



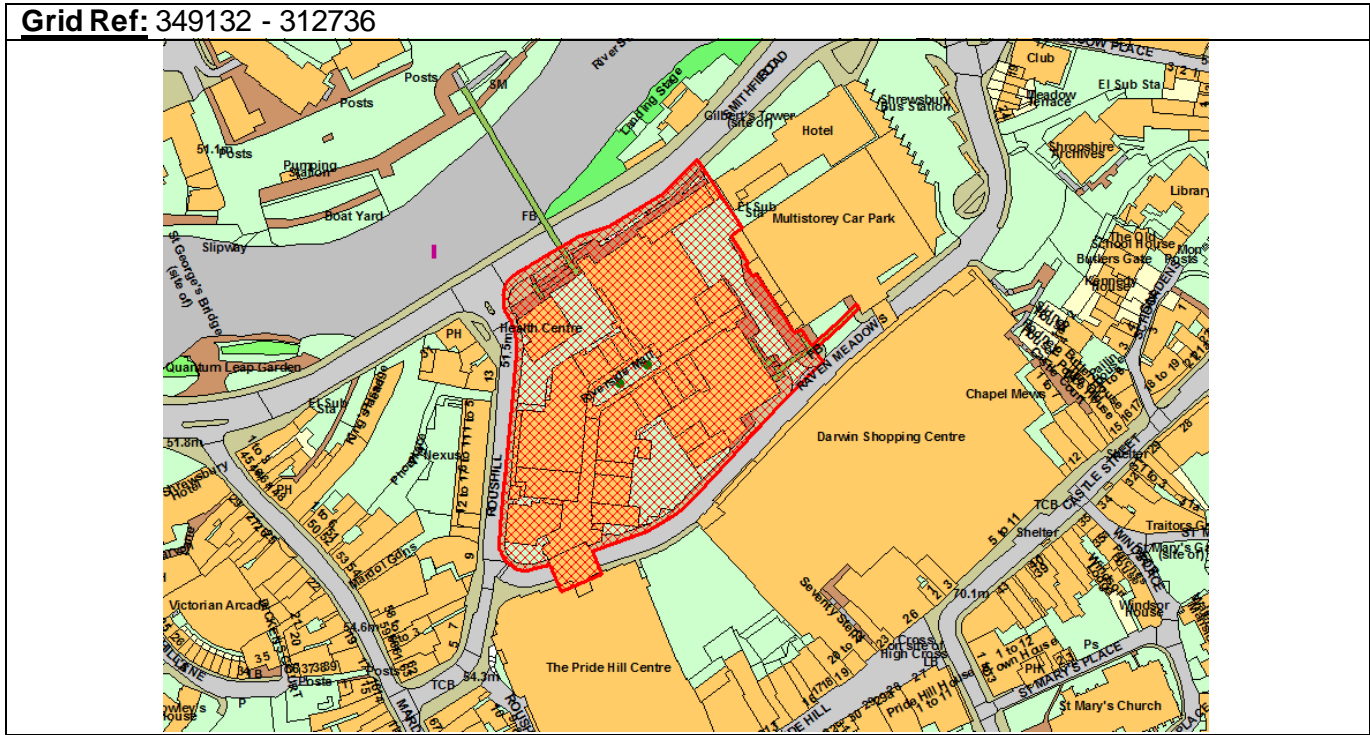
Committee and date
Northern Planning Committee
5th March 2024

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/05402/FUL	Parish:	Shrewsbury Town Council
Proposal: Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site.		
Site Address: Riverside Shopping Centre Pride Hill Shrewsbury Shropshire		
Applicant: Shropshire Council		
Case Officer: John Shaw	email: john.shaw@shropshire.gov.uk	



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Recommendation:- Delegate to the Head of Service subject to the conditions as set out in Appendix 1 and any amendments to these conditions as considered necessary by the Head of Service.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks approval for the demolition of the Riverside Shopping Centre and would also include the removal of a medical centre, former nightclub, police station and bridges connecting Riverside Shopping Centre to Raven Meadows car park and Pride Hill Shopping Centre. Following on from the demolition works, all hardstanding, floor slabs, foundations and footings would be removed to a depth of 1.5m below ground level. The application also seeks the formation of a new public park to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the site (Meanwhile uses refer to short-term uses that take place while a site is underutilised or under construction).
- 1.2 The park would comprise a series of landscaped, garden terraces which form differing character areas and would run adjacent to Roushill and step down towards the river. Frankwell bridge would remain, however, a new lift from the bridge would be provided as well as new accessible routes that would pass through the podium level (where meanwhile uses would be hosted). The lift core would be brick clad and form part of the overall hard landscape design. The podium would consist of materials that would link to local geology and would be extended as part of future applications to accommodate the building plots proposed as part of application 2 (see paragraph 1.3 below). An amphitheatre would step down from the podium allowing people to sit and enjoy views towards the River Severn and the Welsh Bridge. A new arched folly gateway wall would be constructed to the northern end of the park.
- 1.3 The application is planned to be the first of four that will be submitted to secure the regeneration of the entire Riverside Shopping Centre site as well as the Pride Hill Shopping centre. The Design & Access Statement outlines the timeline for the applications as follows:
Planning Application 1 – the subject of this report;
Planning Application 2 – Outline application for the redevelopment of the Riverside Shopping Centre, following demolition, for office led mixed use development – proposed to be submitted in Q1 2024;
Planning Application 3 – Demolition and redevelopment of Pride Hill Shopping Centre for leisure led mixed use development – proposed to be submitted in Q1/Q2 2024;
Planning Application 4 – Reserved matters application for the detail of Application 2 (office led mixed use development) – Q2 2024.
- 1.4 To provide a wider context of the future development, an illustrative masterplan accompanies the current application and will accompany future applications.
- 1.5 Summary of Relevant site history
The Gap Site, SA/06/1170/RM - 5 storey retail building approved at Gap Site (reserved matters granted in 2006). Extant permission

The Gap Site, 12/03258/FUL - 9 Storey Car Park approved in 2013 at the Gap Site

Riverside Shopping Centre, 12/00409/EIA – Demolition of Riverside Shopping Centre and construction of new shopping centre along with offices, new bridging connections to Pride Hill and Darwin Centres and undercroft car park. Increase in retail floorspace of 26,000sqm

Riverside Medical Centre, 21/03951/FUL - Demolition of Medical Centre at the junction of Smithfield Road and Roushill – approved December 2021

Riverside Shopping Centre, 23/02123/FUL - Partial demolition of Units 2, Units 44-48, former police station and walkway canopy to allow for ground investigations– approved July 2023

Pre-application engagement

1.6 Paragraph 39 of the NPPF states that ‘Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties’ Prior to the submission of this Planning Application, the Applicant has engaged in extensive pre-application discussions with the Local Planning Authority (LPA). Fortnightly pre-application discussion meetings have taken place between the LPA, BNP Paribas Real Estate and Faulkner Brown (the architects for the scheme) on behalf of the Applicant to discuss the progress of planning applications and immediate/on-going actions, and monthly meetings have been held with the LPA and Rivington Hark working on behalf of the Applicant to discuss the scheme proposals and monitor progress.

1.7 Public consultation has also been undertaken on the masterplan which ran from October 2023 for 4 weeks. A total of 424 responses were recorded, a summary of the main issues raised is summarised in the Planning Statement which supports this application.

1.8 The application has been advertised as a departure to the local plan as SAMDev policy S16.1.c allocates the Riverside Shopping centre site for the construction of a new shopping centre as part of a retail led development (see paragraph 6.1 for further discussion).

2.0 **SITE LOCATION/DESCRIPTION**

2.1 Smithfield Riverside as a whole is approximately 4 hectares and lies within the River Severn loop to the north west of Shrewsbury’s town centre. Smithfield Riverside is bound by the River Severn to the north-west and the Darwin Shopping Centre and Pride Hill Shopping Centre to the south east; between these shopping centres is the surface level car park known as the ‘Gap Site, to the rear of which is a length of medieval town wall and is a Scheduled Ancient Monument

2.2 The site that this Planning Application relates to is the far western end of Smithfield Riverside, comprising the Riverside shopping centre, police station and GP surgery. The majority of the site is within the ownership of the Council. The Site is bounded by Smithfield Road, Roushill and Raven Meadows. The Riverside Shopping Centre connects via a high-level walkway to Raven Meadows multi-storey car park which lies just outside the red line and provides onward links to the bus station and Darwin Shopping Centre. The Site area extends to approximately 1.2 ha and is within the Shrewsbury Conservation Area.

2.3 The Riverside Shopping Centre is vacant and has now closed to the public.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning Authority. The application is therefore presented to Planning Committee for determination.

4.0 **COMMUNITY REPRESENTATIONS (comments can be read in full online on the Council's planning pages using the application reference)**

4.1 **- Consultee Comments**

4.1.1 **Shrewsbury Town Council: No Objection**

'Whilst the Town Council raise no objections to this application it was noted that any street furniture, planters and bins in this location need to be removed and re-used elsewhere in the Town prior to demolition commencing.'

4.1.2 **SC Highways – No Objection subject to condition requiring submission of Construction Environment Management Plan.**

4.1.3 **SC Regulatory Services: No Objection subject to conditions to secure a Construction Environment Management Plan and Noise Management Plan.**

4.1.4 **Environment Agency: No Objection in principle; further information requested. As part of an initial response, a number of conditions have been recommended relating to:**

- Flood Warning & Evacuation Plan
- Land Contamination
- Piling
- Drainage
- Pollution control

"We have engaged in regular and on-going discussions in respect of the overall (phased) development proposal for this regeneration site and have no objection in principle to this application. However, as mentioned in our initial email reply of 22 January 2024 we sought some clarity on a few issues. Some of the additional information we requested has not yet arrived"

Planning Officer comment: Any follow-up response from the EA will be referenced on the planning committee update sheet.

4.1.5 **SC Trees: No Objection**

'Although the loss of trees is high in the terms of numbers on this phase of the development, owing to their size, condition, situation and amenity value the impact to public amenity is low to moderate in the short-term with a potential for significant long-term improvement as the new planting becomes established. It is considered that the proposals comply with the relevant national and local planning policies and therefore no objection is raised.'

4.1.6 **SC Conservation: No Objection**

4.1.7 **SC Ecology: No Objection subject to conditions**

Final response 19/02/24: *'Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.'*

I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

1st response 11/01/24: Objection

I have reviewed the submitted Preliminary Ecological Appraisal and I am satisfied with the survey effort provided and the mitigation and compensation recommended. However, a Biodiversity Net Gain Assessment is considered necessary to support this application.

4.1.8 **SC Archaeology: No Objection subject to condition**

Final response 11/02/24: *'The comments submitted by the Shrewsbury Civic Society, particularly those relating to the Roushill Wall (Civil War defences - HER PRN 04303), are respectfully noted. As indicated in our previous advice, the degree to which the defences that were observed on the proposed development site in 1987 survived the subsequent construction of the Riverside Medical Practice building, and prior to that the construction of the Frankwell Footbridge, is unclear at present. The report on the salvage recording exercise that was undertaken in 1987 refers to them having been partially removed prior to reburial. This implies that they may survive at depth, but this is likely to be below the depth of c. 1.25m below the current surface at which they were found to survive at that date.*

Through discussions with the Applicant's archaeological consultant, it has been agreed in principle that, as an initial measure, the updated Archaeological Mitigation Strategy will include a trial trenching evaluation of the areas of the proposed development site that are considered to have the highest potential. The line of the Roushill Wall, below the current medical practice, as well as the site of the Inn and group of former buildings on the northern side of the Cross Lane, will both be targeted through this work. The trenches will be of sufficient size and design to enable deposits below 1.25m to be fully and safely evaluated, in order to assess their character, extent, date and significance. Thereafter, the results will inform the approach to subsequent phases of archaeological mitigation, including the need for, and feasibility of, preserving remains in situ. This is consequently a complex exercise both technically and logistically because it needs to be sequenced into the demolition programme. As a result, it is advised that the requirement for the submission and approval of a fully updated version of the 2012 Archaeological Mitigation Strategy, together with Written Schemes of Investigation for each phase of the work set out in the Strategy, should be made a condition of any planning permission for the proposed development'.

1st response 11/01/24:

'...As with the previous shopping centre redevelopment scheme (ref. 12/00409/EIA), it is therefore advised that an Archaeological Mitigation Strategy for the site should be secured through an appropriately worded planning condition. Given the complexity of the site, discussions with the Applicant remain ongoing at the present time about the scope, extent and sequencing of the archaeological works that will be required as part of this Strategy. Officers will therefore provide further advice on the wording of the condition in due course once these discussions are concluded and will request a re-consultation from the Planning Officer at an appropriate time to enable them to do this'.

4.1.9 **SC Conservation: No Objection**

'Our Team has been engaged in extensive and on-going pre-application discussions relevant to this phased scheme and are supportive of the overall vision for the redevelopment of this area, where the provision of public open space and public realm and landscaping improvements at this initial stage are fully supported and would be

considered as a public benefits'

4.1.10 **Historic England: No Objection**

'We welcome the project team's vision for the redevelopment of this underused area of Shrewsbury, and the opportunities to enhance and better reveal the historic environment. The inclusion of geodiversity references would help retain the character of the Conservation Area and help create a more cohesive link between the town's riverside area and historic centre.

The success of this part of the wider scheme, and its ultimate contribution to the placemaking and the Conservation Area, would depend greatly upon the use of high-quality materials, finishes and close attention to design detail. Should the Council consider that public benefits of the proposal outweigh the harm to the heritage assets, we would refer you to your own expert landscape and heritage advisors to consider matters of detail to ensure the detail, quality and execution of the intended approach is achieved'.

4.1.11 **SUDS: No Objection subject to condition**

4.1.12 **SC Landscape Consultant: No Objection; advisory comments provided.**

4.1.13 **Canal & River Trust: No comment**

'This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee'.

4.1.14 **Natural England: No comment received at time of writing.**

4.1.15 **Severn Trent: No comment received at time of writing.**

4.1.16 **West Mercia Constabulary: No comment received at time of writing.**

4.2 - Public Comments

4.2.1 At the time of writing this report, four public comments have been received with three comments raising objections and one letter of support. The material reasons for objection are as follows:

- Insufficient detail supporting application
- Doubt raised about the deliverability of a high-quality maintenance programme for the proposed park
- Park is unnecessary and would represent a cost to the council
- Park should be larger
- Poor design
- Criticism of the overall masterplan and how responsive it is to the town's needs

Planning Officer comment: It should be noted that the scope of the current application is limited to the demolition works and new park, though it is accepted that this application does form an integral part of the overall illustrative masterplan.

- The loss of Riverside Medical Centre

Planning Officer comment: The principle of the demolition of the former medical centre was accepted as part of 21/03951/FUL; this permission remains extant.

4.2.2 Shrewsbury Civic Society expressed support for the proposal for the following reasons:

'Shrewsbury Civic Society (SCS) considers that the proposed Roushill Park is an imaginative and practical response to the related issues of a regularly flooded site and the need to provide better pedestrian access from Frankwell car park, through the new park, and ultimately on to Pride Hill.

The park itself should hopefully prove to be an asset to the town in its own right with a design that could potentially permit a variety of public activities. It is refreshing that such an amenity is to be the first development of the Smithfield/Riverside and not merely an afterthought as would probably have been the case with a commercially led development.

SCS does however have a serious concern about the proposals which we see as an avoidable lost opportunity if not included within this scheme. The remains of the 17th century Civil War town wall (Roushill Wall) are believed to survive substantially intact under and adjacent to the former Riverside Medical Practice building. These remains must be carefully protected and preserved during the demolition process.

There should then be a full archaeological excavation of the wall and its immediate environs to better understand their construction, context and history and to inform their future preservation.

SCS does not believe that an archaeological watching brief alone would be sufficient in this particular area.

Lastly, we urge that excavated sections of the wall should become a feature of the new park. The design and siting of the proposed 'Gateway Wall' could be informed by these excavations. At the moment, there is no meaningful relationship between this feature and the town wall that it is described as a "reinterpretation of". In our view nothing would better 'ground' the new park in the rich historical past of this area than this approach. Shrewsbury's defensive structures have often been treated abysmally in the recent past with the demolition of sections of the medieval town wall in the 1980s for the Pride Hill Shopping Centre and more recently the burying of the excavated fortified St George's Bridge under Theatre Severn.

Here in Roushill is an opportunity to incorporate and display an important slice of the town's history within what otherwise appears to be a laudable scheme'.

Planning Officer comment: The comments of the SCS are addressed by the council's Archaeologist (see para 4.1.8 and in the main body of this report)

5.0 THE MAIN ISSUES

- Principle of development
- Design, Character, and Appearance
- Impact on Heritage
- Noise, Air Quality and Residential Amenity impacts
- Contamination
- Drainage and Flood Risk
- Highways
- Ecology
- Trees
- Sustainability

6.0 OFFICER APPRAISAL

6.1 Principle of Development

- 6.1.1 It is acknowledged that the overall vision for the regeneration of Smithfield Riverside as indicated in the illustrative masterplan that has been submitted and which the current application forms an integral part, does not comply with policy S16.1c of the Shropshire Council Site Allocations and Management of Development Plan (SAMDEV) which allocates the redevelopment of the site for retail led development. Policy S16.1 supplements CS2 and aims to help to meet the retail floorspace targets for Shrewsbury set out in Policy CS15 of the Core Strategy. Subsequently, the application has been advertised as a departure from the Local Plan. However, it is considered that material considerations exist which indicate that the plan should not be followed in this instance.
- 6.1.2 At the time of the adoption of the SAMDEV, the approved application 12/00409/EIA for the demolition of Riverside Shopping Centre and the construction of a new shopping centre along with offices (totalling an increase in retail floorspace of 26,000sqm) remained extant. That application has since lapsed, and the condition of the Riverside Shopping Centre has continued to deteriorate. Crucially, a number of policy documents have since been adopted which posts a vision for Smithfield Riverside as no longer retail led but a mixed-use scheme incorporating office, residential and ground floor commercial/leisure uses. The current application and the illustrative masterplan are framed by this vision as detailed in the Big Town Plan (2018), Shrewsbury Masterplan Vision (2021) and the Smithfield Riverside Strategic Development Framework (SRDF) (2022); documents adopted by the Council as material considerations for decision making. The Council's Town Centres Study (2020) further concluded that due to poor performance, peripheral location, low occupancy and the unattractive character of the immediate area, the shopping centre should be demolished and replaced with a development which incorporates a mix of uses which largely excluded retail. Informed by this study, the Council's emerging Local Plan has deleted the retail allocation at Smithfield Riverside and removed the site from the town's Primary Shopping Area on the planning policy map. Though the emerging Local Plan carries limited weight as it continues through the examination process, the deletion of the allocation lends further weight to the assessment that material considerations exist which would allow the LPA to depart from the current adopted Local Plan in this instance.
- 6.1.3 It should also be highlighted that the NPPF (para 126) is clear that decisions need to reflect changes in the demand for land. *'Where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.'*
- 6.1.4 It is considered that given the aims of the latest adopted documents, the conclusions of the Town Centres Study and the emerging Local Plan, the LPA should support an alternative approach to developing this site in accordance with paragraph 126 of the NPPF.
- 6.1.5 The overarching aim to regenerate the Riverside site is supported by the Core Strategy and SAMDev. Policy CS2 of the Core Strategy highlights that the area is a

redevelopment priority for the Council. Policy CS2 and CS15 expects development to positively contribute to the delivery of wider investment, regeneration and town centre management strategies and it is considered that the proposal would provide a setting for investment in better quality buildings by removing underused, unattractive buildings and the creation of high-quality public realm and accessible linkages.

- 6.1.6 The new park would help link the historic core of the town to the River Severn and would comply with the 'Big Connection' regeneration strategy of the Big Town Plan and meet a key design aim of the SRDF which is to provide a good, active pedestrian and cycle connection between Smithfield, the town centre and Frankwell across the river. Other matters which weigh in favour of the development relating to good quality design, landscaping and heritage enhancements are discussed later in this report.

Phased approach to delivering the masterplan

- 6.1.7 As stated, the current application is solely for demolition and the creation of the park though this element forms an integral part of the illustrative masterplan which will direct applications 2, 3 and 4 (see paragraph 1.2) Following receipt of initial Levelling Up Funding (LUF) and Local Enterprise Partnership (LEP) funding, the Smithfield Riverside project would be delivered in a series of phases, commencing with demolition, and enabling works. The LPA accepts that this would assist in de-risking the site and improving its viability and suitability for mixed-use development in line with the Big Town Plan aspirations, the (SRDF), the Council's Economic Growth Strategy and Shropshire Plan. This approach would comply with paragraph 125 of the NPPF which states that LPA's should take a proactive role in helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield land or held in public ownership, both of which apply in the case of the application site.
- 6.1.8 The LUF funding is subject to compliance with the completion of demolition and enabling works for the Riverside Centre by March 2025. The LEP funding is dependent on there being a building contract to be let for the redevelopment of Pride Hill by March 2025. The requirements of the two funding deadlines are not aligned, which restricts the ability to submit one comprehensive Planning Application for the complete regeneration of Smithfield Riverside. The supporting Design & Access Statement makes clear that *'these deadlines are also soon and to design and secure planning permission for a comprehensive development would be extremely challenging. To overcome this, a phased approach will be the key to creating a masterplan that is deliverable and viable'*. This phased approach is accepted given the risk to the deliverability and viability of the masterplan, if a phased approach was not accepted.
- 6.1.9 Following demolition, infrastructure to enable temporary meanwhile uses to occupy the site would be provided and this would be secured by condition as part of a meanwhile use strategy. Meanwhile uses have the potential to animate the area between the demolition and construction works relating to application 2. Such uses would provide social and economic value and aid the transition of the wider use of the area from an underutilised, hostile place to one that is proposed to become integral to the urban fabric of Shrewsbury.

6.2 Design, Character, and Appearance

- 6.2.1 Core Strategy policy CS2 seeks the promotion, conservation and enhancement of the town's natural and historic features, heritage assets, green corridors and spaces, and environmental quality, including the corridors of the River Severn and its tributaries and the town centre. CS6 seeks to ensure that development respects and enhances local

distinctiveness and amongst other factors, is appropriate in scale, density, pattern, and design, taking into account local context and character and those features which contribute to local character. This policy also seeks to maintain and improve the health and wellbeing of communities including safeguarding residential and local amenity.

- 6.2.2 Policy MD2 ‘Sustainable Design’ of the SAMDev additionally seeks to achieve local aspirations for design where possible. Policy CS17 recognises Shropshire’s environmental assets, and that new development should contribute towards local distinctiveness including landscape and biodiversity.
- 6.2.3 Policy MD12 ‘The Natural Environment’ also discourages proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively on the environment including upon visual amenity and landscape character and local distinctiveness unless:
- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
 - b) the social or economic benefits of the proposal outweigh the harm to the asset.
- 6.2.4 Policies SP5 (High-Quality Design) and policies DP14-DP17 of the emerging plan are also considerations in determining the acceptability of design for new development though again, the weight to be attributed to these policies is limited as the emerging plans has not yet been adopted.
- 6.2.5 Section 12 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.2.6 The SRDF acknowledges that whilst the plans may change as more detailed work is undertaken, the requirement for a high standard of urban design, architecture and public space is fundamental to the redevelopment of the site. It sets out a set of core principles to ensure delivery of a place of quality that integrates with its setting and is underpinned by a sustainable approach.
- 6.2.7 The Riverside Shopping Centre, medical centre and police station structures are not considered worthy of retention due to their harmful contribution to the visual character of the immediate area. The existing buildings present blank facades, low quality materials, limited landscaping within the open spaces while there is poor connectivity through the site and to the wider town. The highway network which encircles the site is a further barrier to connecting the site to the river to the north and the historic town centre to the south. The scale of the shopping centre and location ensures its poor design and appearance is unduly prominent within the townscape from Smithfield Road, Roushill, Raven Meadows and the bus station. The result is that the site and immediate streetscene is underutilised and uninviting to pedestrians.
- 6.2.8 The application would by contrast provide a high-quality public realm connection between the town and river. Improved pedestrian accessibility and appropriate development of open space in a multi-functional approach would enhance the townscape. The amphitheatre structure and event lawn would offer views of Welsh Bridge and the river, whilst the gateway folly wall feature would provide partial relief from the effects of Smithfield Road traffic. Though the details of the materials to be used would be secured by condition, reference to local geology and historic structures in the

Design and Access Statement demonstrates a holistic approach which is supported. A landscaping condition would be added to ensure a high-quality hard and soft landscaping scheme is delivered and maintained.

6.2.9 The Design and Access Statement details the accessibility strategy that has informed the plans. A major constraint of the site is the change of ground levels from the Frankwell footbridge and then down further to Smithfield Road. The plans show that coming down from the Frankwell Footbridge, an intermediate podium level can be reached via a new staircase (with viewing platform looking towards the Welsh Bridge) or the 24-hour publicly accessible lift (the existing lift in the Riverside Shopping Centre is inaccessible outside of shopping centre opening hours). From podium level, the public would be able to travel through the amphitheatre - either via the staircases or via the 1:21 gradient gentle slope, down to park level. The lift comes down to near park level and allows clear and open access to the ramp down to the park. This arrangement demonstrates that the design of the public realm has had due regard to those with disabilities and would represent an enhancement of the accessibility for such people compared to existing. The Applicant has considered the possibility of removing the lift and creating a ramp from the footbridge to the park, however, this was deemed unfeasible due to the unacceptable distance wheelchair users would have to cover while impacting on the useability of the site for future meanwhile uses.

6.2.10 *Design Review Panel*

Paragraph 138 of the NPPF states '*In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels*'. The LPA now require all large-scale developments to engage with review panels to drive forward good-quality design. The Applicant has duly engaged with Design Midlands who were tasked with carrying out an independent design review of the proposal. Due to the submissions being broken down into four applications, the Applicant has agreed to carry out a design review with Design Midlands and the LPA at each stage. The first Design Review Panel was held in early November and received clear, positive feedback from the review panel which concluded regarding the masterplan:

6.2.11 '*The site as existing has a confused street layout, suffers from severance and feels to a large degree like the 'back of town'. The development provides a unique opportunity to repair/ stitch together and transform this part of the town centre and positively change perceptions of the area. The site has significant potential and the investment in Shrewsbury town centre is welcome. The shared ambition, the collaborative approach and the work undertaken to date is rigorous and commendable. This approach has led to a scheme which is sensitive, well considered overall and responds positively to its site context*'.

6.2.12 The panel also welcomed the fact that the park would form part of the first application as it would set useful quality standard for the development.

6.2.13 Overall, it is considered that the development would comply with policies CS2, CS6, CS17, MD2 and MD13 of the Local Plan as well as the Big Town Plan, the SRSDf, the relevant policies of the emerging Local Plan and the NPPF.

6.3 Impact on Heritage

6.3.1 Policies CS6 and CS17 seek to ensure that development protects, restores, conserves, and enhances the natural, built, and historic environment and does not adversely effect

the heritage values and functions of these assets. MD2 further states that for development to be considered acceptable, it is required to contribute to and respect locally distinctive or valued character and existing amenity value and this includes '*Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13*'. Policy MD13 expresses the need for the impact of development on a designated heritage asset and its setting to be thoroughly assessed against the significance of the asset. Development should conserve and where appropriate enhance the significance and wherever possible, proposals should avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.

- 6.3.2 Policy MD13 takes a similar approach as the NPPF as outlined in Section 16, insofar as it requires proposals to justify any harm to a heritage asset and demonstrate the overriding public benefits which would outweigh the damage to that asset or its setting. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.
- 6.3.3 Legislatively, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 6.3.4 The Riverside Shopping Centre, former GP surgery and police station (both of which have extant permissions in place for their demolition and part demolition) are later 20th Century buildings located within the Shrewsbury Conservation Area and the Town Centre Special Character Area. The loss of these structures would cause no harm to value of the Conservation Area given their limited visual and historic value. During the demolition phase, there would be some limited harm to heritage assets through setting impacts on the Conservation Area and potential ground disturbance to non-designated buried remains. However, these would be temporary and would constitute a lower level of less than substantial harm. A condition would be imposed to control the appearance of the hoardings that would be erected during demolition.
- 6.3.5 Non-designated buried remains of the town's Civil War defences are known, or expected to be present, within parts of the application site. Historic England highlight that harm to non-designated buried archaeology through direct impact during the construction of the park, would be a high level of less than substantial harm, potentially substantial harm depending on any remains found, since it could involve loss of any buried city wall remains. The degree to which the defences that were observed on the proposed development site in 1987 survived the subsequent construction of the Riverside Medical Practice building, and prior to that the construction of the Frankwell Footbridge, is unclear at present and subsequently the impact that the groundworks for the new park, particularly for the podium and adjacent lift, would have on the defences is also unclear. The report on the salvage recording exercise that was undertaken in 1987 refers to them having been partially removed prior to reburial. This implies that they may survive at depth, but this is likely to be below the depth of c. 1.25m of the current surface at which they were found to survive at that date.
- 6.3.6 During the application, it has been agreed between the council archaeologist and Applicant's archaeologist that, as an initial measure, an updated Archaeological Mitigation Strategy (to be secured by a pre-commencement condition) shall be submitted to the LPA and will include a trial trenching evaluation of the areas of the proposed

development site that are considered to have the highest potential. The trenches will be of sufficient size and design to enable deposits below 1.25m to be fully and safely evaluated, to assess their character, extent, date, and significance. Thereafter, the results will inform the approach to subsequent phases of archaeological mitigation, including the need for, and feasibility of, preserving remains in situ. It is considered that subject to a condition which secures a Written Scheme of Investigation (WSI) and the updated Archaeological Mitigation Strategy, any potential harm to the Civil War defences would be sufficiently mitigated.

6.3.7 The design and landscaping of the park and indicated hard surfacing/external wall materials which the Design & Access Statement outlines would refer to the geodiversity of the area (to be secured by condition) and would enable the park to enhance designated and non-designated heritage assets. The provision of open space would provide the public with an opportunity to spend time and enjoy nearby designated and non-designated heritage assets in a way that existing site arrangements do not allow. The proposed meanwhile uses would animate the site ahead of latter developments indicated on the masterplan and further deepen the public benefits associated with the application. It is concluded that the identified harms to heritage assets would, subject to conditions, be less than substantial and these would be outweighed by the public benefits that would accrue from the provision of high-quality public realm and landscaping improvements in an area which is currently detrimental to the character of the Conservation Area and the setting of designated and non-designated heritage assets. As such it is considered that the tests as set out in the NPPF are met and in particular paragraph 208 in that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.4 **Noise, Air Quality and Residential Amenity impacts**

6.4.1 The proposed development is within the Shrewsbury No.3 AQMA (Air Quality Management Area) declared for exceeding the annual objective level (<40ug/m³) for Nitrogen Dioxide (NO₂). The key exceedance is currently focused outside Shrewsbury Railway Station.

6.4.2 During the application, a revised air quality assessment has been submitted which the Council's Environmental Protection Team assessed to be acceptable for the scope of this application and concluded that there would be no significant effects on local air quality due to the proposed development. A Construction Environmental Management Plan (CEMP) condition would be imposed to manage dust emissions. Confirmation of the routing of vehicles construction/demolition traffic to avoid the Railway Station area and the siting of vehicular access into the site would also have to be provided as part of discharging the CEMP.

6.4.3 A revised noise assessment has also been submitted which indicates that the noise and vibration impact from the demolition works and the construction of the park area is likely to be above the Lowest Observed Adverse Effect Level (LOAEL) but below the Significant Observed Adverse Effect Level (SOAEL). The revised noise assessment is based on the following assumptions:

- 2.4m solid timber hoarding will be constructed to the site boundary;
- the existing building envelope directly facing the residential properties at Nexus Apartments would remain as long as practically possible to provide a noise barrier to the site;

- relocated the demolition and construction plant to be a more realistic approximately 30m from the sensitive receptors (i.e. 20m from the site boundary);
- the intensity of demolition plant has been revised to represent a *reasonable* worst-case scenario (i.e. reduction in on-time);
- and a crusher would be used and located as far away from noise sensitive receptors as practicable, reducing the excavator and dozer on-time; Additional mitigation measures would include;
- Temporary moveable screening to be deployed for specific activities or plant for further control on demolition noise.
- Temporary noise and vibration monitoring is proposed at locations representative of noise sensitive receptors to ensure compliance with noise limits. Details of monitoring strategy would be included in the CEMP.

6.4.4 The CEMP condition would require details of the proposed phasing of demolition to be submitted, a suitable noise barrier as well as confirmation of the access/egress routes from the site. A further condition would be added to ensure a noise management plan is submitted to the LPA before the use of the park and the commencement of any meanwhile uses so that sufficient mitigation measures are in place to protect the amenity of the nearby residential occupiers, particularly at the Nexus Apartment to the opposite side of Roushill. Subject to these two conditions, it is considered that the noise and air quality impacts would be acceptable and compliant with policy CS6 of the Core Strategy.

6.5 Contamination

6.5.1 The site has been identified as potentially contaminated land under the Council's Environmental Protection Act 1990, Part 2A responsibilities due to historic land use.

6.5.2 The Council's Environmental Protection team and the Environment Agency (EA) reviewed the Geotechnical and Geo-Environmental Desk Study regarding potential impacts to human health, controlled waters (EA only) and ground gas. No objection was raised though further investigation would be required due to gaps in available data (constraints posed by existing Shopping Centre). A pre-commencement condition would be imposed which requires a Site Investigation Report to be undertaken and submitted to the Council before any development commences. Further conditions relating to piling, restriction on the use of infiltration SuDS systems, submission of oil interceptor details and a compliance condition for the storage of oils, fuels or chemicals would be required. It is considered that these conditions would ensure contamination impacts can be controlled in accordance with CS6 of the Core Strategy.

6.6 Drainage and flood risk

6.6.1 Policy CS2 requires development to have regard to flood risk management and enables development appropriate to the flood risk. CS18 and MD2 expects that development will integrate measures for sustainable water management to reduce flood risk. The Council's Strategic Flood Risk Assessment (SFRA) outlines the strategic flood risk requirements and expectations for the Local Authority.

6.6.2 The site is not located within a groundwater SPZ, nor does it have any surface water bodies on-site. As the demolition and subsequent enabling works are within Flood Zone 3b of the River Severn, a comprehensive Flood Risk Assessment has been submitted. The proposal would see the demolition of units within the less vulnerable flood risk category.

6.6.3 The Sequential Test, as defined in Paragraph 162 of the NPPF, is to guide development

to areas at lowest risk of flooding. The LPA accept that the proposals can only be in the proposed location to support regeneration of this underused site in the town centre. No other sites are available that meet the requirements of the site i.e., form part of regeneration of the town centre and therefore there is no option to relocate the development to an area of lower flood risk. It is therefore considered that the proposed development meets the requirements of the Sequential Test.

- 6.6.4 The new park would be deemed classified as water compatible development in accordance with NPPF Annex 3: Flood risk vulnerability classification. Paragraph 79 of the NPPG is clear that water compatible development is considered compatible with Flood Zone 3 and Flood Zone 3b and therefore the Exception Test does not need to be applied for this development.
- 6.6.5 The EA acknowledge as does the LPA that the existing built footprint covers much of the site and should not be deemed functional floodplain post demolition. The existing built footprint area would form the baseline from which to calculate the current flood storage position, and that post development, there is the potential for this to be improved upon as part of flood risk reduction objectives. The FRA demonstrates that the current application would deliver a net increase in floodplain storage in comparison to the existing site at each 0.25m increment. It is the case that this increase in floodplain storage would be reduced if future development as shown on the illustrated masterplan is built out. The Applicant has submitted a Statement of Intent and discussed its content with the EA with the intention of showing that there however would be no loss of floodplain storage in comparison to the existing site layout in Winter 2023 if subsequent applications are permitted and constructed.
- 6.6.6 Rain gardens and planted filter margins have been incorporated into the park landscape in preference to traditional surface drainage such as gullies. The proposed features would help to attenuate surface water, provide storage for surface water within the filter material, and help to safeguard water quality.
- 6.6.7 In conclusion, the current application would not exacerbate flood risk at the site and subject to conditions recommended by the EA and the council's SUDS team would comply with the relevant policies of the Local Plan and NPPF.
- 6.7 **Highways**
- 6.7.1 It is considered that highway safety can be managed, and the impacts of the demolition and construction of the park including the movement of HGV and abnormal loads, can be adequately dealt with through a Construction Environmental Management Plan (CEMP) to be submitted and approved in writing by the Local Planning Authority. It is not considered that the transport, traffic, and parking impacts of the development would cause severe impacts on the safety of the local highway network.
- 6.8 **Ecology**
- 6.8.1 The Preliminary Ecological Appraisal and Preliminary Roost Assessment including Bat and Otter Surveys carried out by Arbtech (Updated October 2023) concluded buildings on site to have low and moderate roosting features. Further activity surveys were conducted which concluded the likely absence of roosting bats. No further surveys were recommended.
- 6.8.2 The River Severn is known to support otters and a 500m stretch of the river was surveyed for evidence of otter occupation. No evidence was found, and it was concluded

that there were limited areas for otter resting and are therefore considered absent from the section of the river that was surveyed. The development, as proposed, will not result in the loss of riparian habitats. A working method statement has been recommended with respect to otters to negate any low potential negative impact. This will be strictly adhered to and secured by planning condition.

6.8.3 The Council's ecology team were consulted and raised no objection. Biodiversity net gains at the site in accordance with the NPPF and CS17 would be required. The installation of bat boxes/integrated bat tubes and bird boxes would enhance the site for wildlife by providing additional roosting habitat which again would be secured by condition.

6.9 Trees

6.9.1 The application is accompanied by an arboricultural impact assessment which concludes that the proposed development requires the removal of 10no. trees and 2no. shrub groups to facilitate the proposed demolition and landscape works. The trees specified for removal as confirmed by the Tree Officer are predominantly of poor and low quality and owing to their size, condition and situation, the impact to public amenity is low to moderate in the short-term. It is considered that that the removal of these trees can be effectively mitigated for with new tree planting with a potential for significant long-term improvement as the new planting becomes established. A condition is recommended to safeguard retained trees and to protect the amenities of the local area and natural features in relation to tree retention and enhancement. With a suitably worded condition attached, the proposals comply with policies CS6 and CS17 of the Core Strategy and policy MD12 of the SAMDEV and the NPPF

6.10 Sustainability

6.10.1 As part of CS6 and to mitigate climate change through sustainable construction, all proposals are required to complete a sustainability checklist to accompany planning applications. CS19 requires applications for all types of development to include information about the management of waste during their construction and subsequent operation as part of the completion of the sustainability checklist. MD2 expects sustainable design and construction are employed as parts of developments.

6.10.2 The application is supported by a completed sustainability checklist which indicates that the development would meet all the requirements of the checklist that would be applicable. The submitted demolition statement further confirms that to minimise waste and maximise re-use of existing materials, *“an audit will be carried out of the properties by the contractor, identifying and quantifying all materials which have the potential to be recovered for re-use, reclaim or recycling as part of the demolition works. Emphasis will be put on those materials which may be of direct benefit to the redevelopment project or within the local community The demolition contractor will be encouraged to source opportunities as part of their contract works. Clean brickwork and concrete will be retained on site for re-use during future phases of the redevelopment”*. This approach would be deemed compliant with CS6, CS19 and MD2; the submission of an acceptable Site Waste Management Plan would be required to discharge the CEMP condition.

6.11. EIA Impact Assessment

6.11.1 A screening opinion for this application was requested under 23/04914/SCR. The LPA in its Screening Opinion dated 4th December 2023 concluded that the development was not EIA development, as whilst the development falls within the indicative thresholds of Category 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact

Assessment Regulations 2017, when assessed against Schedule 3 criteria it was concluded that no Environmental Impact Assessment was not required.

7.0 CONCLUSION

7.1 The benefits of the proposed application are considered significant in bringing forward high-quality, accessible public realm that would enhance the landscaping and biodiversity of the town centre and the setting of nearby heritage assets. The principle of the development and the phased approach in accordance with the illustrative masterplan is accepted; the development has the potential to positively contribute to the delivery of wider investment, regeneration, and town centre management strategies. The development would comply with key aims of policies CS2 and CS15 which seek to regenerate this part of the town centre as well as aims of the Big Town Plan, the Smithfield Riverside Strategic Development Framework, the relevant policies of the emerging Local Plan and the NPPF with its focus on the reuse of brownfield land.

7.2 Overall, the application is deemed acceptable, and the recommendation is that planning approval be granted, subject to appropriate conditions as set out in appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS8 - Facilities, Services and Infrastructure Provision
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS15 - Town and Rural Centres
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS19 - Waste Management Infrastructure
MD10A - Managing Town Centre Development
MD2 - Sustainable Design
MD8 - Infrastructure Provision
MD10A - Managing Town Centre Development
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S16 - Shrewsbury
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/11/01119 Proposed redevelopment of existing Shopping Centre PREAIP 7th June 2011
12/00409/EIA Re-development of Riverside Shopping Centre to include demolition of the Riverside Shopping Centre, Medical Practice, Nightclub, connecting structures to the Pride Hill Shopping Centre, connecting structures from Raven Meadows multi-storey car park to the Darwin Centre, removal of trees, part demolition and alterations to Raven Meadows multi-storey car park, construction of new shopping centre including department store and unit shops (Use Classes A1, A2, A3, A4 and A5), offices (Use Class B1), new bridging connections to Pride Hill and Darwin Centres, new undercroft car park, cycle parking, alterations to pedestrian entrance from bus station, partial alterations to the frontages of the Darwin and Pride Hill Centres, servicing arrangements, vehicular access and associated landscaping and engineering works GRANT 21st September 2012

23/02123/FUL Building clearance, asbestos removal and partial demolition of Units 2, Units 44-48, and the pedestrian walkway canopy to make access for a geo-environmental ground investigation GRANT 31st July 2023

23/04914/SCR Screening Opinion for demolition of the Riverside Shopping Centre, walkways/bridges between the centre, Raven Meadows car park and Pride Hill Shopping Centre and enabling works to facilitate future development EAN 5th December 2023

23/05402/FUL Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site. PDE

SA/92/0381 Refurbishment and upgrading of existing centre including extension and alteration to Pride Hill link, new first floor pedestrian link to Frankwell footbridge, conversion of existing north mall to two storey unit and replacement of existing roof and canopy covering. For Royal Insurance Asset Management on behalf of Royal Life Insurance Ltd. PERCON 27th May 1992

SA/84/0832 Part demolition of nos. 4, 6A and 7 Pride Hill, demolition of Charles Clark Garage; the Beaconsfield Club, MEB sub station. Demolition of Lloyds Bank Chambers, Roushill Bank. All in connection with redeveloping to provide major retail store and 23 retail units with ancillary services, office space and alterations to and formation of new vehicular and pedestrian access. (Part Riverside Centre Raven Meadows Shrewsbury) PERCON 20th December 1985

SA/84/0346 Car park to rear sites of Charles Clarke and Son Garage, Beaconsfield Club, Police Station, part Riverside Centre, Raven Meadows, Shrewsbury - Retail development to include part demolition to provide major store and 35 shop units with ancillary service and office space and alterations to and formation of new vehicular and pedestrian accesses. (Amended plans received 18/5/84). REFUSE 21st June 1984

SA/92/0744 Provision of glazed canopy and refurbishment to existing link bridge to provide covered access between Riverside Centre, the multi-storey car park and the Charles Darwin Centre. For Royal Insurance Asset Management. PERCON 16th September 1992

SA/76/0729 Construction of a footbridge across the River Severn from Frankwell Car Park to Riverside Shopping Centre. NOOBJC 20th October 1976

SA/82/1010 Erection of a 3 storey building to provide 20 no. shopping units with pedestrian access only off the Frankwell/Riverside shopping centre footbridge. PERCON 5th July 1983

SA/86/0577 Provision of covered walkways linking Riverside Shopping Centre with existing multi-storey car park and new shopping development, together with associated paving, landscaping works and highway modifications. PERCON 31st July 1986

SA/86/0408 Relocation of office accommodation and siting of new items of plant. PERCON 3rd July 1986

SA/86/0270 Formation of temporary "town walk" to be used during the construction of John Laing Developments Ltd Shopping Development until the permanent town walk is complete. PERCON 8th May 1986

SA/85/0508 Development and redevelopment including demolition of 20/22 Pride Hill to provide retail shopping, storage and servicing, together with car parking and bus station, highway improvements to Raven Meadows to provide bus land together with related highway improvements to junction of Raven Meadows with Smithfield Road and formation of new vehicular and pedestrian accesses. PERCON 8th August 1986

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S5MDB9TDM6R00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
Local Member Cllr Nat Green
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to commencement of each phase of the archaeological work as identified by the 2012 Archaeological Mitigation Strategy prepared by EDP, the applicant (or their agent or successors in title) shall first have submitted to, and agreed in writing with, the Local Planning Authority a Written Scheme of Investigation (WSI). This will detail the archaeological work and how this work will be undertaken with regard to the proposed site works (demolition and construction) in addition to setting out a post excavation programme to include timescales and publication and archiving details. The fieldwork and subsequent reporting will be monitored by the local authority's archaeological advisor who will sign off upon satisfactory completion.

When the first WSI is prepared for the evaluation trenches, the applicant shall update the Archaeological Mitigation Strategy written for the application in 2012, and submit this to the Local Planning Authority for approval. Once agreed, this document will provide a framework for the archaeological evaluation of the site, review and assessment of results, mitigation during demolition and construction, and analysis and publication following completion of each phase of the archaeological work.

Reason: The site is known to hold archaeological interest in accordance with Policy MD13 of the Shropshire SAMDev Plan and Paragraph 211 of the NPPF (Dec 2023).

4. No demolition or construction work shall commence until a Construction Management Plan (CMP), has been prepared for each phase and has been submitted to and approved in writing by the Local Planning Authority; all measures which form part of the scheme shall be strictly adhered to throughout the period of demolition and construction. The CMP shall detail site specific measures to control and monitor impacts arising and include as a minimum:

- Procedures to ensure all works adhere to Best Practicable Means (BPM), to reduce noise (including vibration) to a minimum, with reference to the general principles contained in British Standard BS5228: 2009 'Code of practice for noise and vibration control on construction and open sites, Parts 1 and 2'.
- Procedures to ensure Best Practicable Means to reduce dust emissions.

- Phasing plan for the demolition and construction works
- Demolition/construction access/haulage routes, parking and traffic
- Routing of construction traffic
- Signing and adequate vehicle and pedestrian controls
- Working hours and restrictions
- Wheel washing facilities
- Proposed monitoring, monitoring locations and action trigger levels for noise, vibration and dust
- A procedure for dealing with complaints.
- A procedure for notifying occupiers who are likely to be impacted from works.
- Staff training to cover principles of Best Practicable Means (BPM) relating to all site activities.
- Measures to control the presence of asbestos
- a Site Waste Management Plan (SWMP) to contain details on the estimated volumes of demolition waste, to make provision for the recovery and re-use of salvaged materials wherever possible, and identify appropriate facilities for where the individual waste streams are anticipated to be received.
- An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
- Requirements and proposals for any site lighting required during the construction phase;
- A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- The times during construction when an ecological clerk of works needs to be present on site to oversee works;

Reason: In the interests of highway and pedestrian safety, the amenity of the occupants of surrounding sensitive properties and maintaining servicing to properties affected by the works, and to protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 180 of the NPPF.

5. Notwithstanding the details that have been submitted, the Park hereby approved shall not commence until the final landscape details have been submitted and approved by the Local Planning Authority. The details shall include details of trees, planting, hard surfacing materials, site levels, external lighting, a space-sharing strategy, public seating and details of all gradients, ramps and steps within publicly accessible areas of the development.

Soft landscaping works shall include: tree plans, planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme. The hard surfacing details shall include details of planters and samples showing the texture and colour of the materials to be used and information about their sourcing/manufacturer. The lighting details shall include detailed drawings of the proposed lighting columns and fittings, information about the levels of luminance and any measures for mitigating the effects of light pollution. The landscaping scheme shall also include details of proposed finished site levels, boundary treatment and minor structures (such as play equipment, furniture, refuse storage, signs and lighting).

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 or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

6. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 180 of the NPPF.

7. No demolition or construction work shall commence until a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include, but not be limited to: i) Removal of existing structures and hard surfacing ii) Installation of temporary protection barriers and ground protection iii) Installation of new (no dig) hard surfacing - materials, design constraints and implications iv) Preparatory works for new landscaping v) Tree protection plan vi) Any pruning works to trees to be retained that are necessary to complete the development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

8. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

9. No demolition or construction work shall commence until a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles/machinery), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan. The Flood Warning and Evacuation Plan shall remain in place for the lifetime of the development.

Reason: To minimise the flood related danger to people, and associated pollution risk, in the flood risk area.

10. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site, including any historical tanks, are submitted to and approved, in writing, by the planning authority

1) A site investigation scheme based Geotechnical and Geo-Environmental Desk Study - Roushill Park Reference: SRS-ARP-RP-XX-RP-CG-0001, Ove Arup & Partners Limited November 2023, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

2) a. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

2) b. If a cut off wall is proposed during construction works, we would expect to see a Hydrogeological Impact Assessment (HIA) supported by modelling. This shall assess hydraulic performance and potential risks. Any risk identified will require mitigation measures to be submitted and agreed in writing, in addition to monitoring (if required).

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

4) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 3 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (2 and 3). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

11. Prior to any meanwhile uses within the red line area as shown on location plan B040582-TTE-00-ZZ-DR-CH-001 REV P01 commencing, a Meanwhile Use Strategy shall be submitted to and approved by the Local Planning Authority. The strategy shall include details of: i) Use; ii) Landscaping; iii) Management and Maintenance; iv) Security; v) Boundary Treatment; vi) Access. The strategy shall include details relating to the removal of the hoardings as approved by condition 16. The meanwhile plots shall be used, maintained and enclosed in accordance with the approved strategy.

Reason: In the interest of the amenity of the occupants of surrounding sensitive properties and to safeguard the amenities of the local area.

12. Prior to the use of Roushill Park and any meanwhile uses within the red line area as shown on location plan B040582-TTE-00-ZZ-DR-CH-001 REV P01 commencing, a noise management plan shall be submitted to and approved by the Local Planning Authority. The measures identified and approved by the LPA shall be implemented and maintained at all times thereafter in accordance with the approved plan.

This plan shall include:

- a) Statement detailing potential noise sources and the noise mitigation measures,
- b) details for complaints monitoring and handling protocol to verify and reduce noise levels where applicable.

Reason: In the interest of the amenity of the occupants of surrounding sensitive properties.

13. Prior to first use of the park, the makes, models and locations of wildlife boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

- A minimum of 15 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 15 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 3 hedgehog domes (standard design) suitable for resting hedgehogs
- A minimum of 5 invertebrate bricks/hotels (standard design) suitable for pollinators.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall be installed prior to the first use of the park and thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

14. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

15. Prior to the above ground works commencing, samples and/or details of the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

16. Prior to the erection of the hoarding and notwithstanding the detail shown on plan B040582-TTE-00-ZZ-DR-CH-003 REV P01, details of the materials, design, colour and final appearance of the hoarding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

17. Prior to the first use of Roushill Park as shown on approved plan 8436-PL-GA-101 REV 01 ROUSHILL PARK - GENERAL ARRANGEMENT, a park management, maintenance and access plan must first be submitted to and approved in writing by the Local Planning Authority. The park must be managed and maintained according to the agreed plan for the lifetime of the development. The park shall be kept open for use by members of the public at all times in perpetuity and the plan shall include detail showing how this will be achieved.

Reason: To safeguard the amenities of the local area, to protect the features of the development that contribute towards this and that are important to the appearance of the development, and to ensure the benefits of the open space can be enjoyed by the public in perpetuity.

18. Prior to commencement of piling works or any other foundation designs using penetrative methods, details of the penetrative method shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and to minimise any potential impact upon adjacent land users and residents.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

20. Prior to being discharged into any watercourse, surface water sewer or soakaway system, details of an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained shall be submitted to and approved in writing by the Local Planning Authority. All surface water drainage from parking areas and hardstandings shall be passed through the interceptor;

roof water shall not pass through the interceptor. The interceptor shall thereafter be maintained for the lifetime of the development.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

21. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds and otters as provided in Table 13 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment including Bat and Otter Surveys (Arbtech, updated October 2023).

Reason: To ensure the protection of and enhancements for bats and Otters, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

22. If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Informatives

1. Bats informative

All bat species found in the U.K. are protected under the 2017 Conservation of Habitats and Species Regulations (as amended) and the 1981 Wildlife and Countryside Act (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes (also called non-woven textiles) should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional 1F bitumen felt that is of hessian matrix construction should be chosen instead (BCT, 2020).

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings (or other suitable nesting habitat) should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

Otters informative

Otters are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb an otter; and to damage, destroy or obstruct access to its breeding and resting places. There is an unlimited fine and/or up to six months imprisonment for such offences.

On sites close to river banks, alongside streams and around pools, otters may occasionally be encountered and contractors should be vigilant when working on site. No night-time lighting should be used in such locations and trenches and open pipework should be closed overnight.

If any evidence of otters (holts, scats, footprints or direct sightings) are discovered then the development work must immediately halt and an appropriately qualified and experienced ecologist and Natural England must be contacted (0300 060 3900) for advice. The Local Planning Authority should also be informed.

General site informative for wildlife protection

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

2. We advise you contact National Permitting Support (NPS) team to confirm if any of the activities associated with the development require a permit. Any dewatering activities that require an abstraction licence will be subject to Ground Investigation Consent (GIC) first. GWCL are responsible for GIC applications, and this will require a WR32 form and a Water Features Survey (WFS) as a minimum. Further information can be found at: <https://www.gov.uk/government/publications/apply-for-consent-to-investigate-a-groundwater-source/apply-for-consent-to-investigate-a-groundwater-source>. Future SI should include the installation of boreholes to an appropriate depth as discussed above and routine gas and groundwater monitoring for the appropriate suite. The extent of contamination should be confirmed as well as any vertical leaching that could have occurred.

3. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
 - GOV.UK <https://www.gov.uk/topic/environmental-management/waste>
- Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2016
 - The Waste (England and Wales) Regulations 2011

Treating waste may require an exemption or an environmental permit. Please contact our National Customer Contact Centre (Tel: 03708 506 506) for further information and guidance prior to commencing any treatment.

4. Developers should incorporate pollution prevention measures to protect ground and surface water. Previous Pollution Prevention Guidance maintained by the Environment Agency has been withdrawn but is still available in the national archives at:

<https://www.gov.uk/government/collections/pollution-preventionguidance-ppg>

We would refer you to the latest Pollution Prevention Guidance targeted at specific activities, available at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

5. It is recommended that developers refer to the Environment Agency's guidance note: Sites Affected by Land Contamination (West Midlands Area) for further information.