



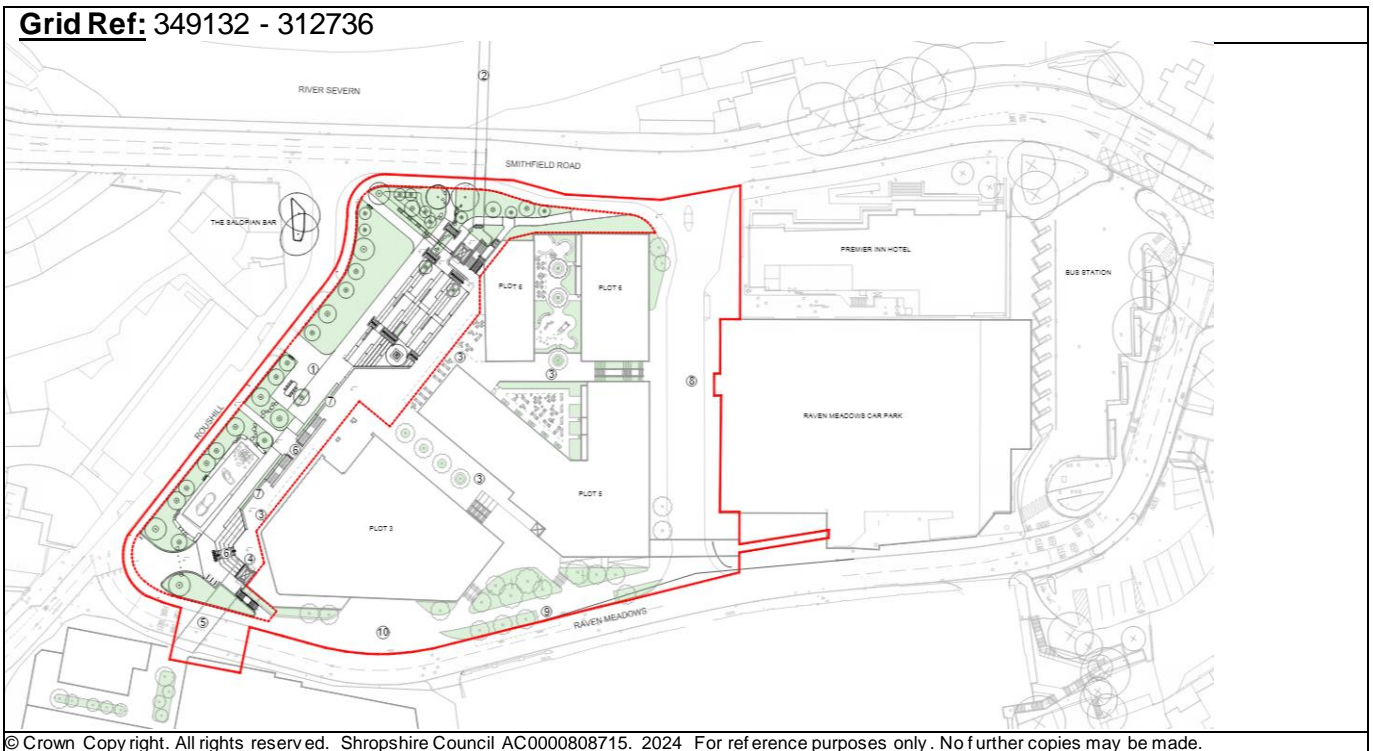
Committee and date
Northern Planning Committee
19th November 2024

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

Application Number: 24/03681/VAR	Parish:	Shrewsbury Town Council
Proposal: Variation of condition no.2 (approved drawings) attached to planning permission 23/05402/FUL		
Site Address: Riverside Shopping Centre Pride Hill Shrewsbury Shropshire		
Applicant: C/O BNP Paribas Real Estate		
Case Officer: Ollie Thomas	email: ollie.thomas@shropshire.gov.uk	



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application is seeking planning permission for a variation to the previously approved planning application, ref: 23/05402/FUL, to make a series of amendments to the previously approved plans and drawings as part of the redevelopment of Riverside Shopping Centre, thereby amending Condition 2 to the original permission.

1.2 This application is submitted in accordance with Section 73 of the Town and Country Planning Act 1990, which allows for planning applications to be made for the variation or removal of a condition to an existing planning permission. Such applications are to consider only the question of the conditions subject to the application, and cannot be used to re-open or revisit matters not part of the variation application for permission.

1.3 Planning permission was originally granted 22nd March 2024 for the following description of development:

"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, public toilets, flood attenuation and temporary meanwhile uses across the Site" (as amended by 24/03682/AMP).

This permission has been lawfully implemented by way of commencing the demolition of the Shopping Centre.

1.4 The amendments sought under this application are limited to the following:

- New public realm and landscaping to the southern edge of Smithfield Rd;
- Changes to the park landscaping and layout;
- Extension to the western edge of the raised podium so the edge of the park is the wall, rather than hoardings. The additional area of the podium includes two sets of stairs leading from the park level to the podium. The southern edge of the podium will include a smaller seater terrace.
- Space for public toilets/storage under the podium which will take out a small amount of the floor storage area.
- New southern lift shaft and stairs at the edge of the podium, which will (eventually) connect to the footbridge.

1.5 The submitted Cover Letter confirms that the redevelopment works are being completed following a financial award received through the Levelling Up Fund and that in order to meet with the funding deadlines, the first part of the podium and

new landscaping along Smithfield Road are being brought forward to be delivered early next year.

2.0 SITE LOCATION/DESCRIPTION

2.1 Smithfield Riverside, as a whole is approximately 4 hectares and lies within the river loop, to the north-west of Shrewsbury's town centre. Smithfield Riverside is bound by the river to the north-west and the Darwin Shopping Centre and Pride Hill Shopping Centre to the south-east. The site that this application relates to is the far western end of Smithfield Riverside, comprising the former Riverside shopping centre, police station and GP surgery.

2.2 At the time of this application, demolition has commenced on the Riverside Shopping Centre, police station and GP surgery, in accordance with the original planning permission. Resultantly, the site is currently secured through hoarding and is experiencing increased levels of activity associated with its demolition.

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

The below section provides a summary of representations received during the consultation/publicity period, comments can be viewed in full on the online planning register, using the application reference.

4.1 Consultee Comments

4.1.1 SC Archaeology - No objection or comments

4.1.2 SC Ecology - No objection

It is noted that the proposed variation of Condition 2 is for minor changes to the approved site layout. The revised proposals includes changes to the park landscaping. This should be reflected in the Construction Management Plan as detailed in Condition 5 of the decision notice and the Habitat Management Plan as detailed in Condition 7.

4.1.3 SC Drainage - No objections subject to informatives

4.1.4 SC Landscape - No objections

These revised proposals do not appear to substantially alter the permitted Stage 1

scheme, but instead extent them into the preliminary works for Stage 2. As such, most of the detailed landscape proposals and landscape strategies from the original application are repeated. Distinct changes are made to the various steps and level changes between Roushill Park and the Podium. Also subtle changes have been made to the layouts of The Play Area and The Garden. These are all in-keeping with the original design approach.

In general, the extended works still provide a good public realm connection between the town and river. The improved pedestrian accessibility and appropriate development of open space in a multi-functional approach will enhance the townscape.

4.1.5 **SC Conservation - No objections**

Having considered the information under this application, we raise no issues relevant to heritage matters.

4.1.6 **SC Trees - No objections or comments**

4.1.7 **SC Environmental Protection (Regulatory Services) - No objections subject to conditions**

No objections to the proposed changes; however, the previously raised concerns regarding the impact of the proposed uses, on the existing residential properties needs to be considered. Hence, condition 15 requiring a noise management plan remains relevant to the revised application.

4.1.8 **Environment Agency - Amendments required**

Flood Risk

To ensure a safe and sustainable development, we advise that the podium level should be set at a minimum of 600mm above the design flood level. This is important as the podium is intended to eventually extend through the wider site to provide a development platform to facilitate future development plots, elevating them out of the floodplain.

We recommend the FRA be updated to confirm a design flood level (1 in 100 year plus climate change level) for the site, to evidence the appropriateness of the podium level and the associated flood storage calculations.

The submission of a revised FRA will ultimately inform a revised set of planning conditions, including amendments to previous wording.

Land Contamination

The current application proposes minor changes to the Roushill Park area and the GQRA appears to be unchanged. The previously recommended conditions

(Condition 12, 21, 22, 23, 24 and 26) remain relevant.

4.1.9 **Canal and River Trust - Not a statutory consultee, no comments provided.**

4.1.10 **Historic England - No objections or comments made.**

4.2 Public Comments

4.2.1 **Shrewsbury Town Council** raise no objections to this application.

4.2.2 **Shrewsbury Civic Society - Neutral**

The planned archaeological investigation will hopefully determine the extent to which the 17th Century Roushill Wall has survived under and around the former medical practice. Shrewsbury Civic Society would like any coherent remains made permanently visible. We appreciate that the ground has risen above the height of any wall remains, but we would like the potential of the exposure of the wall remains explored, perhaps within a sunken garden feature or under a glazed viewing window, as has happened in other towns notable the medieval Eastgate, Gloucester. This may not be possible for some of its length but a very common way of indicating the line of a town wall used in a number of towns, including the City of London, is to mark it out in bricks or stone setts. This, along with interpretation, would be a very simple, inexpensive and non-intrusive way of indicating its actual line. The proposed 'Gateway Wall' is apparently partly intended to reflect the existence of the earlier 17th Century wall but is not on the same historic line and would give a misleading impression in that respect.

4.2.3 The application was publicised by way of site notice on the 26th September 2014. At the time of the application being heard at planning committee, no representations from members of the public have been received.

5.0 THE MAIN ISSUES

Whether the proposed amendments, as a variation to Condition 2, are acceptable

6.0 OFFICER APPRAISAL

6.1 Background to application

6.1.1 Full planning permission was granted on the 22nd March 2024 for the demolition of the Riverside Shopping Centre and to include enabling works for the creation of a new public park, to include pocket gardens, event space and amphitheatre, supporting infrastructure and other temporary meanwhile uses.

6.1.2 The redevelopment of Riverside Shopping Centre, whilst being contrary to adopted planning policy which seeks for a retail-led redevelopment scheme, supports the vision detailed within the Big Town Plan (2018), the Shrewsbury Masterplan Vision (2021) and the Smithfield Riverside Strategic Development Framework (2022).

Further evidence gathered post the adoption of the SAMDev Plan have identified the poor performance of existing retail units, the peripheral location of Riverside Shopping Centre, the low occupancy of existing outlets and unattractive character of the surrounding area as being determinative in supporting a mixed-use scheme, which largely excludes retail. It was determined, at the time of granting the full planning application, that an alternative approach to developing the site was supported in principle.

- 6.1.3 Full planning permission was granted, subject to the imposition of a suite of planning conditions. Demolition works have since commenced under the original application. This application is seeking to amend approved plans in relation to the previously approved enabling works and first phase construction works. The principle consideration for a Section 73 variation application is that this application can only be considered insofar as the conditions being sought - in this instance only Condition 2 (the approved plans and drawings).
- 6.1.4 Based on the above, this application is not re-opening, or re-visiting the principle of development. Instead, this application is limited to only considering the proposed amendments and their compliance with adopted planning policies (and any other material considerations).
- 6.1.5 The issuing of a Section 73 planning permission takes affect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. Resultantly, Section 73 consents are required to carry the same (or amended) conditions and any obligations or agreements (i.e. Section 106 Agreements).
- 6.1.6 Notwithstanding that said in 6.1.5, the planning permission that granted the redevelopment of Riverside Shopping Centre has been implemented and demolition works are well-advanced. Resultantly, the applicants have submitted a number of discharge applications to satisfy the requirements of those conditions imposed on the original planning permission. Taking into account that a new planning permission will be issued under this variation application, should consent be granted, the decision notice will seek to impose a number of re-worded conditions, where the requirements of those conditions has already been dealt with to the approval of the Local Planning Authority, but have not yet concluded - i.e. that demolition works occur in accordance with the previously approved information.

6.2 **Condition 2 - Approved Plans**

- 6.2.1 The condition as originally worded reads:

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

The grant of this variation application will retain the same wording as above; however, an amended Schedule 1 will be appended to the decision notice.

6.2.2 The submitted information splits the amendments being sought into three areas:

6.2.3 Area 1:

This area features additional landscaping measures along the southern edge of Smithfield Road:



This area is in addition to that previously approved and will see a continuation of the 'Wet Woodland' character area, by extending footpaths and planting that reflects the setting of the already approved landscaped area. A new pedestrian access connecting with Smithfield Road will be provided to enhance the permeability and connectivity of the park within the wider environment.

6.2.3 Area 2:

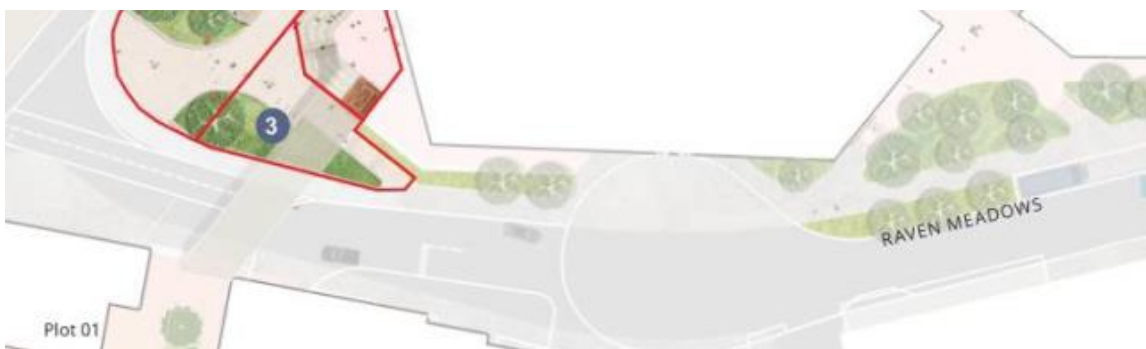
This area provides an extension of the western edge of the raised podium, connecting the seating terrace area with the southern corner of the park on Raven Meadows. The southern edge of the podium will include a smaller seating terrace.



This area will introduce a greater proportion of the raised podium to be provided as part of the first phase of works, including new stepped access, seating terrace and lift serving the future bridge that connects with Pride Hill. Public toilets are being provided within the podium, facing onto the play and seating areas to the west.

6.2.4 Area 3:

This area will provide yet more additional landscaping to the southern corner of the park extending along Raven Meadows and the formation of external steps:



Similar to Area 1, this area will introduce new footpaths and landscaping that is reflective of the wider park setting.

6.2.5 As detailed above, it is Officer's judgement that the proposed amendments are not considered material, when viewed against the originally approved plans and drawings. The proposed amendments do not result in any additional harm or impact on environmental matters, and are deemed to contribute to providing a high-quality and multi-functional public realm, for the benefit of all users within the town

centre.

6.4 Flood Risk

- 6.4.1 As a result of the site lying within Flood Zone 3b, within the River Severn catchment area, the flood risk of the proposed development was previously considered. To which, the public park was deemed classified as 'water compatible' development in accordance with NPPF Annex 3: Flood risk vulnerability classification. Furthermore, as the Shopping Centre footprint occupied the majority of the site, it was considered that the site should not be deemed as functional floodplain. It was concluded that the originally approved development would not exacerbate flood risk at the site.
- 6.4.2 However, as the proposed development introduces larger areas of landscaping and a greater proportion of the podium with the introduction of public toilets (considered 'less vulnerable' development) within the podium, it is therefore reasonable that matters of flood risk are considered as part of this application.
- 6.4.3 The application is supported by a Flood Risk Addendum (Arup, October 2024, v2), which confirms there will be no impact of fluvial flood storage as a result of the amendments to Areas 1 and 3. However, the extended podium section (including steps, public toilets and lift) will slightly reduce the available flood storage. Nonetheless, there remains a large net increase in storage as a result of the overall redevelopment scheme and the proposed amendments have minimal impact on the volume of flood storage.
- 6.4.4 The Environment Agency have provided comment to the proposed amendments, as originally submitted, seeking a number of clarifications and updates to the submitted flooding arrangements. The applicants have duly confirmed that the podium level will be designed above the minimum finished floor levels (FFL) - 600mm above the design flood level (54.94mAOD). However, the ground floor public toilets, due to their FFL will be positioned under the design flood level. Resultantly, these have been designed with a water exclusion strategy, to include surface moulder flood barriers at both the external door and the door leading to the undercroft car park.
- 6.4.5 Similarly to the conclusions of the original planning permission, it is considered that the proposed amendments will not result in exacerbating flood risk at the site, and subject to conditions recommended by the EA and duplicated from the original consent, the proposed amendments will comply with all relevant local and national planning policies.

7.0 CONCLUSION

- 7.1 In summary, this application for a variation to Condition 2 attached to planning permission ref: 23/05402/FUL can be supported on the basis that the original consent established the principle of the proposal and all it entails. The changes herein are relatively minor and have been shown to be of no detrimental harm to the surrounding environment. Indeed, the changes are considered to deliver a

betterment to that previously approved in terms of enhanced hard and soft landscaping and providing improved public realm and facilities.

7.2 The amendments have been considered against all the key considerations, insofar as they relate to the proposed variation, of the original consent, of which the majority remain unaffected.

7.3 It is therefore recommended that permission be GRANTED subject to the conditions as set out below.

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 HISTORY:

PREAPP/11/01119 Proposed redevelopment of existing Shopping Centre PREAIP 7th June 2011

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. GRANT 22nd March 2024

24/02204/DIS Discharge of conditions 4 (demolition management plan), 5 (construction management plan), 9 (surface water pre-demolition) and 19 (hoarding details) relating to Planning Permission 23/05402/FUL DISAPP 16th August 2024

24/02508/DIS Discharge of conditions 8 (tree protection and arboricultural method statement) and 11 (flood warning and evacuation plan) relating to planning permission 23/05402/FUL DISAPP 19th July 2024

24/02631/DIS Discharge of Condition 3 (Written Scheme of Investigation) relating to Planning Permission 23/05402/FUL DISPAR 19th July 2024

24/02993/DIS Discharge of condition 7 (habitat management plan) relating to Planning Permission 23/05402/FUL DISAPP 2nd August 2024

24/03134/SCR Request for EIA screening opinion is made in support of an application under Section 73 of the Town & Country Planning Act 1990 to amend the previously consented scheme (ref. 23/05402/FUL). EAN 13th September 2024

24/03440/DIS Discharge of Condition 12 (Contamination) relating to Planning Permission 23/05402/FUL DISPAR 11th October 2024

24/03681/VAR Variation of condition no.2 (approved drawings) attached to planning permission 23/05402/FUL PDE

24/03682/AMP Non material amendment to amend the proposal description to allow for the provision of public toilets relating to Planning Permission 23/05402/FUL PDE

24/04035/FUL Construction of a new two way road, junction arrangements at Smithfield Road and Raven Meadows, re-located bus lay-by on Smithfield Road, landscape works, servicing arrangements and associated highway works PCO

24/04166/DIS Discharge of Condition 3 (Archaeological Mitigation Strategy) of planning permission 23/05402/FUL PCO

Appeal

97/00543/REF Erect and display 2 externally illuminated hanging signs. DISMIS 24th October 1997

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SKBWZ7TDKCR00>

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 approved shall be begun before the expiration of three years from the date of planning permission 23/05402/FUL.

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. Notwithstanding the approved document 'Flood Risk Management Plan' (Ref: 3590 Rev 1) for the flood warning and evacuation plan during the demolition stage, the following phases of the development:

- i) park construction
- ii) operational use

Shall not commence until a Flood Warning and Evacuation Plan for each phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of the 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.

4. Prior to the commencement of development of the remainder of the site outside of the park area (and excluding meanwhile uses and enabling works), a flood risk strategy should be

submitted and approved that:

- sets out the design flood level for the site;
- sets out the baseline flood storage position pre-demolition and;
- acts as a mechanism to record flood storage gain and loss through each phase of development;

to demonstrate that post development across the application site there is no net loss of flood storage and there is an overall reduction in flood risk.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

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

5. Notwithstanding the hereby approved Generic Quantative Risk Assessment and associated appendices (Ref: SRS-ARP-RP-XX-RP-CG-00002 P03; Appendix A - Ground Investigation; Appendix B - Groundwater Monitoring; Remediation Method Statement and Discovery Strategy V2.0), prior to occupation of any part of the development a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") should one be required 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 thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that the risks from land contamination to the future uses 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.

6. 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 and vii) Flood Management scheme to include any mobile or demountable use of spaces below the 1% plus climate change level plus 600mm freeboard or 55m AOD will be subject to the flood evacuation plan (to be approved under condition 11). Any meanwhile uses that are non-mobile or non-demountable that are below the 1% plus climate change level plus 600mm freeboard will require a separate flood risk assessment and associated flood evacuation plan.

The strategy shall include details relating to the removal of the hoardings as approved by

condition 19. 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.

7. 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.

8. Prior to first use of the park, a strategy for the makes, models and locations of wildlife boxes for i) the park and ii) the wider site, shall be submitted to and approved in writing by the Local Planning Authority. This shall include external woodcrete bat boxes or integrated bat bricks, artificial nests, hedgehog domes, invertebrate bricks/hotels suitable for pollinators. The boxes relating to the park 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.

9. 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.

10. 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.

11. Prior to the first use of Roushill Park a park management, maintenance, and access plan including details of management and maintenance of surface water and foul drainage 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.

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.

12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. 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

13. The commencement of each phase shall be undertaken in accordance with the hereby approved Written Scheme of Investigation (Ref: edp8422_r004d) at all times. Following the completion of the archaeological works specified within the Written Scheme of Investigation, the applicant shall submit to the Local Planning Authority any post-excavation programme of works and/or any record of publication and/or archiving.

Reason: The site is known to hold archaeological interest.

14. All demolition works shall occur in accordance with the hereby approved 'Site Traffic Management Plan' (Ref: 3590) and 'Demolition Management Plan' (Ref: 3590 Rev 1) at all times, unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety, the amenity of the occupants of surrounding sensitive properties and maintaining services to properties affected by the works, and to protect features of recognised nature conservation importance.

15. All construction works shall occur in accordance with the hereby approved 'Construction

Environmental Management Plan' (Ref: 3590 Rev.2) at all times, unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

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 15 of the NPPF.

16. All demolition and construction works shall, at all time, occur in accordance with the hereby approved:

- o Habitat Management Plan (ref. WEI20390-101-R-1-1-2-LEMP)
- o Updated Preliminary Ecological Appraisal (ref. WIE20390-100-R-1-1-10-UPEA)
- o Bat and Bird Box Plan (dated 10th July 2024)
- o Illustrative Masterplan (drawing no. 4068-FBA-01-XX-DR-A-011900)
- o Red Line Plan, General Arrangement (drawing no. 8436-PL-GA-100)
- o Roushill Park, General Arrangement (drawing no. 8436-PL-GA-101)

Unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 15 of the NPPF

17. All demolition and construction works shall, at all times, occur in accordance with the hereby approved:

- Arboricultural Method Statement (ref. 230457-PD-13)
- Arboricultural Report (ref. 230457-PD-23)

Unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

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

18. Notwithstanding the details that have been submitted, no construction work hereby approved shall commence (other than for site preparation/engineering works) 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/manufacture. 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.

19. The demolition and construction works shall be carried out in accordance with the hereby approved hoarding details:

- Temporary Hoarding Design (Ref: JCCTS24-003-TWCAL001)
- Hoarding Graphic Locations plan and drawings (Ref: 2nd August 2024)

At all times, unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

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

20. 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).

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).

23. The podium level, as a development platform, shall be set at a minimum height of 59.49m AOD.

Reason: To manage and prevent increased flood risk for future users of the development, in accordance with the identified design flood level.

24. All demolition works shall occur, at all times, in accordance with the hereby approved:

- Flood Risk Management Plan (ref: 3590 Rev 1)
- Drawing 02908-JPL-ZZ-ZZ-D-C-4101-S4-PO2
- Temporary Post Demolition Drainage Report

Unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

25. All construction works shall occur, at all times, in accordance with the hereby approved Technical Notes (Ref: SRS-ARP-RP-ZZ-RP-CD-0003 and SRS-ARP-ZZ-ZZ-RP-CD-0004)

unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. This Section 73 planning permission is exempt from mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information.

3. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

-