

## Development Management Officer Report Committee Application

Summary	
<b>Application ID:</b> LA04/2024/2131/F	<b>Committee Meeting Date:</b> 15 <sup>th</sup> April 2025
<b>Proposal:</b> Section 54 planning application to revise the wording of the planning condition numbers 13 and 15 (Relating access gradient and visibility splays) of planning approval LA04/2023/3778/F.	<b>Location:</b> 38-52 Lisburn Road, Malone Lower, Belfast, BT9 6AA
<b>Referral Route:</b> Variation of Condition on previously approved Major approval	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Colm Lavery Queens University Belfast Belfast	<b>Agent Name and Address:</b> Helen Harrison Juno Planning 409 Lisburn Road Belfast BT97EW
<b>Date Valid:</b> 31 <sup>st</sup> January 2025	
<b>Target Date:</b> 29 <sup>th</sup> August 2025	
<b>Contact Officer:</b> Ciara Reville, Principal Planning Officer (Development Management)	
<p><b>Executive Summary:</b></p> <p>This application seeks planning permission for the variation of conditions 13 and 15 of planning approval LA04/2023/2131/F. Condition 13 relates to the access gradients and seeks to alter the maximum permitted gradient from 4% over the first 10m outside the road boundary to 4% over the first 10m outside the carriageway. Condition 15 relates to visibility splays and seeks to provide clarity on the original condition by ensuring that works including site clearance, site preparation, demolition and the formation of foundations and trenches can be carried out prior to the visibility splays being in place.</p> <p>The original planning permission was granted on 25<sup>th</sup> April 2024, for the demolition of existing Russell Court buildings and re development of existing surface car park to accommodate two new buildings (five storey and four storey) for the QUB Institute of Research Excellence for Advanced Clinical Healthcare (iREACH Health), including landscaping, parking, and servicing.</p> <p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> <li>- Acceptability of revised access gradients and works to be granted prior to providing the approved visibility splays.</li> </ul> <p>DFI Roads have offered no objection to the amended conditions.</p> <p>None of the approved drawings, stated in original conditions, have been amended as a result of the changes.</p> <p><b>Statutory consultees:</b> DFI Roads – No objection</p>	

**Recommendation**

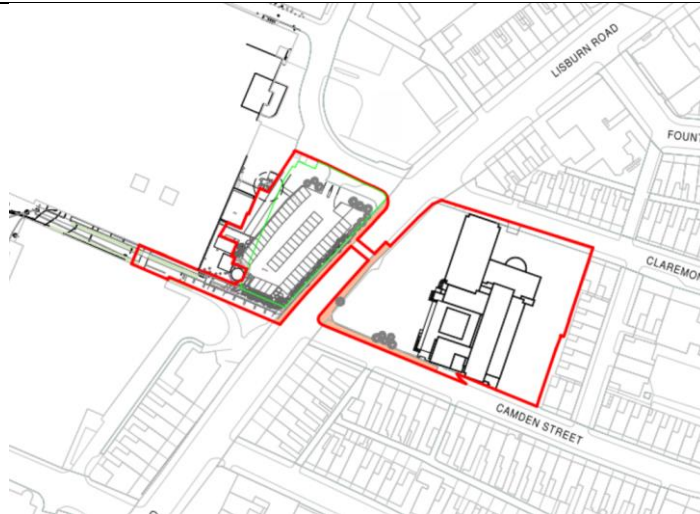
Having regard to the development plan, planning history on the site, response from DFI Roads and other material considerations, the proposed variation to conditions is considered acceptable.

It is therefore recommended that planning permission is granted and the condition is varied as proposed.

All other conditions of planning approval LA04/2023/3778/F, which have not already been discharged, still apply.

## Case Officer Report

### Site Location Plan



#### 1.0 Description of Proposed Development

1.1 Section 54 planning application to revise the wording of the planning condition numbers 13 and 15 (Relating access gradient and visibility splays) of planning approval LA04/2023/3778/F.

#### 1.2 Condition No: 13

##### Original condition:

The access gradients to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10m 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.

##### Proposed amended condition:

The access gradients to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10m outside the carriageway. 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

#### 1.3 Condition No:15

##### Original Condition

No development shall commence on site (other than that required to fulfil this condition) unless the visibility splays have been provided in accordance with the approved plans. Within the visibility splays, there shall at no time be obstruction to visibility above 250mm as measured from ground level.

##### Proposed Amended Description

No development shall commence on site (other than that required to fulfil this condition and

	including site clearance, site preparation, demolition and the formation of foundations and trenches) unless the visibility splays have been provided in accordance with the approved plans. Within the visibility splays, there shall at no time be obstruction to visibility above 250mm as measured from ground level.
<b>2.0</b>	<b>Description of Site</b>
2.1	The application site measures approximately 0.82 ha and is located at Nos. 38-52 Lisburn Road, Belfast. It is divided into two separate parts located on either side of the road, referred to as "Site A" and "Site B". Site A has a frontage to the north-west side of Lisburn Road and comprises an existing car park and forms part of the Belfast City Hospital complex with its much larger buildings behind. Site B (the larger of the two plots) has a frontage to the south east side of Lisburn Road and is located opposite. It consists of Russell Court buildings, previously used by Radius Housing Association for housing.
2.2	The elevated hard-standing car park to Site A contains tree and shrub planting along the Lisburn Road boundary, with a cluster of trees to the south-east corner beside an existing bus shelter. Site B consists of extensive hard-standing car park with limited soft landscape elements, however, there are 3 large trees to the south.
2.3	Site B is within the Lower Lisburn Road Area of Townscape Character (ATC).
2.4	The terrace properties, Nos. 77 to 95 Lisburn Road, to the south of Site A are Grade B1 Listed Buildings.
<b>3.0</b>	<b>Planning History of the application site</b>
3.1	LA04/2023/3778/F- Demolition of existing Russell Court buildings and re development of existing surface car park to accommodate two new buildings (five storey and four storey) for the QUB Institute of Research Excellence for Advanced Clinical Healthcare (iREACH Health), including landscaping, parking, and servicing. Permission Granted.
<b>4.0</b>	<b>Policy Context</b>
4.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
4.3	<p>The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed below:</p> <p>TRAN 6- Access to Public Roads</p>

	<p><b>Proposals Maps</b> – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015), HMO Subject Plan 2015 and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. Whilst the Belfast Urban Area Plan 2001 remains the statutory plan insofar as the proposals maps (“Departmental Development Plan), it is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p> <p>Site B is located in an Area of Townscape Character within BMAP 2015 (published September 2014) and within draft BMAP (published November 2004).</p>
4.4	<p><u>Regional planning policy</u> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)</p>
4.5	<p><u>Other Relevant Policies</u> Developer Contribution Framework</p>
<b>5.0</b>	<p><b>Statutory Consultees</b> DFI Roads- No objections</p>
<b>6.0</b>	<p><b>Non-Statutory Consultees</b> N/A</p>
<b>7.0</b>	<p><b>Representations</b></p>
<b>7.1</b>	<p>No representations were received.</p>
<b>8.0</b>	<p><b>ASSESSMENT</b></p>
8.1	<p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> <li>- Acceptability of revised access gradients and works to be granted prior to providing the approved visibility splays.</li> </ul>
8.2	<p>This application seeks planning permission for the variation of conditions 13 and 15 of planning approval LA04/2023/2131/F.</p>
8.3	<p>Condition 13 relates to the access gradients and seeks to alter the maximum permitted gradient from 4% over the first 10m outside the road boundary to 4% over the first 10m outside the carriageway. To comply with the original condition planning drawings would have to amended given the topography of the site. The proposed change in wording prevents any change in approved drawings.</p>
8.4	<p>Condition 15 relates to visibility splays and seeks to provide clarity on the original condition by ensuring that works including site clearance, site preparation, demolition and the formation of foundations and trenches can be carried out prior to the visibility splays being in place.</p>
8.5	<p>DFI Roads were consulted and had no objections.</p>
<b>10.0</b>	<p><b>Recommendation</b></p>
10.1	<p>This application was submitted under Section 54 of the Planning Act (Northern Ireland) 2011. This applies to applications for planning permission of land without complying with conditions subject to which a previous planning permission was granted.</p>

10.2	Having regard to the development plan and other material considerations, the proposed variation of conditions is acceptable.
<b>11.0</b>	<b>Draft Conditions</b>
11.1	<p>The development hereby permitted shall be begun before the 25<sup>th</sup> April 2029.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
11.2	<p>No external brickwork, facing or cladding materials shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick, facing and cladding materials.</p> <p>Reason: In the interests of the character and appearance of Area of Townscape Character.</p>
11.3	<p>The development hereby approved shall not commence unless a Construction Noise Management Plan (CNMP) has been submitted to and approved in writing by the Council. The CNMP shall include a programme of works and must clearly demonstrate the mitigation measures to be put in place to minimise adverse impacts from vibration, noise and dust on nearby premises during the demolition and construction phases. No development or construction shall take place unless in accordance with the approved CNMP.</p> <p>Reason: Protection of residential amenity.</p>
11.4	<p>The Rating Level (dBL<sub>A,r,T</sub>) from the operation of all combined plant and equipment at the hereby permitted development shall not exceed the existing daytime and night-time background noise level at the nearest noise sensitive premises, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.</p> <p>Reason: Protection of residential amenity</p>
11.5	<p>Commercial deliveries and collections from the development shall not be undertaken outside the hours of 0700 to 2300.</p> <p>Reason: Protection of residential amenity.</p>
11.6	<p>In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning &amp; Development Control: Planning For Air Quality (January 2017), an updated Air Quality Impact Assessment shall be submitted to and approved in writing by</p>

	<p>the Council prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development. No centralised combustion sources shall be erected or installed unless in accordance with the approved details.</p> <p>Reason: In the interests of air quality.</p>
11.7	<p>Dust management measures, as detailed within Chapter 7 of the submitted ARUP, Air Quality Assessment, Queen's University Belfast, June 2023 shall be implemented at all times during the construction phase of the development.</p> <p>Reason: Protection of human health and local air quality.</p>
11.8	<p>Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.</p> <p>Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.</p>
11.9	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council, and subsequently implemented. The development shall not be occupied until a Verification Report that demonstrates that the approved remediation measures have been implemented has been submitted to and approved in writing by the Council.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.10	<p>A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the Programme of Archaeological Work approved by the Council under condition 11. These measures shall be implemented and a final archaeological report submitted to the Council within 12 months of the completion of archaeological site works, or such other time period to be agreed in writing by the Council provided that such approval is sought within 3 months of the completion of the archaeological site works.</p> <p>Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.</p>

11.12	<p>The access gradients to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10m outside the carriageway. 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</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
11.13	<p>Notwithstanding the submitted details, the development hereby permitted shall not be occupied or operated unless Pedestrian crossing points including minimum 1.2m tactile paving have been provided at all footway crossings in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".</p> <p>Reason: In the interests of pedestrian safety.</p>
11.14	<p>No development shall commence on site (other than that required to fulfil this condition and including site clearance, site preparation, demolition and the formation of foundations and trenches) unless the visibility splays have been provided in accordance with the approved plans. Within the visibility splays, there shall at no time be obstruction to visibility above 250mm as measured from ground level.</p> <p>Reason: To ensure safe and convenient access to the development.</p>
11.15	<p>No part of the development hereby approved shall be occupied or operated unless all redundant access/es from the site to the public road have been stopped up and closed in accordance with the approved plans. The redundant access/es shall be permanently retained as such.</p> <p>Reason: In the interests of road safety and convenience of road users.</p>
11.16	<p>The development hereby approved shall not be occupied or operated until the parking and manoeuvring areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.</p> <p>Reason: To ensure adequate car parking within the site.</p>
11.17	<p>The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times.</p> <p>Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.</p>
11.18	<p>The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan uploaded to the Planning Portal on 05 October 2023.</p> <p>Reason: In the interests of road safety and convenience of road users.</p>
11.19	<p>The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan uploaded to the Planning Portal on 05 October 2023.</p> <p>Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.</p>



12.0	Representations from elected members: N/A

ANNEX	
<b>Date Valid</b>	31 <sup>ST</sup> January 2025
<b>Date First Advertised</b>	14 <sup>th</sup> February 2025
<b>Date Last Advertised</b>	14 <sup>th</sup> February 2025
<b>Date of Last Neighbour Notification</b>	6 <sup>th</sup> February 2025