

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/444

<u>Applicant</u>	:	Mr. WONG Yiu-chung represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 1384 (Part), 1385 RP, 1386, 1387 S.A and 1387 S.B in D.D. 117 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
<u>Site Area</u>	:	1,824 m ² (about) (including about 376m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
<u>Zonings</u>	:	“Agriculture” (“AGR”) (99.64%) “Green Belt” (“GB”) (0.36%)
<u>Application</u>	:	Temporary Animal Boarding Establishment and Dog Breeding Centre for a Period of 3 Years

1. The Proposal

1.1 The applicant seeks planning permission for temporary animal boarding establishment and dog breeding centre for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘animal boarding establishment’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Although dog breeding centre use is neither a Column 1 nor Column 2 use in the “AGR” zone, the Covering Notes of the OZP stipulate that temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Board notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied by the applied use without valid planning permission (**Plans A-2, A-4a to A-4c**). The Site is not the subject of any previous application.

1.2 According to the applicant, he was a licensee of a Dog Breeder Licence (Category B) issued by the Agriculture, Fisheries and Conservation Department, allowing for dog breeding on part of the Site. However, the licence has not been renewed

upon its expiry on 15.1.2019. The applicant pledges that no public announcement system and whistle blowing will be undertaken at the Site, also no public visitors are allowed at the Site. The dogs will only reside in enclosed structures, which will be equipped with metal plates, sound-insulating materials and 24-hour mechanical ventilation and air conditioning (MVAC) in order to reduce the noise impact to the surroundings. Plans showing the vehicular access leading to the Site and the site layout submitted by the applicant are at **Drawings A-1** and **A-2**.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 1,824 m ²
Total Floor Area (Non-domestic)	About 1,574.9 m ²
No. and Height of Structures	12 structures <ul style="list-style-type: none"> • 1 for site office (5.2m, 2 storeys) • 2 for storage of pet care items (2.6m, 1 storey) • 4 for animal boarding (5-5.1m, 1-2 storeys) • 1 for dog breeding centre (2.6m, 1 storey) • 4 canopies (2.5-5.3m) covering some of the above structures
No. of Dogs allowed on Site	Not more than 50
No. of Workers	5
Parking Space	1 (2.5m x 5m for private car)
Operation Hours (period when dogs may be transferred in/out of the Site)	24 hours daily (10:00 a.m. to 5:00 p.m. daily)

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

- (a) Application Form received on 19.9.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Replacement pages received on 26.9.2018 **(Appendix Ib)**
- (d) Further Information received on 11.1.2019 providing clarification on number of dogs to be kept on Site and evidence that illegal trading and animal cruelty activities had not occurred **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]
- (e) Further Information received on 8.5.2019 providing clarification on illegal trading and cruelty of animals, Short Term Tenancy (STT) application, and the current use of the Site **(Appendix Id)**
[accepted and exempted from publication and recounting requirements]

1.5 On 16.11.2018 and 8.3.2019, the Rural and New Town Planning Committee (the Committee) agreed to defer a decision on the application each for a period of two

months, as requested by the applicant's representative. On 8.5.2019, further information (**Appendix Id**) was received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) The proposed development is a Column 2 use in the "AGR" zone. It is temporary in nature and would not jeopardise the long-term planning intention. The applicant will comply with all relevant drainage, lands and fire safety requirements should the application be approved by the Board.
- (b) Only private cars are allowed on the Site and one parking space will be provided for staff/transporting of dogs, so as to reduce the traffic impact to the surroundings. The Site has enough room for manoeuvring of vehicles and no queuing or reverse movement of vehicles on public roads will be allowed. No filling or excavation of land will be undertaken to reduce environmental impact.

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 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. Background

The Site is subject to planning enforcement action against unauthorised development (UD) involving use of the Site for animal boarding establishment. Enforcement Notice was issued to the concerned parties on 9.10.2018 requiring discontinuance of the UD. If the notice is not complied with, prosecution action may be taken.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application within the subject "AGR" and "GB" zones on the OZP.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4c)

7.1 The Site is:

- (a) accessible from Tai Tong Road to its northwest via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2 and A-4a to A-4c**).

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

- (a) predominantly rural in nature with mainly woodland and vegetated slope to the east and south in the “GB” and adjoining “Country Park” (“CP”) zones, and residential structures and storage yards intermixed with orchard, pond, agricultural land, ruins and vacant land within the subject “AGR” zone;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 5m to the north (**Plan A-2**); and
- (c) the storage yards in the vicinity are mostly suspected UD subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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 appropriate, 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 Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of GL (about 376m² subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.

- (c) The Site is accessible from Tai Tong Road via GL. 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 lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the applied 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. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by her department acting in the capacity of the 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.
- (f) The owners of Lot Nos. 1385 RP, 1386, 1387 S.A and 1387 S.B in D.D. 117 have submitted Short Term Waiver (STW) applications for "Animal Boarding Establishment and Dog Breeding Centre" purposes. The lot owners had been informed that their STW applications shall be rejected if they fail to obtain the relevant planning approval by 10.7.2019.
- (g) No STT application for the GL involved in the Site has been received by her office.
- (h) Land control actions against unauthorised occupation of GL involved in the Site had been completed. The Site is subject to further lease enforcement actions including re-entry actions for the private land.

Traffic

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

- (a) No light, medium or heavy goods vehicle including container tractor/trailer, should be allowed to park or enter/exit the Site.
- (b) The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road

are allowed.

- (c) The land status of the access road/path/track leading to the Site from Tai Tong Road shall be checked with the lands authority.
- (d) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.

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 Tai Tong Road.

Environment

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

- (a) According to the applicant, the proposed use will operate round the clock. The animals will be kept inside the proposed structures for animal boarding establishment and the proposed structures will be enclosed by soundproofing materials with provision of 24-hour MVAC system. All animals will not be kept in the open air both day and night and public announcement system and whistle blowing will not be allowed at the Site.
- (b) Based on the above information and the public comments (**Appendices II-1 and II-2**) concerning noise and odour impacts, the applicant is reminded on the following:
 - (i) The facilities should be properly designed and maintained to minimise any potential environmental nuisance, e.g. the MVAC system should be located away from adjacent sensitive receivers.
 - (ii) The relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” should be followed to minimise any potential environmental nuisances, and suitable mitigation measures should be implemented to address potential noise and odour impacts.
 - (iii) Effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. If septic tank

and soakaway system is proposed, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPEDD) PN5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.

- (iv) Appropriate mitigation measures/practices as set out in the Recommended Pollution Control Clauses for Construction Contracts should be implemented.
- (c) There is one non-substantiated complaint case on miscellaneous issue concerning the Site received in the past three years.

Agriculture, Nature Conservation and Animal Management

9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) The Site is a paved land occupied by several temporary structures. The agricultural activities in the vicinity are active. Moreover, agricultural infrastructure such as road access is available. The Site can be used for plant nursery or greenhouse cultivation. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.
- (b) The Site falls largely within “AGR” zone with a small proportion within “GB” zone. Noting that it is already paved, we have no strong view on the subject application from nature conservation point of view. Should the application be approved, however, the applicant is advised to implement necessary measures to avoid causing pollution or disturbance to the watercourse along the southern boundary of the Site as well as the woodland to the east and south of the Site.
- (c) She does not support the subject application from animal management point of view for the following reasons:
 - (i) Mr. WONG Yiu-chung (the current applicant) contravened two counts of violation of Licence Condition attached to the previous Dog Breeder Licence (Category B) (Regulation 5H(2) of the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B)). Ms. LI Ah-lee, wife of Mr. WONG Yiu-chung, contravened one count of illegal trading of dogs (without one-off permit) (Regulation 13(2)(a) of Cap. 139B). Both were convicted on 22.3.2019 and all offences occurred at the Site.
 - (ii) The applicant’s Dog Breeder Licence (Category B) had not been renewed upon its expiry on 15.1.2019. The applicant is no longer considered as a suitable person to hold a Dog

Breeder Licence under section 5(F) of Cap. 139B. The address of the Site is no longer associated with any licences granted by her department. In other words, it is illegal to carry out any animal trading/breeding businesses on the Site.

Landscape

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

- (a) Based on the aerial photo taken on 22.3.2018 (**Plan A-3**), the Site is situated in an area of rural landscape character comprising hobby farm, storage yards and temporary structures, with Tai Lam Country Park located further southeast of the Site. The Site is formerly part of a dense wooded area, which is subsequently cleared and converted into agricultural farmland in 2016. According to his site inspection dated 19.10.2018, the Site has been formed and occupied by some temporary structures, and only some self-seeded shrubs are found growing near the site boundary.
- (b) Given the animal boarding establishment use may be permitted with or without conditions on application to the Board within “AGR” zone, and significant loss of landscape resources and character is not envisioned, she has no objection to the application from the landscape planning perspective. Since there is no major public frontage along the site boundary, should the Board approve this application, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

Drainage

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

- (a) He has no objection in principle to the proposed development.
- (b) Should the Board consider the application is acceptable from the planning point of view, approval conditions should be stipulated requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.

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. 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.
- (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) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application.
- (c) 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.
- (d) 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 the 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.
- (e) 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.

- (f) 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 B(P)R at the building plan submission stage.

Others

9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) The applicant shall approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the applicant shall carry out the following measures:
 - (i) For the Site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with CLP Power is necessary.
 - (ii) Prior to establishing any structure within the Site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the structures;
 - (iii) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be adhered to when carrying out works in the vicinity of the electricity supply lines.
- (b) There was a reported case for unsafe fixed electrical installation at the portion of the Site. His department carried out site investigation for this Site and identified unsafe fixed electrical installation, thus his department required the owner/tenant to rectify them in August 2018.
- (c) His department also carried out second inspection in this Site, however, it was found that this Site was partitioned and the owner/tenant did not allow his department to inspect all the areas in early October 2018. Hence, an inspection notice was issued to the

owner/tenant. The defects identified in August 2018 were later rectified in October 2018.

- (d) For the partitioned area, his department has also carried out site inspection in January 2019. During the inspection, it was found that the main switch for the Site was turned off without power supply. The fixed electrical installations in the partitioned area were either removed or with no power supply. No further enquiry were received from the public since.

District Officer's Comments

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

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

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

10. Public Comments Received During the Statutory Publication Period

On 28.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.10.2018, three public comments were received from two members of the public (**Appendices II-1 and II-2**) and Kadoorie Farm & Botanical Garden Corporation (**Appendix II-3**) raising objection to the application for various reasons, including departure from the planning intention of the "AGR" zone, illegal occupation of GL, contravention of various ordinances/regulations, posing building safety/fire hazard to the occupants and the surrounding, alleged animal cruelty/illegal importation/wholesale trade of dogs at the Site, alleged illegal dumping of animal carcasses in the vicinity, approving a 'develop first and apply later' case would set an undesirable precedent, and concerns on environmental nuisance (i.e. odour, visual and noise), etc.

11. Planning Considerations and Assessments

11.1 The subject application is for temporary animal boarding establishment and dog breeding centre for a period of three years at a site predominately zoned "AGR" (99.64%) with a very minor portion zoned "GB" (0.36%) on the OZP. The proposed development is not in line with the planning intention of the "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard,

DAFC does not support the application from agricultural point of view as there are active agricultural activities and agricultural infrastructure (such as road access) in the vicinity of the Site and the Site possesses potential for agricultural rehabilitation. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis.

- 11.2 The Site is located at the fringe of the “AGR” zone which comprises mainly residential structures and storage yards, intermixed with orchard, pond, agricultural land, ruins and vacant land. However, the Site is also situated in close proximity to the “GB” and adjoining “CP” zones, where woodland and vegetated slopes are prominent. The proposal is generally incompatible with the rural setting of the vicinity. Although there are residential structures nearby (with the nearest one located 5m to the north) (**Plan A-2**), given that the proposed facilities would be enclosed and soundproofed, and that the applicant pledges to keep all animals inside the animal boarding establishment, significant adverse environmental impact is generally not envisaged.
- 11.3 Apart from the agricultural aspects mentioned in paragraph 11.1 above, DAFC also does not support the application from animal management point of view. The current applicant had contravened two counts of violation of Licence Condition attached to the previous Dog Breeder Licence (Category B) and was convicted on 22.3.2019 with the offences occurring at the Site. The subject licence had not been renewed upon its expiry on 15.1.2019 and DAFC no longer considers the applicant as a suitable person to hold a Dog Breeder Licence under the Public Health (Animals and Birds) (Trading and Breeding) Regulations. As such, even if the current planning application is approved, the applicant would still be unable to obtain the relevant licence for the applied use. Apart from AFCD, other relevant government departments have no adverse comment/no comment on the application.
- 11.4 There are no previous or similar applications within the subject “AGR” and “GB” zones on the OZP. Approval of the current application would set an undesirable precedent. The cumulative effect of approving such similar applications, even on a temporary basis, would result in a general degradation of the rural environment and landscape quality of the area.
- 11.5 Three public comments were received during the statutory publication period objecting to the application for the reasons 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 as mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
 - (a) the proposed development is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality

agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and

- (b) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

12.2 Alternatively, 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 5.7.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 5:00 p.m. and 10:00 a.m. (except overnight animal boarding), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, 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) all animal shall be kept inside the enclosed animal boarding establishment, as proposed by the applicant, during the planning approval period;
- (e) no public announcement system and whistle blowing, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (f) no filling or excavation of land, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (g) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.1.2020;
- (i) in relation to (h) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.4.2020;
- (j) in relation to (i) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (k) the submission of 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 5.1.2020;
- (l) in relation to (k) above, the implementation of 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 5.4.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) 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;
- (n) if any of the above planning conditions (h), (i), (k) or (l) 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
- (o) 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 III**.

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 reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form received on 19.9.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Replacement Pages received on 26.9.2018

Appendix Ic	Further Information received on 11.1.2019 providing clarification on number of dogs to be kept on Site and evidence that illegal trading and animal cruelty activities had not occurred
Appendix Id	Further Information received on 8.5.2019 providing clarification on illegal trading and cruelty of animals, Short Term Tenancy application, and the current use of the Site
Appendices II-1 to II-3	Public comments received during the statutory publication period
Appendix III	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JULY 2019**