Committee Application

Development Management Report		
Application ID : LA04/2019/1478/F	Date of Committee: Tuesday 15th October 2019	
Proposal: Proposed reconfiguration of block of 12no. apartments to provide 16no. apartments	Location: Lands Opposite 47 Dundela Avenue Belfast BT4	
Referral Route: More than 14 Residential Units with representations received contrary to officer recommendation.		
Recommendation:	Approval	
Applicant Name and Address: Mr Richard Acheson 104A Circular Road Belfast BT4 2GF	Agent Name and Address: Mr Jonny McCracken MC Logan Architects 49 Belmont Road Belfast BT4 2AA	

Executive Summary:

Planning permission is sought for the approval of 16 No. apartments in one block with associated car parking and landscaping. A previous application for 12 No. apartments has been approved on the site under reference LA04/2017/2407/F. The proposal will be accessed from a private road serving an adjacent apartment development approved under LA04/2018/2285/F and LA04/2019/0356/F

The key issues in the assessment of the proposed development include:

- Impact on the character and density of the surrounding area
- Design, scale and massing
- Impact on residential amenity
- Impact on traffic and parking
- Impact on flood risk and sewage infrastructure

The proposed site covers an area directly North of Dundela Avenue with an extensive planning history. There are two recent approvals on the Western portion of the site (LA04/2018/2285/F & LA04/2019/0356/F). A previous approval for 12 No. apartments has been approved on the application site under reference LA04/2017/2407/F

The site is not zoned within BUAP, however the site is zoned for housing (Ref. EB 05/02) in the dBMAP. The PAC did not consider any objections to this zoning at inquiry stage and the zoning was included in the previously adopted BMAP.

The application has been neighbour notified and advertised in the local press, with 2 letters of objection being received. The main points raised in the objection related to, available parking, road safety and the current condition of the site and how it impacts on the visual amenity of the area.

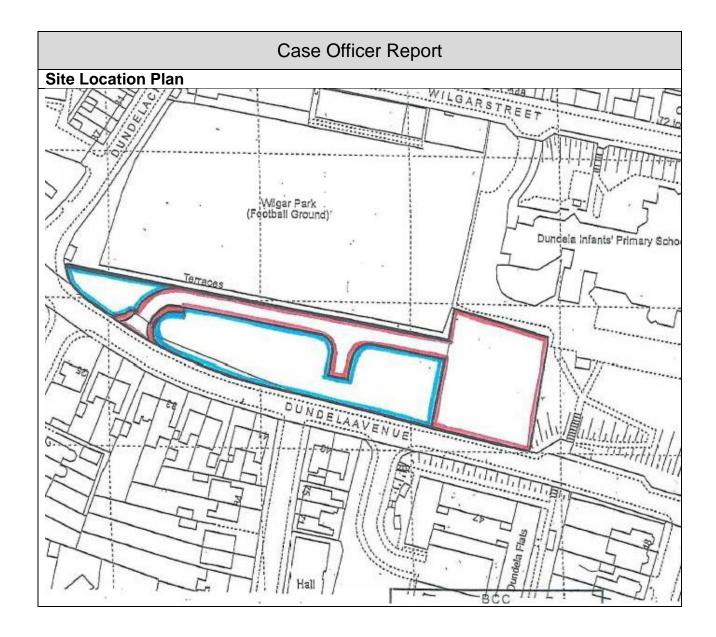
These matters have been addressed in the main body of the report.

NIEA, Environmental Health and DFI Roads offered no objection to the proposal. Whilst there are outstanding consultation responses from NI Water and Rivers Agency these present no issues and it is considered that any technical issues can be addressed with conditions.

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It is considered the proposed development is compliant with the Development Plan and to all other material considerations, including relevant policy and dBMAP.

Recommendation – Approval
Having regard to the policy context the proposal is considered, on balance, to be acceptable and planning permission is recommended for approval.



Characteristics of the Site and Area

1.0 Description of Proposed Development

Planning permission is sought for the Proposed reconfiguration of block of 12no. apartments to provide 16no. apartments.

The proposed building is 4 storeys in height, with the walls finished primarily in brick, with smooth painted render detailing. The doors ware stained timber with the roof finished with grey black tile. There is a pedestrian access directly from Dundela Avenue, with another access on the ground floor level from the car park to the rear of the site.

2.0 Description of Site

The application site is located at lands opposite 47 Dundela Avenue and is situated within the development limits. The site is bound to the North by Dundela Primary School and to the North West by Wilgar Park Football Ground. Dundela Avenue is located to the South of the site, with residential properties located on the opposite side of the road. The site being situated significantly lower than the Road by approximately 4m.

The surrounding area is defined primarily by residential development, with a mix of semidetached dwellings and apartments characterising the area.

Planning Assessment of Policy and other Material Considerations

3.0 Site History

Z/2004/0133/O – Site for residential development of 17no apartments – approved 1/12/08 by the PAC

Z/2014/0271/F – Housing development for 23 apartments across 5 blocks with a new access created to Dundela Avenue with associated site works – approved 13/6/16 by the PAC

N.B. Outline permission allowed on appeal. An amended scheme was submitted at Planning Appeal. Appellant requested that the application was changed to an outline proposal, seeking only permission in principle at this stage.

LA04/2016/2291/RM - Reserve matters application for erection of 22 apartments across 3 blocks (4 storey buildings) with a new access to Dundela Avenue and associated site works including boundary wall and fence as per schedule 76 agreement – Approved 20/7/17.

N.B. This reserved matters application is linked to the previous outline approval Z/2014/0271/F.

LA04/2019/0356/F - Reconfiguration of Block A of LA04/2016/2291/RM, to provide 12No. apartments from previously approved 8, & associated adjustment's to approved elevations and site layout – approved 20/06/19

LA04/2018/2285/F - Proposed minor changes to floor plans & elevations of blocks B & C of approved apartment development, permission Ref. LA04/2016/2291/RM, to include the provision of a new entrance door to Block C & pedestrian access from Dundela Avenue.

Surrounding Site History

Z/2014/0135/F - New artificial football pitch, 24 floodlights on 6 x 15m columns, 5 stands, perimeter fencing and associated ground works. New two-storey clubhouse incorporating

	bar, changing facilities, kickboxing club with community use area to replace existing single-storey building – Approved 5/1/15.	
4.0	Policy Framework	
4.1	Belfast Urban Area Plan 2001 (BUAP)	
4.2	(Draft) Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.	
4.3	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 7 Addendum: Safeguarding the character of Established Residential Areas Planning Policy Statement 12: Housing in Settlements Planning Policy Statement 15: Planning and Flood Risk	
4.4	Other Material Considerations: Creating Places Parking Standards DCAN 8 Housing in Existing Urban Areas	
5.0	Statutory Consultees Responses	
5.1	DFI Roads	
5.2	NIEA – Water Management Unit and Land & Groundwater Team	
5.3	NI Water	
6.0	Non Statutory Consultees Responses	
6.1	Environmental Health	
6.2	Rivers Agency	
7.0	Representations	
7.1	The application has been neighbour notified and advertised in the local press. Two letters of representation have been received. The objections related to the following issues: • Available Parking • Road Safety • Visual Amenity DFI Roads were consulted and requested that a parking survey was submitted by the applicant. Following the submission of this DFI Roads were content the proposal. It is therefore considered there is sufficient parking in the area and there is no threat to road safety as a result of the proposal.	

One objection related to the poor visual amenity of the area due to the poor condition of the existing site. The condition of the existing site is not considered a material consideration for the proposal. 8.0 **Assessment** 8.1 The key issues in the assessment of this proposed development include: Impact on character and density of the surrounding area Design, scale and massing Impact on residential amenity Impact on traffic and parking Impact on flood risk and sewage infrastructure 8.2 The proposed site covers an area directly to the north of Dundela Avenue with an extensive planning history. Two previous approvals for the western portion of the application site (Z/2004/0133/O and Z/2014/0271/F) were allowed on appeal and both were the subject of Planning Agreements to secure benefits for the adjoining football club. These proposals included the removal of existing open space. 8.3 A non-determination appeal for planning application Z/2014/0271/F (Housing development for 23 apartments across 5 blocks with a new access created to Dundela Avenue and all associated site works) was upheld by the PAC on the 13th June 2016. The appellant requested that the application was changed to an outline proposal, seeking only permission in principle at that stage. The loss of open space was considered to be acceptable under the appeal and therefore the principle was established. Reserved matters were subsequently approved under LA04/2016/2291/RM for 22 apartments across 3 blocks on 17th June 2017. 8.4 Further amendments were made to the reserved matters approval under LA04/2018/2285/F which included minor elevation changes and a reconfiguration of the accesses, and LA04/2019/0356/F which increased the number of apartments in one block from 8no apartments to 12no. 8.5 Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (dBMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration. 8.6 The site is not zoned with the BUAP, however the site is zoned for housing (Ref. EB 05/02) in dBMAP. The PAC did not consider any objections to this zoning at Inquiry stage and the zoning was included in the previously adopted BMAP, therefore it is reasonable to assume that this zoning would be included in any future adopted BMAP. 8.7 The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS places emphasis on supporting good design and positive place making. It also advises that new housing developments should respect the local character and environmental quality as well as safeguarding amenity of existing residents. The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. The SPPS advises that the use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings. It is acknowledged that this proposed development is located on greenfield land, however it is also noted that the site is zoned for housing within dBMAP and previous application for 12no apartments has been granted on the site.

- 8.8 The proposal is assessed against the policy tests of PPS 7 relating to Quality Residential Environments. The proposal should respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings. The site is located below the road level of Dunluce Avenue with the buildings on the opposite side of the road located at a higher level. Semi-detached dwellings are prevalent in the area, however a 3 storey apartment block is located directly adjacent to the site along Dundela Avenue, which sits higher in the streetscape than the proposal. A further 3 storey apartment block is located approximately 100 metres east of the site. This is considered alongside the previous approvals for 26 apartments across three blocks within the wider application site. The contextual elevations show the relationship of the proposed building relative to the 3 apartment buildings previously approved. Whilst the ridge line of the proposal is higher than the other buildings, the buildings step up in line with the existing topography and slope of Dundela Avenue. It is therefore considered that the proposal is respectful of the surrounding context and is appropriate to the character of the site.
- The proposal includes two main useable areas of amenity space which measure approximately 280 sq meters. This is considered adequate for the number of apartments proposed. This works out approx. 18sq meters per unit which is well above the minimum of 10sq meters contained within Creating Places. A landscaping plan has been provided which assists in softening the visual impact of the development and enhancing integration.
- 8.10 The site is located in close proximity to services and facilities, however is not large enough to require provision of additional facilities. An acceptable movement pattern is proposed with easy access for cyclists and pedestrians. Following consultation with Transport NI, it is considered that adequate and appropriate provision has been made for parking and there are no issues with the proposed access, subject to conditions.
- 8.11 In terms of design and materials, the proposed building is similar in appearance to the apartments recently approved under LA04/2017/1219/F. The proposed building is located on the same footprint as the previous approval. The block is 0.8m wider along Dundela Avenue elevation, and is 0.8m greater in depth. In terms of massing the proposal is considered acceptable with the scale of the alterations considered minor. The ridge height of 11m remains the same as previously approved.
- 8.12 It is considered there is no unacceptable adverse effect on existing or proposed residential properties in terms of noise, overlooking, privacy, overshadowing or loss of light. There were concerns that the proposed apartments would have an overlooking impact on the school to the north, the robust planting scheme along the Northern boundary of the site will provide screening. The proposed building is located approximately 39 metres to the school therefore this separation distance also eases concerns.
- 8.13 The proposal is acceptable in terms of deterring crime and promoting personal safety. The parking and amenity areas benefit from surveillance from the apartments.
- 8.14 PPS 7 Addendum is applicable for this proposed development. The surrounding area has an overall residential density of approximately 55 dwellings per Hectare, however the residential density of the areas covered by flats in the area is higher, with 65 dwellings per Hectare at Dundela Flat, 87 dwellings per Hectare at the adjacent apartments approved under LA04/2018/2285/F and LA04/2019/0356/F and 85 dwellings per Hectare at Dundela Manor.

- The proposed density of the overall site, including all four approved apartment blocks is 90 dwellings per Hectare which is not considered significantly higher than the density previously approved or that found in the neighbouring apartment developments at Dundela Flats and Dundela Manor. It is considered that the pattern of development is in keeping with the overall character and environmental quality of the area and all apartments are built to an acceptable size, in excess of the Space standards defined in Annex A of PPS 7 Addendum.
- 8.16 PPS 12 provides the policy tests for housing in settlements. It is considered that the proposal accords with the planning control principles, particularly in relation to density and good design.
- The proposal is for over 10 dwelling units, therefore a drainage assessment is required under policy FLD 3 of PPS 15. A Drainage assessment has been submitted with the application and Rivers Agency have been consulted, however have not yet issued a response. The Rivers Agency response for the previous approval LA04/2017/1219/F accepted the logic of the assessment and had no reason to disagree with its conclusions. Rivers Agency advised that responsibility for the accuracy of the drainage assessment rests with the developer and their professional advisers. It is therefore unlikely any objections to the proposal will be raised by Rivers Agency based on their response to LA04/2017/1219/F.
- With regard to sewage infrastructure, NI Water have not issued a response however have previously confirmed under reference LA04/2017/1219/F that there is available capacity for waste water.
- 8.19 BCC Environmental Health (EHO) offered no objection to the proposal subject to two informatives been attached to the decision. NIEA Land & Groundwater team were consulted and offered no objection to the proposal.

9.0 Summary of Recommendation: Approval

The proposed development is considered acceptable in this location. The site is zoned for housing within dBMAP, and it is anticipated that this zoning will be incorporated into any future adopted plan. Relative to the surrounding context, the proposed design and site layout are considered acceptable. There will be no detrimental impact on residential amenity, with any potential overlooking issues on the school mitigated by a robust landscaping plan. Statutory and non-statutory consultees have offered no objections subject to conditions.

Having regard to the Development Plan and other material considerations the proposal is considered acceptable, therefore approval is recommended.

10.0 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

 The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Drawing No.03 bearing the date stamp 21st June 2019 to provide for parking and traffic circulation within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. Reason: To ensure adequate provision has been made for parking and traffic circulation within the site.

- 3. The development hereby permitted shall not be occupied until any retaining structure requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.
- 4. Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.
- 5. All landscaping works shall be carried out in accordance with the approved details as per Drawing number 05, date stamped 21 June 2019. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area.

Informatives:

- In the event that unexpected contamination is encountered during the approved development of this site, the development should cease and the applicant should contact the Environmental Health Service. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current best practice.
- 2. It is a Department for Infrastructure requirement that all structures which fall within the scope of the current version of BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the Department for Infrastructure Divisional contact at Eastern Division, Annex 7, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3SQ.
- 3. 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.
- 4. 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 Infrastructure'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 Department for Infrastructure 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.

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

ANNEX		
Date Valid	21st June 2019	
Date First Advertised	5 th July 2019	
Date Last Advertised	5th July 2019	

Details of Neighbour Notification (all addresses)

- The Owner/Occupier,
 - 1 Douglas Court, Belfast, Down, BT4 3EH
- The Owner/Occupier,
 - 1 Dundela Drive, Belfast, Down, BT4 3DL
- The Owner/Occupier,
 - 18 Dundela Avenue, Belfast, Down, BT4 3BQ
- The Owner/Occupier,
 - 18 Dundela Avenue, Belfast, Down, BT4 3BQ
- The Owner/Occupier,
 - 2 Dundela Drive, Belfast, Down, BT4 3DL
- The Owner/Occupier,
 - 22 Dundela Avenue, Belfast, Down, BT4 3BQ
- The Owner/Occupier,
 - 25 Dundela Avenue, Belfast, Down, BT4 3BS
- The Owner/Occupier,
 - 27 Dundela Avenue, Belfast, Down, BT4 3BS
- The Owner/Occupier,
 - 29 Dundela Avenue, Belfast, Down, BT4 3BS
- The Owner/Occupier,
 - 2a ,Wilgar Street,Belfast,Down,BT4 3BL
- The Owner/Occupier.
 - 3 Douglas Court, Belfast, Down, BT4 3EH
- The Owner/Occupier,
 - 3 Dundela Drive, Belfast, Down, BT4 3DL
- James McClure
 - 3, Douglas Court, Belfast, Down, Northern Ireland, BT4 3EH
- The Owner/Occupier,
 - 31 Dundela Avenue, Belfast, Down, BT4 3BS
- The Owner/Occupier,
 - 33 Dundela Avenue, Belfast, Down, BT4 3BS

The Owner/Occupier,

35 Dundela Avenue, Belfast, Down, BT4 3BS

The Owner/Occupier,

37 Dundela Avenue, Belfast, Down, BT4 3BS

• The Owner/Occupier,

39 Dundela Avenue, Belfast, Down, BT4 3BS

- Marie Croft
 - 39, Dundela Avenue, Belfast, Down, Northern Ireland, BT4 3BS
- The Owner/Occupier,

4 Dundela Drive, Belfast, Down, BT4 3DL

- The Owner/Occupier,
 - 41 Dundela Avenue, Belfast, Down, BT4 3BS
- The Owner/Occupier,

43 Dundela Avenue, Belfast, Down, BT4 3BT

- The Owner/Occupier,
 - 45 Dundela Avenue, Belfast, Down, BT4 3BT
- The Owner/Occupier,

46 Clonlee Drive, Belfast, Down, BT4 3DA

- The Owner/Occupier,
 - 48 Clonlee Drive, Belfast, Down, BT4 3DA
- The Owner/Occupier,

Apartment 1,20 Dundela Avenue, Belfast, Down, BT4 3BQ

- The Owner/Occupier,
 - Apartment 1, Dundela Manor, 72 Dundela Avenue, Belfast, Down, BT4 3BU
- The Owner/Occupier,
 - Apartment 10, Dundela Manor, 72 Dundela Avenue, Belfast, Down, BT4 3BU
- The Owner/Occupier,
 - Apartment 11, Dundela Manor, 72 Dundela Avenue, Belfast, Down, BT4 3BU
- The Owner/Occupier.
 - Apartment 12, Dundela Manor, 72 Dundela Avenue, Belfast, Down, BT4 3BU
- The Owner/Occupier.
 - Apartment 2,20 Dundela Avenue, Belfast, Down, BT4 3BQ
- The Owner/Occupier,
 - Apartment 2.Dundela Manor,72 Dundela Avenue,Belfast,Down,BT4 3BU
- The Owner/Occupier,
 - Apartment 3,20 Dundela Avenue, Belfast, Down, BT4 3BQ
- The Owner/Occupier,
 - Apartment 3, Dundela Manor, 72 Dundela Avenue, Belfast, Down, BT4 3BU
- The Owner/Occupier,
 - Apartment 4,20 Dundela Avenue, Belfast, Down, BT4 3BQ
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 - Apartment 4, Dundela Manor, 72 Dundela Avenue, Belfast, Down, BT4 3BU
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 - Apartment 8, Dundela Manor, 72 Dundela Avenue, Belfast, Down, BT4 3BU
- The Owner/Occupier,
 - Apartment 9, Dundela Manor, 72 Dundela Avenue, Belfast, Down, BT4 3BU
- The Owner/Occupier,

- Dundela Football Club,2a ,Wilgar Street,Belfast,Down,BT4 3BL,
- The Owner/Occupier,
 - Dundela Infants School, Wilgar Street, Belfast, Down, BT4 3BL
- The Owner/Occupier,
 - Flat 1, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT
- The Owner/Occupier,
 - Flat 10, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT
- The Owner/Occupier,
 - Flat 11, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT
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 - Flat 12, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT
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 - Flat 3, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT
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 - Flat 30, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT
- The Owner/Occupier,
 - Flat 4, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT

• The Owner/Occupier,

Flat 5, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT

• The Owner/Occupier,

Flat 6, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT

• The Owner/Occupier,

Flat 7, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT

The Owner/Occupier,

Flat 8, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT

• The Owner/Occupier,

Flat 9, Dundela Flats, 47 Dundela Avenue, Belfast, Down, BT4 3BT

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Date of Last Neighbour Notification	03/07/2019
Date of EIA Determination	
ES Requested	No

Drawing Numbers and Title

- 01-Site Location Map,
- 02- Existing site survey
- 03- Proposed site plan & contextual elevation and section
- 04- Proposed floor plans & elevations
- 05- Landscape proposals
- 06-Maintained open space

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: