

REVIEW OF APPLICATION NO. A/YL-TT/421
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Temporary Shop and Services
(Building Surveying Consultancy)
for a Period of 3 Years in “Village Type Development” zone,
Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and
Adjoining Government Land, Tai Tong Road, Yuen Long, New Territories**

1. Background

- 1.1 On 12.12.2017, the applicant, Mr. LAM Sun Tak, sought planning permission to use the application site (the Site) for proposed temporary shop and services (building surveying consultancy) for a period of 3 years under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Village Type Development” (“V”) on the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16 (**Plan R-1**).
- 1.2 On 9.2.2018, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- (a) the applicant fails to demonstrate that the development would not cause adverse traffic and landscape impacts on the surrounding area; and
 - (b) previous planning permissions granted to the applicant by the Board/ Town Planning Appeal Board (TPAB) under Applications No. A/YL-TT/289, 302 and 327 were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.
- 1.3 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/YL-TT/421 **(Annex A)**
 - (b) Extract of minutes of the RNTPC Meeting held on 9.2.2018 **(Annex B)**
 - (c) Secretary of the Board’s letter dated 2.3.2018 **(Annex C)**
- 1.4 The use in the Site is under investigation. Should there be sufficient evidence to prove that the use in the Site constitutes an unauthorized development under the Town Planning Ordinance, enforcement action will be taken.

2. Application for Review

On 6.3.2018, the applicant applied, under s.17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application. In support of the review, the applicant submitted the following documents:

- (a) Letter of 6.3.2018 from the applicant applying for review (Annex D)
- (b) Further Information dated 8.5.2018 providing written representation in support of the application (Annex E-1)
(accepted, but not exempted from the publication and recounting requirements)
- (c) Further Information dated 10.7.2018 providing further justification in support of the application (Annex E-2)
(accepted and exempted from the publication and recounting requirements)

3. Justification from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the further information at **Annexes E-1 and E-2**. They can be summarized as follows:

- (a) Should the planning application be approved, the applicant would adhere to the Board's requirement and comply with approval conditions in relation to the parking arrangement and provision of the run-in/run-out. As such, the proposed development would not cause adverse traffic impact. The applicant has re-submitted the parking arrangement and run-in/out proposal (**Drawing R-1**).
- (b) The applicant undertakes to plant trees and provide planters in accordance with the Board's requirement with a view to create a densely vegetated area which provide a refreshing landscape. The applicant has re-submitted the landscape proposal (**Drawing R-2**).
- (c) Whilst the previous permissions granted to the applicant at the same Site under Applications No. A/YL-TT/289, 302 and 327 have been revoked due to non-compliance with approval conditions, the applicant has successfully complied with all the time-limited approval conditions under Application No. A/YL-TT/418, which the application site is adjacent to that of the current application. This proves that the applicant now has the experience and confidence in complying with the approval conditions which the Board may impose.

4. The Section 16 Application

The Site and Its Surrounding Areas

- 4.1 The situations of the Site and its surrounding areas at the time of the consideration of the s.16 application by RNTPC were described in paragraphs 7.1 and 7.2 of **Annex A**. There has been no major change of the situation since then (**Plan R-2**).
- 4.2 The Site is:

- (a) accessible from Tai Tong Road to its west via a strip of Government land;
- (b) paved and fenced off; and
- (c) part of the Site is used for vehicle parking and partly with storage of furniture without valid planning permission (**Plans R-2 and R-4a to R-4d**).

4.3 The surrounding areas have the following characteristics:

- (a) the surrounding areas are predominated by residential dwellings intermixed with car parks, a few open storage/storage yards, workshop and warehouses, a kindergarten, real estate agencies, cultivated/fallow agricultural land and vacant/unused land;
- (b) to the immediate north of the Site is a real estate agency which is the subject of Application No. A/YL-TT/418 for temporary shop and services (real estate agency) use by the same applicant;
- (c) to the west of the Site across Tai Tong Road in the adjoining “V” zone is a real estate agency operating under Application No. A/YL-TT/371; and
- (d) except for the storage to the southwest of the Site which may be tolerated under the Town Planning Ordinance, the other open storages/storage yards, warehouses and car parks in the vicinity of the Site are mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

Planning Intention

- 4.4 There has been no change of planning intention of the concerned “V” zone as mentioned in paragraph 8 of **Annex A** which is recapitulated below.
- 4.5 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

Previous Applications

- 4.6 The Site was involved in 5 previous applications (No. A/YL-TT/289, 302, 327, 344 and 357) for various temporary shop and services on the same site submitted by the same applicant at the time of the consideration of the s.16 application, which are mentioned in paragraph 5 of **Annex A**. Since then, there is no additional application. The location is shown at **Plan R-1** and the details are summarized in Appendix II of **Annex A**, which are recapitulated in the following paragraphs.

- 4.7 Application No. A/YL-TT/289 was approved with conditions for a period of 3 years by RNTPC on 19.8.2011 on the consideration that the development was considered not incompatible with the surrounding land uses; the environmental nuisance generated would unlikely be significant in view of the small scale of the development and its frontage onto Tai Tong Road; temporary approval would not jeopardize the planning intention of the “V” zone; government departments consulted had no adverse comments; and relevant departmental concerns could be addressed through the imposition of approval conditions. The planning approval was revoked on 19.2.2012 due to non-compliance with the approval conditions on the submission of run-in/out, landscaping and tree preservation, drainage and FSIs proposals.
- 4.8 The subsequent application (No. A/YL-TT/302) was approved with conditions for a period of 3 years by RNTPC on 20.4.2012 on similar considerations as for Application No. A/YL-TT/289. However, shorter compliance periods were proposed to monitor the progress on compliance with approval conditions in view of the previous revocation. Although the applicant has complied with the approval condition requiring the submission and implementation of FSIs within the specified time limit, the planning approval was subsequently revoked on 20.10.2013 due to non-compliance with other approval conditions on the submission and implementation of parking arrangement, run-in/out, landscaping and tree preservation and drainage proposals.
- 4.9 Applications No. A/YL-TT/327 and A/YL-TT/344 were rejected by the Board on review on 24.10.2014 and 15.5.2015 respectively mainly on the grounds that the applicant had failed to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area, and approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism. In this regard, the applicant applied for appeal for application No. A/YL-TT/327 and it was then allowed by TPAB on 22.12.2015. Planning permission was granted for a period of 12 months instead of three years as applied, with conditions. Major considerations of the TPAB, amongst others, that the appellant had accepted all the suggested conditions and promised to comply with them; and it was very likely that the Appellant would remedy the issues and comply with the approval conditions to be imposed. However, the planning approval was subsequently revoked on 22.3.2016 due to non-compliance with approval conditions on the submission and implementation of parking arrangement, run-in/out, landscaping and tree preservation and implementation of drainage proposal.
- 4.10 The progress of compliance with the approval conditions by the applicant are summarised as follows:

Approval Conditions /Revocation Date	Application No. A/YL-TT/289 (Approved by RNTPC on 19.8.2011)	Application No. A/YL-TT/302 (Approved by RNTPC on 20.4.2012)	Application No. A/YL-TT/327 (Approved by TPAB on 22.12.2015)
Provision of boundary fencing	N.A.	N.A.	✓

Approval Conditions /Revocation Date	Application No. A/YL-TT/289 (Approved by RNTPC on 19.8.2011)	Application No. A/YL-TT/302 (Approved by RNTPC on 20.4.2012)	Application No. A/YL-TT/327 (Approved by TPAB on 22.12.2015)
Parking arrangement proposal	N.A.	X	X
Run-in/out proposal	X	X	X
Drainage proposal	X	X	X (only fulfilled submission part)
Tree preservation and landscape proposal	X	X	X
Fire service installations proposal	X	✓	X (only implementation is required)
Revocation Date	19.2.2012	20.10.2013	22.3.2016

4.11 The last application (No. A/YL-TT/357) was rejected by the Board on review on 3.6.2016 mainly on the same grounds as applications No. A/YL-TT/327 and A/YL-TT/344. Subsequently, the applicant applied for appeal and it was then dismissed by TPAB on 25.8.2017. The main considerations were that the application under appeal was the appellant’s fifth application. The appellant was still unable to provide a convincing proposal to satisfy the requirements of relevant government departments. The appellant seemed to have no intention to seek professional assistance. The TPAB was not convinced that, if the appeal was allowed with conditions, the appellant would be able to comply with relevant approval conditions within a reasonable period of time; and allowing the appeal would set an undesirable precedent, allowing other applicants to believe that even if an application was revoked due to non-compliance with approval conditions, they could continue to submit planning applications. Allowing these type of applications was no different than extending the compliance period of approval conditions indefinitely.

4.12 The 5 previous applications were all by the same applicant covering the same site with similar layout for similar shop and services use. Compared with the last application (No. A/YL-TT/357), the site layout in the current application is similar but with an additional structure for covered parking spaces and with different car parking spaces layout.

Similar Applications

4.13 The similar applications in the subject “V” zone at the time of the consideration of the s.16 application are mentioned in paragraph 6 of **Annex A**. Detailed information of the applications are summarized in Appendix III of **Annex A**. Since then, a similar Application No. A/YL-TT/429 for temporary shop and services (real estate agency) and eating place has been approved by RNTPC with conditions for a period of 3 years on 1.6.2018 on the grounds that the development would not frustrate the long-term planning intention of the “V” zone and could serve the demand in the area; the development was not incompatible with the surrounding land uses; significant

adverse environmental hygiene, traffic, landscape, drainage and sewerage impacts on the surrounding area were not envisaged; and the application was in line with TPB PG-No.15A . The locations of the similar applications are shown on **Plan R-1**.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant government departments are stated in paragraphs 9.1 and 9.2 of **Annex A**.
- 5.2 The following government departments have no further views/comments on the review application and maintain their previous adverse views on the s.16 application as below:

Traffic

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

- (a) The applicant should advise the traffic generation and attraction arising from the proposed development. Such information is still outstanding.
- (b) With reference to the parking arrangement and run-in/out proposal (**Drawing R-1**) submitted by the applicant which is basically same as the one submitted in the s.16 stage, some of the proposed parking spaces will be blocked by the adjacent parked vehicles. Vehicles will not be able to move in or out of these parking spaces. Therefore the parking layout is not acceptable. The applicant is required to revise it and indicate the width of the run-in/out. The revised parking layout is still outstanding.
- (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.

Landscape

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

- (a) The Site, located near the junction of Sham Chung Road and Tai Tong Road falls within an area zoned “V”. The Site is subject to five previous applications (No. A/YL-TYST/289, 302, 327, 344 and 357) for various shop and services uses. The previous applications were revoked due to non-compliance with approval conditions related to landscape issues and other matters. The same applicant is seeking planning permission for a similar use for a period of 3 years.
- (b) Based on the site photos dated 2.12.2017 and aerial photo of 2017, the Site is formed and hard paved with one existing tree along Tai

Tong Road boundary. The Site is situated in an area of village landscape character dominated by village houses and temporary structures.

- (c) Having reviewed the submitted information, she has reservations on the application from the landscape planning perspective for the reasons below.
- (d) Based on aerial photos taken on 24.11.2009 and 1.11.2010, the Site was originally grassland with some trees at the western and southern boundary. Noticeable disturbance to the existing landscape resources had been caused prior to the application. Approval of the application may encourage applicants to clear and develop the sites prior to planning permission is obtained.
- (e) With reference to the applicant's re-submitted landscape proposal (**Drawing R-2**) which is same as the one submitted in the s.16 stage, though the applicant proposes to retain the existing tree and add 8 planters (without indication of what would be planted inside) and 2 trees in planter boxes, it is opined inadequate to compensate for the affected landscape resources.
- (f) Despite several approvals of extension of time for compliance with planning conditions in previous applications, the landscape proposals were still not satisfactory. The applicant's commitment to mitigate the landscape impact is in doubt.
- (g) In continuation to the above, the 2 trees proposed along the southern boundary are far apart. The applicant is reminded that all trees should be planted at-grade at 4 to 5m intervals generally along the boundary to provide reasonable screening for the Site.
- (h) Due to the public frontage to Tai Tong Road, the applicant should consider setting back the fence to allow planting outside the fence to maximise the benefit of the planting.
- (i) The proposed size of the planters is considered insufficient for sustainable growth of the tree and/or shrubs. Furthermore, it appears that the proposed tree locations along the southern boundary are in conflict with the drainage.
- (j) The applicant is advised that the minimum soil provision for all new tree planting should be 1m (W) x 1m (L) x 1.2m (D). The applicant is advised to refer to the "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses" for useful information on what is required for tree preservation and landscape proposal.
- (k) The applicant is also advised that the approval of the landscape proposal does not imply approval of tree works such as pruning/transplanting and felling under lease. Tree works applications

should be submitted direct to District Lands Officer for approval.

- (l) Should the Board approve this application, in view of the above, she would recommend approval condition requiring the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board be included in the permission.
- (m) With regards the further information submitted during the s.16 stage dated 26.1.2018 (Appendix Ic of **Annex A** refers), as a revised tree preservation and landscape proposal is not submitted for consideration, there is inadequate information to ascertain the feasibility and sustainability of the proposal.

5.3 The following Government departments have no further view/comments on the review application and maintain their previous views on the s.16 application as stated in paragraph 9.1 of **Annex A**:

- (a) District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD);
- (b) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Director of Environmental Protection (DEP);
- (e) Director of Fire Services (D of FS);
- (f) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (g) Director of Electrical and Mechanical Services (DEMS);
- (h) Chief Engineer/Cross-boundary Infrastructure and Development, Planning Department (CE/CID, PlanD); and
- (i) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD).

5.4 The following Government departments have no further comment on the review application and maintain their previous views of having no comment on the s.16 application as stated in paragraph 9.2 of **Annex A**.

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (d) Commissioner of Police (C of P).

6. Public Comments on the Review Application Received During Statutory Publication Period

6.1 On 16.3.2018 and 25.5.2018, the review application was published for public inspection. During the statutory public inspection periods, which ended on 6.4.2018 and 15.6.2018 respectively, two public comments were received. A member of the public (**Annex F-1**) opines that the Board's previous decision to reject the application should prevail and a Yuen Long District Council Member objects to the application (**Annex F-2**).

- 6.2 There were three public comments (Appendices IV-1 to IV-3 of **Annex A**) received during the statutory publication period at the s.16 stage raising objection to the application mainly on grounds as stated in paragraph 10 of **Annex A**.

7. Planning Considerations and Assessments

- 7.1 The application is for a review of RNTPC's decision on 9.2.2018 to reject the subject application. The application was rejected for the reasons of failure to demonstrate no adverse traffic and landscape impacts; and approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent. The applicant submitted justifications in support of the review application mainly on grounds that the approval conditions imposed would be adhered to such that there will be no adverse traffic and landscape impacts; and the applicant now possesses the experience and confidence required for complying with the approval conditions. The planning considerations and assessments are appended below.
- 7.2 The subject application is for temporary shop and services (building surveying consultancy) at a site zoned "V" on the OZP. The planning intention of the "V" zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The proposed use is considered not entirely in line with the planning intention of the "V" zone. Whilst there are 3 Small House applications under processing on the Site, DLO/YL, LandsD advises that they are still in preliminary stage and his office has no comment on the current application provided that the Site will be available in case the Small House applications are eventually approved by her office. As such, the proposed development, which is temporary in nature, is considered not jeopardising the long-term planning intention of the "V" zone.
- 7.3 The nature of use and scale of the proposed development is considered not incompatible with the surrounding uses which are predominated by residential dwellings intermixed with car parks, a few open storage/storage yards, workshop and warehouses, a kindergarten, real estate agencies, cultivated/fallow agricultural land and vacant/unused land (**Plan R-2**).
- 7.4 However, the Site is the subject of previous 2 planning permissions granted by the Committee (Application No. A/YL-TT/289 and 302) for similar shop and services uses on the same site by the same applicant in 2011 and 2012. Both planning approvals were subsequently revoked due to non-compliance with the approval conditions regarding parking arrangement, run-in/out, drainage, tree preservation and landscape and fire service installations proposals. Whilst a further planning approval (No. A/YL-TYST/327) was granted by TPAB in 2015, the planning approval was also revoked due to non-compliance with the aforesaid approval conditions, except submission of a drainage proposal. In this regard, it should be noted that the 5 previous applications were all by the same applicant covering the same site with similar layout for similar shop and services use. In effect, the applicant has yet to comply with the time-specified conditions even for more than 5 years' time since the first grant of planning approval. In this regard, the Board has rejected Applications No. A/YL-TT/327, 344 and 357 for the reason of, amongst others, the repeated revocation history. In dismissing the appeal of Application No. A/YL-TT/357, TPAB was not convinced that the applicant would be able to comply with the

approval conditions and considered that allowing the appeal would be no different than extending the compliance period indefinitely (see paragraph 4.11 above).

- 7.5 For the current application, whilst the applicant has submitted proposals on the parking arrangement and run in/run-out (**Drawing R-1**), landscape (**Drawing R-2**), fire safety and drainage aspects (Drawings A-3 and A-4 of **Annex A** respectively), these proposals (except the as-built drainage plan) are similar to those submitted in the previous applications, which have yet to be accepted by the concerned departments. In particular, CTP/UD&L of PlanD has reservations on the application from the landscape perspective in view of the previous non-compliances with approval conditions on the landscaping aspect. She also comments that the submitted landscape proposal which is same as the one submitted in the s.16 stage, is inadequate to provide reasonable screening and to ensure sustainable growth of the proposed plants, and that approval may set an undesirable precedent for prior clearance of vegetation before obtaining planning approval. On the traffic aspect, the applicant has not provided any information to address the request of C for T for traffic generation and attraction rates arising from the proposed development. C for T also considers that the submitted parking layout and run-in/out proposal which is basically same as the one submitted in the s.16 stage, is not acceptable. The submitted run-in/out proposal was also not accepted by the CHE/NTW, HyD. On the fire safety aspect, there are comments from D of FS on the submitted FSIs proposal that the applicant has yet to address. In response to the departmental comments, the applicant only indicated that relevant information and assessments will be submitted, but without any convincing evidence to show genuine effort to comply with such approval conditions if planning approval is granted (Appendix Ib of **Annex A**).
- 7.6 Although the previous real estate agency use has ceased operation, the structures on the Site remain largely unchanged. Having considered the departmental concerns as mentioned above and the applicant's repeated failures to comply with the approval conditions of the previous planning approvals, it is considered that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which are also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.
- 7.7 Two public comments (**Annexes E-1 and E-2**) were received during the statutory publication period at the s.17 stage on the ground as stated in paragraph 6 above and three public comments (Appendices IV-1 to IV-3 of **Annex A**) were received at the s.16 stage raising objection to the application mainly on grounds as stated in paragraph 10 of **Annex A**. As regards the concern over traffic impacts, C for T has advised the applicant to provide the traffic generation and attraction rates of the proposed development, to which the applicant has not responded. In regard to the concern on adverse impacts on the residential dwellings, environmental issues and legitimizing illegal brownfield activities, the considerations and assessments in paragraphs 7.1 to 7.6 are also relevant.

8. Planning Department's Views

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments as mentioned in paragraph 6, and given that there is no major change in

the planning circumstances since the consideration of the subject application by RNTPC on 9.2.2018, the Planning Department maintains its previous view of not supporting the review application for the following reasons:

- (a) the applicant fails to demonstrate that the development would not cause adverse traffic and landscape impacts on the surrounding area; and
- (b) previous planning permissions granted to the applicant by the Board/TPAB under Applications No. A/YL-TT/289, 302 and 327 were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

8.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years up to 10.8.2021 but with shorter compliance periods to monitor the fulfilment of the approval conditions. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no open storage activity is allowed on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the existing fencing shall be maintained at all times during the planning approval period;
- (e) the submission of a revised parking arrangement proposal within **3** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 10.11.2018;
- (f) in relation to (e) above, the implementation of the revised parking arrangement proposal within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 10.2.2019;
- (g) the submission of a revised run-in/out proposal within **3** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 10.11.2018;
- (h) in relation to (g) above, the provision of the run-in/out within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 10.2.2019;
- (i) the existing drainage facilities on the Site shall be maintained at all times

during the planning approval period;

- (j) the submission of a condition record of the existing drainage facilities 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 10.11.2018;
- (k) the submission of a revised tree preservation and landscape proposal within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.11.2018;
- (l) in relation to (k) above, the implementation of the revised tree preservation and landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.2.2019;
- (m) the submission of a revised fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.11.2018;
- (n) in relation to (m) above, the implementation of the revised 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 10.2.2019;
- (o) if any of the above planning conditions (a), (b), (c), (d) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (e), (f), (g), (h), (j), (k), (l), (m) or (n) 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
- (q) 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 attached at **Annex G**.

9. Decision Sought

- 9.1 The Board is invited to consider the application for a review of RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to approve the review 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.

9.3 Alternatively, should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

10. Attachments

Drawing R-1	Site Layout Plan
Drawing R-2	Landscape Proposal
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4a to R-4d	Site Photos
Annex A	RNTPC Paper No. A/YL-TT/421
Annex B	Extract of minutes of the RNTPC Meeting held on 9.2.2018
Annex C	Secretary of the Board's letter dated 2.3.2018
Annex D	Letter of 6.3.2018 from the applicant applying for review
Annex E-1	Further Information dated 8.5.2018 providing written representation and re-submitted parking arrangement and run-in/out proposal and landscape proposal in support of the application
Annex E-2	Further Information dated 10.7.2018 providing further justification in support of the application
Annexes F-1 and F-2	Public comments received during statutory publication period of the review application
Annex G	Recommended Advisory Clauses

**PLANNING DEPARTMENT
AUGUST 2018**