Development Management Officer Report Committee Application

| Summary | | |
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| Committee Meeting Date: 20th September | Item Number: | |
| 2016 | | |
| Application ID: LA04/2015/1435/F | | |
| Proposal: | Location: | |
| Community Hall and Landscaping | Rear of 25 to 36 Annadale Flats, Belfast | |
| Referral Route: Part funding by Belfast City Council | | |
| Recommendation: | Approval Subject to Conditions | |
| Applicant Name and Address: | Agent Name and Address: | |
| Annadale Haywood Residents | R E Quinn Architects Limited | |
| 31 Annadale Flats | 14 Princess Street | |
| Belfast | Dromore | |
| BT7 3AW | BT25 1AY | |

Executive Summary:

Full planning permission is sought for the construction of a new building to facilitate community group activities. It includes the enhancement and reconfiguration of existing landscaped areas.

The site is an area of open public ground located to the rear of properties along Ava Avenue, Delhi Parade and Haywood Drive, off the Ormeau Road in south Belfast. It consists of a communal grassed area with several trees surrounded by a path.

The key issues in this case are:

- The principle of a community centre at this location
- Effect on neighbouring residential amenity
- Effect of proposed landscaping on visual amenity
- Potential noise nuisance
- Potential adverse effects on traffic

The various consultees consulted have confirmed that the proposal is acceptable subject to conditions and/or informatives.

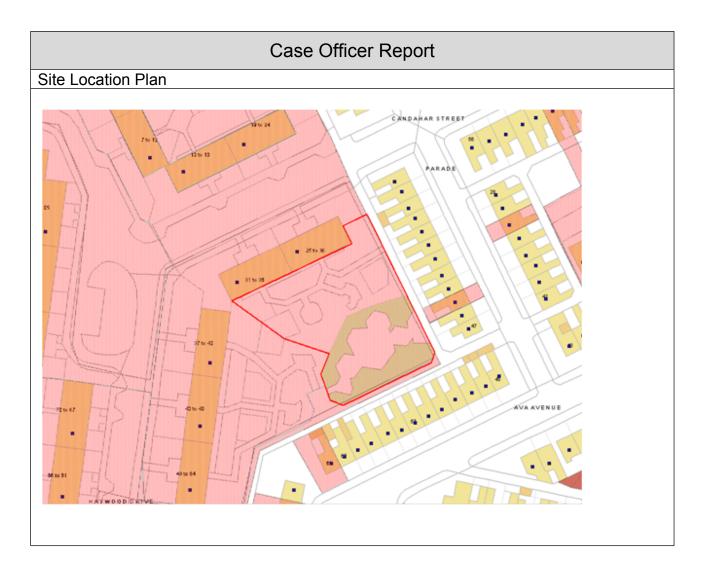
Four representations were received. The issues raised were:

- Noise/hours of operation concerns as to the possibility of excessive noise; clarification of hours of use
- Loss trees
- Reduction of community shared green space
- Parking and traffic concerns impact on local residents
- Potential anti-social behaviour/security of local residents
- Emergency service access to the hall
- Flood risk

These have been considered in the case officer's report.

<u>Recommendation</u> It is considered that the proposal will be beneficial to the local community and that adequate measures have been included to reduce any negative impact on residents. For this reason I recommend that it is approved with conditions.

| Case Officer Report Characteristics of the Site and Area | | |
|---|---|--|
| | | |
| 1.1 | The proposal is for the construction of a new building to facilitate community group activities. It includes the enhancement and reconfiguration of existing landscaped areas. | |
| 2.0 | Description of Site | |
| 2.1 | The site is an area of open public ground located to the rear of properties along Ava Avenue, Delhi Parade and Haywood Drive, off the Ormeau Road in south Belfast. It consists of a communal grassed area with several trees surrounded by a path. | |
| 3.0 | Planning History | |
| | Z/1981/1409 - FLATS 1-202 ANNADALE NO.1 ESTATE - PROVISION OF NEW | |



FRONT ENTRANCE PORCHES AND WALLS - PERMISSION GRANTED

Z/1983/0140 - HAYWOOD DRIVE/CONDAHOR STREET - LANDSCAPING SCHEME - PERMISSION GRANTED

Z/1984/1206 - LAND SURROUNDING 25-54 ANNADALE FLATS, HAYWOOD DRIVE/CANDAHAR STREET - ENVIRONMENTAL IMPROVEMENTS - PERMISSION GRANTED

Z/1984/1684 - LAND SURROUNDING 73-120 ANNADALE FLATS - ENVIRONMENTAL IMPROVEMENTS - PERMISSION GRANTED

Z/1984/2054 - LAND SURROUNDING 1-24 ANNADALE FLATS AND FRONTING HAYWOOD DRIVE AND CANDAHAR - ENVIRONMENTAL IMPROVEMENTS INCLUDING LANDSCAPING - PERMISSION GRANTED

Z/2007/2889/F - 1-54 Annadale Flats, Annadale Embankment - Internal layout changes, external provision of new communal glazed lobby and provision of new SVP's to rear of dwellings and new balustrade to balconies to flats, re-roofing of flats and parking - PERMISSION GRANTED - 17.05.2008

LA04/2015/1441/F - Type "A" Blocks,Block A1 Flats 25-36,Block A2 Flats 91-102,Block A3 Flats 161-172,Block A4 Flats 191-202,Type "B" Blocks,Block B1 Flats 37-54,Block B2 Flats 55-72,Block B3 Flats 73-90,Block B4 Flats 103-120,Block B5 Flats 121-138,Block B6 F - Provision of new trussed rafter pitched roofs over existing flt roofs to 12NO. three storey blocks. Associated rainwater drainage works - PRE DECISION RESOLUTION OF ISSUES

4.0 Policy Framework

Belfast Metropolitan Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

5.0 Statutory Consultee Responses

Transport NI – No objection NI Water – No objection Rivers Agency – No objection

6.0 Non Statutory Responses

Environmental Health BCC – No objection

7.0 Representations

- 7.1 The application has been neighbour notified and advertised in the local press. Four objections have been received. They have been submitted by:
 - the resident of 57 Ava Avenue.
 - the residents of no.61 Ava Avenue
 - the resident of no.65 Ava Avenue
 - the residents of no.51 Ava Avenue
- 7.2 A summary of the issues raised is as follows:
 - Noise/hours of operation concerns as to the possibility of excessive noise; clarification of hours of use
 - Loss trees
 - Reduction of community shared green space

 Parking and traffic concerns - impact on local residents • Potential anti-social behaviour/security of local residents Emergency service access to the hall Flood risk • Objection to the community centre at the rear of dwelling – should be sited a more suitable site 7.3 The above points will be addressed in the assessment below. 7.4 A response to the objections received was submitted by the applicant which included a number of representations in support of the proposal. These were submitted by: ArtsEkta (arts organisation) Councillor Catherine Curran (Laganbank Electoral Area) Northern Ireland Housing Executive Belfast Education and Library Board Stg Graeme Ellis (Balmoral NPT) 8.0 **Other Material Considerations** None 9.0 Assessment 9.1 Proposal - The proposal is for a modest community building with enhanced outdoor space sufficient to fulfil the needs of the group and of those groups/organisations that will use the building for daily activities and wider community events. It is to be a facility for cross community purposes and is to provide 9.2 Site - The site is surrounded and defined by the terraced houses of Delhi Parade (east) and Ava Avenue (south), with the 3-storey Annadale Flats to the north and west boundaries. The site can be described as being a communal, open, green spaced with tree planting and hard-landscaping features. It serves as communal garden spaces to those residing in the apartment block areas. The overall area is segregated by a series of timber fences with paths leading to the communal entrances of the apartment blocks. The east and south boundaries of the site are delineated by the laneways/rights-of-way to the backs of the terraced houses along Deli Parade and Ava Avenue. The north of the site simply runs up to the Annadale Flats that face onto Candahar Street, with the western boundary established by a meandering timber fence that defines the external open, communal space servicing the run of Annadale Flats that look out onto Haywood Drive. 9.3 Potential noise and nuisance issues - The Council's Environmental Health Unit was consulted about the proposal. Its first response indicated the proximity of the site to past uses that have the potential to contaminate land and pose a risk to human health. A Preliminary Risk Assessment (PRA) was requested by EHU to address these concerns. Additionally, EHU requested further information including details of hours of operation. type of events to be held in the proposed centre and details of outdoor activities. 9.4 A PRA was submitted by the applicants and EHU was reconsulted. Its response was that due to contamination risks from ground gases and contaminants in soil that a Quantitative Risk Assessment (QRA) be carried out and submitted for further consideration. Additionally, a Noise Assessment was recommended for submission to address potential detrimental effects on the amenity of neighbouring premises due to noise disturbance from both the proposed external play area and from activities within the building.

- 9.5 Both a QRA and a Noise Assessment were subsequently submitted. On consideration of the assessments EHU offered no further objection but requested that two conditions be attached to any approval relating to the submission of Verification Reports – one relating to remedial measures for contamination concerns and the other in relation to the provision of adequate noise attenuation.
- 9.6 The applicant provided clarification to the additional questions posed by EHU as follows:
 - Hours of operation 9-5pm normal office hours; Monday, Tuesday and Thursday 6.30pm - 9.30pm - youth club; Sunday 12-4pm Chinese meditation/yoga
 - Types of events to be held Chinese New Year, Easer Celebrations, St Patrick's Day, Christmas Party, Cultural celebrations, Family Fun Day, mini sports day etc.
 - Entertainment licence no license applied for no alcohol at any events
 - Outdoor activities a range of sport and recreation: badminton, tennis, rounders, basket ball, soft ball games (not hard football), trampoline. misc. sports equipment; access to a range of children's outdoor play equipment, sand pit, plastic tike playhouse, low level climbing frame and toys for children up to 10/11 years
 - Flood lights there will be no flood lighting on the premises although there will be some low level bollard light paths and some security/emergency escape lighting on the new building
 - Ventilation/extraction systems none to be installed as hall kitchen will be a standard domestic kitchen
- The applicants provided a detailed response to concerns over potential noise issues. Additionally, the Council's Environmental Health Unit was satisfied with a Noise Impact Assessment on condition that a Verification Report be submitted on completion of the works.
- Loss of trees The applicants advised that the community has expressed a need for a number of activity areas which they feel will complement the use of the new community building. A landscape architect carried out an assessment of the site and responded as follows:
 - "The area contains a number of young mature trees which will be affected by the fulfilment of the community requirements. Our concern would be that excavation works will impact on the Root Protection Areas and compromise the long term health and stability of these trees. Our recommendation therefore is to remove additional trees as shown on the attached drawing. We have retained trees along the boundary since they will add to the amenity value of the space [and adjoining residents] without compromising community use. These trees will be protected during the works to ensure their healthy survival in terms of No reduction in levels / excavations within the Root Protection Area. Temporary fencing will be erected to avoid storage of materials, compaction of surfaces and damage to the trees. All of the above will be carried out in accordance with BS 5837:2012."
 - A plan was subsequently provided detailing the trees to be removed and those to be retained. The existing site has 42 mixed species trees (Rowan and Pine) with the majority appearing to be in a relatively healthy condition. Eight trees are retained along the eastern boundary of the site is and three trees are to be retained along the western boundary. This is considered to be a balanced retention and positive use of the open space which maximises community benefit.

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- 9.10 Reduction of community shared space A detailed response to this issue was provided by the applicants. Of note is the following: "Although the green space is meant to serve as amenity space for local residents it is largely unusable for any form of actual social activity at this time due to excessive dog-fouling in the vicinity. Due to proper management of the premises, the fence-off area associated with AHRA does not suffer from the dog-fouling problem which makes this section usable from a community perspective. The overall proposed development will deliver a managed, safer, and cleaner area of open space which will be properly maintained and more accessible to the local community."
- 9.11 Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation Policy OS1 relates to the Protection of Open Space. It states:
 - The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.
 - An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
- 9.12 While the construction of the community hall will result in the loss of existing open space it is felt that the proposal meets the exception of bringing substantial community benefits. As above, a large area of open space is to be retained along with some of the existing trees. The proposed landscaped is considered attractive and will contribute to the vitality of the area for the benefit of local residents and the Annadale Community group itself.
- 9.13 Impact on traffic and parking TransportNI have determined in their consultation response that they have no objections to the development. The new facility is community building which means that those who live within the immediate vicinity will be the ones using the building; therefore there is no necessity for additional car parking to be provided and there should be no traffic intensification in the area. Likewise, any volunteers associated with AHRA will live locally and have no need for car parking.
- 9.14 Potential anti-social behaviour Fears of additional people moving through the area of the site could be misconstrued as being a detrimental factor that leads to ant-social behaviour when the opposite could also be argued. People moving through the area introduces an element of 'selfpolicing' which is beneficial in eliminating anti-social behaviour. Also, since the site will be fenced off with controlled access, CCTV and controlled hours of operation the opportunity of anti-social behaviour will be further reduced.
- 9.15 At present the accesses from Candahar Street and Delhi Parade are used by local residents in the community as thoroughfares. Given the nature of the new development being a community building with associated landscaped area, nothing will change in terms of how these accesses are used at present; therefore the community building cannot be described as a third-party development as it will only facilitate and be used by those in the immediate locality.
- The applicants provided correspondence with a PSNI Crime Prevention Design Advisor who offered practical advice about the Residents Association working alongside the

PSNI and general public to mitigate against risks.

- 9.17 Access/Emergency Access to the building In response to an objection the applicant's agent advised that the right-of-way entry widths from Candahar Street and Delhi Parade to the site are no less than 2.7m wide, which is more than ample for pedestrian access to and from the site. In the instance of an incident at the site, it would be up to the Emergency Services to determine what vehicles would attend the scene and what methods be applied to tackling any occurrence. Given the on-site dimension entry widths of 2.7m, a Fire Engine width is in the region of 2.55m while an Ambulance is 2.44m.
- 9.18 <u>Potential flood risk</u>: Rivers Agency was consulted with regard to the proposal. In its response it confirmed the following:
 - the site lies outside the 1 in 100 year fluvial flood plain, but that part of the development is located within a predicted flooded area as indicated on the Surface Water Flood Map.
 - PPS15 FLD3 states: Where a Drainage Assessment is not required (i.e. doesn't meet any of the bullet points listed under FLD 3) but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact to mitigate the risk to the development and any impacts beyond the site.
 - A Drainage Assessment will also be required for any development proposal, except for minor development, where: The proposed development is located in an area where there is evidence of a history of surface water flooding.
 - SPPS-6.113 states: Planning authorities should only facilitate
 development in areas where there is evidence of a history of surface
 water flooding when a developer is able to demonstrate, through a
 Drainage Assessment (DA), that the flood risk can be effectively
 controlled and mitigated and that it will not create greater potential for
 surface water flooding elsewhere. Particular account should be taken of
 adverse impact upon other development or features of importance to
 nature conservation, archaeology or the built heritage.
 - Therefore, unless the objector can provide sufficient evidence of a history
 of flooding on the proposed site, Rivers Agency would have no objection
 to the development taking place, it is the developer's responsibility to
 assess the flood risk and drainage impact to mitigate the risk to the
 development and any impacts beyond the site.
 - Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to Rivers Agency, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

The applicants were asked to demonstrate that they had mitigated the risk against potential surface water flooding. At the same time the objector who had raised concern over flood risk was contacted and asked to provide evidence of a history of surface water flooding. No such evidence was subsequently produced by the objector. The applicants produced additional details as regards raised floor levels, deeper foundations, water resistant walls etc for the new building.

- Policy consideration The Strategic Planning Policy Statement gives guidance on Open Space, Sport and Outdoor Recreation. It states: Government recognises that open space, sport and outdoor recreation is important to society now and in the future. It supports many cultural, social, economic, health and environmental benefits. Everyone, particularly children, older people and people with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity or simply enjoy and have contact with nature. This is recognised in the Regional Development Strategy 2035 (RDS) which highlights the need to provide adequate provision for green and blue infrastructure in cities, towns and neighbourhoods, and new developments.
- 9.20 The SPPS also states that furthering sustainable development in the long term public interest requires the integration and balancing of complex social, economic and environmental factors when plan-making and decision-taking. Planning authorities should deliver on all three pillars of sustainable development in formulating policies and plans and in determining planning applications and appeals. The proposal is considered to be consistent with the SPPS.

10.0 Summary of Recommendation: Approval

10.1 It is felt that the proposal will be beneficial to the local community and that adequate measures have been included to reduce any negative impact on residents. For this reason I recommend that it is approved with conditions.

Conditions

1. As required by Section 61 of the Planning Act (NI) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The materials to be used in the construction of the external surfaces of the modular building hereby permitted, shall match those of approved Drawing No.1B, date stamped 25 August 2016.

Reason: In the interest of visual amenity.

3. The existing trees on the site as indicated in green on Drawing No. 02A, date stamped 26 August 2016, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interest of visual amenity and to ensure the development is in keeping with the character of the area.

- 4. The applicant, on completion of the works and prior to use of the development, shall provide to the Council, for approval, a Verification Report. The Verification Report shall demonstrate the successful completion of remediation measures as described in the Pentland Macdonald Ltd remediation Strategy, Ref: PM16-1052 dated May 2016. It must demonstrate that the identified contaminant-pathway-receptor linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance (Model Procedures for the Management of Land Contamination (CLR11)). In particular the Verification report must demonstrate:-
- The installation of a geotextile membrane (or equivalent) across the area of landscaping. The geotextile should be water permeable, rot-proof, chemically resistant and have a high tensile

strength. Parallel layers should be suitably secured or overlapped by at least 0.2m.

- Emplacement of a 0.6m layer of demonstrably suitable 'clean' subsoil and topsoil on top of the geotextile membrane, across the area of landscaping. This incoming soil should be tested and analysed for a range of contaminants as identified in the contamination assessment, and results assessed against GAC applicable to 'public open space near residential housing'.
- Gas protection measures in line with CIRIA's C665 Characteristic Situation 2 and BS885:2015 have been incorporated into the proposal.

Reason: Protection of human health.

- 5. The applicant, on completion of the works and prior to use of the development, shall provide to the Council, for approval, a Verification Report. The Verification Report shall demonstrate the successful completion of the mitigation measures as described in the F R Mark & Associates, Noise Impact Assessment. It must demonstrate that the mitigation measures as outlined in the Noise Impact Assessment for the proposed Community Centre have been incorporated in the proposal and in particular:-
- The design of the building envelope and materials used for the building structure, to provide adequate noise attenuation as detailed, to ensure minimal disturbance to neighbouring residential properties.
- All primary entrances from the main hall are double lobbied to ensure that one doorset will always be closed to help prevent noise leakage.

Reason: Protection of human health.

- 6. The approved modular building and play area, as indicated on Drawing No.1B received by Belfast City Council on 25 August 2016, shall be operational as a community centre/youth club between the following hours only and at no other times:
- Monday to Friday from 09:00 to 17:00
- Monday, Tuesday and Thursday from 18:30 to 21:30
- Sunday from 12:00 to 14:00

Reason: to protect residential amenity.

Informatives

- 1. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. Belfast City Council should be informed and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination CLR11) that details the nature of the risks and any necessary mitigation measures should be prepared and submitted for appraisal.
- 2. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud or debris deposited on the road must be removed immediately by the contractor.
- 3. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is: Belfast South Section Office, 1A Airport Road, Belfast, BT3 9DY. A monetary deposit will be

required to cover works on the public road.

4. All construction plant and materials shall be stored within the curtilage of the site.

| ANNEX | |
|-----------------------|--------------------------------|
| Date Valid | 13 th October 2015 |
| Date First Advertised | 26 th November 2015 |
| Date Last Advertised | 26 th November 2015 |

Details of Neighbour Notification (all addresses)

The Owner/Occupier,

25 Annadale Flats, Ballynafoy, Belfast, Down, BT7 3AW,

The Owner/Occupier,

25 Delhi Parade, Ballynafoy, Belfast, Down, BT7 3AU,

The Owner/Occupier,

26 Annadale Flats, Ballynafoy, Belfast, Down, BT7 3AW,

The Owner/Occupier,

27 Annadale Flats, Ballynafoy, Belfast, Down, BT7 3AW,

The Owner/Occupier,

27 Delhi Parade, Ballynafoy, Belfast, Down, BT7 3AU,

The Owner/Occupier.

28 Annadale Flats, Ballynafoy, Belfast, Down, BT7 3AW,

The Owner/Occupier,

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41 Annadale Flats, Ballynafoy, Belfast, Down, BT7 3AW,

The Owner/Occupier,

41 Delhi Parade, Ballynafoy, Belfast, Down, BT7 3AU,

The Owner/Occupier,

42 Annadale Flats, Ballynafoy, Belfast, Down, BT7 3AW,

The Owner/Occupier,

43 Delhi Parade, Ballynafoy, Belfast, Down, BT7 3AU,

The Owner/Occupier,

45 Ava Avenue, Ballynafoy, Belfast, Down, BT7 3BP,

The Owner/Occupier,

45 Delhi Parade, Ballynafoy, Belfast, Down, BT7 3AU,

The Owner/Occupier,

47 Ava Avenue, Ballynafoy, Belfast, Down, BT7 3BP,

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49 Ava Avenue, Ballynafoy, Belfast, Down, BT7 3BP,

The Owner/Occupier,

51 Ava Avenue, Ballynafoy, Belfast, Down, BT7 3BP,

The Owner/Occupier,

51, Ava Avenue, Belfast, Down, Northern Ireland, BT7 3BP Philip McManus

51, Ava Avenue, Belfast, Down, Northern Ireland, BT7 3BP

The Owner/Occupier.

53 Ava Avenue, Ballynafoy, Belfast, Down, BT7 3BP,

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55 Ava Avenue, Ballynafoy, Belfast, Down, BT7 3BP,

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65 Ava Avenue, Ballynafoy, Belfast, Down, BT7 3BP,

The Owner/Occupier, 65, Ava Avenue, Belfast, Down, Northern Ireland, BT7 3BP The Owner/Occupier, 67 Ava Avenue,Ballynafoy,Belfast,Down,BT7 3BP, The Owner/Occupier, 69 Ava Avenue, Ballynafoy, Belfast, Down, BT7 3BP, **Date of Last Neighbour Notification** 24the August 2016 **Date of EIA Determination** N/A **ES** Requested No **Drawing Numbers and Title** 01B, 02A, 03A Notification to Department (if relevant) - N/A Date of Notification to Department: Response of Department: