#### Development Management Officer Report Committee Application

| Summary   |   |  |
|---|---|--|
| Committee Meeting Date: 16 Feb 2016   |   |  |
| Application ID: LA04/2015/0494/F  |   |  |
| <b>Proposal</b><br>Demolition of two storey returns and part<br>interior, Change of use from one HMO house<br>and four flats (two in HMO use) to eighteen (1<br>Bed) flats including alterations and new three<br>and a half storey extension (amended<br>scheme) | Location<br>22-28 University Street<br>Belfast<br>BT7 1FY |  |
| Referral Route:   |   |  |

The application is for more than four residential units.

| Recommendation:             | Approval                              |
|-----------------------------|---------------------------------------|
| Applicant Name and Address: | Agent Name and Address:               |
| McHugh Developments         | Total Architecture and Design Limited |
| 22 University Street        | 25 University Street                  |
| Belfast                     | Belfast                               |
| BT7 1FY                     | BT7 1FY                               |

#### **Executive Summary:**

The application seeks the demolition of two storey returns and part interior at 22-28 University Street, change of use from one HMO house and four flats (two in HMO use) to eighteen (1 Bed) flats including alterations and new three and a half storey extension is proposed. The original proposal of twenty one units has been reduced to provide an appropriate form and layout.

The main issues to be considered in this case are:

- Planning history on the site and the immediate vicinity
- The change of use from HMO to residential
- Demolition and new development in the Queen's Conservation Area
- Provision of a quality residential environment by way of density, layout, amenity space and parking
- The extension and the likelihood of dominance or overlooking.

The site located at University Street is located within Queen's Conservation Area, the Queen's Office Area and Mount Charles HMO Policy Area. The proposal has been assessed against the SPPS, Planning Policy Statements 3, 6, and 7, and supplementary planning guidance contained in Creating Places, DCAN 8 and 15.

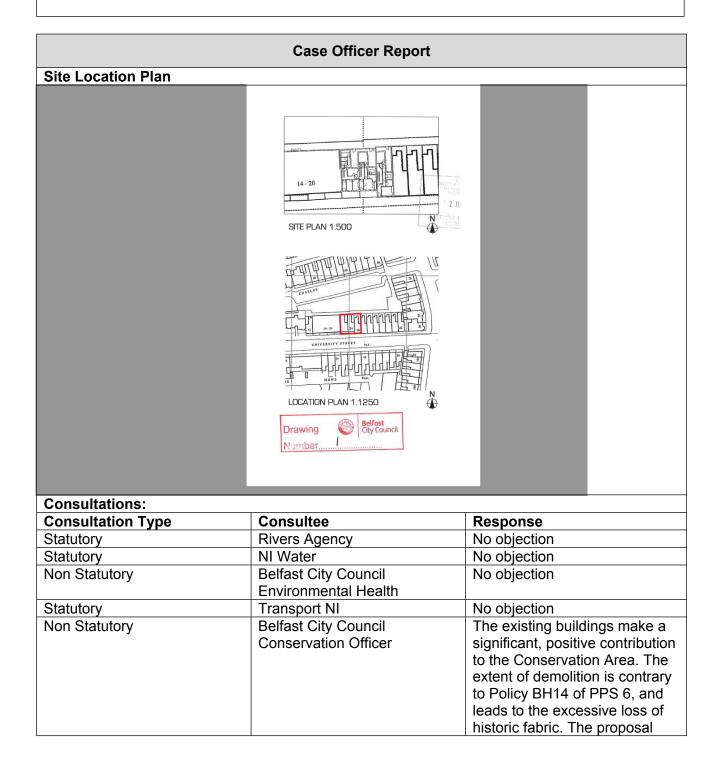
The Belfast City Council Conservation Officer was the only consultee to offer an objection to the proposal on the basis that the existing rear returns make a significant, positive contribution to the Conservation Area. The extent of demolition is contrary to Policy BH14 of PPS 6, and leads to the excessive loss of historic fabric. The proposal would result in a rear block inconsistent with the historic context and out of character with the Conservation Area. Mount Charles has a peaceful ambience to the open space that would be undermined by the proposal.

Similar proposals have been approved immediately adjacent to the current site. Planning

permission was granted in 2006 for the change of use from dwellings and a hostel to 15 apartments, with an extension to the hostel, and three storey rear extensions (Z/2004/2763/F) at 14-20 University Street, adjacent to the current site. In 2007 permission was granted for the demolition of No's 14, 16, 18 & 20 University Street, with retention of the front elevation and construction of twenty (1 bed) apartments (Z/2006/1817/F). An associated Demolition Consent was granted in 2007 (Z/2006/2287/DCA).

There were no representations to this planning application.

Having regard to the policy context and other material considerations above, the amended proposal is deemed to be acceptable.



|        |  |         |                                       | would result in a rear block<br>inconsistent with the historic<br>context and out of character<br>with the Conservation Area.<br>Mount Charles has a peaceful<br>ambience to the open space<br>that would be undermined by<br>the proposal. |
|--------|--|---------|---------------------------------------|---|
| Non St | atutory  |         | City Council Building (Waste Storage) | No objection  |
| Repres | sentations:  |         | (                                     |   |
|        | of Support   |         | None Received                         |   |
|        | of Objection   |         | None Received                         |   |
|        | er of Petitions of Objection   | n and   | No Petitions Received                 |   |
| Repres | sentations from Elected<br>entatives   |         | A meeting was held wit<br>Tim Doyle.  | h Councillor Boyle and the agent  |
|        | cteristics of the Site and   | d Area  |                                       |   |
| 1.0    | Description of Propos  |         | lopment                               |   |
|        | The proposal at 22-28 University Street is for the demolition of the two storey rear returns<br>and part of the interior to facilitate the change of use from one house in multiple<br>occupation and four flats (two in HMO use) to six (1 bed) flats and fifteen (2 bed) flats,<br>including internal alterations and new three and a half storey extension. This is an<br>amended scheme from the initial submission for twenty one units. It was submitted to<br>overcome an unacceptable layout and form of development.  |         |                                       |   |
| 2.0    | Description of Site and  | d Area  |                                       |   |
| 2.1    | The properties at 22-28 University Street form part of a group of eight that date from c.1867. University Street forms part of the Queen's University Conservation Area and Queen's University Office Area. University Street is predominantly residential in nature with properties converted to flats, located between Botanic Avenue and University Road. Numbers 22-24 are two bay, three storey, faced in brick in Flemish Bond; roof slated with corbelled chimneys to the ridge and set back from the pavement with front amenity space. There is no number 26, and number 28 (adjacent to 24) is a two storey property faced in red brick (in Flemish Bond) with gabled dormer to the front slope of the slated roof. It is stepped forward from 22-24 at street level. This property retains its quarter paned sash windows. To the rear of the three properties are traditional two storey rear returns with enclosed yards. A rear entry separates the properties from the green space of Mount Charles beyond. |         |                                       |   |
|        | ng Assessment of Polic   | y and o | ther Material Considera               | ations  |
| 3.0    | Site History   |         |                                       |   |
| 3.1    | Permission was granted in 1995 (Z/1995/1151) for the conversion and extension of the existing three storey houses to provide two flats at (24) and two flats at (28). In 1998 permission was granted (Z/1998/0552) for the demolition and rebuilding of three houses to incorporate three flats per house (9 in total).  |         |                                       |   |
| 3.2    | In the immediate vicinity of the application site at 14-20 University Street planning permission was granted in 2006 for the change of use from dwellings and a hostel to 15 apartments, with an extension to the hostel, and three storey rear extensions   |         |                                       |   |

|                      | (Z/2004/2763/F). In 2007 permission was granted for the demolition of the existing properties, with retention of the front elevation and construction of twenty (1 bed) apartments (Z/2006/1817/F). An associated Demolition Consent was granted in 2007 (Z/2006/2287/DCA).  |  |  |
|----------------------|--|--|--|
| 4.0 Policy Framework |  |  |  |
| 4.1                  | Belfast Metropolitan Area Plan 2015  |  |  |
|                      | <ul> <li>Belfast Metropolitan Area Plan 2015, site is located within the development limits of<br/>Belfast (Designation BT 001). The relevant policy is SETT 2, Development within<br/>the Metropolitan Development Limit and the Settlement Development Limits</li> <li>Queen's Conservation Area – Design Guide</li> <li>Queen's University Office Area. The relevant policy is OF 5.</li> <li>HMO Policy Area 2/16 – Mount Charles</li> <li>Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>Planning Policy Statement 3 – Access, Movement and Parking</li> <li>Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage</li> <li>Planning Policy Statement 7 – Quality Residential Environments</li> <li>Planning Policy Statement 7 Addendum – Safeguarding the Character of<br/>Established Residential Areas</li> <li>Supplementary Planning Guidance – Creating Places</li> <li>Development Control Advice Note 8 – Housing in Existing Urban Areas</li> <li>Development Control Advice Note 15 – Vehicular Access Standards</li> </ul> |  |  |
| <b>F</b> 0           | Statutem: Consultas Desmanas   |  |  |
| 5.0                  | Statutory Consultee Responses     Rivers Agency – No objection subject to informatives   |  |  |
|                      | <ul> <li>Transport NI – No objection subject to informatives</li> </ul>  |  |  |
|                      | <ul> <li>NI Water – No objection subject to informatives</li> </ul>  |  |  |
|                      |  |  |  |
| 6.0                  | Non Statutory Consultee Responses  |  |  |
|                      | <ul> <li>Belfast City Council Environmental Health – No objection subject to<br/>informatives</li> </ul>   |  |  |
|                      | <ul> <li>Belfast City Council Conservation Officer – The existing buildings make a significant, positive contribution to the Conservation Area. The extent of demolition is contrary to Policy BH14 of PPS 6, and leads to the excessive loss of historic fabric. The proposal would result in a rear block inconsistent with the historic context and out of character with the Conservation Area. Mount Charles has a peaceful ambience to the open space that would be undermined by the proposal.</li> <li>Belfast City Council Building Control – No objection storage provided will meet the requirements of Building Regulations Part J (Solid Waste Storage) and also the requirements of BCC Waste Management</li> </ul>  |  |  |
| 7.0                  | Representations  |  |  |
| 7.1                  | There were no representations to this planning application.  |  |  |
|                      |  |  |  |
| 8.0                  | Other Material Considerations None   |  |  |
| 0.0                  |  |  |  |
| 9.0                  | Assessment   |  |  |
| 9.1                  | The application site is located within the settlement development limits of Belfast, the Queen's Conservation Area, Queen's University Office Area and Mount Charles HMO Policy Area.  |  |  |

**9.2** The key issues in this planning application are: Planning history on the site and the immediate vicinity, the change of use from HMO to residential, Demolition and new development in the Queen's Conservation Area, provision of a quality residential environment by way of density, layout, amenity space and parking, and the extension and the likelihood of dominance or overlooking.

### 9.3 Strategic Planning Policy Statement for Northern Ireland

The purpose of planning is to prevent proposals which would unacceptably affect amenity and the existing use of land. Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

#### 9.4 Planning History

In 1998 at 22-28 University Street permission was granted (Z/1998/0552) for the demolition and rebuilding of three houses to incorporate three flats per house (9 in total). In the immediate vicinity of the application site at 14-20 University Street (adjacent) planning permission was granted in 2006 for the change of use from dwellings and a hostel to 15 apartments, with an extension to the hostel, and three storey rear extensions (Z/2004/2763/F). In 2007 permission was granted for the demolition of the existing properties, with retention of the front elevation and construction of twenty (1 bed) apartments (Z/2006/2287/DCA). The redevelopment of the site at 14-20 University Street is very similar in nature to that which has been proposed in the current planning application for 22-28 University Street.

Change of Use from HMO to residential - The Planning (Use Classes) Order (Northern Ireland) 2015

The proposed change of use from (Sui Generis) one HMO house and four flats (two in HMO use) to eighteen (1 Bed) flats (Class C1 Dwelling houses - a) is acceptable within the Mount Charles HMO Policy Area (2/16).

Demolition in the Queen's Conservation Area

## 9.6

9.5

The proposal involves the demolition of the three rear returns, rear boundary wall and some internal walls. In the context of the proposed development (new build to the rear) the facade and some of the internal structures will be all that remain. The Conservation officer was consulted and his response states that the existing buildings make a significant, positive contribution through:

- Age, Style and Materials The properties form part of a group of eight that date from c.1867. Numbers 22 -24 are two bay, three storey, faced in brick in Flemish bond; roof slated with corbelled chimneys to ridge, above moulded brick cornice. Segmental arches to door and window openings. The door cases to numbers 22 24 have moulded surrounds with key stones. Number 18 is two storey faced in red brick (in Flemish bond) with gabled dormer to the front slope of the slated roof, above a stucco band below eaves. This property retains its quarter paned sash windows. Sash windows have been retained to the rear of all three properties.
- **Group Value** The north side of University Street remains intact with the

|     | exception of the block to the west of number 12 and represents a coherent<br>expression of domestic architecture of the period. The latter replaced the first<br>block in the street shown on the 1858 map. The listed block to the west fronts<br>onto Mount Charles (3 - 19) and dates from 1859 (Architect Alexander McAllister),<br>with a false screen wall. The block to the east is later with horizontally quartered<br>windows. Thus the block (at 14 - 20), though patina of age, contribution to historic<br>development of University Street etc., makes a contribution to the setting of the<br>listed block.   |  |  |
|-----|--|--|--|
|     | • <b>Contribution to Legibility</b> – i.e. the reading of the areas as a suburban Victorian/Edwardian suburb, and the historical evolution of the area - the quirky, unusual layout – with rear returns onto the public realm space due to the road layouts following original farm boundaries and tracks.   |  |  |
|     | Policy BH14 of PPS 6 states that there is a presumption in favour of retaining any building which makes a positive contribution to the character or appearance of a conservation area. The proposal is for part-demolition (ie removal of rear returns) of a building which is considered to make a positive contribution to the character of the Queen's Conservation Area. In assessing such proposals, the planning authority will have regard to the same broad criteria for demolition of listed buildings (set out at paragraph 6.5 and Policy BH10 of PPS6. Accordingly, where proposals would result in the demolition of a significant part of a building the following factors need to be addressed:   |  |  |
|     | <ul> <li>(a) Condition of the building – It is currently in use as residential accommodation.<br/>The proposal is to create additional residential units.</li> <li>(b) Efforts to retain the building in use – As there is retention of parts of the buildings it would indicate that it is presently in good condition.</li> <li>(c) Merits of the alternative proposals for the site – Not applicable in this case as no alternative proposals have been put forward other than the current scheme.</li> </ul>   |  |  |
|     | Development in the Conservation Area   |  |  |
|     | The conservation officer comments include:   |  |  |
| 9.7 | In considering works to a historic property basic conservation principles apply - maximum retention of fabric, minimum intervention and clarity. PPS 6 Policy BH12 (paragraph 7.8) states that extensions will only be acceptable where they are sensitive to the existing building, and in keeping with the character and appearance of the area. Extensions should be subsidiary to the building, of an appropriate scale, use appropriate materials and should normally be located on the rear elevations. Traditional back land character is ascribed by a three dimensional massing of main blocks to the street frontage and subservient blocks to the rear. The existing returns, window openings, historic window frames, slate roofs etc. make a contribution to the architectural and historic unity of the existing property, and back land character. The proposed extension/new build is not subservient in that it is full width (covering the entire site). Traditionally rear offshoots had amenity space to the side, for ancillary uses and to allow light to reach internal rooms. The proposed development to the rear is not broken up according to the three dimensional, hierarchical modelling of traditional domestic architecture as seen from 22-42 University Street (PPS 6 Policy BH12 b). Instead it creates a three and a half storey block more akin to an apartment block and already visible immediately adjacent at 14-20 University Street. Site coverage to this extent would appear to be out of character with the Conservation Area which had greater rear amenity space. Rear spaces were |  |  |

traditionally quiet spaces, used for private, domestic uses by occupiers of the dwellings. The site coverage of the proposed scheme would therefore not be in sympathy with the characteristic built form of the area (PPS 6 Policy BH12 b). The form is alien in that there is no widespread tradition of genuinely double fronted dwellings within the Conservation Area. This proposal would undermine the legible reading of the Conservation Area i.e. as an area of Victorian and Edwardian domestic architecture through the loss of historic fabric of the existing returns with their patina of age, contextually appropriate window openings etc, all of which contribute to a legible reading of the area as one of historic domestic architecture. All chimneys are to be retained on steel brackets within roof voids. (PPS 6 Policy BH12 a).

Planning history is significant in this case. The properties at 14-20 University Street have been converted and extended in a similar style to the current proposal in this planning application (as set out at Para 9.4 above). As a consequence a dual frontage appearance has already been created in the University Street/Mount Charles area, leaving only 22-42 University Street with traditional back land (towards Mount Charles). The important views into Mount Charles are not diminished and arguably would have a more attractive view of a street frontage appearance rather than the back land view that presently exists. The proposals are therefore considered to comply with Policy BH12 of PPS6.

#### **Residential Environment**

9.8

- **Density** In accordance with PPS 7 Policy QD1 (a) and DCAN 8 care must taken to respect the surrounding context and intensifying the massing of buildings can negatively affect the local character. As discussed in paragraph 9.7 the density of the proposed development is not consistent with that widely seen in the Queen's Conservation Area. The area is high density but predominantly with subservient rear blocks and amenity space. However a neighbouring re-development at 14-20 University Street has a similar density to that proposed in this planning application.
- Layout PPS 7 Policy QD1 (a) states that proposals must respect the surrounding context by way of an appropriate layout. The proposed development seeks three apartments on the ground floor with living space to the University Street elevation, six apartments at first and second floor with three apartments to the University Street elevation and three apartments to the Mount Charles elevation. On the third floor there are three apartments proposed with an outlook over Mount Charles. Although the addendum to PPS 7 is not applicable to this location as it is not an established residential area the space standards in Annex A are appropriate in judging an acceptable minimum standard of living. The standard detailed for a one person/one bedroom unit is 35/40sqm which has been met. A layout with residential units located wholly in the rear of the development would normally be unacceptable, however this is a unique scenario whereby there is Mount Charles open space to the rear. As such this affords an acceptable outlook with natural light for residents.
- **Amenity Space** In adherence to PPS 7 Policy QD1 (c) provision of adequate amenity space is required. In high density location Creating Spaces stipulates a minimum of 10sqm per residential unit. The provision of approximately 4sqm per unit of internal amenity space comprising a hall, bicycle rack, and bin store would be deemed as unacceptable. However there is direct access to the rear entry and into the public garden space of Mount Charles. As such the shortfall in amenity space can be catered for by the location of the proposed development at Mount Charles. The amount of bin space provided has been deemed as acceptable by

|     |   | Maat City Council Waste Management   |  |  |
|-----|---|--|--|--|
|     | BE  | elfast City Council Waste Management.  |  |  |
|     | Ar<br>ge<br>pri<br>the<br>pa<br>de<br>off<br>cit<br>Pc<br><b>be</b>   | <b>arking</b> – In adherence with PPS 3 Policy AMP 7 (Car Parking and Servicing rangements) it may be acceptable for small-scale developments, which do not enerate significant parking demand, to rely on using on-street parking for a oportion of their parking provision. The parking survey submitted in support of e development demonstrates sufficient spare capacity/availability of on-street arking within the vicinity of the site to accommodate the requirements of the evelopment during its peak periods of parking demand. As such Transport NI fers no objections to this proposal. The location is highly accessible (close to the y centre) and well served by public transport, and in adherence with PPS 7 oblicy QD1 (f) a movement pattern that supports walking and cycling has the facilitated.  |  |  |
|     | • Security – In adherence with PPS 7 Policy QD1 (i) developments must promote a design to ensure a safe and secure environment. Each unit has a separate entrance, with a communal entry point at the front (University Street) and back (Mount Charles) of 22, 26 and 28 University Street.  |  |  |  |
|     | Extension   |  |  |  |
|     | The propo   | osal has been assessed against Policy EXT 1 of PPS7 Addendum.  |  |  |
|     | (a)   | The scale and massing of the proposal has been discussed in paragraph 9.7 and 9.8. The three and a half storey extension to the rear does not exceed the ridge heights of the main body of 22-28 University Street. The materials of red heritage facing brick, render, hardwood windows and doors, timber fascias and a natural slate roof is acceptable.   |  |  |
| 9.9 | (b)<br>(c)<br>(d)   | The proposal despite entirely filling the site does not cause any issues regarding loss of privacy through overlooking. To the rear is the Mount Charles open space, and the properties on the opposite side (of Mount Charles) are in excess of thirty metres away. With the scale and mass of the proposed development an area of concern would be dominance on the adjoining 30 University Street. In assessing this issue consideration has been given to the impact the block at 14-20 University Street has on 22 University Street as it is a similar scheme. Due to the extensive area of open space at Mount Charles to the rear, the neighbouring rear return being co-joined to 14-20 University Street, and the location of rear windows it is deemed that there would be no adverse affect. As such there would be no substantial loss of light on the neighbouring 30 University Street if this proposal was to be given permission. There will be no loss of trees or landscape features in this proposal. As discussed in paragraph 9.8 the shortfall in amenity spaced is accounted for by access to Mount Charles at the rear. |  |  |
| 9.6 | Conclusi  | on   |  |  |
|     | The redevelopment of the site at 14-20 University Street is very similar in nature to that which has been proposed in the current planning application for 22-28 University Street therefore considerable weight should be attributed to the planning history in the immediate vicinity. The existing buildings make a significant, positive contribution through age, style, materials, group setting and their contribution to legibility. The proposal involves significant demolition (the loss of historic fabric of the existing returns), however, similar demolition and extensions have already been approved and a dual frontage appearance has already been created in the University Street/Mount Charles area both |  |  |  |

|      | historically and through recent planning permissions. As such only 22-42 University<br>Street would remain with traditional back land (towards Mount Charles). The important<br>views into Mount Charles are not diminished and arguably would have a more attractive<br>appearance of a street frontage rather than the back land view that presently exists.<br>Having regard to the policy context and other material considerations above, the proposal<br>is considered to be acceptable and planning permission should be approved with<br>conditions. |  |  |
|------|--|--|--|
| 10.0 | Summary of Recommendation  |  |  |
|      | Approval   |  |  |
| 11.0 | Conditions   |  |  |
|      | <ul> <li>As required by Section 61 of the Planning Act (Northern Ireland) 2011, the<br/>development hereby permitted shall be begun before the expiration of 5 years<br/>from the date of this permission.<br/>Reason: Time Limit</li> </ul>   |  |  |
|      | <ul> <li>The construction of the development hereby permitted shall not commence until<br/>the existing portions of 22-28 University Street on the approved drawings 11, 12<br/>and 13, date stamped 30 November 2015 are demolished, and all rubble and<br/>foundations removed.</li> <li>Reason: To preserve the amenity of the Queen's Conservation Area.</li> </ul>  |  |  |
|      | <ul> <li>The materials to be used in the construction of the external surfaces of the<br/>building hereby permitted, shall be as stipulated on drawing 05, date stamped 02<br/>June 2015, and 08A, date stamped 25 November 2015.<br/>Reason: In the interest of visual amenity.</li> </ul>  |  |  |
|      | • The internal layout of the building hereby permitted, shall be as detailed on drawing 06B and 07A, date stamped 25 November 2015, prior to occupation. Reason: In the interest of the amenity of prospective residents.  |  |  |
| 12.0 | Notification to Department (if relevant)   |  |  |
|      | N/A  |  |  |
| 13.0 | Representation from elected member: Councillor Boyle   |  |  |

|            | ANNEX          |
|------------|----------------|
| Date Valid | 19th June 2015 |

| Date First Advertised  | 3rd July 2015      |  |
|--|--------------------|--|
| Date Last Advertised   | 11th December 2015 |  |
| Details of Neighbour Notification (all addre                     | esses)             |  |
| The Owner/Occupier,<br>20 University Street Malone Lower Belfast |                    |  |
| The Owner/Occupier,  |                    |  |
| 20 University Street Malone Lower Belfast                        |                    |  |
| The Owner/Occupier,  |                    |  |
| 20 University Street Malone Lower Belfast                        |                    |  |
| The Owner/Occupier,<br>20 University Street Malone Lower Belfast |                    |  |
| The Owner/Occupier,  |                    |  |
| 20 University Street Malone Lower Belfast                        |                    |  |
| The Owner/Occupier,  |                    |  |
| 22 University Street, Malone Lower, Belfast, Ar                  | ntrim,BT7 1FY,     |  |
| The Owner/Occupier,  |                    |  |
| 30 Mount Charles Malone Lower Belfast                            |                    |  |
| The Owner/Occupier,<br>30 University Street Malone Lower Belfast |                    |  |
| The Owner/Occupier,  |                    |  |
| 30 University Street Malone Lower Belfast                        |                    |  |
| The Owner/Occupier,  |                    |  |
| 30 University Street Malone Lower Belfast                        |                    |  |
| The Owner/Occupier,  |                    |  |
| 32 Mount Charles Malone Lower Belfast                            |                    |  |
| The Owner/Occupier,<br>34 Mount Charles Malone Lower Belfast     |                    |  |
| The Owner/Occupier,  |                    |  |
| 36 Mount Charles Malone Lower Belfast                            |                    |  |
| The Owner/Occupier,  |                    |  |
| 38 Mount Charles Malone Lower Belfast                            |                    |  |
| The Owner/Occupier,<br>40 Mount Charles Malone Lower Belfast     |                    |  |
| The Owner/Occupier,  |                    |  |
| 41-43 University Street Malone Lower                             |                    |  |
| The Owner/Occupier,  |                    |  |
| 42A University Street Malone Lower Belfast                       |                    |  |
| The Owner/Occupier,  |                    |  |
| 43 University Street Malone Lower Belfast<br>The Owner/Occupier, |                    |  |
| 44 University Street Malone Lower Belfast                        |                    |  |
| The Owner/Occupier,  |                    |  |
| 46 University Street Malone Lower Belfast                        |                    |  |
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| 46 University Street Malone Lower Belfast                        |                    |  |
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| 46 University Street Malone Lower Belfast<br>The Owner/Occupier, |                    |  |
| 46 University Street Malone Lower Belfast                        |                    |  |
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| The Owner/Occupier,  |                    |  |

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# Notification to Department (if relevant)

N/A