

AGENDA ITEM



Committee and date

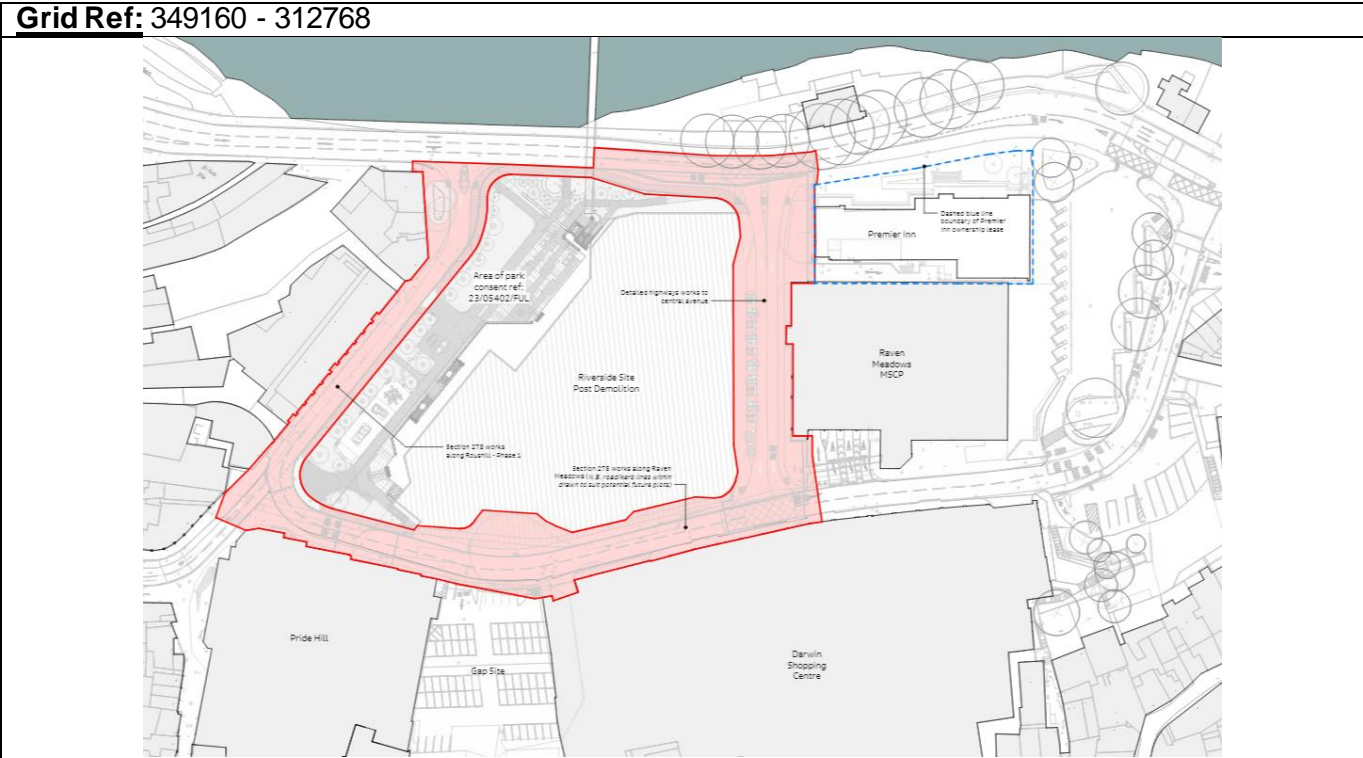
Northern Planning Committee - 18th February 2025

Development Management Report

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

Summary of Application

Application Number: 24/04035/FUL	Parish:	Shrewsbury Town Council
Proposal: 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		
Site Address: Riverside Mall, Pride Hill Centre, Pride Hill, Shrewsbury, Shropshire, SY1 1PH		
Applicant: Shropshire Council C/O BNP Paribas Real Estate		
Case Officer: Ollie Thomas	email: ollie.thomas@shropshire.gov.uk	



Recommendation:- To grant planning permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application is seeking full planning permission for highway works surrounding the former Riverside Shopping Centre in Shrewsbury town centre, to include:

- Construction of a new two-way road;
- Junction arrangements at Smithfield Road and Raven Meadows;
- Re-located bus layby on Smithfield Road;
- Landscape works;
- Servicing arrangements; and
- Associated highway works.

The proposed highway works will support the wider regeneration and redevelopment of Smithfield Riverside, forming a strategically important part of the wider illustrative Masterplan. The new link road is considered a key section of enabling infrastructure, creating an access road to allow servicing vehicles, buses and cars into the wider re-developed Smithfield Riverside site, in-lieu of Roushill.

1.2 The highways proposals have been designed to reduce the volume of traffic movements along Roushill, thereby enabling the delivery of an improved pedestrian and landscape (public realm) environment, to support the recently approved (and under construction) public park. A new road, 'the Avenue', is proposed to accommodate traffic that currently uses Roushill to access Raven Meadows. This in turn would enable the western end of Raven Meadows to be closed as a through-route to general traffic and for Roushill to be downgraded to a local access route with low traffic flows, used for local access and servicing properties along Roushill itself, Mardol and Claremont Street.

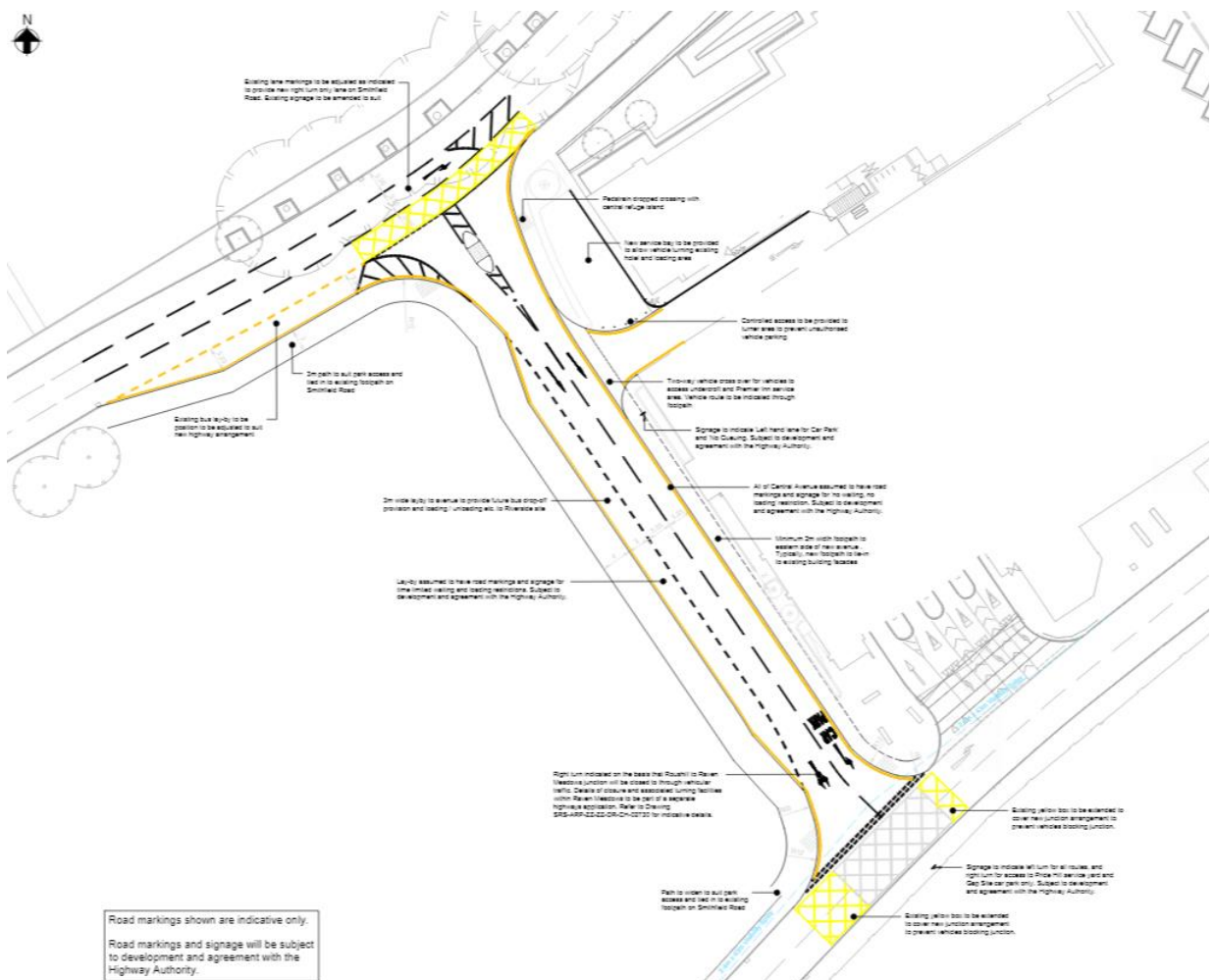
1.3 The Avenue is proposed to provide a highway connection between Smithfield Road to the north and Raven Meadows to the south. The new road will be constructed along the alignment of the existing Premier Inn access road which currently extends north from Raven Meadows. The Avenue will be a 2-lane single carriageway and would be implemented in two stages to align with the phased delivery of the wider redevelopment works:

- **Interim stage** – the Avenue will operate in a one-way southbound direction only, to enable the separation of vehicles accessing the multi-storey car park from buses and general traffic.

- **End stage** – to operate in a two-way direction to support other town-centre highway improvement schemes: relocation of the bus station to rail station (with residual bus stops along the Avenue); and the construction of the North West Relief Road which would reduce town centre traffic.

It is the interim stage which is being sought permission through this planning application, nonetheless, the Avenue has been designed to accommodate vehicle manoeuvres up to and including 16.5m articulated HGVs, including 4m and 2m wide pedestrian footways along the west and east sides to improve non-motorised user connectivity between Smithfield Road and Raven Meadow.

The end stage works to the Avenue would be undertaken by Shropshire Council as Local Highways Authority and their statutory powers – therefore not needing any further planning permission.



1.4 Raven Meadows is being proposed to close the western end to traffic between the junction with Roushill and Pride Hill service bay entrance, to provide an improved

park), the western section of Raven Meadows between Roushill and the junction of the service road, and Roushill from Smithfield Road to immediately south of the junction of Raven Meadows.

2.2 The red line boundary encircles the site of the former Riverside Shopping Centre and is made up of existing highway infrastructure land and associated services and facilities (pedestrian footways, cycleways and street furniture).

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 Comment

4.1.1 SC Highways – No objections subject to conditions

The function of Roushill leading into Mardol will function very differently to its current use, which, at present, concentrates all traffic/servicing movements into Raven Meadows and Mardol and the scheme to introduce the new 'Avenue Road', which will serve the multi-storey car park and redevelopment of the Riverside development and servicing being maintained. The scheme enables the enhancement of the pedestrian desire line between the Riverside redevelopment and Roushill, connecting into Mardol and in acknowledgement of the potential reduction in traffic flows that currently use this route.

The proposals are supported by the submission of various documents and engineering details, which would be the subject of further scrutiny as part of standard Section 38/278 technical checks. Whilst it is acknowledged that this is a Council-led project and cannot therefore be dealt with under a formal Section 38/278 legal agreement, the technical checks will be carried out in the usual manner and due diligence.

4.1.2 SC SuDS – No objection

No comments made, subject to informative in relation to drainage survey investigation and connection agreements.

4.1.3 **SC Green Infrastructure – No objection subject to conditions**

The soft landscaping strategy provided in the Design and Access Statement ('DAS') looks positive. The appearance of the planting is coordinated and there is seasonal interest with winter flowering species included in the list. We would expect to see the detailed planting plans provided based on the species stated in the DAS. We would also advise the planting character has similarities to planting that will be used elsewhere in the masterplan to ensure design continuity.

Recommend conditions in relation to the details of the planter specification and hard landscaping, alongside detailed landscape proposals.

4.1.4 **SC Conservation – No objection**

The findings of the Heritage Statement, and the proposals impact on heritage assets identified, raises no heritage objections.

4.1.5 **SC Ecology – No objection subject to conditions**

It has been agreed that the mandatory biodiversity net gain will be addressed at the submission of Application 2 (for the redevelopment of the former Shopping Centre), due to this Application 2 covering the red-line boundary that concerns this application.

The Ecological Impact Assessment ('EcIA') reviewed the site, which has previously been cleared under planning permission 23/05402/FUL and is therefore of limited ecological value to protected or notable species on site.

The EcIA assessed the potential impacts to nearby designated sites and concluded that the development may create negative indirect impacts. As a result, a Construction Environmental Management Plan will be designed and strictly followed to negate these impacts (secured via condition).

Any external lighting to be installed on site should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.

4.1.6 **SC Archaeology – No objection subject to conditions**

It is considered that there is high potential for the remains of Roushill Wall to survive at an unknown depth beneath the existing ground level on Roushill, near to the junction with Smithfield Road, and below Smithfield Road. It is therefore possible that remains of the wall could be encountered during the proposed works to reconfigure the highway arrangements at these locations. Likewise, there is also some potential for remains of the medieval town ditch and Roushill Gate to be present at an unknown depth beneath the present ground surface at the southern end of Roushill.

However, it is considered unlikely that any remains of the 18-19th Century buildings will be encountered during the proposed highways works along the Raven Meadows or on the line of the Avenue.

Officers concern with the recommendation contained in the Archaeology Statement that a programme of archaeological works should be made a condition of any planning permission for the proposed development. This programme of works should comprise an archaeological watching brief, to be maintained during the works at the northern and southern ends of Roushill and on Smithfield Road.

4.1.7 **SC Regulatory Services (Air Quality and Noise) – No objection subject to conditions**

The proposed development is not anticipated to generate traffic but will result in a redistribution of traffic from Roushill onto the new avenue. As the traffic is moved further from the residential receptors on Roushill this results in a slight improvement in air quality in this area. There is a small increase in air pollution at residential receptors along Severn Terrace.

The reduction in traffic on Roushill will also have a beneficial impact on noise levels and is predicted to result in a decrease in traffic noise of 5.5dB. The additional traffic at other receptors is predicted to have a negligible adverse impact on noise levels.

The exact use of the land and design of the buildings to the west of the Avenue is not known at this stage. The buildings located to the west of the Avenue will impact on the dispersion of pollution from vehicle movements along the Avenue. Therefore, additional assessment and modelling will be required during these future stages. If residential development is proposed along the Avenue, consideration will need to be given to the air quality and noise impacts on such uses.

The air quality and noise assessments identify measures required to minimise the impact of construction noise and dust, these measures should be included in a site specific CEMP.

4.1.8 **Shropshire Fire and Rescue – No objections**

It will be necessary to provide adequate access for emergency fire vehicles, both throughout the planned highway works and during the later construction phases. There should be sufficient access for fire service vehicles to within 45 metres of every point on the buildings projected plan areas or a percentage of building perimeters, whichever is less onerous.

This issue will be dealt with at the Building Regulations stage of the development, although it is vital that this guidance is adhered to when considering access to

existing buildings.

4.1.9 **Environment Agency (EA) – No objection subject to conditions (28th November 2024)**

Flood Risk

The proposed highway works fall within Flood Zone (FZ) 3 of the River Severn and therefore have a high risk of fluvial flooding. Given the scale and nature of the works, no formal Flood Risk Assessment (FRA) has been submitted.

Based on the information submitted in the Drainage Strategy the EA are satisfied with the statement that there will be no impacts in terms of flood risk either by reducing flood storage capacity or impeding existing flood flow routes given the ground levels will remain predominantly as existing.

It is requested that a more detailed assessment of flood depths and hazards ratings within the development boundary is provided. This will aid in the provision of trigger levels for the management of road closures/bus routing etc in a flood event.

Land Contamination

We previously commented on the submitted contamination documents in respect of the discharge of Condition 12 pursuant to planning permission 23/05402/FUL (ref: 24/03440/DIS). We have no further comment to make in relation to land contamination.

4.2 Public Comments

4.2.1 Shrewsbury Town Council – Neither object nor support (neutral)

Whilst the Town Council have no objection, Members do have concern as there seems to be a lack of facilities for cyclists.

4.2.2 Shrewsbury Civic Society – Neither object nor support (neutral)

The Shrewsbury Civic Society, provided neutral comments on the planning application for the construction of a new two-way road and associated works at Riverside Mall, Pride Hill Centre. They welcomed the application, highlighting the positive aspects such as the reordering and enhancement of the bus station area, the reduction of traffic risk to pedestrians, and the improved urban design with wider pavements. However, they expressed concerns about the lack of detailed landscaping plans, particularly the paucity of trees due to the multi-storey car park, and the provision of safe routes for cyclists. They suggested that future applications should address these issues to ensure the new road lives up to its ambitious name

and provides good connectivity for pedestrians and cyclists.

4.2.3 The application was publicised by way of site notice on the 1st November 2024. At the time of the application being heard at planning committee, a single representation from members of the public have been received. This representation was objecting to the proposed development and is summarised as follows:

- A lack of facilities for cyclists.

5.0 THE MAIN ISSUES

The impact of the proposed highway works on highway safety and environmental conditions (human health and natural/historic environment) surrounding the site.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 In accordance with adopted planning policy, Shrewsbury will provide the main focus for development, acting as sub-regional centre and in recognition of its role as Shropshire's growth point. To this end, SAMDev Policy S16 identifies the 'Heart of Shrewsbury' as one of two key areas of change. The proposed development lies wholly within this area of change, to which it is stated that development proposals must have regard to the following relevant criteria:

- i) Renewing areas of relatively poor environmental and greater potential, notably at Riverside, West End, Frankwell, Abbey Foregate and Castle Foregate;
- ii) Reducing the impact of traffic and congestion in key areas, notably High Street/West End, Castle Street, Smithfield Road, Frankwell, Abbey Foregate and Castle Foregate;
- iii) Ensuring strong, high quality public realm and links between spaces, particularly walking routes;
- v) Enhancing the role of the river and access to it;
- vii) Celebrating gateways and arrival points.

6.1.2 In delivering development that meets the criteria above, the 'Heart' of Shrewsbury can be enhanced whereby proposals incorporate approaches to access, parking and movement which support the integrated and sustainable transport strategy for Shrewsbury. The proposed highway works will deliver long-term benefits, through:

- Reducing the traffic impact on Smithfield Road;

- Providing further high quality public realm and new routes through to Pride Hill;
- Enhancing and promoting pedestrian connectivity from Pride Hill, Mardol and Riverside.

6.1.3 The Shrewsbury Big Town Plan (adopted 2018) was established as a framework to shape the evolution of the town, through delivering four key principles:

- Rethinking movement and place;
- Supporting, creating and nurturing vitality, life and a mix of uses;
- Creating a place for enterprise;
- Nurturing natural Shrewsbury.

As part of this and under the objective of 'Making Movement Better', the SBTPs aim is to significantly reduce through-traffic in the town centre, with Smithfield Road identified for redirecting traffic to Raven Meadows, turning into a pedestrian priority promenade. The proposed development is the first key step in recognising this ambition.

6.1.4 The wider Smithfield Riverside redevelopment is identified as a key step in the delivery of the SBTP. The Smithfield Riverside Strategic Development Framework (2021) further defines the SBTP vision and provides a masterplan framework for the redevelopment of the Smithfield Riverside site around the following placemaking and design principles:

- Movement and access
- Use and activity
- Spaces and streets
- Environment and climate.
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6.1.5 The principle of development, for the construction of a reorganised and realigned highway network in Shrewsbury town centre is therefore established and supported, due to the proposed improvements to traffic flow, pedestrian/cyclist provision, public realm and in supporting the wider regeneration of a key area of change.

6.2 The Impact on Highways and Transport

6.2.1 Core Strategy Policies CS6 and CS7, along with SAMDev Policies MD2 and MD8 require proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised

6.2.2 The accompanying Transport Assessment (Arup, October 2014) provides that the construction of the Avenue will take place over a five-month period and will commence following the completion of the demolition and construction activities associated with the package of works granted under planning application ref: 24/03681/VAR. During this time, two-way vehicle movements are forecast to 15 daily

light vehicle movements and two-daily heavy vehicle movements, with the forecast peak hour demand equating to a maximum of one light and one heavy during the morning peak and two lights during the evening peak.

- 6.2.3 The proposed development does not result in any new buildings or structures and is therefore regarded as not generating or attracting any news trips once operational. However, it will alter the distribution of traffic as travelling from Smithfield Road to Raven Meadows will use the new Avenue, instead of Roushill.
- 6.2.4 The new Avenues connection onto Smithfield Road, in conjunction with the closure of the access into Raven Meadows from Roushill, will result in a relatively minor impact to traffic routing within the immediate vicinity. However, the highways works have been designed such that the proposed junctions are suitably laid out to accommodate the reassigned traffic without having any impact on the highway network or resulting in queuing traffic.
- 6.2.5 In conclusion, the proposed new Avenue will not generate any additional traffic, and the junction analysis has demonstrated that the re-routing of traffic as a result of closing the western end of Raven Meadows does not result in any significant adverse effects at the junctions of the Avenue with Smithfield Road and Raven Meadows. The proposed development, as a phase of enabling works, will support the comprehensive masterplan vision for Smithfield Riverside, whilst the proposed highway layout is designed to accommodate the longer-term aspirations of the SBTP. In addition, the proposal will realise a number of movement and connectivity benefits through increased pedestrian and cycling accessibility and enhancements to the public realm and functionality of the town centres linkages to the river front.
- 6.2.6 Comments have been received in regard to the perceived lack of cyclist infrastructure; however, the applicants have confirmed that the proposed development has been designed to accommodate several different movements (motorised vehicles, non-motorised vehicles and pedestrians), whereby the resultant highway layout has been designed to tie into existing infrastructure to provide a continuation of the existing shared use route which runs along the southern side of Smithfield Road. The proposed development is therefore considered to connect into and be consistent with the existing walking and cycling facilities, whilst providing improvements at Roushill/Raven Meadows as already mentioned.

6.3 Amenity and Health Impacts

6.3.1 Air Quality

The application site lies within the Air Quality Management Area (AQMA) 3, which extends to a large part of the northern town centre within the river loop and out towards Frankwell and the gyratory system near the railway station. The AQMA was designated as a result of exceedance of the annual mean NO₂ standard; however, recent monitoring data shows no exceedances in 2023.

As a result of the AQMA and the proposed highway works, the application is supported by an Air Quality Assessment (Ove Arup & Partners Ltd, October 2024) to assess the potential changes to the construction and operation phases of the development, whilst setting out any necessary mitigation required.

- Construction Assessment

The assessment evaluates the potential dust impacts from demolition, earthworks, construction and trackout activities. The risk of dust soiling during the demolition stage is predicted to be medium, while the risk to human health is negligible. Mitigation measures include dust suppression techniques and site management practices, which will be secured through condition via a Construction and Environmental Management Plan.

- Operational Assessment

The assessment examines the impact of redistributed traffic on local air quality. The results show that negligible changes in pollutant concentrations and sensitive receptors is predicted. However, the maximum predicted concentrations remain below the relevant air quality standards, in-part due to the proposed works not anticipated to generate any additional traffic, only redistributing existing traffic flows.

Overall, it is considered that there would not significant effects on local air quality as a result of the proposed development. The Councils Environmental Protection Officer have raised no objections subject to a planning condition requiring a Construction and Environmental Management Plan.

6.3.2 Noise and Vibration

Due to the proposed works being the construction of major highway infrastructure in a town centre location and located close to existing neighbouring buildings, the proposal has the potential to create additional noise – either through construction and/or operation -, and adversely impact upon nearby sensitive receptors (i.e. residents of surrounding buildings). As a result, the application is accompanied by a Noise and Vibration Assessment (Ove Arup & Partners, October 2024), to assess the likely significant effects of noise and vibration from the construction and operation of the new highway infrastructure.

Baseline noise surveys were conducted at various locations around the application site, to establish existing noise level and representative of the surrounding sensitive receptors. The assessment of likely significant effects:

- Construction Noise

Predicted construction noise levels were compared to baseline ambient noise levels, which found that the construction noise would generally be below the threshold for significant effects, except for short durations at specific locations.

- Construction Vibration

Vibration levels from construction activities would be below the threshold for building damage and would not constitute a significant adverse effect based on the likely hours of planned construction and any temporary exceedances would be short.

- Construction Traffic Noise

The additional traffic generated by construction activities would result in a negligible increase in overall traffic noise levels and therefore, no significant adverse effect identified.

- Operation Traffic Noise

The operation phase assessment compared predicted traffic noise levels with and without the proposed development. The results indicate a major beneficial impact due to the reduced traffic on Roushill, with no significant adverse effects on other road links as a result of no high sensitivity receptors in the vicinity of the Avenue (the Premier Inn is considered to be medium sensitivity).

In conclusion, the traffic impacts on the development, once operational, would be improved along Roushill, whilst being negligible on all other routes. The proposed development will therefore not result in adverse effects to sensitive receptors.

6.4 Heritage and Archaeology Impacts

6.4.1 Core Strategy Policy CS16 and SAMDev Plan Policy MD13 seek to protect, conserve, enhance and restore Shropshire's heritage assets, through avoiding harm or loss of significance to designated and non-designated assets, including their settings.

6.4.2 The accompanying Heritage Statement (Turley, October 2024) duly notes that the application site lies within the town centre Conservation Area and is close to a number of listed buildings, with a Scheduled Ancient Monument (SAM) located at such a distance that the proposed development has the potential to affect its significance and setting.

6.4.3 There are no statutorily listed assets or SAMs within the application site boundary.

6.4.4 Heritage Assets

6.4.5 • **Conservation Area**

This covers a large area of varying sensitivity and significance. The application site is not considered to be part of the Conservation Area that is sensitive to change due to its previous, extensive phases of alteration and development. The proposed development is therefore considered has having no impact on the special character or appearance of the Conservation Area and its significance would be sustained, in-part by virtue of the proposed works relating to ground works and highways infrastructure, which will have a similar appearance to the current arrangement.

6.4.6 • **Length of Medieval Town Wall, Sally Port and Interval Tower (the SAM)**

The SAM forms part of the rear wall to numbers 10-12 Pride Hill (which are separately Grade II listed), with the vast majority of its significance lying in its fabric. The SAM can be appreciated from within the Gap car park when facing southwards and the part of Roushill directly opposite the car park. The proposed development, whilst forming part of the physical surroundings and setting, it does not contribute to its significance and therefore, the proposed development would have no impact on the setting of the SAM and its significance would be sustained.

6.4.7 • **Listed Buildings and Non-Designated Heritage Assets**

There are a number of buildings along Pride Hill (nos. 10, 11, 12, 13 and 14) and Mardol (nos. 63 and 67) which are listed assets, along with The Salopian Public House along Smithfield Road which is considered a non-designated heritage assets. Whilst the application site has a degree of physical relationship with these assets, in that the assets can be viewed and appreciated from along the highway network. The proposed development is regarded as having no impact on their setting, with their significance sustained, by virtue of previous modern extensions in direct line of sight, or a lack of visual connection and/or historical association with the application site (a highway).

6.4.8 Archaeology

6.4.9 Whilst there are no designated archaeological assets located within the application, there is previously identified potential for remains within the site boundary, covering marshland deposits pre-dating the post-medieval period, the alignment of the medieval town wall, gate, ditch and historic Roushill, and the 17th Century Civil War defences and more modern 19th /20th century building remains.

6.4.10 The proposed development has the potential to encounter remains associated with the identified heritage assets, as a result a condition will be imposed requiring all construction works to be completed under a watching brief and to record any associated remains which may be encountered. This will be delivered through a Written Scheme of Investigation.

6.5 Ecology and Biodiversity

- 6.5.1 Core Strategy Policy CS17 and SAMDev Plan Policy MD12 seek the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration, through the protection, enhancement and connection of assets to create a multifunctional network of resources.
- 6.5.2 The application is accompanied by an Ecological Impact Assessment (EclA) (Waterman, October 2024) to provide an evaluation of the importance of ecological features present and assesses the potential effects that the proposed development may have on any identified features. The EclA is based on the finding of the Preliminary Ecological Appraisal (Waterman, 2024) which accompanied an earlier application for the wider redevelopment site area.
- 6.5.3 The following ecological assets are located close to the application site:

Statutory Designated Sites

- Rea Brook Valley LNR: 1.1 km east
- Old River Bed, Shrewsbury SSSI: 1.6 km north
- Hencott Pool SSSI: 3.1 km north
- Bomere, Shomere and Betton Pools SSSI: 4.4 km south
- Berrington Pool, Shropshire SSSI: 6.3 km south

Non-Statutory Designated Sites

- River Severn (Montford - Shrewsbury) LWS: 0.007 km north
- Longden Road Cemetery LWS: 1.8 km south
- Old River Bed S'bury (Non SSSI - Hencott Section) LWS: 2 km north
- River Severn (Shrewsbury to Emstrey) LWS: 1.2 km east

Notable Habitats

- Open Mosaic Habitat on Previously Developed Land: 0.7 km north
- Deciduous Woodland: 0.3 km east
- Woodpasture and Parkland: 0.4 km west
- Rivers: 0.07 km north
- Lowland Fens: 1.8 km north
- Purple Moor Grass and Rush Pastures: 1.2 km north

The following legally protected or otherwise notable species of flora and fauna were identified within 2km of the application suite boundary (no species have the potential to be present on site):

- **Birds:** House Sparrow, Kingfisher, Peregrine Falcon

- **Bats:** Daubenton's Bat, Common Pipistrelle, Soprano Pipistrelle
- **Invertebrates:** Small Square-spot, Ghost Moth, Dusky Thorn, Small Emerald, Wood White, Rustic
- **Mammals:** Otter

6.5.4 Given that at the time of making this application, the wider Riverside Shopping Centre has been demolished and this application concerning highway infrastructure and associated works only, the application site is considered to have negligible value for notable and legally protected species. However, due to the River Severn lying 7m to the north of the site and its ecological assets, the proposed development could result in indirect impacts, including *inter alia* pollution events, artificial lighting, dust/disturbance. However, it is considered that all indirect impacts can be suitably mitigated through the imposition of a planning condition requiring the demolition/construction works to be completed in accordance with a prior agreed Construction and Environment Management Plan.

6.5.5 Subject to the specified mitigation it is considered that the proposed development and its residual effects are not significant, and the proposal complies with adopted planning policy.

6.5.6 Due to the proposed development concerning highway and associated infrastructure, no/limited vegetation is being impacted as part of the works. As a result the biodiversity net gain (BNG) de-minimis exemption applies. Furthermore, BNG is being considered as part of the wider redevelopment works as part of the current EIA application – therefore BNG is not considered any further under this application to avoid double counting.

6.6 Flooding and Drainage

6.6.1 The application site lies within Flood Zone 3 of the River Severn and is therefore considered as having a high risk from fluvial flooding.

6.6.2 The Drainage Strategy proposed for this development has already been considered by the LPA and the Environment Agency under the previous planning application that sought the demolition of the existing buildings/structures and creation of a new park and public realm. The proposed works do not comprise any significant change in ground levels or substantially alter any existing flow paths. As a result, it is considered that the proposed development will not affect fluvial flood risk to people or property within or outside of the site.

6.6.3 The EA have confirmed that they consider there to be no impact in terms of flood risk as a result of the proposed development. The highway works will not reduce flood storage capacity or impede existing flood flow routes given the ground levels will remain predominantly as existing.

7.0 CONCLUSION

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- 7.1 The proposed highway works surrounding the former Riverside Shopping Centre are a crucial component of the wider masterplan redevelopment proposals, which are designed with the aim to enhance traffic flow, pedestrian connectivity and improve the surrounding public realm. The proposed Avenue will act as a key access route that will significantly reduce traffic flows along Roushill, thereby supporting the strategic objectives of the Smithfield Riverside Masterplan and the aims of the Big Town Plan.
- 7.2 The proposed development will deliver long-term benefits through reducing traffic congestion, whilst ensuring that the environmental conditions surrounding the site, and to sensitive receptors, are not worsened.
- 7.3 The proposal complies with all relevant adopted local and national planning policies and aligns with adopted Development Plan Documents, such that it is recommended planning permission is **GRANTED** subject to the conditions 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.

10.0 Artificial Intelligence (AI)

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

11.0 Background

Relevant Planning Policies

Core Strategy and Saved Policies:

- CS1 - Strategic Approach
- CS2 - Shrewsbury Development Strategy
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS15 - Town and Rural Centres
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

MD2 - Sustainable Design
MD8 - Infrastructure Provision
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 **Acceptable In Principle** 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 **EIA Not Required** 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 **Discharge Approved** 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 **Discharge Approved** 19th July 2024

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

24/02993/DIS Discharge of condition 7 (habitat management plan) relating to Planning Permission 23/05402/FUL **Discharge Approved** 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). **EIA Not Required** 13th September 2024

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

24/03681/VAR Variation of condition no.2 (approved drawings) attached to planning permission 23/05402/FUL (as amended by 24/03682/AMP) **GRANT** 21st November 2024

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 **GRANT** 21st November 2024

24/04166/DIS Discharge of Condition 3 (Archaeological Mitigation Strategy) of planning permission 23/05402/FUL **Discharge Part-Approved** 6th November 2024

24/04476/EIA Outline planning permission (to include access) for the comprehensive mixed use redevelopment of the site comprising: Construction of a podium with undercroft car and cycle parking and ancillary uses, Creation of three plots on top of the podium - Plot 3 for office (Class E(g)(i)), hotel (Class C1) or residential (Class C3) and medical practice (Class E(e)) with associated ground (podium) level food and beverage retail (Class E(a)(b)(c)), Plot 5 for office, hotel or residential with associated ground (podium) level food and beverage retail, Plot 6 for residential, construction of a new road between Smithfield Road and Raven Meadows 'the Avenue', meanwhile uses, creation of new public realm and landscaping at ground and podium level, plant, servicing and other associated enabling and ancillary works. **Pending Consideration**

12.0 Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SLM7IJTDL5000>

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. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing. The submitted details shall include post-fieldwork reporting and appropriate publication.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report provided to the local planning authority prior to first use or occupancy of the development. The report shall include post fieldwork assessments and analyses that have been completed in accordance with the approved written scheme of investigation. This shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

Reason: The site is known to hold archaeological interest.

4. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and time scales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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The hereby required landscaping details shall include details of the proposed planters, provided with specifications for the planting. This should include drainage, soil and mulch depths for planting types and planting details. The hard landscaping details shall include details of any street furniture including their make, type and model.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape.

5. No demolition or construction (including ground works and vegetation clearance) work shall commence until a Construction and Environmental Management Plan (CEMP) 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 CEMP 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 BPM to reduce dust emissions.
- Phasing plan for the demolition and construction works.
- Demolition/construction access/haulage routes, parking and traffic.
- Working hours and restrictions.
- Wheel washing facilities.
- 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 BPM relating to all site activities.
- An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented.
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts to flora/fauna during construction.
- 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).
- The times during construction when an ecological clerk of works needs to be present on site to oversee works.
- Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction.
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

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- vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- Pollution prevention measures.
 - Flood Emergency Plan to ensure operational safety (people, plant, pollution control, etc) during a flood event.

Reason: In the interest of the amenity of the occupants of surrounding sensitive properties and to protect features of recognised nature conservation importance.

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

6. a) The development hereby permitted shall be carried out in strict accordance with the approved following documents:

- Smithfield Riverside, Shrewsbury Generic Quantitative Risk Assessment, SRS-ARP-RP-XX-RP-CG-00002, Ove Arup & Partners Limited, P03, 05 September 2024; and
- Remediation Method Statement (RMS) and Discovery Strategy V2.0: Smithfield Riverside Shrewsbury, Ivy House Environmental, 04 September 2024.

b) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified 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.

c) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. The Report 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.

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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

7. Prior to the first use of the development hereby approved a lighting plan which

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demonstrated how adverse lighting effects that could cause harm to bats and their habitats shall be submitted to and approved in writing by the local planning authority. The lighting shall be carried out in complete accordance with the approved details.

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

Informatives

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.

This 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.

Subject to the drainage survey investigation and any connection agreements required, the LLFA would favour connections to dedicated surface water sewers and highway drainage networks, in preference to combined sewers.