

# AGENDA ITEM



Committee and date

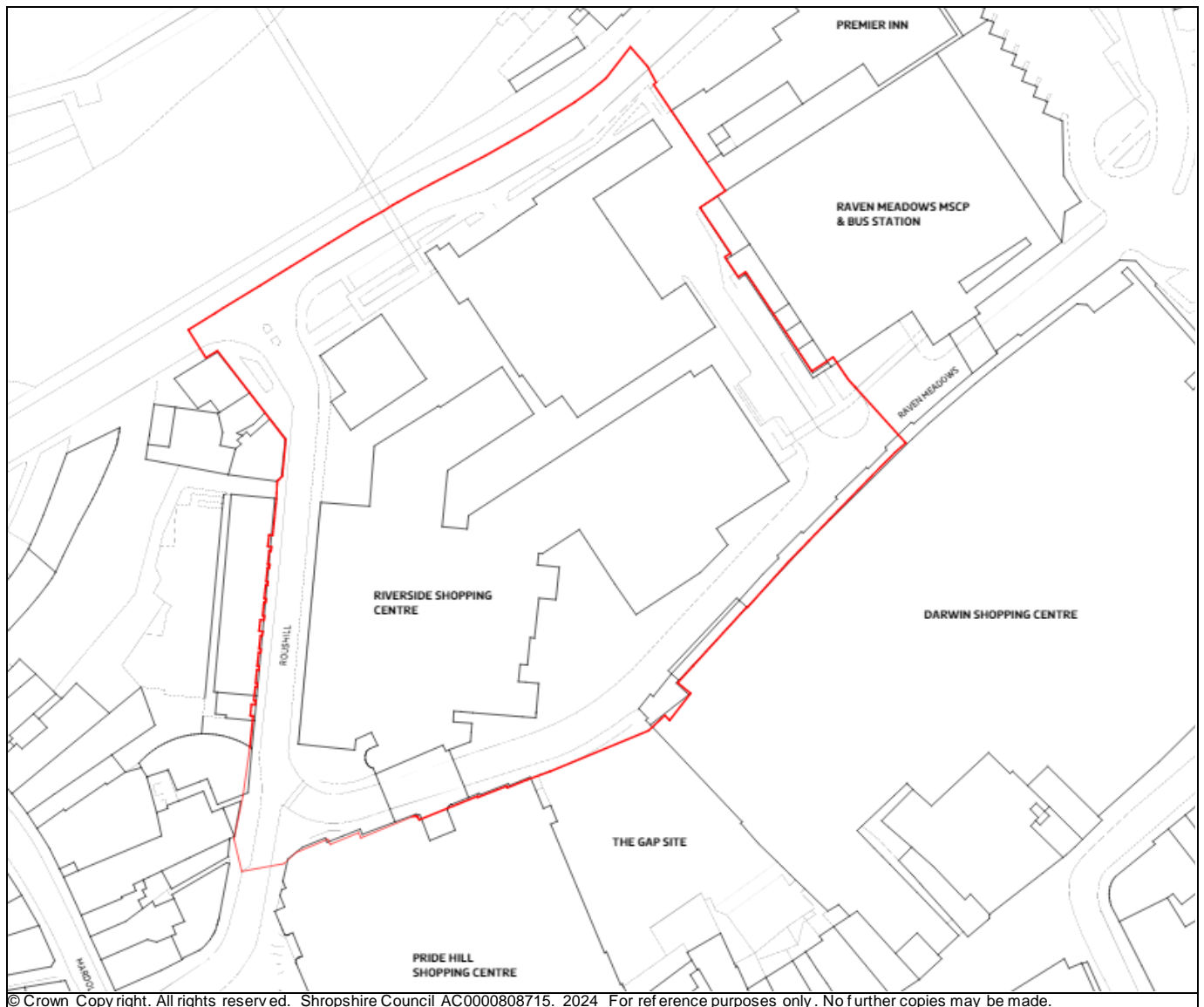
**Northern Planning Committee**

## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 24/04476/EIA	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> 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.		
<b><u>Site Address:</u></b> Riverside Shopping Centre Pride Hill Shrewsbury Shropshire		
<b><u>Applicant:</u></b> C/O BNP Paribas Real Estate		
<b><u>Case Officer:</u></b> Ollie Thomas	<b><u>email:</u></b> <a href="mailto:ollie.thomas@shropshire.gov.uk">ollie.thomas@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 349132 - 312736		



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**Recommendation:- Grant planning permission** with the delegated authority to the Interim/Planning and Development Services Manager to impose planning conditions, and the completion of a legal agreement to secure a contribution towards affordable housing and flood warning systems.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is seeking outline planning permission with access matters only to be considered concurrently. All other matters, design, layout, scale and landscaping, are reserved for later approval. This application seeks to establish the parameters and design principles for the subsequent detailed applications that come forward on the

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site.

- 1.2 The development proposed is for three new plots (Plots 3, 5 and 6) atop a podium structure, to provide a mixed-use development. The end-use or quantum being sought is not exact and seeks a degree of flexibility in how the site is bought forward. Nonetheless, this permission will set a maximum quantum of development, achieved through the parameter plans (discussed below) and to provide between 22,127 and 25,501 sqm gross internal area, and limited to the following uses:

- Offices (Class E(g)(i))
- Hotel (Class C1)
- Residential (Class C3)
- Medical Practice (Class E(e))
- Food and Beverage (Class E(a)(b)(c)) – at ground (podium) level only.

The following table sets out the different use class scenarios being proposed for the development:

Plot 03	Plot 05	Plot 06
Office / retail	Office	Residential
Medical practice	Residential	
Residential	Hotel	
Hotel		

Whilst the proposed development represents a departure from local planning policy, in that the site is allocated to deliver a retail-led scheme, the future intention of this site has been well established as set out in adopted masterplan and framework documents (the Big Town Plan and Smithfield Riverside Development Framework). All of which set out a vision for the Riverside area to become a mixed-use area that contributes towards the regeneration and growth of Shrewsbury town centre through providing a waterfront destination that delivers vibrant new living, leisure and work accommodation with enhanced public realm and pedestrian connectivity to the historic core of the town centre.

- 1.3 The areas under the podium will provide opportunity to accommodate undercroft car and cycle parking, and plant/servicing requirements for the buildings. The undercroft parking will be accessible from Raven Meadows and the recently approved The Avenue (24/04035/FUL). The undercroft areas of the podium will also assist in the management of flood water on site (flood storage), aligned to the overarching flood risk strategy.

1.4 The proposed development is of a type and scale that requires an Environmental Impact Assessment (EIA) to be undertaken – Schedule 2 (10)(b) urban development projects. In this instance, the application has been supported by an Environmental Statement (ES), prepared to investigate the environmental effects of the proposals both during construction and operational phase, as well as any cumulative effects. The submitted ES confirms that overall, the development has limited adverse environmental impacts, and the majority of effects associated with the proposals are of a negligible or beneficial nature. Any significant adverse effect is limited to the construction phase or can be suitably mitigated through recommendations made within the ES and conditioned accordingly.

1.5 As a result of the flexible nature of the application, in that just maximum quanta of development is being proposed, the ES has assessed the potential for significant effects on the reasonable worst case massing model – i.e. pushing the development to the maximum parameters.

1.6 ***Phased approach to applications***

1.7 Funding for the project is achieved through the Government's Levelling Up Fund (LUF) and is subject to compliance with the completion of demolition and enabling works to be completed by March 2025 – demolition is now complete and commencement of the park is set to place in the coming weeks. The subsequent construction phase has received funding through the Local Enterprise Partnership (LEP) which is dependent on separate requirements. As a result of this, the Council has phased the submission of planning applications to ensure that milestones and deadlines are met and deliver a masterplan that is deliverable and viable. To date the following applications have been submitted as forming part of Phase 1:

- Demolition of Riverside Shopping Centre and creation of new Park and Podium - planning ref: 23/05402/FUL (as varied by 24/03681/VAR)
- Creation of new link road between Smithfield Road and Raven Meadows (The Avenue) and highway alterations to Roushill - planning ref: 24/04035/FUL.

Phase 1 also includes the following future applications to be submitted:

- Demolition and redevelopment of Pride Hill shopping centre.
- Reserved matters applications to provide the detail being reserved as part of this application.

Phase 2 of the project will then include future applications towards the east of the site and will focus on urban repair and the integration of smaller footprint blocks and enhancement of pedestrian connectivity.

1.8 ***Parameter Plans***

1.9 The parameter plans define the limits within which the development must be designed,

and need to be read in conjunction with the design principles set out in the Design Code (below) that lay further detailed rules on the design of individual plots. Although they set maximum parameters for certain aspects (height, build zones), they still allow a degree of flexibility so as not to inhibit innovative design, rather they provide a degree of control in terms of the likely effects of the future detailed design so that it maintains the positive/negligible effects as set out in the ES.

- 1.10 Plot 3 – the volumetric parameters propose for a development of up to 6-storeys (office use), or 7-storeys (residential and/or hotel use) above the podium, whilst occupying a minimum footprint of 1,035sqm and a maximum footprint of 1,894sqm.

Plot 5 – the volumetric parameters propose for a development of up to 5-storeys (office use), or 7-storeys (residential and/or hotel use) above the podium, whilst occupying a minimum footprint of 800sqm and maximum footprint of 1,600sqm.

Plot 6 – the volumetric parameters proposed for a stepped development of up to between 5- and 7-storeys for residential use, whilst occupying a minimum footprint of 750sqm and maximum footprint of 900sqm.

Due to the known flood levels, the podium to which all development will sit atop (save for undercroft parking/servicing) is set to a consistent 55.0mAOD – this was established as part of the previous planning applications.

1.11 ***Design Code***

- 1.12 A Design Code sets out a framework for the detailed design of the scheme and covers topics such as: vehicle/pedestrian movement, public realm and landscaping, architectural code and materiality. It sets out the approach towards achieving a development of high quality to meet the vision and objectives for the Riverside. Future reserved matters applications would have to follow the Design Code and provide a statement of conformity to ensure the agreed design principles have been worked into the scheme at the earliest stage.

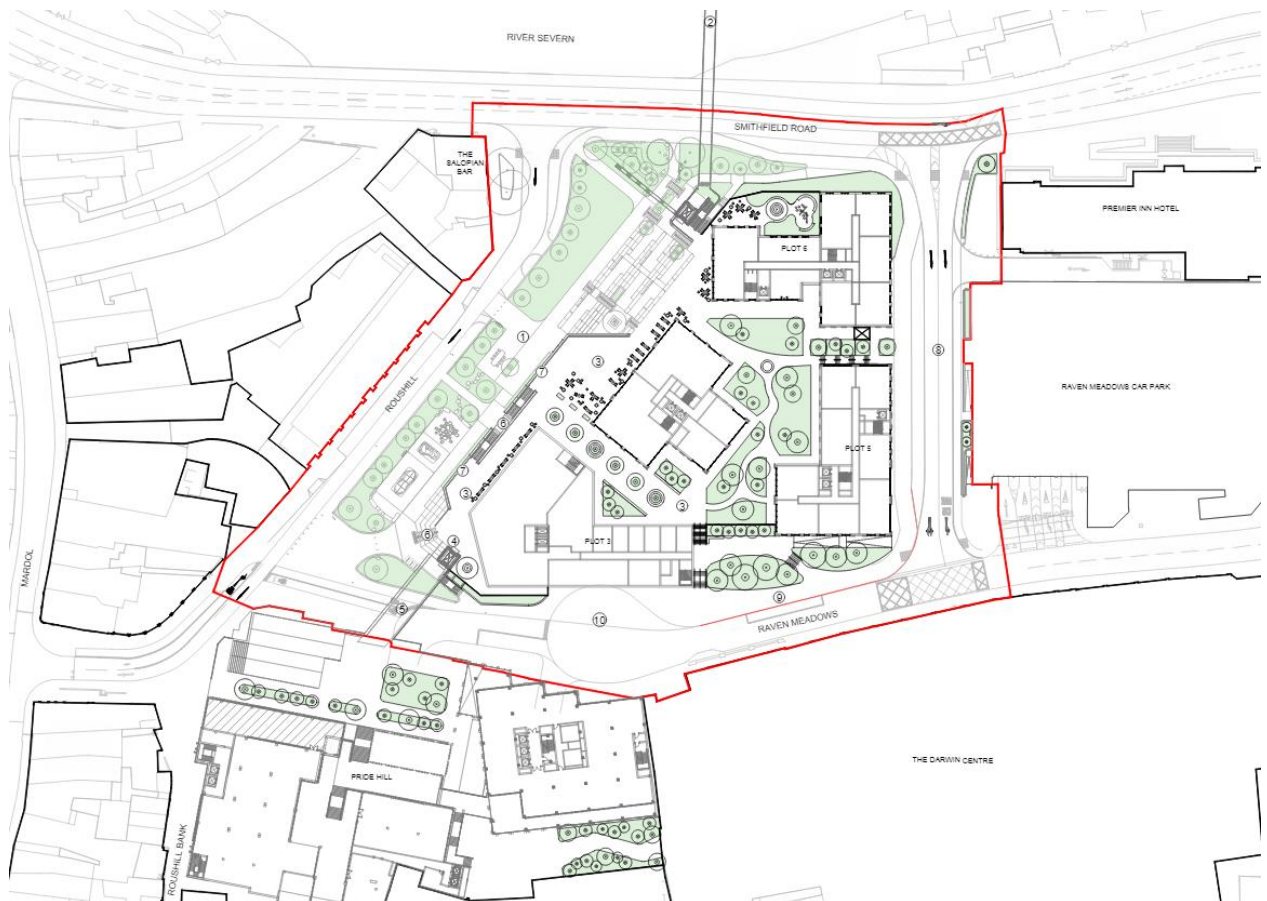
- 1.13 The parameter plans and the Design Code will guide and manage the scale and form of detailed proposals. The principles contained within set out how the amount of development responds to the site's context, avoids significant negative environmental effects, delivers the necessary environmental mitigation and maximises the benefits of the scheme.

1.14 ***Illustrative Masterplan***

- 1.15 The Illustrative Masterplan (IM) shows how the parameters and Design Code could create a high-quality scheme. It shows how the amount and type of development could fit on the site, and how the design principles can be applied in practice. It is based on the provision of a range of use-classes.

It has focussed on the key themes of connectivity, relationship to the river, protecting the Darwin Shopping centre and the wider Shrewsbury movement strategy.

The IM states that the intention is to phase the delivery of the development, to which has followed a series of important sequencing considerations including the creation of the new park, the new public highway (the Avenue).



## 1.16 **Meanwhile uses**

1.17 As the development programme for the redevelopment is not confirmed (subject to third party delivery partners), there is a possibility that the site (or parts of it) may be dormant for an unknown period. In this event, meanwhile uses are being proposed that will help in activating the area and creating valuable temporary space for community projects and local business to trade. The following meanwhile uses are proposed as part of this application:

- Pop-ups/Pavillion
- Food & Beverage/Retail
- Embankment area
- Planter/viewing terraces.

The principle of meanwhile uses was established through the former application which sought the demolition of existing buildings (planning ref: 23/05402/FUL).

Due to the uncertainty and unknown nature of any meanwhile use, the decision will impose necessary controls to secure the future of this part of the site whilst the detailed proposals are worked up and commenced upon.

## 2.0 SITE LOCATION/DESCRIPTION

2.1 Smithfield Riverside as a whole is approximately 4 hectares and lies within the River Severn loop to the north-west of Shrewsbury's town centre. Smithfield Riverside is bound by the River Severn to the north-west and the Darwin and Pride Hill Shopping Centres to the south-east; between these shopping centres is the surface level car park known as the 'Gap Site'.

2.2 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. At the time of this application, demolition has commenced in accordance with previous planning permissions. 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 Comment

#### 4.1.1 SC Historic Environment (joint consultation – Archaeology & Conservation) – No objections subject to conditions.

Taking account of the information provided with the application as a whole, Officers concur with the findings of the Heritage Assessment in terms of the impact the proposed development will have on the significance of built heritage assets.

#### 4.1.2 SC Public Protection – No objections subject to conditions

Air Quality - The proposal is not likely to have a substantial adverse air quality impact on the either proposed or existing human receptors.

Traffic Noise – Any future reserved matters application shall be accompanied with an acoustic assessment that should include an assessment of the impact of road traffic noise on the proposed residential development. Good acoustic design solutions need to be considered at the earliest design stage to achieve acceptable noise levels, mitigation that requires windows to be kept shut in order to achieve recommended levels should only be considered where it is not possible to resolve the issues by other design measures.

Amenity impacts from commercial uses – Future reserved matters applications should include an assessment of the impact of commercial noise sources and a scheme of mitigation.

Lighting Impacts – A lighting assessment will be required (through condition) to ensure the external lighting does not adversely impact on the surrounding residential uses.

#### 4.1.3 **SC Landscape (ESP) – No objections subject to conditions**

The Townscape and Visual Impact Assessment is carried out in a clear, robust and evidence-based manner.

Comments were received in regard to the amended Design Code and Design and Access Statement to ensure sufficient control is achieved through these documents. The case officer in conjunction with the Green Infrastructure and Landscape Officer have recommended a planning condition to ensure that any outstanding matters are suitably dealt with at Reserved Matters stage.

#### 4.1.4 **SC Highways – No objections subject to conditions**

The methodology of the TA has been previously looked at and discussed with the Transport Consultants relative to the existing Riverside development and land uses, albeit that those buildings have been removed as part of the demolition planning approval to enable the phasing of the build programme going forward and funding opportunities to the Council. Highways are content with the methodology used in the TA, which in essence seeks to assess development parameters to ensure that there is a degree of flexibility when reserved matters applications come forward.

Overall it is considered that there are no substantive grounds to refuse this outline application, accepting that the precise detail will need further discussion as development proposals come forward, which will identify residential and non-residential uses and how those developments will be phased within the land footprint. Those reserved matters applications will need to be supported by construction management plans as well as demonstrating adequate on-site car parking where appropriate, with promoting walking and cycling access and cycle parking as part of Travel Plans that will be required.



## 4.1.5 SC Drainage & SUDS – No objections subject to condition

The proposed drainage strategy is acceptable in principle. It is acknowledged that infiltration to ground is not appropriate. The submitted SuDS Maintenance Plan is acceptable in principle and should be developed alongside the detailed drainage strategy.

Outline proposals for safe access and egress from habitable areas, using link bridges and adjacent buildings are acceptable in principle. Because of the reliance on flood defences, it must be demonstrated that an alternative access and egress exists to Frankwell footbridge. Access and egress proposals should be detailed with the reserved matters applications and it must be demonstrated that unimpeded access is available for residents at all times.

## 4.1.6 SC Green Infrastructure – No objections subject to conditions

Comments were received in regard to the amended Design Code and Design and Access Statement to ensure sufficient control is achieved through these documents. The case officer in conjunction with the Green Infrastructure and Landscape Officer have crafted a planning condition to ensure that any outstanding matters are suitably dealt with at Reserved Matters stage.

## 4.1.7 SC Ecology – Further clarification sought

The habitat maps drawn are based on proposals not existing at this time, this has been previously agreed on and satisfied with this approach. However justification for the Other Woodland, Broadleaved rather than grassland with individual trees is considered necessary.

On review of the Updated Preliminary Ecological Appraisal, the recommendation and conclusions are deemed satisfactory with no further survey work required.

## 4.1.8 SC EIA Practitioner (Temple) – No objections

The Temple Group were commissioned by SC to carry out an independent review of the Environmental Statement submitted in support of the application, to identify whether the ES meets the minimum requirements set out in Schedule 4 of the Environmental Impact Assessment Regulations 2017.

Following their Interim Review Report (December 2024) a series of clarifications were sought in regard to:

- The health summary in the Non-Technical Summary appears to exclude some effects considered significant for vulnerable groups.
- Clarification on extent of non-designated heritage assets considered.
- Confirmation of designation of construction effects to Conservation Area.

- Clarification on construction phase assessment on heritage assets in regard to noise, vibration, traffic and dust, as well as visual changes.
- Clarify whether GHG emissions is for electric use only
- Further justification on health impacts
- Explain further their approach to socio-economic baseline assessment.
- Justification for the exclusion of sensitivity test on townscape.
- Clarify traffic and transport effects during construction phase.
- Further justification for scoping out of operational waste.
- Clarify the assessment of surface and groundwater quality during flood event.

Following the applicants response on the above, Temple then issued their Final Review Report (February 2025) which confirmed that no further clarification was required, except for matters surrounding townscape and anticipated HDV levels.

**4.1.9 Environment Agency – At this stage, there is a high degree of uncertainty around what could come forward in regard safe access and egress during a flood event and the application could be refused on flood risk grounds.**

The issue of access in regard to Outline matters is more complex when it comes to flood risk. The application proposed a mixed-use development within flood zone 3, an area at high risk of fluvial flood. Elements of the development (residential/hotel/medical practice) are considered more vulnerable (annex 3 of the NPPF) in terms of flood risk.

For more vulnerable development to be permitted within flood zone 3, the exception test must be applied.

The NPPG establishes that new development should ensure that access and escape routes are designed to be safe and maintained for the lifetime of a development, allowing people to move freely during a flood event, maintaining access to homes and ensuring emergency vehicles can safely reach a development.

The Smithfield Riverside Development has the potential to be a flagship development, setting a strong example for regeneration of sites within flood zone 3. Prior to the approval of this outline application, you should be satisfied that the requirements of the exception test have been met, and that safe and sustainable development can be achieved.

**4.1.10 Historic England – No objections but has concerns regarding the application on heritage grounds**

Whilst the overall reduction in height appears construction, we remain disappointed that there has not been more substantive engagement with our advice. The application does not give sufficient consideration to the historic character and identity of this part of Shrewsbury and would not enhance the significance of heritage assets.

We welcome the identification and recognition of historic geology, topography and

architecture as a way of retaining the character of the conservation area and creating a more cohesive link between the riverside area and historic town centre.

We also welcome the re-development of this underused area of Shrewsbury and recognise that public benefits will result from its regeneration.

Historic England has concerns regarding the application and the potential for harm to be caused to the significant of the scheduled town wall and the character of the conservation area and not able to support the proposals as they stand.

#### 4.1.11 **Active Travel England – Deferral as not currently in a position to support the application**

Trip generation assignment and mode shares – trip generation figures should be provided across the entire day, rather than at peak hours and ATE would encourage the submission of a Framework Travel Plan to support the ambitious active travel mode shares.

Off-site infrastructure – ATE would strongly support measures to slow vehicular traffic and upgrade pedestrian facilities along Smithfield Road.

Masterplanning and permeability – ATE would encourage the use of raised table crossings rather than dropped kerbs with tactiles and the interface with vehicle routes through the site.

On-site facilities – the application does not include specific details of cycle provision.

#### 4.1.12 **Shropshire Fire & 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 building's projected plan areas or a percentage of building's perimeters, whichever is less onerous. The percentage will be determined by the total floor area of the building. 'THE BUILDING REGULATIONS, 2010 (2019 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Although this issue will be dealt with at the Building Regulations stage of the development, it is vital that this guidance is adhered to when considering access to the existing buildings, at all stages during these planned works. For example, inlets for dry rising mains for both Pride Hill and Darwin shopping centres, are situated along Ravens Meadows. Fire appliances will always need to have access to within 18m of these.

Flooding issues that may potentially cause further B5 access issues concerning the

future development of Riverside, are subject to ongoing discussions and consultation with relevant stakeholders. Compliance with the Functional Requirements of B5 of the Building Regulations will need to be demonstrated. It is not clear that this has been demonstrated in the Shropshire Council Flood Risk Assessment, dated 22/11/24. More information on the annual probability of fire appliances not being able to access the site/certain parts of the site due to flooding, will be required. It may be possible to balance this with an annual probability of fire (provided by SFRS) and any potential provision of extra fire safety provisions that may be deemed necessary, such as sprinklers. We look forward to further discussions.

#### 4.1.13 **Natural England – No objections**

The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### 4.1.14 **Canal & River Trust – No comments as falling outside of any notified area applicable for consultation.**

### 4.2 **Public Comments**

#### 4.2.1 **Shrewsbury Town Council – No response received at the time of writing.**

#### 4.2.2 **Shrewsbury Civic Society – Two separate comments were received both of which took a neutral stance, with the latest seeking clarification on graphical errors between the Design Code and the DAS.**

In conclusion, the Civic Society appreciate the efforts of all concerned with this application in trying to ensure a high-quality outcome for this site with all its uncertainties and there is much to applaud in the approaches outlined. However, they have real concerns about the appropriateness of the layout of the buildings on the site as well as the heights of those buildings and their impact on the town. They therefore object to major aspects of the proposal as it stands but hope their suggestions as to how these may be resolved are seriously considered and a suitable revised proposal is forthcoming.

#### 4.2.3 **Two letters of objection were received by the ‘Bus Users of Shrewsbury’, with the comments summarised as following:**

Supportive of the BTPs aims and the need to provide active travel and sustainable modes of transport, however query how practical the replacement bus interchange at the railway station is. The proposed interchange, along the Avenue, is of a too small a scale (only 4 bus stops) and unclear how passengers will alight in two lanes of one-way traffic.

There is a lack of adequate cycle infrastructure around the site at present and a lack of

walking refuge along The Avenue making it dangerous for pedestrians to cross.

## 5.0 THE MAIN ISSUES

Whether the proposed development represents sustainable development that contributes to the regeneration of the town centre, without adversely impacting on existing environmental conditions and/or receptors.

## 6.0 OFFICER APPRAISAL

### 6.1 Regeneration of Smithfield Riverside

6.1.1 Policy S16 of the SAMDev Plan recognises the Riverside as forming part of the ‘Heart of Shrewsbury’ – including the town centre and edge of centre area, whereby development proposals should have regard to unlocking the areas greater potential, ensuring strong, high quality public realm and links between spaces, and significantly enhancing the town centre retail offer, whilst retaining and developing the independent sector.

6.1.2 The allocation specific policy, S16.1c, identifies the site as delivering a retail-led development, which aims to help meet the retail floorspace targets for Shrewsbury. Whereas the proposed development is for a mixed-use scheme, which represents non-compliance with the adopted Development Plan. The application has therefore been advertised as a departure from local policy. Nonetheless, it is considered that there are other material considerations which indicate the adopted allocation guidelines should not be followed in this instance.

6.1.3 The regeneration of Smithfield Riverside has policy support for a comprehensive and co-ordinated redevelopment, as a priority area to develop Shrewsbury’s vitality and viability in recognition of its role within Shropshire and the need to achieve a significant level of housing and economic growth. The redevelopment of Smithfield Riverside is framed by the wider town centre visions of the Big Town Plan (BTP)(2018), Shrewsbury Masterplan Vision (2021) and the Smithfield Riverside Strategic Development Framework (2022). All these adopted documents post a vision for Smithfield Riverside as not longer retail-led, but a mixed-use scheme comprising office, residential (including hotel accommodation) and ground floor commercial/leisure uses. All of which are considered main town centre uses and the scheme nonetheless does retain some retail element, albeit at a much smaller proportion and limited to the ground floor podium level.

6.1.4 Furthermore, although the LPA have publicised their intent to withdraw the draft Local Plan, following the recommendation made by the Inspectorate, the evidence base underpinning the draft policies and allocations is still being afforded weight in the decision-making process – as was agreed by Cabinet members. Resultantly and informed by the Council’s Town Centres Study (2020) which concluded that due to

poor performance, peripheral location, low occupancy and unattractive character of the immediate area, the existing shopping centre should be demolished and replaced with a mixed-use development that largely excluded retail.

- 6.1.5 The NPPF at para 127 is clear that decisions need to reflect changes in the demand for land and “*where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in a Plan:*

*a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*  
*b) in the interim, prior to updating the Plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”*

- 6.1.6 Similarly to the conclusions made previously that given the aims of the latest adopted documents, the conclusions of the Town Centres Study and national planning policy, the proposed development, as an alternative approach to developing an allocated site, should be supported to support the overarching aims to regenerate the Riverside site and contribute to the aims of the BTP and Strategic Development Framework. The proposed development is therefore regarded as constituting sustainable development.

## 6.2 Phasing of Development

- 6.2 The Planning Statement confirms that the proposed development is anticipated to be delivered in a series of phases, broadly working west to east across the site. An indicative phasing plan is provided as part of the submission pack, whereby it is requested that any planning permission is phased for the purposes of CIL payments. Resultantly a suitably worded condition is imposed to require a phasing plan prior to any reserved matters being submitted.

It is intended that a development partner will be engaged to bring forward the reserved matters applications, either individually or a whole, it would therefore be expected that the phasing of development is agreed not long after.

## 6.3 Access and connectivity

- 6.3.1 The application is supported by a Transport Assessment and Access Statement of what, in effect, forms the first phase of the Riverside development and covers land between Roushill/Raven Meadows and the multi-storey car park and Premier Inn buildings, including the new proposed link (The Avenue) between Smithfield Road/Raven Meadows.
- 6.3.2 It is noted that Active Travel England have commented on the application and recommended referral on the basis that it is not in a position to recommend the application. Their concerns principally relate to cycle parking, trip generation and Travel

Planning, however, it is considered that these matters can be satisfactorily dealt with as part of the imposition of planning conditions and/or part of the reserved matters applications, when the precise detail and development type/quantum comes forward.

- 6.3.3 Overall, it is considered that there are no substantive grounds to refuse this Outline application, accepting that the precise detail will need further discussion as development proposals come forward, which will identify residential and non-residential uses and how these developments will be phased within the site. The future reserved matters will need to be supported by construction management plans as well as demonstrating adequate on-site car parking where appropriate, whilst promoting walking and cycling access and cycle parking as part of any Travel Plan, including any necessary on-site/off-site infrastructure improvements.

## **6.4 Design**

- 6.4.1 The design intent for future reserved matters applications has been set out in the Design Code. This would inform the detailed design, setting out the key principles to ensure the development is of high quality that delivers the overall vision and objectives of the scheme. The Design Code would ensure that matters identified in the supporting assessments are fully incorporated to ensure mitigation is embedded in the future design.

The Design Code provides an acceptable level of information to inform future application and would help deliver a high-quality design and layout that responds to its context and on-site constraints.

## **6.5 Visual amenity and effects on designated heritage assets**

- 6.5.1 A Heritage Impact Statement (HIA) and Townscape and Visual Assessment (TVIA) has been submitted in support of the application, and based upon the parameter plans. They assess the potential impacts of the outline proposals on the significance and setting of nearby heritage assets, local townscape character and views towards the site, including the amenity of those experiencing the view.

The application site does not contain any designated heritage assets, although it does lie within the Town Centre Conservation Area and there are 13 within a 250m radius, including Scheduled Ancient Monuments (SAM) and Grade I, II\* and non-designated heritage assets.

- 6.5.2 The HIA concludes that the proposed development (worst case scenario based on the mass modelling) would result in harm to the significance of St Mary's Church (Grade I listed), St Alkmund's Church (Grade II\*) and the setting to the Town Centre Conservation Area through visual impact on views of these assets. This harm is regarded as being less than substantial and would be low, with the NPPF at paragraph 208 stating that less than substantial harm should be weighed against the public benefits of the proposals. The balancing exercise is provided at Section 7 below.

6.5.3 The comments from Historic England and the Shrewsbury Civic Society are noted, with Historic England stating that they consider the proposed development will cause harm to the significance of the Scheduled Monument of length of medieval town wall, sally port and interval tower (Pride Hill Chambers) and to the Shrewsbury Conservation Area. However, they have not formally objected to the proposed development. Furthermore, due to the degree of alteration that has occurred to the setting of these assets over the course of the 19<sup>th</sup> and 20<sup>th</sup> Centuries, it is the opinion of the LPA, and supported by the Councils Archaeologist that the proposed development will not cause harm to any of the Scheduled Monuments listed. This is further supported through the negative contribution made by the present situation of the application site.

6.5.4 The TVIA concludes that the proposed development would generally respect the townscape character of the site and its surroundings and in providing a mixed-use scheme of varying parameters would enhance the nature of the townscape character and improve the relationship of this site with the historic core of the town and between the river. The proposed development (worst case scenario) does result in five significant townscape/visual effects, of which only the Welsh Bridge view is considered as severe. However, the real effects of the proposed development will be considered at reserved matters stage, to which will be informed by the Design Code which sets out and mitigates against contextual architectural design, including the approach to layout, scale, mass, height, design, appearance and landscaping.

## 6.6 Residential amenity

6.6.1 With the proposed development made in outline, with design, layout and scale matters reserved, this application is not seeking to determine detailed matters as these will come forward under reserved matters applications. However, the design code does stipulate conditions for the detailed design stages, to which will be used in conjunction with existing adopted planning policies to ensure compliance with standards and specifications at the appropriate time. Nonetheless, the accompanying ES does consider matters of amenity in terms of during the construction and operation phase for the following matters:

### 6.6.2 Noise and vibration

A Noise Assessment has been submitted as part of the application which identifies those likely noise-generating activities during the construction stage (demolition, earthworks, sub- and superstructure and fit out).

Whilst significant adverse effects are likely to be experienced by receptors in the Nexus Apartments, this is limited to temporary construction noise for a period of approximately 10 months. However, significant beneficial effects are anticipated for residential receptors along the wider Roushill during occupation as a result of the road closure from Roushill to Raven Meadow. Mitigation during the construction phase can be suitable conditioned to require a Construction Environment Management Plan.



## 6.6.3 Air Quality

The submitted Air Quality Assessment indicates that the proposed new residential uses and the recently approved the Avenue have been included in the assessment, whereby the predicted levels fall well within the national air quality objectives. The proposal is therefore not likely to have a substantial adverse air quality impact on either the existing or proposed human receptors, subject to appropriate mitigation secured through condition – a Construction Environment Management Plan.

## 6.6.4 Health

The submitted Health Assessment identifies how construction activities are likely to result in some negligible impact on the disruption to the local road network through construction and personnel travel. Whilst the construction period will lead to a loss of amenity in the short-term in terms of people unable to access the site, who may have done previously for various purposes. This is considered low and temporary.

However, during the operational phase, the development will contribute to delivering high-quality homes in a sustainable location, which will promote active travel and access to high quality public realm and green spaces. This represents a positive change in the local environment and offering opportunities for social connections that did not previously exist.

## 6.7 **Green infrastructure and landscaping**

- 6.7.1 The Design Code sets out the principles to enhance the landscaping on the site including; new soft planting to enhance the character and integrity of the site, that satisfactorily ties-in to the character of the new park (under construction), whilst providing provision of outdoor infrastructure to support positive use and social interaction, creating a range of social spaces connected by a network of convenient and attractive route and design clear thresholds between through spaces. Landscaping would be designed as part of the reserved matters application, however the principles set out in the Design Code are acceptable to guide any future design.

## 6.8 **Flood risk and drainage**

- 6.8.1 A Flood Risk Assessment which has reviewed all sources of flood risk confirms that the site lies largely within Flood Zone 3 and is therefore at high risk of flooding from the River Severn as the fluvial source. As the proposed development is in part for 'more vulnerable' development, the application is supported by a sequential test (in accordance with para 173 of the NPPF) which seeks to steer new development to areas with the lowest risk of flooding from any source. However, and as mentioned, the redevelopment of Smithfield Riverside is supported by masterplan and framework documents in recognition of the regenerative benefits attributed through the wholesale redevelopment to provide a mixed-use scheme in a key town centre location. It is therefore accepted that there are no alternative sites able to accommodate the

proposed development, whilst delivering and achieving the same benefits, within an area of lower flood risk. The sequential test is therefore met.

6.8.2 As the EA have mentioned and in accordance with para 177 of the NPPF, the proposed development must also pass the exception test, which requires two elements to be satisfied:

- The development would provide wider sustainability benefits to the community that outweigh flood risk; and
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

### Sustainability benefits

The sustainability benefits of the proposed development are discussed throughout this Report and can be summarised as follows:

- Supporting the regeneration of a brownfield site in a key area of the town centre;
- Development to provide a mix of uses that support and enhance the vitality and vibrancy of the town centre through socio-economic benefits;
- Enhanced public realm and providing pedestrian connections to unlock the river frontage with the wider more historic core of the town centre.

### Safe for its lifetime

The submitted FRA confirms that a number of measures have been implemented to manage the flood risk on site, including raising all habitable spaces above ground level, in excess of the design flood level, mechanical and electrical plant will also be located above the design flood level. The FRA states that all habitable areas will have raised link bridges, linking the buildings to adjacent buildings and over the River. However, at the time of this outline application the delivery of any of these bridges is uncertain and concerns raised over the viability and/or deliverability (due to funding and/or land constraints). Nonetheless, the applicant remains confident that a suitable option is achievable and suggested that this be secured through a Grampian condition. Upon consideration it was deemed inappropriate to utilise a Grampian condition for the purpose of flood risk, instead a condition is recommended that requires the measures to be implemented for the purpose of safe access/egress be submitted as part of any reserved matters application that includes more vulnerable development. The EA are content that this provides sufficient control to ensure that occupants and/or emergency workers are not put at undue risk during a flood event.

Further flood resistance and resilience measures of the development include enabling the undercroft areas to be utilised for flood storage, whilst installing dry proofing to stop water entering the building and upwards in specific locations.

The application site, as does the wider town, benefits from early warning systems of flooding that could trigger evacuation procedures and enable residents to egress in good time. The EA have also requested that a financial contribution be secured through a legal agreement to further refine and enhance this warning system, this is deemed appropriate and acceptable.

In regard to emergency vehicle access, the applicant has confirmed that discussions are ongoing with Shropshire Fire & Rescue team to confirm the principles of site access for the fire service. The Fire & Rescue team have not objected to the proposal and confirm ongoing discussions, whereby the agreed approach will be incorporated into the Flood Warning and Evacuation Plan, secured through planning condition.

Based on the above and subject to conditions requiring the submission of additional information at relevant times, the exception test is considered as being met.

- 6.8.3 Chapter 18 of the ES considered the likely significant effect of the proposed development on the water environment during the construction and operational phases and concludes that there will be no significant impact on surface water quality and/or quantity, groundwater quality and/or quality and flood risk and/or drainage. The proposed development can be satisfactorily mitigated through measures for flood storage (within the podium undercroft areas), SuDS features integrated into the new Park and atop the podium and providing floodplain compensation where possible – all of which (save the already consented Park SuDS) will be provided through the detailed reserved matters applications. Officers, based on the advice from consultees are satisfied that the proposal would not increase flood risk elsewhere.

## **6.9 Ground conditions**

- 6.9.1 Chapter 11 of the ES provides an overview of the proposed development and its effects on the ground conditions within and around the site, whereby other than those embedded and/or good practice measures of mitigation there are no significant effects as a result of the proposed development. Nonetheless, a condition is recommended for any unexpected contamination to be encountered, a sufficient plan for remediation be agreed with the LPA – this is covered within the CEMP.
- 6.9.2 In regard to mineral safeguarding and in recognition that site partially covers an area of sand and gravel deposits, Chapter 17 of the ES confirms that the existing mineral reserves beneath the site are inaccessible and therefore sterilised from extraction. Furthermore, due to the existing built-up nature of the surroundings and high-volume movements through the town centres by residents, workers and visitors, it would be impracticable to excavate the site for the purpose of mineral extraction. The proposed development would not alter the reserves below ground and these would remain in-situ and sterilised.

## **6.10 Ecology and biodiversity**

6.10.1 The application is supported by a Preliminary Ecological Appraisal which confirms that no notable habitats and/or species are present on site. However, the River Severn is identified as a notable habitat and is recorded as a Local Wildlife Site. The applicants have offered that a Landscape Ecological Management Plan (LEMP) will be provided during the operational phase and cover the lifetime of the development to ensure the landscaping features remain well established and safeguarded for the long-term ecological value.

6.10.2 Although the application in itself does not require to achieve the mandatory 10% net gain, due to the baseline condition of the site at the point of application being a demolished site. The applicants have nonetheless committed to achieving 10% net gain to biodiversity, based on the sites condition prior to demolition.

## **6.11 Climate Change**

6.11.1 The Climate Change Chapter within the ES comprises both an assessment of greenhouse gas emissions and the proposed developments level of resilience to climate change.

The greenhouse gas emissions assessment is based on the full lifecycle assessment, however due to the outline nature of the application, this has considered the worst-case scenario. The application proposes mitigation to reduce greenhouse gases during the construction phase including a circular economy approach to building materials to reduce embodied carbon, just-in time deliveries, local sourcing, lower emission vehicles and construction vehicle management to reduce emissions. The predicted energy uses in operation outlines how heating and cooling will be electrified and the use of renewable energy sources (photovoltaic panels) where appropriate.

## **6.12 Developer Contributions and Obligations**

6.12.1 Affordable Housing – with the development proposing residential accommodation in the centre of Shrewsbury, the housing mix will require 10% of the total housing numbers to be provided as affordable housing. Although the exact number of units is not being secured this application, based on the parameter plans, the maximum number of residential units able to be delivered across the site is 255. The delivery of affordable housing will be secured through a legal agreement.

6.12.2 Flood warning system – with the development sited within flood zone 3 and proposing 'more vulnerable' development which will be heavily reliant upon flood warning, the application will contribute to the Environment Agency's flood warning service and infrastructure to the sum of £30,000. This action will help inform flood evacuation including potential removal of occupants, contents and in particular removal of cars in the lower ground level parking areas. It will also inform flood management measures for any flood susceptible electrics including charging points, lift shafts.

6.12.3 As the Local Authority is the applicant of this application, it is unable to enter into a

S106 Agreement with itself. Rather, a draft S106 legal agreement will be drafted, to which the Local Authority will commit itself to through a Memorandum of Understanding. This MOU will include specific transfer and disposal clauses such that any third-party developer/landowner will be bound by the obligations of the agreement.

## 7.0 PLANNING BALANCE

7.1 With the proposed development representing a departure from adopted planning policy and in-light of the Council unable to demonstrate a 5-year supply of delivering housing (at 4.73 years), it is necessary to undertake a balancing exercise to determine whether planning permission should be granted or not. Furthermore, with the proposed development representing less than substantial harm (albeit on the low scale) to designated heritage assets, a positive decision can only be made where sufficient public benefits are demonstrated.

7.2 As a result of the no 5-year housing supply, the tilted balance at paragraph 11 of the NPPF is engaged, whereby the starting point (in regard to residential accommodation) is one of a presumption in favour, as opposed to the ordinary neutral position. Therefore, planning permission should only be refused where any adverse impacts would significantly and demonstrably outweigh the benefits. Paragraph 11 d)ii) provides that particular regard must be had to:

- *Sustainable location* – the site lies in the town centre of Shrewsbury, in a key area for change and easily accessible to a vast array of facilities, services and amenities. The site is therefore regarded as being wholly sustainable.
- *Making effective use of land* – although the site is allocated for retail-led development, this was allocated at a time when retail still dominated. However, and following further evidence gathering, it is now clear that town-centre locations are much more multi-functional and need to be supported by residents and workers. On this basis, to insist on retail-led development would not make most efficient use of land due to expected low occupancy rates, instead the proposed development would contribute to the vitality and viability of the town centre
- *Securing well-designed places* – although this application is submitted in outline, with only access matters, the proposed development will be developed in-line with the design principles as specified (and conditioned) within the Design Code and Parameter plans, all of which seek to deliver a high-quality design.
- *Providing affordable homes* – the application as made is contributing to affordable housing at the prevailing rate for Shrewsbury. Whilst this is policy compliant and therefore not attributed significant weight, it is nonetheless still a material benefit to the scheme.

7.3 With it recognised that residential accommodation is only one element of the proposed

mixed-use scheme, and with Local Plan policies in regard to hotel, commercial and leisure uses still regarded as being in-date, the tilted balance in regard to these additional uses (save residential) does not apply. However, the proposed development is still delivering a number of benefits all of which are material to the decision-making process, including:

- A maximum of 1,109 net additional jobs to boost the economy – max. 89 during construction and 610 during the operational phase. This is attached **significant weight**.
- Net additional household expenditure per annum of between £0.5 and £2.5million, of which it can be reasonably assumed would be spent within the town centre. This is attached **significant weight**.
- Providing additional flood risk mitigation and betterment for the wider town centre. This is attached **significant weight**.
- Providing new mixed-use development and town centre uses, supporting regeneration of a key site in a priority area. This is attached **significant weight** in light of the current evidence base underpinning the now-withdrawn Local Plan
- A large proportion of new homes and affordable housing in line with policy requirements and in a sustainable location. This is attached **moderate weight**.
- Providing high-quality public realm and new connections through to Pride Hill. This is attached **moderate weight**.
- The re-use of previously developed land and making efficient use of land. This is attached **moderate weight**.
- CIL contributions from the residential use to support wider infrastructure projects. This is attached **moderate weight**.
- Increase in Council Tax receipts and business rates income. This is attached **moderate weight**.

7.4 Based on the above and assessment of harm v benefit, it is clear that substantial public benefit would flow from the proposed development, such that this creates a clear picture in that the planning balance is very much in one of support. Whilst there is harm attributed through the proposed development, this is at the lower order and is significantly and demonstrably outweighed by the numerous benefits and other material considerations as set out in this Report.

## 8.0 CONCLUSION

- 8.1 The application is made in outline with sufficient detail, and an appropriate level of surveys to allow an assessment of the likely effects during the construction and operational phases. These conclude that the proposals would not cause effects or impacts to the surrounding environmental conditions that would be significant, subject to mitigation and secured through conditions.
- 8.2 The proposal would not result in unacceptable impacts and whilst represents a departure from adopted local planning policy, the development is regarded as being sustainable in-line with national policies within the NPPF. It is therefore recommended that permission be GRANTED, subject to a legal agreement, and there are no other material considerations to indicate otherwise.

## **9.0 Risk Assessment and Opportunities Appraisal**

### **9.1 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.

### **9.2 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.

## 9.3 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.

## 10.0 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.

## 11. Background

### Relevant Planning Policies

#### **Central Government Guidance:**

National Planning Policy Framework

#### **Core Strategy and SAMDev Policies:**

CS1 - Strategic Approach  
CS2 - Shrewsbury Development Strategy  
CS6 - Sustainable Design and Development Principles  
CS8 - Facilities, Services and Infrastructure Provision  
CS11 - Type and Affordability of housing  
CS15 - Town and Rural Centres  
CS13 - Economic Development, Enterprise and Employment  
Economic Development, Enterprise and Employment  
CS16 - Tourism, Culture and Leisure  
CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD4 - Managing Employment Development  
MD10A - Managing Town Centre Development



# AGENDA ITEM

**Northern Planning Committee -**

**Riverside Shopping Centre**

MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S16 – Shrewsbury

## RELEVANT PLANNING HISTORY:

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

24/03134/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

24/03681/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

24/04035/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 GRANT 21st February 2025

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

## **12. Additional Information**

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SNDEZ6TDLV900>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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# AGENDA ITEM

**Northern Planning Committee -**

Riverside Shopping Centre

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
Local Member  Cllr Nat Green
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. 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.

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

5. This outline planning permission does not purport to grant consent for the number, scale or layout of dwellings and/or buildings indicated on the submitted illustrative plan, as these details are reserved for later approval.

Reason: To enable the Local Planning Authority to consider the reserved matters having regard to the additional information that is required to be submitted alongside the details of layout, scale, appearance and landscaping at the reserved matters stage.

6. Prior the submission of the first reserved matters application a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development/Plot.

References within conditions of this decision notice to 'phase' relate to a phase of the development as defined by the phasing plan approved pursuant to this condition.

Reason: To ensure the satisfactory phasing of the development in a coordinated approach.

7. The development hereby approved shall not exceed:

- the height parameters as set out on drawing reference:
- the extent of the developable area set out on drawing reference:
- the site access point as set out on drawing reference:

Reason: To ensure the development does not exceed the parameters disclosed in the planning application.

8. With each reserved matters application a Travel Plan shall be submitted which commits the site operator and residents to use their best endeavours to reduce car travel to the site and promote more sustainable travel modes such as walking, cycling and the use of public transport. The Travel Plan shall include a timescale for its implementation and its operation thereafter, and mechanisms for monitoring and review of the Travel Plan.

Reason: In order to promote sustainable travel objectives and reduce carbon emissions.

9. With each reserved matters application a Parking Management Plan which links to the wider phasing of the wider development site shall be submitted and include the provision and management and allocation of spaces to operators and residents. The parking shall be laid out and implemented in strict accordance with the approved details.

Reason: To provide adequate parking and management of the parking provision within the site to serve the development.

10. The first submission of reserved matters shall include details for an on-site public information scheme about the presence of the Civil War Roushill Wall. The approved scheme shall be provided prior to first occupation of any part and retained in perpetuity.

Reason: To ensure the public benefits of the investigation of the archaeological interest of the development site are fully recognised.

11. In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing by the Local Planning Authority.

a) The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Following completion of measures identified in any 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.

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.

12. With each reserved matters application that shows the installation of any external lighting a scheme shall, by a qualified competent person, be submitted that details the type of lighting, performance, height and spacing of any lighting columns. The light levels to be achieved over the intended area, at the site boundaries and neighbouring sensitive receptors must also be shown. The lighting scheme shall be installed and maintained as approved for the duration of the development.

Reason: To ensure the proposed development does not result in lighting conditions that adversely affect residential amenity.

13. With each reserved matters application that proposes any restaurant and/or cafe development (Use Class E(b)) shall be accompanied with details of the extraction system, including an assessment of noise and odour impact. The information must show where the extraction system will run including elevation drawings to show termination heights and predicted maximum noise emission levels at the discharge point. Mixed-use schemes shall

ensure provision for internal ducting in risers that terminate at roof level.

Prior to the commencement of the use of each phase hereby approved that includes any Use Class E(b) confirmation shall be submitted to and approved in writing by the Local Planning Authority that the scheme has been implemented.

Reason: To ensure the proposed development does not result in any adverse noise and/or odour impacts on existing and future sensitive receptors.

14. Each reserved matters application shall include an assessment, from a suitably qualified person, of the noise impact of proposed commercial uses on existing and proposed noise sensitive uses and the impact of road traffic on proposed sensitive uses. The assessment shall use the current relevant noise assessment methodologies and criteria. If noise levels are predicted to have an adverse effect, then a mitigation scheme should be submitted detailing what mitigation is going to be provided and the noise levels that are predicted to be achieved. Good acoustic design solutions should be used to achieve acceptable noise levels and mitigation that requires windows to be kept shut to achieve recommended levels should not be used to mitigate commercial noise sources and should only be considered where it is not possible to resolve the issues by other design measures. All works which form part of the scheme shall be completed before the development is occupied and shall thereafter be retained.

Any mitigation scheme for proposed residential uses shall comply with the following:

a) All habitable rooms, which exceed the desirable internal noise standards (30dB in bedrooms at night, 35dB in bedrooms/living rooms in the day) as defined in BS8233: 2014, shall be fitted with suitable acoustic glazing and ventilation systems.

b) All habitable rooms which exceed 40dBLAeq,t averaged over 8 hours (between 11pm and 7am) and/or 55db LAFmax more than 10 times a night (between 11pm and 7am) shall be fitted with a ventilation system suitable to avoid overheating. An overheating assessment, by a suitably qualified person, will be required to determine the type of ventilation required.

c) The noise from any mechanical ventilation shall not exceed LAeq 26dB in bedrooms and LAeq 30dB in living rooms to meet ventilation standards set out in Approved Document F of the Building Regulations and shall not exceed LAeq 35dB on occasions when cooling is required to avoid overheating.

Reason: To ensure the proposed development does not have an adverse effect on the residential amenity enjoyed by existing and future residents.

15. With each Reserved Matters application a detailed and coordinated design for all outdoor space shall be submitted as part of the landscape submission, the details of which shall include:

- o An illustrated statement setting out the design objectives and how these will be delivered in conformity with the Design Code. This must include a clear design narrative that demonstrates how the Design Code has been applied. The narrative should demonstrate how a 'Sense of Place' and heritage interpretation is interwoven into details of the submitted scheme through hard and soft materials, colour scheme, street furniture, play equipment, signage, wayfinding and community art features. The design narrative should link to the proposals for Roushill Park.
- o Plans and details for means of enclosure, retaining structures and boundary treatments.
- o Hard surfacing materials plans including palettes and specifications to be agreed. These shall be followed by the construction of sample panels at agreed locations, to be retained on site for the duration of the construction phase as a reference for workmanship. Maintenance information for hard landscape materials and features should be included on plans or in a separate document.
- o Soft landscape plans and specifications to show the quantity, size, species and positions or density of planting. Planting workmanship including tree protection, and the proposed time of planting, including a schedule of landscape maintenance for a period of 5 years and recommendations for long term management and monitoring if required to meet Biodiversity Net Gain targets.
- o Plans, details and specifications for street furniture, refuse or other storage features, signage and wayfinding. These should reinforce the design narrative.
- o Plans including locations and details and specifications for biodiversity enhancements.
- o Each play area should have an agreed concept design that demonstrates varied and engaging play experiences, with inclusion and accessibility integrated into the main play experiences. Following approval of concept designs, detailed designs and specifications should be submitted for approval. These should reinforce the design narrative.
- o Plans showing the location and proposed protection for retained historic or other landscape features, and proposals for restoration, where relevant.
- o Plans showing existing and proposed finished levels, earthworks or contours.
- o Concept designs and detailed plans for sustainable urban drainage features that contribute to the public realm or street scene, incorporating features such as rain gardens and swales.
- o An implementation programme, including phasing of work. This should include details of construction compounds, routes and storage areas, mobilisation and demobilisation, as well as any concepts or detailed plans required to achieve 'meanwhile use strategies'

Reason: To ensure an appropriate landscape design

16. The dwellings (Use Class C3) hereby permitted shall comply with the Nationally Described Space Standards (MHCLG, 2015) (or as amended).

Reason: In the interest of residential amenity and ensuring a satisfactory standard of living for future residents.

17. With each reserved matters application a Sustainable Transport Strategy shall be submitted which assesses the likely impact of the development in regard to active travel and maximising sustainable travel wherever possible. Any such strategy should identify the delivery of localised improvement in the area and shall be implemented thereafter in accordance with an agreed timetable which shall be set out within the strategy.

Reason: In the interest of promoting sustainable travel.

18. With each reserved matters application that proposes any more vulnerable uses, including residential accommodation/hotel/medical practice (or above) in the 'Flood risk vulnerability classification' details for the provision of safe pedestrian access, in the form of a permanent solution that sits above and lands outside of the design flood extent (1% climate change of 54.34m AOD) to provide 24/7 access and voluntary movement of people shall be submitted. The approved details shall be installed prior to first occupation of any part of the building accommodating more vulnerable uses and be maintained in perpetuity for this purpose

Reason: To ensure the safe egress of future occupants during a flood event.

## **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

19. Prior to the commencement of development within each phase a scheme for the storage and disposal of refuse in relation to that phase shall be submitted to and approved in writing by the Local Planning Authority. The details of the approved scheme shall be implemented as part of that phase of development and shall remain in-situ whilst the use or development is in operation.

Reason: In the interest of amenity and public health.

20. Prior to the commencement of development in each phase a Delivery and Servicing Management Strategy for that phase shall be submitted to and agreed in writing by local planning authority. The submitted strategy shall ensure that servicing/delivery activities across the site are co-ordinated to ensure efficient use of any internal loading bays/short-stay parking areas. The strategy should also take into consideration food/parcel deliveries, providing clear direction on the following:

- Designated delivery drop-off points
- Delivery and servicing hours for the site
- Provision of clear signage in common areas to guide delivery drivers to the drop-off point;
- Inform all new residents on the designated drop-off point and any specific rules or guidelines they need to follow when receiving deliveries;
- Establish specific delivery hours for residents of the development where possible;
- Periodically review how the drop-off process is working and encourage resident feedback;
- Set up a secure delivery holding area within the development; and



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- Monitor Security Concerns.

The development shall operate in accordance with the agreed strategy.

Reason: In the interests of pedestrian and highway safety

21. Prior to the commencement of development within each phase a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Plan Authority. The CEMP shall set out as, as minimum, site specific measures to control and monitor impact arising in relation to:

- Construction traffic
- Noise and vibration
- Dust and air pollutants
- Land contamination
- Ecology and ground water.

The CEMP shall set out arrangements by which the development shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To safeguard the amenities of the adjoining properties and the area generally.

22. Prior to the commencement of development within each phase a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed
- Ecological trends and constraints on site that might influence management
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- Details of the body or organisations responsible for the implementation of the plan
- Ongoing monitoring and remedial measures.

Reason: In the interest of biodiversity and securing ecological enhancements.

23. Prior to the commencement of works within each phase a scheme of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.

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The approved scheme shall be fully implemented before the development within that phase is occupied/brought into use (whichever is the sooner).

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

24. Prior to the commencement of each phase of development a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning Authority. The FWEP shall include both the construction and operational use of the development and 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.

25. Prior to the commencement of any meanwhile use within plots 3, 5 and 6 a detailed Flood Risk Assessment shall be submitted to the Local Planning Authority in consultation with the Environment Agency. The FRA for meanwhile uses should make reference to the outline FRA (ref: SRS-ARP-ZZ-ZZ-RP-CD-000005 v P02, dated 22 Nov 2024), and Flood Strategy document entitled Strategic Approach to Flood Risk Management (dated Aug 2024). The scheme shall confirm but may not be limited to: details of flood risk impact; flood avoidance and protection; mitigation and management measures, to ensure safe development. Thereafter the scheme shall be carried out and implemented in accordance with the approved plans.

Reason: To ensure the meanwhile uses are safe and ensure no impact on flood risk.

26. Prior to commencement of development within the relevant phase a scheme for flood risk protection and mitigation, including flood resilient measures, in accordance with the principles described in Section 7.1.2 of the Flood Risk Assessment (ref: SRS-ARP-ZZ-ZZ-RP-CD-000005 v P02, dated 22 Nov 2024) for the lower foyer and lobby areas, or any built development use with a flood level below 54.94mAOD shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out and implemented in accordance with the approved plans.

Reason: To manage flood risk impacts

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

# AGENDA ITEM

**Northern Planning Committee -**

**Riverside Shopping Centre**

27. No building hereby permitted shall be occupied until details of the total number of car parking spaces, the number / type / location / means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points for that phase has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, to aid in the reduction of air pollution levels and to help mitigate against climate change

28. Prior to the first occupation of any phase of development details of the space and facilities for bicycle parking associated with that phase shall be submitted to and agreed in writing by the Local Planning Authority. The approved space and facilities shall then be installed, retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport.

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

29. Finished flood levels shall be set no lower than 54.94mAOD, which is 600mm above the 1% plus climate change flood level, in accordance with the FRA (Ref: SRS-ARP-ZZ-ZZZ-RP-CD-000005 c P02, dated 22 Nov 2024) as shown in Table 4.1.

Reason: To protect the proposed development from flood risk for the lifetime of the development.

30. The voids underneath the structure of the podium units shall be kept unobstructed (with the exception of formal parking of vehicles), free from debris/vegetation and maintained for the lifetime of the development.

Reason: To maintain flood storage and prevent impact on flows.

31. Flood storage compensation shall be carried out in accordance with the details submitted, including the FRA (ref: SRS-ARP-ZZ-ZZ-RP-CD-000005 v P02, dated 22 Nov 2024) and Flood Strategy document entitled Strategic Approach to Flood Risk Management (dated Aug 2024), to provide flood risk reduction.

Reason: To minimise flood risk and enhance the flooding regime of the local area.

32. If within six months of commencement of the first phase of development, a contract for the development of all other phases has not been submitted to the Local Planning Authority, the site shall be treated in accordance with a scheme setting out how the site shall be landscaped and maintained in a manner to be first submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped and maintained in accordance with the approved scheme until such time the other phases are commenced.

Reason: In the interests of the amenity of the area

## **Informatives**

1. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for a Biodiversity Gain Plan.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. 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.