
- (c) The Site is accessible from Tong Yan San Tsuen Road via Government land (GL) and private land. Her office does not provide maintenance work for the GL involved and does not guarantee any right-of-way over the GL 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 where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 her department.

Traffic

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

- (a) The land status of the access road/path/track leading to the Site from Tong Yan San Tsuen Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted 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, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Tong Yan San Tsuen Road.

Environment

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

- (a) Three substantiated complaints concerning the Site were received in the past 3 years. A substantiated complaint was related to pollution effluent discharge and chemical waste. In the follow-up inspection, no sign of the issue was found. 2 substantiated complaints were related to loading/unloading noise within sensitive hours (i.e. 11 p.m. to 7 a.m.). During the inspections, the loading/unloading noise was not excessive. No enforcement action was taken for the substantiated complaints.
- (b) With respect to the public concern on the noise nuisance and fly-tipping from the proposed development (**Appendices IV-1 and IV-2**), based on the Supplementary Planning Statement (**Appendix Ia**), the proposed development will have one loading/unloading space for light goods vehicle and the operation hours will be 9:00 a.m. – 7:00 p.m. daily including Sundays and public holidays. It is noted that the last application was approved with an approval condition that “no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period”. Should the Board approve the current application, the same condition is suggested to be imposed.

- (c) Should the planning application be approved, the applicant is reminded to comply with all relevant ordinances in Hong Kong, including the Noise Control Ordinance and Waste Disposal Ordinance and to follow the relevant mitigation measures and requirements in the latest Code of Practice to minimise any potential environmental nuisances on the surrounding environment.

Drainage

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

- (a) Based on the drainage proposal/planning statement enclosed in the application (**Drawing A-4** and **Appendix Ia**), apparently the applicant would maintain the same drainage facilities as those maintained under previous planning application No. A/YL-TYST/799.
- (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 drainage facilities implemented under application No. A/YL-TYST/799 and submission of records of the existing drainage facilities on the Site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Water Supply

9.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

She has no objection to the application subject to the following comments:

- (i) Existing water mains will be affected (**Plan A-2**). The developer shall bear the cost of any necessary diversion works affected by the proposed development.
- (ii) In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5m from the centreline of the aforementioned water mains shall be provided to her department. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes.
- (iii) The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing

and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise.

- (iv) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Food and Environmental Hygiene

9.1.7 Comments of the Director of Food and Environmental Hygiene (DFEH):

Regarding the public comments (**Appendices IV-1**), the applicant is advised that for any waste generated from the proposed operation, Section 4 & 9A under Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 BK) should be observed and proper disposal of refuse should be arranged at his own expenses.

Fire Safety

9.1.8 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. In addition, the applicant should also 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.
- (c) 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

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.

- (b) The applicant's attention is drawn to the following points:
- (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application.
 - (ii) For UBW erected on leased land, enforcement action may be taken by 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 BO.
 - (iii) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iv) 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 (B(P)R) respectively.
 - (v) 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 B(P)R at the building plan submission stage.

Others

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

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation". According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the Site falls within an area zoned as "District Open Space (1)" ("DO(1)") 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.

9.1.11 Comments of Project Manager (West), CEDD (PM(W), CEDD):

He has no objection to the subject application. However, the Site falls within the boundary of the proposed YLS Development – Stage 4. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and its detailed implementation programme with phasing and packaging of works for YLS Development is being formulated.

District Officer's Comments

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

His office has not received any feedback from the locals.

9.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (c) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 28.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.7.2019, seven public comments (including six comments from local residents made on a standard letter, a sample of which is at **Appendix IV-1**, and one from the Tong Yan San Tsuen Concern Group (**Appendix IV-2**)) were received objecting to the application mainly on the grounds that the proposed development would exacerbate illegal deposits of refuse in the area; encourage illegal roadside parking; create pedestrian safety, noise and environmental hygiene concerns; and the current logistics centre use at the Site deviates from the last application which often operates until midnight creating noise nuisance to nearby residents.

11. Planning Considerations and Assessments

11.1 The subject application is for temporary shop and service (retail shop for hardware accessories) at a site zoned “R(B)1” on the OZP. Although the applied use is not entirely in line with the planning intention of the “R(B)1” zone, which is primarily for sub-urban medium-density residential developments in rural areas, the proposal is intended to serve the neighbourhood and could meet any such demand in the area. Whilst the Site falls within an area zoned “DO(1)” and an area shown as ‘Road’ on the RODP of YLS promulgated on 8.8.2017, CE/CID, PlanD

does not raise objection to the application and PM(W), 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 jeopardise the long-term development of the area.

- 11.2 The development is considered not incompatible with the existing uses in the surrounding areas which are predominantly residential developments/structures intermixed with open storage/storage yards, a logistics centre, a warehouse, and a workshop and storage, etc. (**Plan A-2**). Although there are residences nearby (with the nearest one to the immediate north and south of the Site), given that the proposed retail activities would be conducted within enclosed structures, significant adverse environmental impact is not envisaged.
- 11.3 There is no adverse comment on the application from concerned government departments, including C for T and DEP. Whilst there have been three substantiated complaints on loading/unloading noise as well as pollution effluent discharge and chemical waste concerning the Site since January 2018, site inspections conducted by DEP found that the loading/unloading noise was not excessive and there was no sign of pollution effluent discharge and chemical waste. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to minimise any potential environmental nuisances or to address the public concern and technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be reminded to comply with all relevant ordinances and to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding area.
- 11.4 Given that one previous approval for the same applied use has been granted to the Site and nine similar applications have been approved in the same “R(B)1” zone, approval of the current application is in line with the Committee’s previous decisions. Besides, all the approval conditions of the last application had been complied with. There was one previous application for temporary open storage of construction materials rejected by the Committee mainly on the grounds that the development was not in line with the planning intention of the “R(B)1” zone and the TPB PG-No.13E. There was also one similar application for temporary shop and services (motor-vehicle showroom) rejected by the Committee on the considerations, amongst others, that the scale of the proposed motor-vehicle showroom was excessive, and the applicant had failed to demonstrate the need for the proposed development in the area. However, the current application is for a local retail shop for hardware accessories mainly intended to serve the neighbourhood, and such considerations are therefore not applicable to the current application.
- 11.5 There are seven objecting public comment (**Appendices IV-1 and IV-2**) received on the application during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 16.8.2022. 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 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no open storage and workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, 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;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 16.11.2019;
- (h) 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 16.2.2020;
- (i) in relation to (h) 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 16.5.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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; and

- (k) if any of the above planning conditions (g), (h) or (i) 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.

Advisory clauses

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

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

the proposed development is not in line with the planning intention of the "R(B)1" zone which is primarily intended for sub-urban medium-density residential developments in rural areas. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 20.6.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information dated 24.6.2019 providing clarification on the proposed use and replacement pages of the Application Form and the Supplementary Planning Statement
Appendix Ic	Further Information dated 2.8.2019 providing clarifications on the background of the Site and the proposed operation
Appendix II	Previous Applications covering the Site
Appendix III	Similar Applications in the same "R(B)1" zone on the OZP
Appendices IV-1 and IV-2	Public comments received during the statutory publication period
Appendix V	Recommended Advisory Clauses

Drawing A-1	Plan showing the vehicular access leading to the Site
Drawing A-2	Site Layout Plan
Drawing A-3	Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2019**