Committee Meeting Date: 11 June 2019

Application ID: LA04/2018/0618/F

Proposal:
Construction of 49 houses, landscaping and associated site works (Amended layout)

Location:
Vacant site bounded by First Street North Howard Street Third Street and Conway Street Belfast

Referral Route: Request of City Solicitor

Recommendation: Approval subject to conditions

Applicant Name and Address:
South Belfast Properties Ltd
2 Ruperra Close
Old St. Mellons
Cardiff
CF3 6HX

Agent Name and Address:
MBA Planning
4 College House
Citylink Business Park
Belfast
BT12 4HQ

Executive Summary:
The proposal is for full planning permission for a residential development of 49 dwellings (48 terraced dwellings and 1 detached), accesses, landscaping, car parking and all associated site works.

The Key issues in the assessment of the proposed development include;
- Principle of development and use;
- Height, scale, massing, layout and design;
- Provision of parking and access;
- Provision of amenity space;
- Impact on residential amenity of neighbours;
- Other environmental factors.

The adopted Belfast Urban Area Plan 2001 designates the site as unzoned white land. Draft Belfast Metropolitan Area Plan 2015 version which was unlawfully adopted and subsequently quashed and the 2004 version both designated the site as zoned housing land.

The principle of residential use is considered to be acceptable at this location.

The proposed development is to be constructed in the form of two storey terraced dwellings and one detached dwelling.

The proposed density is in keeping with the existing established residential area and the pattern of development reflects the existing area being characterised by two storey terrace dwellings.

The layout of the development is acceptable and provides private garden areas to the all 49 proposed dwellings, along with areas of planting to soften the visual impact of the development and visual breaks between areas of hardstanding, assisting with the integration of the development to the surrounding area.
The provision of amenity space within the development is considered acceptable providing adequate amenity space and areas of planting to soften the visual impact of the development and visual breaks between areas of hardstanding and assisting with the integration of the development to the surrounding area.

No objections have been received.

Environmental Health, DFI Roads, NI Water, Rivers Agency and NIEA have no objection to the proposal.

**Recommendation:**

Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended and delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.

**Signature(s):**
### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

1.1 The proposal is for full planning permission for a residential development of 49 dwellings (48 terraced dwellings and 1 detached), accesses, landscaping, car parking and all associated site works.

#### 2.0 Description of Site

2.1 The site is a relatively level rectangular site bounded by First Street, Third Street, Conway Street and North Howard Street, Belfast. The site is currently vacant rough land bounded by a 2.5m iron railing fencing. The site was formerly used for industrial purposes before being vacated for a substantial period of time. The area is characterised by residential to the north and west of the site and to the south side of a peace wall. To the east is existing Twin Spires Industrial Estate.

### Planning Assessment of Policy and other Material Considerations

#### 3.0 Relevant Site History

- Z/2006/1546/F - Erection of 11 townhouses (with communal car parking) and 103 apartments with associated car parking (in the basement) and landscaping – Granted

#### 4.0 Policy Framework

4.1 Belfast Urban Area Plan 2001

4.2 Draft Belfast Metropolitan Area Plan 2015

4.4 Draft Belfast Metropolitan Area Plan 2004

4.3

4.3.1 Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.3.2 Planning Policy Statement 3: Access, Movement and Parking
4.3.3 Planning Policy Statement 7: Quality Residential Environments
4.3.4 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas
4.3.5 Planning Policy Statement 12: Housing in Settlements
4.3.6 Planning Policy Statement 15: Planning and Flood Risk
4.3.7 Development Control Advice Notice (DCAN) 8: Housing in Existing Urban Areas
4.3.8 Development Control Advice Notice (DCAN) 15: Vehicular Access Standards
4.3.9 Creating Places

#### 5.0 Statutory Consultees Responses

5.1 DRD Transport NI – No objection subject to conditions

5.2 NI Water Multi Units East – No objection

5.3 Rivers Agency – No objection

5.4 NIEA were consulted and advised of the following;
- Drainage and Water provided standing advice;
- Land, Soil and Air has no objection to the proposal subject to conditions;
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<td>Natural Heritage and Conservation Areas has no objection.</td>
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### 6.0 Non Statutory Consultees Responses

#### 6.1 BCC Environmental Health - No objection subject to conditions.

### 7.0 Representations

#### 7.1 The application has been advertised in the local press and re- neighbour notified, no representations have been received.

### 8.0 Other Material Considerations

#### 8.1 The adopted Belfast Urban Area Plan 2001 designates the site as un-zoned white land.

#### 8.2 Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site was designated for housing WB 03/08.

#### 8.3 Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated for housing WB 05/12.

### 9.0 Assessment

#### 9.1 The Key issues in the assessment of the proposed development include;
- Principle of development and use;
- Height, scale, massing, layout and design;
- Provision of parking and access;
- Provision of amenity space;
- Impact on residential amenity of neighbours;
- Other environmental factors.

#### 9.2 The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.

#### 9.3 Section 45 (1) of the Planning Act (NI) 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.

#### 9.4 As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.

#### 9.5 The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed, weight is afforded to it as it had reached the most advanced stage a draft plan could having been through public inquiry. The site was designated for housing WB 03/08.

#### 9.6 Draft BMAP 2004 version also designated the site for housing WB 05/12 and no objections were received to the zoning.

#### 9.7 The adopted Belfast Urban Area Plan 2001 designates the site as white land.
Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is deemed that this proposal will not result in demonstrable harm to the residential amenity of neighbours.

**Principle of development and use**

The principle of development and the proposed use as residential is considered acceptable at this location. It is considered to be a compatible use alongside the adjacent residential developments and complies with the development plan zoning as housing land as set out in draft BMAP. The BUAP does not zone the site for any specific use.

**Height, Scale, Massing, Layout and Design**

The proposed development is to be constructed in the form of two storey terraced dwellings and one detached dwelling. Sites 1-34 will outlook on to the public streets of North Howard Street, Third Street and Conway Street. Sites 35-49 will outlook on to the two new roads created within the site and an open space area. Three house types are proposed; 38no. 5 person 3 bed, 7no. 5 person 3 bed and 4no. 5 person 3 bed.

**Sites 1-8 – North Howard Street**

The proposed dwellings will be two storey terraced dwellings, consisting of 6no. house type 1, 1no. house type 2 and 1no. house type 2a. Sites 1-5 will back on to the new proposed road. A 1.8m clay facing brick wall is proposed along the rear boundary of these dwellings to provide screening to the rear garden areas of each. It is considered that the additional planting of trees along this boundary will assist in softening the visual appearance of the proposed wall. To the rear of the proposed dwellings a 1.8m timber fence will define the boundaries and to the front of the site 0.9m decorative railings and gates will define the front and side boundaries.

**Sites 9-20 – Third Street**

The proposed dwellings will be two storey terraced dwellings, consisting of 10no. house type 1 and 2no. house type 2. Sites 9-20 back on to the side of site 8 and the rear of sites 43-49. The proposed separation distance is proposed to be 14m for sites 11- 20 and the rear of sites 43-49 and between sites 10 and 8 is approximately 8m both of which are below the recommended minimum standard of 20m as per Creating Places. However whilst the proposed separation distance is below the recommended minimum, similar separation distances of the same or less are prevalent in the immediate area of the site and therefore considering this in this instance the separation distance is considered acceptable.

**Sites 21-26 – Third Street**

The proposed dwellings will be two storey terraced dwellings consisting of 4no. house type 1 and 2no. house type 2. Sites 21, 22, 25 and 26 back on to the side elevation of site 42. The proposed separation distance between sites 21 and 22 to the side elevation of site 27, is proposed to be approximately 8m. This is the same for sites 25 and 26 to the side elevation of site 27. However as considered above similar separation distances of the same or less are prevalent in the immediate area of the site and therefore in this instance the separation distance is considered acceptable.

**Sites 27-34 – Conway Street**

The proposed dwellings will be two storey terraced dwellings consisting of 1no. house type 2a, 6no. house type 1 and 1no. house type 2. Sites 27-34 back on to the rear gardens of sites 35-42. The separation distance proposed is 14m and 15m between the rear elevations of 27 and 42 and 34 and 35. As considered above similar separation distances of the same or less
are prevalent in the immediate area of the site and therefore in this instance the separation distance is considered acceptable.

**Sites 35- 42 – Road 1**

The proposed dwellings will be two storey terraced dwellings consisting of 1 no. house type 2a, 6 no. house type 1 and 1 no. house type 2. These back on to the rear of sites 27-34 and outlook on to the proposed new Road 1 and green open space area.

**Sites 43-49 – Road 2**

The proposed dwellings will be two storey terraced dwellings consisting of 5 no. house type 1, 1 no. house type 2a and 1 detached dwelling in house type 2a. Sites 43 – 49 back on to the rear of sites 12 – 20 and outlook on to the green open space area.

**House Type 1 –**

- 5 Person
- 3 Bed
- 93.14m²

**House Type 2 –**

- 5 Person
- 3 Bed
- 93.4m²

**House Type 2a –**

- 5 Person
- 3 Bed
- 94.72m²

The three proposed house types all meet with the recommended minimum space standard of 90m² as set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas. The proposed density is in keeping with the existing established residential area and the pattern of development reflects the existing area being characterised by two storey terrace dwellings. It is considered that the proposal satisfies policy LC1 of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas.

Ten of the dwellings, end of terrace and the detached dwelling are to be finished in red brick with the other 39 dwellings to be finished in white render. All dwellings are to be finished in a pitched roof covered in plain interlocking dark grey concrete roof tiles. Windows are to be white uPVC and doors hardwood timber. Rainwater goods, fascias and soffits are to be black uPVC.

All of the proposed dwellings have been set back from the public foot path to provide incurtilage parking and front gardens. This provides definition between the public and private realms by the facilitating of small plots bounded by red brick walls with black metal railings on top, measuring a maximum of 1.6m in height. This provides accesses along the frontages of all the blocks, whilst providing defensible space.

The layout of the development is acceptable and provides private garden areas to the all 49 proposed dwellings, along with areas of planting to soften the visual impact of the development and visual breaks between areas of hardstanding, assisting with the integration of the development to the surrounding area.

In terms of outlook those units fronting on to North Howard Street, Third Street and Conway Street will outlook on to the public realm. Sites 35-49 will outlook on to the two...
proposed new roads and open space area. All of the proposed dwellings outlook on to the public realm and the provision of an open space area and landscaping provides an acceptable and attractive outlook for prospective residents.

9.25 The architectural approach is modern yet sympathetic to its context, taking ques from the architecture in the context of the area. The proposed design and architectural treatment and materials are acceptable.

**Parking Provision and Access**

9.26 In respect of the proposed parking provision for the 49 dwellings, 1 incutillage parking space per dwelling are provided. Four visitor parking spaces has been provided on street. However it is considered that the site is located close to an arterial route with convenient access to public transport and is within walking distance to the city centre. A pedestrian link has been provided from the development to First Street. Therefore it is considered that the proposal site is located at a sustainable location and reduced parking provision is acceptable as the development supports movement by residents walking and use of public transport.

**Provision of amenity space – private and communal**

9.27 The applicant has provided each dwelling with its own private amenity space. This varies between the plots from between approximately 39m² to 50m² for the semi-detached dwellings, with the detached dwelling having the largest rear garden of approximately 89m². Whilst some of the plots may be below the recommended minimum of 40m² as set out in Creating Places, these are marginally short by approximately 1-2m². An open space area has also been provided showing 1015m² of open space. The provision of amenity space within the development is considered acceptable providing adequate amenity space and areas of planting to soften the visual impact of the development and visual breaks between areas of hardstanding and assisting with the integration of the development to the surrounding area.

**Impact on Residential Amenity**

9.28 The proposed development is located adjacent to the peace wall and opposite areas of existing housing. The proposed residential use and the design and layout of the development will not create conflict with the adjacent residential use. Residential use adjacent to one another is considered compatible and acceptable, and will not result in detrimental impact to the residential amenity of neighbours. To the east of the site is existing commercial units, however these are a sufficient distance away from the site that there will be no conflict of uses or potential impact on the residential amenity of prospective residents.

**Other Environmental Factors**

9.29 Rivers Agency, NIEA (Drainage and Water, Land, Soil and Air and Natural Heritage and Conservation Areas) and Environmental Health were consulted. Rivers Agency advised of no objection in respect of flooding, and therefore the proposal complies with PPS 15. NIEA were consulted. Drainage and Water advised that the proposal had the potential to adversely impact the surface water environment and provided standing advice. NIEA Nature and Conservation have no objection to the proposal. NIEA Land, Soil and Air and Environmental Health were consulted with a Preliminary Risk Assessment and a Generic Quantitative Risk Assessment. Environmental Health and NIEA Land, Soil and Air have recommended the attachment of negative conditions in respect of Land Contamination.

**Recommendation**

9.30 The proposal is considerable to be acceptable subject to conditions.
Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended and delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.

**Summary of Recommendation:** Approval subject to conditions

**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.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 18-007-A10 Rev D bearing the Belfast Planning Service date stamp 25/1/19, prior to the commencement of any other works or other development hereby permitted.
   
   **Reason:** To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. No dwelling shall be occupied until related hard surfaced areas have been constructed in accordance with the approved Drawing No. 18-007-A10 Rev D bearing Belfast Planning Service date stamp 25/1/19 to provide adequate facilities for parking. These spaces shall be permanently retained.
   
   **Reason:** To ensure adequate parking in the interests of road safety and the convenience of road users.

4. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
   
   **Reason:** To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:18-007-A10 Rev D bearing the Department for Infrastructure determination date stamp 1/3/19.
   
   **Reason:** To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No:18-007-A10 Rev D bearing the date stamp 1/3/19. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order.
that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

7. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of Department for Infrastructure.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

8. No Traffic calming Works shall commence on site until the appropriate Traffic Calming legislative procedures have been successfully completed.

Reason: To ensure the proposed traffic calming measures are provided on the adopted carriageway in the interests of road safety and the convenience of road users.

9. Prior to the occupation of the proposed development, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in the WYG Environmental & Planning (Northern Ireland) Limited Revised Generic Quantitative Risk Assessment for South Belfast Properties Report No. E008913-1 Dated June 2018 have been implemented. This verification report shall specifically address the following:-

- Garden areas are encapsulated by a clean cover system incorporating a 200 mm capillary break (granular material) overlain by 800 mm of soil demonstrably suitable for the intended end use. (Residential with plant uptake)
- The landscape areas to be emplace a 600 mmm thick capping layer comprising clean gravel / subsoil and topsoil.
- All others area suitable sealed with hard standing.

In the event that contamination not previously considered is encountered during the approved development of this site the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: The protection of human health.

10. Prior to commencement of development at the site, an updated targeted Generic Quantitative Risk Assessment (GQRA) should be provided in writing for agreement with the planning authority. The GQRA should be informed by suitable soil, groundwater and ground gas monitoring from at least three boreholes progressed to suitable depths in the area of Trial Pit TP01 as detailed in WYG report E008913-1. At least two groundwater and four ground gas monitoring rounds should be completed. These works are required to ensure that the land will be in a condition suitable for the development.

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

11. Prior to commencement of development at the site, a detailed remediation strategy to address all unacceptable risks to all receptors should be submitted in writing and
agreed with the Planning Authority. This should identify all unacceptable risks, the remedial objectives / criteria and the measures which are proposed to mitigate them (including maps / plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program etc.).

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

12. No piling work should commence until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention, available at: webarchive.nationalarchives.gov.uk/20140328084622/http:/cdn.environmentagency.gov.uk

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. After completing any remediation works required under Conditions 10 - 13, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken for the relevant phase and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

15. The development hereby permitted shall not be occupied until the applicant has provided a detailed landscaping plan including the proposed species, numbers of each species, size at the time of planting, locations, planting centres/planting densities have been submitted to and approved in writing by the local planning authority. The development shall not be occupied unless the landscaping plan has been implemented in accordance with the approved details and shall be permanently retained thereafter.

Reason: In the interests of visual amenity and the character of the area.

16. Prior to the occupation of the hereby approved dwellings, a Landscape Management Plan shall be submitted to Belfast City Council for agreement in writing.

Reason: In the interests of visual amenity.
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<tr>
<th>Notification to Department (if relevant)</th>
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<tr>
<td>Representations from Elected members:</td>
<td>N/A</td>
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<td>Neighbour Notification Checked</td>
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### ANNEX

<table>
<thead>
<tr>
<th>Details of Neighbour Notification (all addresses)</th>
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<tbody>
<tr>
<td>The Owner/Occupier, 1 Argyle Court, Belfast, Antrim, BT13 2DW,</td>
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<tr>
<td>The Owner/Occupier, 1 Conway Place, Belfast, Antrim, BT13 2DA,</td>
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<td>The Owner/Occupier, 11 Argyle Court, Belfast, Antrim, BT13 2DW,</td>
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<td>The Owner/Occupier, 12 North Howard Court, Belfast, Antrim, BT13 2AN,</td>
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<td>Moffett Thallon &amp; Co Ltd, 143 Northumberland Street, Belfast, Antrim, BT13 2JF,</td>
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<td>Silotank, Twin Spire Industrial Estate, 155 Northumberland Street, Belfast, Antrim, BT13 2JF,</td>
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<p>| Date of Last Neighbour Notification | 18th July 2018 |
| Date of EIA Determination | N/A |
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<td>Plans, elevations and sections – Plots 41 and 42</td>
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<td>13</td>
<td>Private streets determination</td>
</tr>
<tr>
<td>14</td>
<td>Drainage layout</td>
</tr>
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