

Shropshire Council  
Legal and Democratic Services  
Guildhall,  
Frankwell Quay,  
Shrewsbury  
SY3 8HQ

Date: Monday, 14 April 2025

**Committee: Northern Planning Committee**

**Date:** Tuesday, 22 April 2025

**Time:** 2.00 pm

**Venue:** The Shrewsbury Room, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8H

You are requested to attend the above meeting. The Agenda is attached  
There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:  
<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard - Assistant Director – Legal and Governance

**Members of the Committee**

Joyce Barrow  
Garry Burchett  
Geoff Elner  
Julian Dean  
Roger Evans  
Pamela Moseley  
Nat Green  
Alex Wagner  
Vince Hunt (Vice Chairman)  
Paul Wynn (Chairman)

**Substitute Members of the Committee**

Roy Aldcroft  
Caroline Bagnall  
Andy Boddington  
Steve Charmley  
Mary Davies  
David Evans  
Julia Evans  
Nick Hignett  
Ed Potter  
Colin Taylor

Your Committee Officer is:

**Emily Marshall** Committee Officer

Tel: 01743 257717

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## **1 Apologies for Absence**

To receive apologies for absence.

## **2 Minutes (Pages 1 - 2)**

To confirm the Minutes of the meeting of the Northern Planning Committee held on 18<sup>th</sup> March 2025, attached, marked 2.

Contact: Emily Marshall on 01743 257717;

## **3 Public Question Time**

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 12 noon on Monday, 14<sup>th</sup> April 2025.

## **4 Disclosable Pecuniary Interests**

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

## **5 Raven Meadows, Multi Storey Car Park, Raven Meadows, Shrewsbury, Shropshire (25/00649/FUL) (Pages 3 - 10)**

Installation of 2.434m high perimeter fencing at levels 8-13 inclusive

## **6 Riverside Shopping Centre Pride Hill Shrewsbury Shropshire (24/04476/EIA) (Pages 11 - 46)**

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.

## **7 Appeals and Appeal Decisions (Pages 47 - 62)**

## **8 Date of the Next Meeting**

To note that the next meeting of the Northern Planning Committee will be held at 2.00 pm on Tuesday 27<sup>th</sup> May 2025 in the Council Chamber, The Guildhall, Shrewsbury.



## Committee and Date

Northern Planning Committee

22 April 2025

## **NORTHERN PLANNING COMMITTEE**

### **Minutes of the meeting held on 18 March 2025**

**In the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ  
2.00 - 2.19 pm**

**Responsible Officer:** Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

### **Present**

Councillors Paul Wynn (Chairman), Joyce Barrow, Garry Burchett, Julian Dean, Roger Evans, Pamela Moseley, Nat Green and Ed Potter (Substitute) (substitute for Geoff Elner)

### **72 Apologies for Absence**

Apologies for absence were received from Councillors Geoff Elner, Vince Hunt and Alex Wagner.

Councillor Ed Potter substituted for Councillor Elner

### **73 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Northern Planning Committee held on 18 February 2025 be approved as a correct record and signed by the Chairman.

### **74 Public Question Time**

There were no public questions received.

### **75 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

### **76 Meadowland, Sleaf, Harmer Hill, Shrewsbury, Shropshire, SY4 3HE (24/02735/EIA)**

The Senior Planning Officer introduced the application which was for the variation of conditions 2 (approved plans) and 9 (bird numbers) and removal of conditions 5 (scheme for air scrubbing on Unit 1) and 7 (installation of air scrubbers) attached to planning permission 22/02001/EIA

Members welcomed the proposals and considered the submitted plans it was

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 with delegated powers given to officers to amend conditions where necessary and completion of the Section 106 agreement to restrict the overall number of birds and retrofit heat exchangers to each of the six existing poultry sheds

**77 Chapel Cemetery Longden Road Shrewsbury Shropshire (24/04501/LBC)**

The Principal Planning Officer introduced the application which was for listed building consent to add individual memorial/commemorative plaques made of natural stone materials to interior elevations of cloister walls and similar.

In response to a query the Principal Planning Officer confirmed that there was no restriction on the size of the plaques.

**RESOLVED:**

That Listed Building Consent be granted subject to the conditions set out in Appendix 1.

**78 Appeals and Appeal Decisions**

**RESOLVED:**

That the appeals and appeal decisions for the northern area be noted

**79 Date of the Next Meeting**

It was noted that the next meeting of the Northern Planning Committee would be held at 2.00 p.m. on Tuesday 22 April 2025 in the Guildhall, Frankwell Quay, Shrewsbury

Signed ..... (Chairman)

Date: .....

## AGENDA ITEM



Committee and date

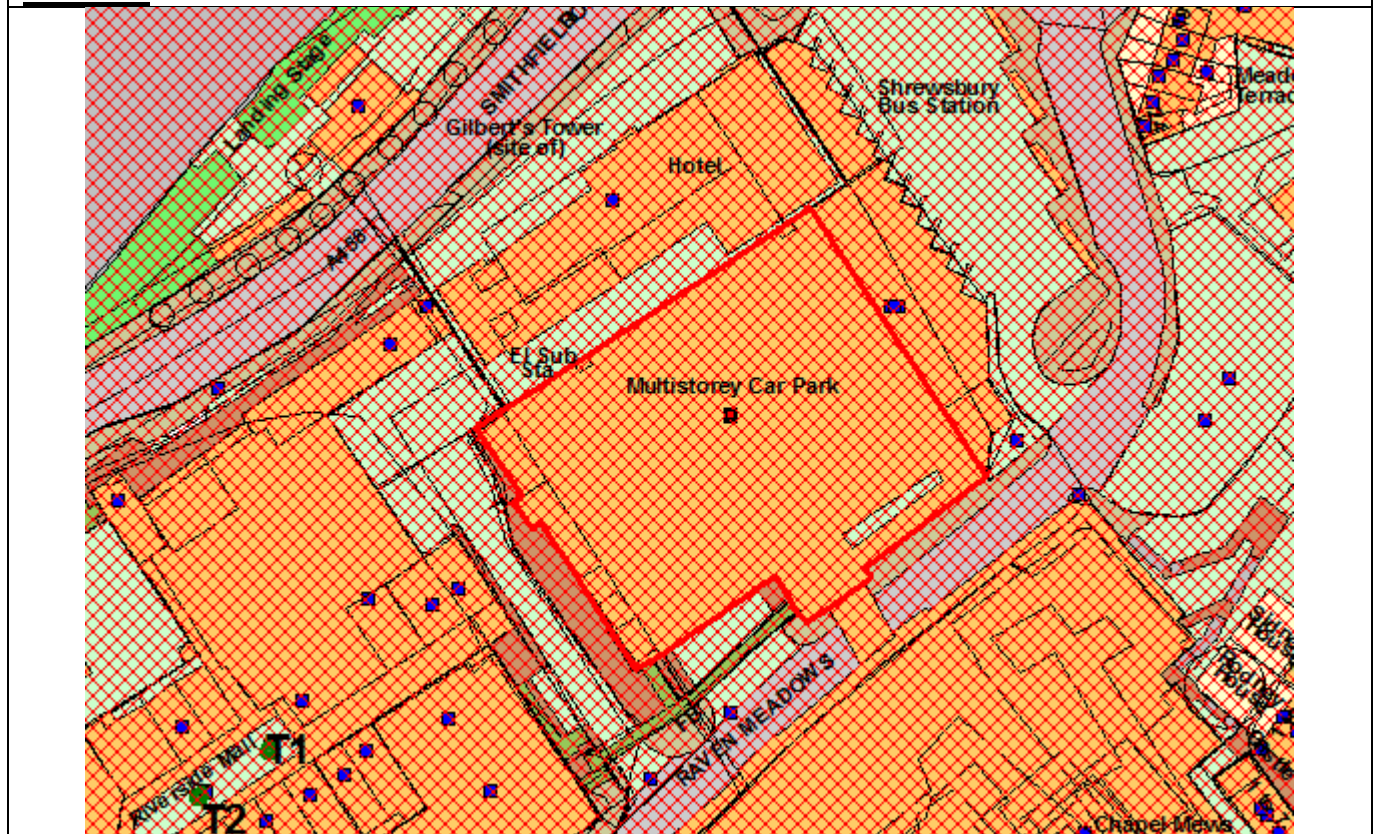
### Development Management Report

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

#### Summary of Application

<b><u>Application Number:</u></b> 25/00649/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Installation of 2.434m high perimeter fencing at levels 8-13 inclusive		
<b><u>Site Address:</u></b> Raven Meadows Multi Storey Car Park Raven Meadows Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Highways And Transport Shropshire Council		
<b><u>Case Officer:</u></b> Nia Williams	<b><u>email:</u></b> nia.williams@shropshire.gov.uk	

**Grid Ref:** 349219 - 312798



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Raven Meadows Multi Storey  
Car Park

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Full planning consent is sought for the installation of 2.434m high perimeter fencing at levels 8-13 inclusive to prevent danger to life and increase public safety.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The multi-storey car park is located in Shrewsbury Town centre and within the Shrewsbury Conservation Area.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme is proposed on Council owned land but is not in line with statutory functions and is therefore to be determined by Planning Committee as set out in part 8 of the Shropshire Council Scheme of Delegation.

### 4.0 Community Representations

- 4.1.1 **SC Conservation (Historic Environment)** - The multi-storey car park is a large modern building positioned within the boundaries of the Shrewsbury Conservation Area, and more particularly within the Coton Hill and Raven Meadows Special Character Area. The need for the protective high level perimeter fencing is understood and no objection is raised on heritage grounds to this installation. Our only comment is that there may be a need to further consider the colour finish, which is currently proposed as a dark green, in terms of facilitating a muted or recessive colour finish at this high level against the colour of the building and the skyline, where we highlight the special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

Continued - Additional information has been received in regard to the conservation officers comment, in which a small section/area of green anti-climb fencing is already existing on the top decks for safety purposes. The green fencing was selected to blend into this and into the landscape/ hills views. The Conservation officer concluded that this was a valid reason and that they no longer raise any further queries or any objections to the proposed.

- 4.1.2 **SC Archaeology (Historic Environment)** - Officers have no comments on this application in regard to archaeological matters

### 4.2 Public Comments

- 4.2.1 **Shrewsbury Town Council** - Whilst the Town Council raises no objections to this

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Raven Meadows Multi Storey  
Car Park

application Members fully agree with the Conservation Officer comments and agree the applicant needs to consider the colour of the fencing to ensure it is as opaque on the skyline as possible.

- 4.2.2 **Shrewsbury Civic Society** - We understand and support the need to introduce safety measures in the light of the tragic events mentioned in the application. However, the proposed works would we believe unnecessarily disfigure this admittedly modest modernist building. The cranked tops of the fencing make it prison-like - are these necessary or is there an alternative? The proximity of the proposed fencing directly behind the parapet will make it very visible from the street. Setting the fencing back from the edge of the parapet would help to mitigate this. The proposed green colour of the fencing would draw unwanted attention to the austere fencing. We believe that a galvanised steel finish would be less glaring.

## 5.0 THE MAIN ISSUES

Principle of development  
Details of Proposal  
Visual Impact  
Residential Amenity  
Impact on Conservation area

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The application is considered in the light of Core Strategy Policies CS6 (Sustainable Design and Development) and SAMDev Policy MD2 (Sustainable Design).
- 6.1.2 CS6 requires development to be designed to a high quality using sustainable design principles. It also seeks to ensure that development is appropriate in scale, density, pattern and design to its local context and has regard to residential and local amenity.
- 6.1.3 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.1.4 Policy MD13: The Historic Environment of the Site Allocations and Management of Development (SAMDev) plan further encourages development which delivers positive benefits to heritage assets.

### 6.2 Details of Proposal

- 6.2.1 The application proposes to install a 2.435m overall height anti-climb properties fence in front of the existing concrete parapet walls to the upper levels of the carpark. The Securus (358) security fencing is composed of 2 metre high 358 rigid mesh panels with cranked tops at a 45-degree fitted with 3 number security tension wires, all facing the car park side.

The extent of existing Raven Meadows multi-story car park footprint is 3,717m<sup>2</sup>

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Raven Meadows Multi Storey  
Car Park

and is composed of 14 levels. There will be no increase or reduction in the floor area of the existing building, the works are limited to provide perimeter fencing to primarily prevent falls. The extent of the fencing at the various levels is as follows:

- Level 8 – 15.5 metres long perimeter fencing section to the west side of the MSCP.
- Level 9 - 31.1 metres long perimeter fencing to the south west side of the MSCP.
- Level 10 - 2.8 metres long west side of the MSCP adjacent stairwell.
- Level 11 - 106.3 metres long perimeter fencing to the south side of the MSCP.
- Level 12 - 96.1 metres long perimeter fencing to the north side of the MSCP.
- Level 13 - 106.2 metres long perimeter fencing to the south side of the MSCP, & internal fencing between Level 13 & 11 with no cranked top.

There is an existing small section/area of green anti-climb fencing on the top decks and the green colour of the proposed fencing is aimed to blend into this and into the landscape views. Part of the fencing will be hidden behind the current balustrade and this height is between 1.1 and 1.2m.

The conservation officer has confirmed that sensible reasons for the colour chosen has been addressed and no longer raise any further queries on this proposed installation relative to heritage matters.

## **6.3 Visual Impact**

- 6.3.1 The proposal is functional for its required purpose, and it would not appear at odds within the Conservation Area, integrating with the wider site. The Shrewsbury Civic Society have commented on the proposal and whilst the comments have been noted, it is not envisaged that the scheme would result to a detrimental impact on the Conservation Area to a degree that would warrant refusal of the scheme.

The proposal is not considered to harm visual amenities of the locality, complying with Core Strategy Policy CS6 and SAMDev Policy MD2.

- 6.3.2 It is considered that the proposed works would not result in any adverse visual impact to the appearance of the building or the wider street scene.

## **6.4 Residential amenity**

- 6.4.1 No residential properties are located near the application site

## **6.5 Impact on Conservation area**

- 6.5.1 The case officer has considered the application in relation to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is to be given to preserving or enhancing the character or appearance of the Conservation Area.

## **7.0 CONCLUSION**

- 7.1 The proposal is considered to be acceptable in principle, complying with relevant local plan policies. The proposed development would ensure public safety is maintained at



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Raven Meadows Multi Storey  
Car Park

all times to those users of the multi storey car park, this is attached significant weight. It is therefore recommended that planning permission be GRANTED subject to the conditions listed below.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

### 8.3 Equalities

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

## 9.0 Financial Implications

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Raven Meadows Multi Storey  
Car Park

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

## 10. Background

### Relevant Planning Policies

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

National Planning Policy Framework

CS17 - Environmental Networks

MD13 - Historic Environment

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SRXU94TD0BN00>

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

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

## AGENDA ITEM

-	Raven Meadows Multi Storey Car Park
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Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

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

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

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## AGENDA ITEM



Committee and date

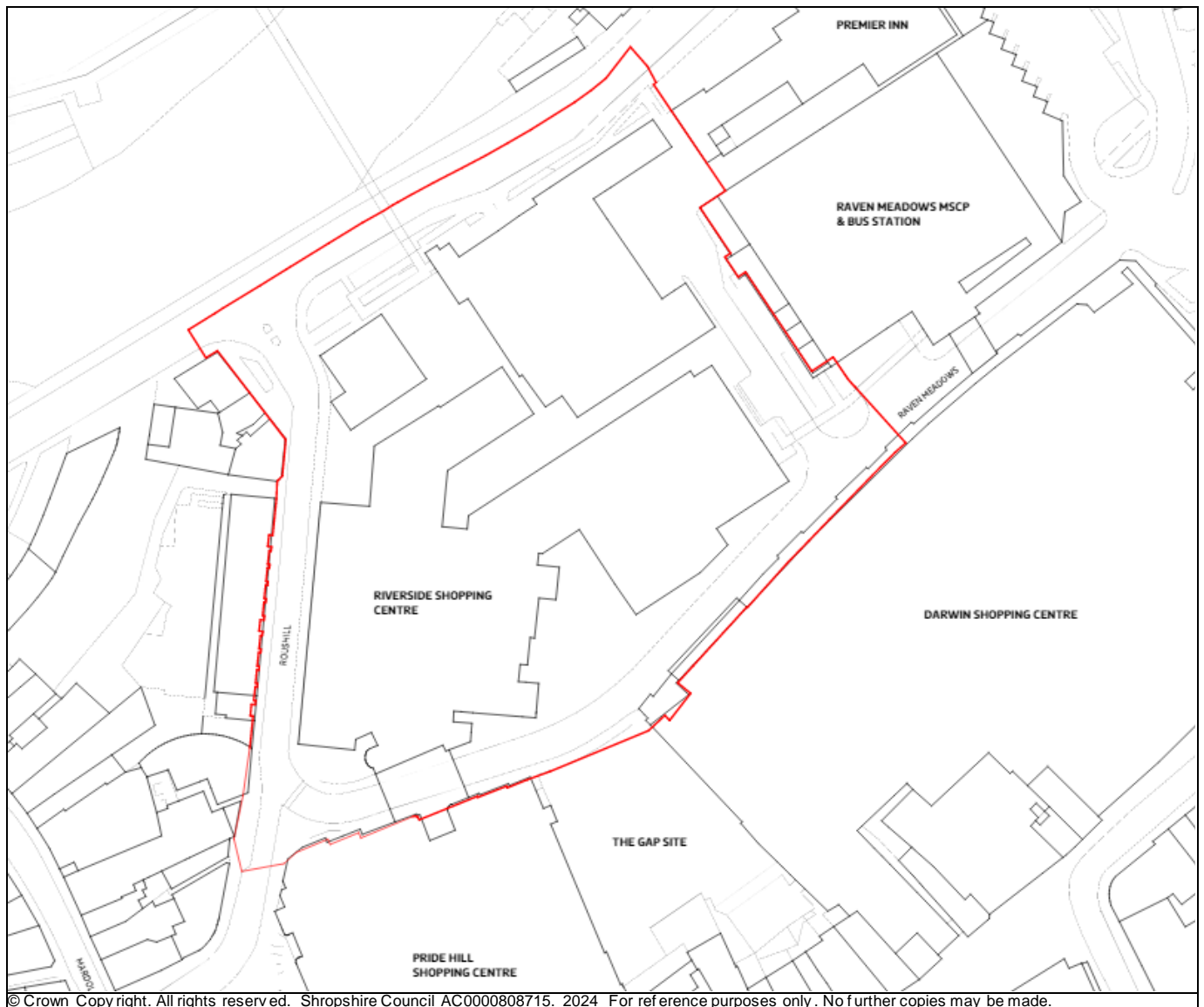
**Northern Planning Committee**

### 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

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.

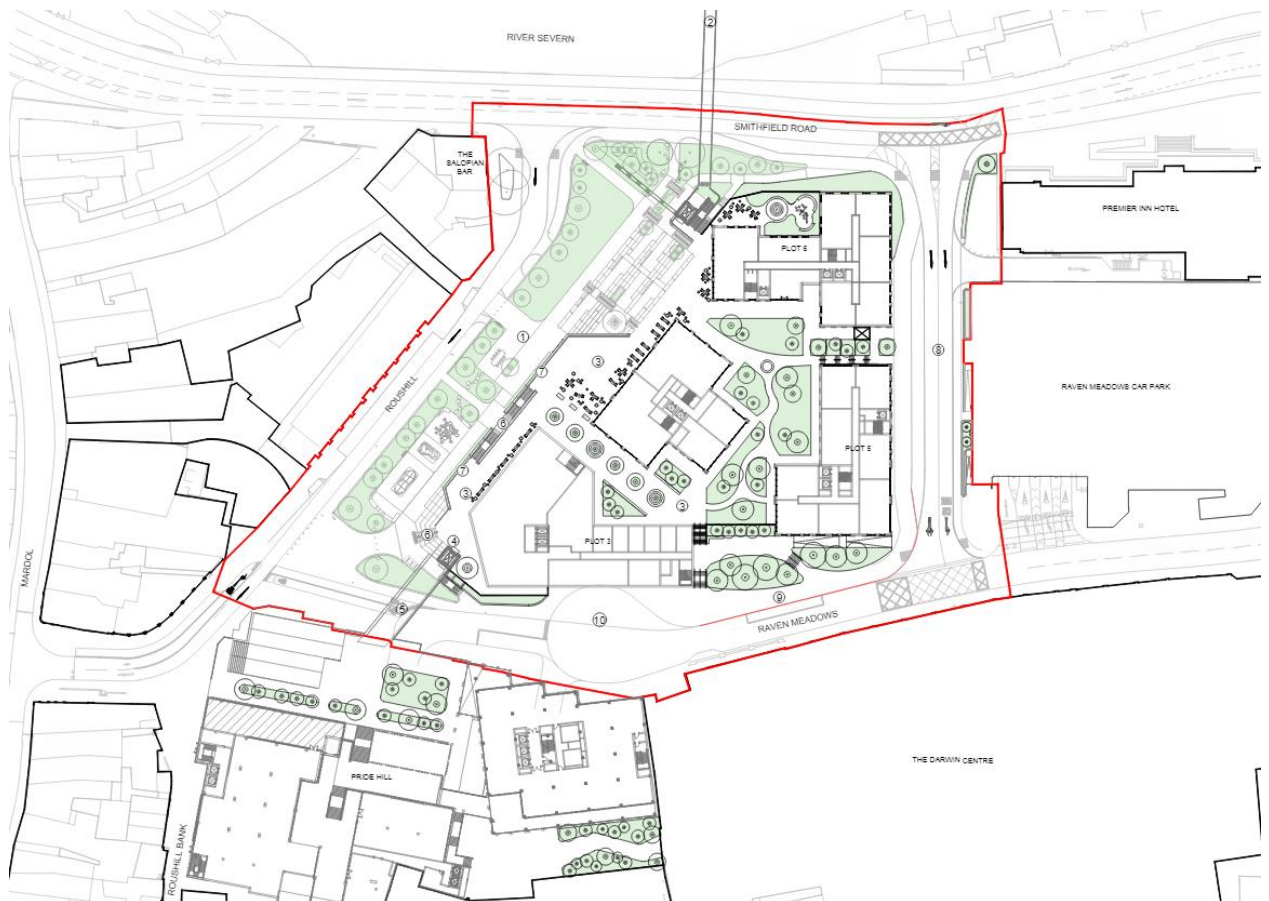
- 1.13 The parameter plans and the Design Code will guide and manage the scale and form of detailed proposals. The principles contained within set out how the amount of development responds to the site's context, avoids significant negative environmental effects, delivers the necessary environmental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

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

- 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.

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**

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.



## SCHEDULE OF APPEALS AS AT COMMITTEE 22.04.2025

<b>LPA reference</b>	24/04636/PMBPA
<b>Appeal against</b>	Refused Prior Approval of Permitted Development
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr And Mrs Gerry And Rachel Mee
<b>Proposal</b>	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form two residential units
<b>Location</b>	SE of Charity Farm Burlton Shrewsbury
<b>Date of appeal</b>	18.03.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/03864/FUL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Robin Heap
<b>Proposal</b>	Siting of 2.no fast EV chargers together with ancillary electrical equipment
<b>Location</b>	Shaw Road Shrewsbury Shropshire
<b>Date of appeal</b>	17.03.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/02257/FUL
<b>Appeal against</b>	Appeal against Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Glyn Jones
<b>Proposal</b>	Erection of 1No dwelling
<b>Location</b>	Proposed Dwelling to the South Of Beehive Lane Shrewsbury Shropshire
<b>Date of appeal</b>	06.04.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/04670/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr C Payne
<b>Proposal</b>	Erection of a terrace of 3no dwellings following demolition of existing buildings
<b>Location</b>	Site Of Stone Merchants Salop Road Oswestry
<b>Date of appeal</b>	08.04.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

## APPEALS DETERMINED

<b>LPA reference</b>	24/04210/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Ms J Waters
<b>Proposal</b>	Erection of two storey extension
<b>Location</b>	Hillberry Pant Oswestry
<b>Date of appeal</b>	26.2.25
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	13.3.2025
<b>Date of appeal decision</b>	26.3.25
<b>Costs awarded</b>	
<b>Appeal decision</b>	ALLOWED

<b>LPA reference</b>	24/02139/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Diane Bepaly
<b>Proposal</b>	Garage conversion and extension to create annexe
<b>Location</b>	1 Laundry Cottages Dudleston Heath Ellesmere
<b>Date of appeal</b>	27.02.2025
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	13.3.2025
<b>Date of appeal decision</b>	26.3.25
<b>Costs awarded</b>	
<b>Appeal decision</b>	DISMISSED

<b>LPA reference</b>	24/04030/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs Hebborn
<b>Proposal</b>	Garage extension and carport
<b>Location</b>	131 The Mount Shrewsbury Shropshire SY3 8PG
<b>Date of appeal</b>	11.2.25
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	13.3.2025
<b>Date of appeal decision</b>	27.3.25
<b>Costs awarded</b>	
<b>Appeal decision</b>	DISMISSED

<b>LPA reference</b>	24/01805/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	River Thai Restaurant & Bar
<b>Proposal</b>	Change of use from restaurant to bar/ venue
<b>Location</b>	River Thai Restaurant & Bar Smithfield Road Shrewsbury Shropshire SY1 1PG
<b>Date of appeal</b>	13.11.2024
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	25.2.25
<b>Date of appeal decision</b>	2.4.25
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>



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## Appeal Decision

Site visit made on 13 March 2025

by **Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26 March 2025**

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**Appeal Ref: APP/L3255/D/25/3359847**

**Hillberry, Pant, Oswestry, Shropshire SY10 8LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Ms J Waters against the decision of Shropshire Council.
  - The application Ref is 24/04210/FUL.
  - The development proposed is erection of two storey extension and single storey rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a two-storey extension and single storey rear extension at Hillberry, Pant, Oswestry, Shropshire SY10 8LD in accordance with the terms of the application, Ref 24/04210/FUL, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) No development shall commence until details and/or samples of the materials to be used in the construction of the roofing and external walls of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and/or samples.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: location plans 1/2, 5423.05 proposed ground floor plan, 5423.06 proposed first floor plan, 5423.07 proposed west elevation, 5423.08 proposed east elevation, 5423.09 proposed north and south elevations and 5423.10 proposed site plan.
  - 4) The two-storey extension hereby permitted shall not be occupied until the first-floor bathroom window at the rear elevation has been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

### Preliminary Matter

2. I have amended the description of development to include reference to the first-floor rear extension as proposed.

## **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the building and surrounding area.

## **Reasons**

4. The appeal building is a detached two-bedroom bungalow located within a residential area comprised mainly of detached dwellings set within gardens.
5. The Council considers that the proposed single storey rear extension would be of an appropriate design and scale. I see no reason to disagree, as that part of the proposal would cause no harm to the character and appearance of dwelling, or the living conditions of neighbours.
6. The proposed two storey side extension would be sited across the end wall of the bungalow and would have a front gable. Adequate garden land would be retained and there would be no harm to the residential amenity of neighbours. The extension would have a higher ridge height than that of the bungalow. However, I consider that the increase in height would not be excessive, in particular when the context of surrounding development is taken into account. The neighbouring dwelling of Farnley Hey has a large two storey projection with a gable at its front elevation. The new build dwelling of Bread and Roses at the rear of Hillberry has a prominent two storey side element. Other dwellings in the vicinity vary greatly in form and layout. Therefore, I consider that the proposed two storey extension would be of an appropriate scale and design and would cause no significant harm to the character and appearance of the appeal building and surrounding area.
7. The proposed development would not conflict with policy CS6 of the Shropshire LDF Core Strategy and policy MD2 of the Shropshire Site Allocations and Management of Development (SAMDev) Plan which together require proposals to respect local context and character. It would comply with the design objectives of the National Planning Policy Framework.

## **Conditions**

8. In addition to the standard condition regarding the commencement of development, a condition is imposed to ensure that appropriate external materials are used in the interest of complementing the character and appearance of the building and surrounding area. A condition is added to confirm the plans hereby permitted. A condition also requires the installation of obscure glazing in the proposed bathroom window in order to protect the privacy of neighbours.

## **Conclusion**

9. The proposed development would comply with the development plan as a whole and should be allowed.

*Martin H Seddon*

INSPECTOR



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## Appeal Decision

Site visit made on 13 March 2025

by **Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26 March 2025**

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**Appeal Ref: APP/L3425/D/25/3359709**

**1 Laundry Cottages, Dudleston Heath, Shropshire SY12 9LE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Diane Bespalyi against the decision of Shropshire Council.
  - The application Ref is 24/02139/FUL.
  - The development proposed is garage conversion and extension to create annex.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

3. The appeal site includes the semi-detached dwelling of 1 Laundry Cottages, its small front garden, and a hardstanding area with a single storey garage. The gable end of the dwelling faces the B5068. There are two large modern detached dwellings to the east and a converted chapel. To the west is an access to a bungalow, and a housing construction site beyond an area of trees and shrubs. There is an area of green space with dwellings to the rear on the opposite side of the B5068.
4. The proposed building would have a carport and garage at ground floor level with annex living accommodation above. Its orientation facing the B5068, although sited between dwellings which are set sideways to the road, would complement that of other dwellings to the east of the appeal site.
5. The hipped roof and dormer windows, along with the ground floor garaging arrangement at the front elevation, would be uncharacteristic in relation to the design of residential development in the vicinity. The development would be visually prominent in the street scene and would appear as a separate dwelling rather than as a subservient annex to 1 Laundry Cottages because of its form, massing, scale, and design.
6. I find that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with policy CS6 of the Shropshire LDF Core Strategy and policy MD2 of the Shropshire Site Allocations

and Management of Development (SAMDev) Plan which together require proposals to respect local context and character.

### **Other Matters**

7. Having regard to parking provision, the Highway Authority has raised no objections to the proposal. The provision of drainage would be a matter to be assessed under the Building Regulations.
8. Reference is made by the appellant to examples of other developments in the wider area involving garages with first floor uses, and a loft conversion. However, the building designs and site circumstances are not identical to that proposed at 1 Laundry Cottages. Therefore, the examples form insufficient precedence to warrant allowing the proposed development in this appeal.

### **Conclusion**

9. I acknowledge the desire of the appellant to create separate annex accommodation for family reasons. The Planning Officer's report states that there is no objection to the principle of the proposal. However, for the reasons given above, the development as proposed would fail to be of an appropriate form and design within the context of surrounding development. It would conflict with the design objectives of the National Planning Policy Framework and the development plan as a whole and should be dismissed.

*Martin H Seddon*

INSPECTOR





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## Appeal Decision

Site visit made on 13 March 2025

**by Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

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**Appeal Ref: APP/L3425/D/25/3359904**

**131 The Mount, Shrewsbury, Shropshire SY3 8PG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Hebborn against the decision of Shropshire Council.
  - The application Ref is 24/04030/FUL.
  - The development proposed is a garage extension and carport.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Shrewsbury Conservation Area.

### Reasons

3. The appeal site includes the dwelling of 131 The Mount and its relatively long rear garden. The property has a single storey garage with access from Barracks Lane. The garage is set back from Barracks Lane by an area of hardstanding. The area of garden at the rear of the garage is at a higher ground level.
4. In accordance with the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Shrewsbury Conservation Area. Moreover, paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
5. The Shrewsbury Conservation Area is based upon the historic core of the town. Its special interest relates to the age, form, design and layout of the settlement's urban and suburban development. The Mount is identified by the Council as a special

character area at the western side of the conservation area. Barracks Lane is a long, narrow road which provides access to several garages and outbuildings of varying ages, size and design. The majority of these front directly onto the road. There are also remnants of old red brick boundary walls.

6. The proposed “carport” would be of a simple utilitarian design with a large double sized door and flat roof. It would occupy the current area of hardstanding, introducing development closer to the road frontage.
7. The proposed two storey building, with further garaging space at ground floor level, would appear overly large in scale and would extend to the property boundary, resulting in an irregularly shaped footprint. It would be visually prominent when viewed from Barracks Lane and from neighbouring dwellings and their gardens at Richmond Drive. This is because of its proposed height and bulk. The proposed dormer windows would be out of character with surrounding development giving the appearance of a domestic use rather than that of an outbuilding. Overall, I consider that the proposal would constitute over-development because of its extent, height and scale. Although the development could be built using appropriate external materials, I find that the design approach and detailing would not be sympathetic to its context and the proposal would therefore harm the character and appearance of the conservation area.
8. Nevertheless, the harm to the conservation area as a whole and its significance would be less than substantial. Paragraph 215 of the Framework indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. However, the benefits from the proposed garage extension and carport, including improved security and better use of space, as claimed by the appellant, would primarily constitute private benefits, rather than public benefits, and would not outweigh the harm that I have identified to the character and appearance of the conservation area as a designated heritage asset.
9. The appellant has referred to the National Planning Policy Framework and the achievement of sustainable development. However, whilst the proposed development would make effective use of land it would fail to protect or enhance the historic environment.
10. I find that the proposed development would conflict with policy CS6 of the Shropshire LDF Core Strategy and policy MD2 of the Shropshire Site Allocations and Management of Development (SAMDev) Plan which together require proposals to respect local context and character. It would also fail to conform with SAMDev Plan policy MD13 which, amongst other things, seeks to encourage development which delivers positive benefits to heritage assets.

### **Other Matters**

11. The appellant has referred to a proposed development granted permission at 123 The Mount. However, that proposal differs in that the outbuilding is set back from Barracks Lane, and is of a different design and orientation, with no dormer windows.

## **Conclusion**

12. The proposed development would conflict with the heritage objectives of the National Planning Policy Framework and the development plan as a whole and should be dismissed.

*Martin H Seddon*

INSPECTOR

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## Appeal Decision

Site visit made on 25 February 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> April 2025

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**Appeal Ref: APP/L3245/W/24/3353316**

**The Old Mortuary, Smithfield Road, Shrewsbury, Shropshire SY1 1PG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by River Thai Restaurant & Bar against the decision of Shropshire Council.
  - The application Ref 24/01805/FUL was approved on 21 August 2024 and planning permission was granted subject to conditions.
  - The development permitted is change of use from restaurant to bar/venue.
  - The condition in dispute is No 4 which states that: A maximum of six amplified live performances to take place in the outside area within a calendar year (January to December) and to finish at 11:00pm, no DJ sets at any time.
  - The reason given for the condition is: To protect the amenity of surrounding residents and nearby hotel guests.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appeal was submitted in the name of Mr Anthony Paterson of Venue 7 Ltd, but it was later confirmed that the applicant was River Thai Restaurant & Bar, and the appeal was made on its behalf. Furthermore, it was confirmed by the appellant that the condition in dispute was condition no 4.

### Background and Main Issue

3. Planning permission was granted for the change of use of The Old Mortuary from a restaurant to a bar/venue. The building is located on the River Severn and has an outdoor area that overlooks the river. Near to the appeal site is a hotel as well as residential buildings. The reason given for the condition was to protect the amenity of surrounding residents and nearby hotel guests. The Council's concerns related to the noise disturbances that could occur related to amplified live performances and DJ sets held on the outside area that fronts the river. The appeal proposal seeks permission to use the venue without the condition in dispute.
4. Consequently, the main issue relevant to this appeal is whether condition no 4 in its current form is reasonable and necessary in the interest of the living conditions of nearby occupiers with regard to noise and disturbance.

### Reasons

5. Based on the evidence before me the venue was undertaking events prior to planning permission being granted. Whilst the appellant may not have received an

official complaint from the hotel or nearby residents, the Council's Environmental Protection Officer has identified that there were several Service Requests in relation to noise disturbances arising at the venue concerning music played outside.

6. The Officer identified that they were able to hear music being played at the venue from nearby residential properties located a considerable distance away from the venue. Comments were also received regarding the application and this appeal which identified concerns with noise disturbances occurring late into the evening to a level that led to excessive noise exposure. Even if these Service Requests were received relatively recently, it is evident that concerns have been raised related to this matter by several different people.
7. Based upon the submissions to the application and the appeal noise from the venue can be heard in close proximity to residential buildings which can be sensitive to noise disturbances, especially when it occurs late in the evening or early in the morning. Without a condition controlling the number and finish time of amplified live performances on the outside terrace, the occupiers could be exposed to noise exceeding reasonable levels throughout the year at any time.
8. Consequently, it has not been shown on the balance of probability that the unrestricted use of the outside area would not create an unacceptable living environment for nearby occupiers. The occupiers would be unable to enjoy their homes without harmful disruption at any time throughout the day and this would harm their living conditions. As such, without the condition in dispute the development would conflict with Policy CS6 of the Core Strategy (CS) and Policy MD2 of the Site Allocations and Management of Development Plan (SAMDP) which seek, amongst other matters, to ensure all development safeguards residential and local amenity.
9. Taking into consideration the detail of the condition in dispute, ensuring live events end by 23:00 would ensure that those outdoor noise generating events would end at a precise time. This would ensure excessive noise exposure in nearby residential buildings would not occur late into the evening or early morning.
10. Given that the Service Requests related to concerns regarding DJ events or amplified performances that were occurring on the outside area then there is reasonable justification to seek to prevent them in the interest of the living conditions of the nearby occupiers. Whilst a sound system has been installed and a sound meter could also be installed to measure noise levels, I do not have robust evidence regarding what level the music volume should be to ensure noise disturbances did not occur to a level that would cause excessive noise exposure to nearby occupiers. As such, there is insufficient information before me that measures put in place to manage the sound system could be done in a precise and enforceable way.
11. The six live amplified performances would allow for the venue to provide events on the outside area which could support the business during its busiest period during the summer. The appellant states that the control over the number of live amplified events and DJ sets occurring on the outside area would make the business unviable but I do not have substantive evidence to support this stance.
12. Furthermore, the permission allows for indoor events to take place throughout the year with background music provided on the outside area. It is not evident that the

business would be financially unviable and isolated from the town unless live amplified events were permitted to take place unrestricted throughout the year.

13. While other event spaces may be able to operate more outdoor events, the appeal site is located close to sensitive noise receptors and given the limited supportive evidence over how noise disturbances could be managed, a condition controlling the number of amplified live outdoor events, and their finish time is necessary and relevant to planning in the interest of the living conditions of nearby occupiers.
14. Given that the venue seeks to operate live amplified events the condition is relevant to the development. The condition is precise setting out how many events can occur as well as when the events must finish and that no DJ sets are permitted at any time. As the condition set defined measures these are all matters that could be enforced.
15. Based on the evidence before me it is not clear that allowing unrestricted events to take place on the outside area would not cause harm to nearby occupiers' living conditions and the condition does still allow for some events to take place on the outside area as well as indoor events throughout the year. This would allow the venue to operate throughout the year and provide some outdoor events to support the ongoing operation of the business as a bar/venue. As such, the condition is reasonable in all other respects.
16. Whilst the Council may have agreed to the 'premises license' for the venue this is considered under separate legislation and as such is a separate matter to this appeal.
17. Therefore, for the reasons given above, condition no 4 in its current form is reasonable and necessary in the interest of the living conditions of nearby occupiers regarding noise and disturbance. Consequently, the condition passes the six tests set out in paragraph 57 of the National Planning Policy Framework and is reasonable and necessary in accordance with CS Policy CS6 and SAMDP Policy MD2 insofar as they seek to ensure all development safeguards residential and local amenity.

### **Conclusion**

18. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*G Sibley*

INSPECTOR

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