



Committee and date

Northern Planning Committee

15th July 2025

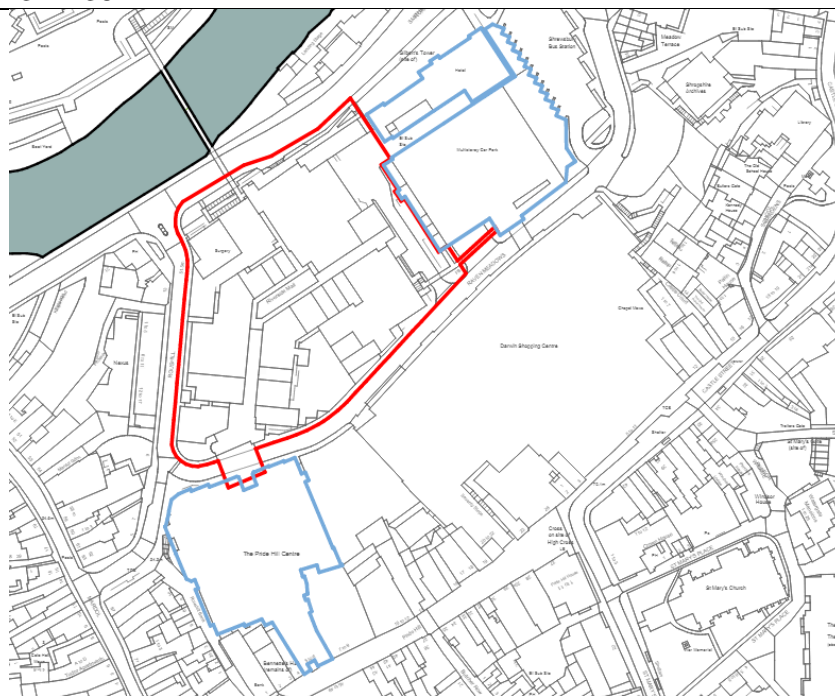
Development Management Report

Responsible Officer: Tim Collard, Service Director - Legal and Governance

Summary of Application

Application Number: 25/02137/AMP	Parish:	Shrewsbury Town Council
Proposal: Non Material Amendment for amendments to the approved staircase and lift shaft between the park area and Frankwell foot bridge, the relocation of internal plant equipment, addition of bullnose ends to steps and the relocation of 1 no. new tree attached to previously approved planning permission reference 24/03681/VAR - Variation of condition no. 2 (approved drawings) attached to planning permission 23/05402/FUL (as amended by 24/03682/AMP).		
Site Address: Riverside Shopping Centre Pride Hill Shrewsbury Shropshire		
Applicant: C/O BNP Paribas Real Estate		
Case Officer: Ollie Thomas	email:	ollie.thomas@shropshire.gov.uk

Grid Ref: 349132 - 312736



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Recommendation:- GRANT permission, due to the proposed amendment being considered non-material when having regard to the effect of the original permission.

REPORT

1.0 THE PROPOSAL

1.1 This application is seeking permission for a non-material amendment to the previously approved planning application, ref 23/03681/VAR, to amend Condition 2 and the approved plans to show:

- Reconfigured staircase and lift shaft between the park area and Frankwell footbridge;
- Relocation of internal plant equipment;
- Addition of bullnose ends to terraced seating steps; and
- Relocation of 1no. new tree.

The amendments being sought are part of ongoing minor works to partially implement the scheme in incremental stages of construction.

1.2 The amendments being sought are as a result of the construction programme and certain elements of the park not being built-out in its entirety for an interim period, whilst other elements of the development await construction – namely the podium level platform. However, as the park area will be left in the state as shown on the amended plans, the applicants have sought permission to approve this, in effect, temporary arrangement.

1.3 The original full planning permission to which these amendments relate is ref: 23/05402/FUL which consented the following description of development:

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

1.4 The application is submitted in accordance with Section 96A of the Town and Country Planning Act 1990, which confers power to the Local Planning Authority (LPA) to make non-material changes to planning permissions already granted.

2.0 SITE LOCATION/DESCRIPTION

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

- 2.2 At the time of this application, demolition has been completed on the Riverside Shopping Centre, police station and GP surgery, in accordance with the original planning permission. Resultantly, the site is currently secured through hoarding whilst awaiting the creation of the park area, as the next phase of works.

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

- 4.1 As an application to make a non-material amendment is not an application for planning permission, the provisions relating to statutory consultation and publicity do not apply. The Local Planning Authority has discretion in whether and how they choose to inform other interested parties or seek their views.
- 4.2 As by definition the changes sought are non-material, the LPA has not carried out any consultation or publicity during the determination of this application.

5.0 THE MAIN ISSUES

Whether the proposed amendment is considered 'non-material' to the original grant of permission.

6.0 OFFICER APPRAISAL

6.1 Flexibility for planning permission

- 6.1.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. Notwithstanding, it is accepted that new issues may arise after planning permission has been granted. Where these modifications are less substantial, the planning system has provisions in place to make non-material amendments (and minor material amendments) to the original permission. Such amendments can take the form of revisiting planning conditions imposed on the original permission, imposing new conditions or altering the proposal description.
- 6.1.2 There is no statutory definition of 'non-material', instead it is dependent on the context of the overall scale of development and regard must be had to the effect of the change, together with any previous changes. It can therefore be said that if a change is to be considered as 'material', it must be of significance and conversely for a change to be 'non-material' where there is no resultant harm (in planning terms), this can be considered as lacking in materiality.

6.2 Significance and harm

- 6.2.1 The amended drawings show minor alterations to the hard/soft landscaped elements of the park and a slight increase (150mm) to the overall height of the lift shaft to accommodate the internal equipment and lift car. These alterations, whilst albeit an interim state, are non-material to the effect of the original permission, which was to provide a public park with areas of open space and improvements to pedestrian connectivity, alongside other works in respect of the redevelopment of this site.
- 6.2.2 The changes to the internal plant area, whilst affecting the internal part only and not 'development', are included for completeness as the plant area is now shown in a previously unused area as shown on the originally approved plans. The relocated plant area raises no concern in regard to technical/environmental matters, as the proposed area was a previously sealed off area.
- 6.2.3 The amendments to trees includes the relocation of 1no tree from the future phase to this part of the scheme, whilst a further 1no tree has been deferred to a later phase as its species and size does not relate to the planting typology elsewhere within this phase of works.
- 6.2.4 In this application seeking to amend a number of plans listed in accordance with Condition 2, all other conditions attached to the latest decision notice remain unaffected. The proposed amendments would not result in the inability to comply with any of those other conditions.
- 6.2.5 The above mentioned amendments do not result in any additional harm nor significance when compared with the material considerations determined at the time of granting the permission to which these amendments relate. Slight tweaks and alterations to previously approved plans is commonplace for a project of this scale and complexity (multiple phases and contractors and in a town-centre location).
- 6.3 The effect of the change on the original permission, as granted**
- 6.3.1 In determining the above judgment that the proposed change is neither of any significance or harm, when considered against the original planning permission. Therefore, this application can be approved.

7.0 CONCLUSION

- 7.1 The amended plans, to support the overall construction programme, is considered non-material, when having regard to the effect of the changes proposed, on the original planning permission as granted.
- 7.2 It is Officer's recommendation that permission be **GRANTED**.
- 7.3 It is Officers' view that in granting this application, no new conditions need imposing, or the deletion of existing conditions. Rather, Condition 2 attached to 24/03681/VAR will show for the amended plans to comprise 'approved plans'.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There is one principal risks associated with this recommendation as follows:

- 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.

The risk needs to be balanced against the risk of not proceeding to determine the application.

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

10. Background

RELEVANT PLANNING HISTORY:

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

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

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

23/05402/FUL Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site. GRANT 22nd March 2024

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

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

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

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

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

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

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

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. PDE

25/01190/DIS Discharge of Conditions 3(i) (Flood Warning Evacuation) and 4 (Flood risk strategy - outside of park) relating to Planning Permission 24/03681/VAR PCO

25/01985/DIS Discharge of Condition 13 (WSI) of planning permission 24/03681/VAR DISAPP 23rd June 2025

25/02150/DIS Discharge of Condition 5 (Remediation Method Statement and Discovery Strategy) of planning permission 24/03681/VAR PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= SXNJGNTDIII00>

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 David Walker
Local Member - Cllr Alex Wagner
Appendices – N/A

