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FAO Mike Davies

24 September 2024

Planning Portal Reference: PP-13425895

Dear Mr Davies

Application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 2 (approved plans and documents) of Planning Permission ref. 23/05402/FUL

This letter supports an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 2 (approved plans and documents) of Planning Permission ref. 23/05402/FUL (hereafter referred to as Application 1) approved on 22 March 2024.

The description of development for the original application ("App1") which this Section 73 application aims to amend is set out in full below:

"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."

Shropshire Council has been awarded Levelling Up Funding to support the Smithfield Riverside regeneration scheme in Shrewsbury. The scheme being delivered under Application 1 allows for the demolition of the Riverside shopping centre and delivery of a new park at Roushill. It was anticipated that the next application (Application 2) would seek consent for built development above a podium to take the ground level out of the floodplain for a mix of offices, hotel, homes and cafes and restaurants above. However, in order to meet funding deadlines, the first part of the podium and new landscaping along Smithfield Road, originally proposed in Application 2, are being brought forward to be delivered early next year. This is a natural next step in the regeneration of Riverside. It has been agreed that this can be achieved through amendments to the current approved plans. The principle of this approach under Condition 2 has been informally discussed with Tabitha Lythe, Planning & Development Services Manager and the case officer, Mike Davies through the pre-application process.

The details of the works include the following amendments:

- New public realm and landscaping to the southern edge of Smithfield Road.
- Changes to the park landscaping and layout from Application 1.
- Extension to the western edge of the raised podium so the edge of the park is the wall rather than hoardings. The additional area of podium includes two sets of stairs leading from the park level to podium. The southern edge of the podium will include a smaller seated terrace.
- Space for future public toilets / storage under the podium which will take out a small amount of the flood storage area.
- New southern lift shaft and stairs at the edge of the podium, which eventually will connect to the bridge (coming forward with Pride Hill planning application) but the foundations will be provided.

The areas of change are identified in **Figure 1** below shows the additional extents of the Roushill Park public realm areas, alongside the original consented area of the park. Further explanation on these changes is provided below:

- **Area 1** – Additional landscaping features along the southern edge of Smithfield Road.
- **Area 2** – Extension of the western edge of the raised podium, connecting the seating terrace area with the southern corner of the park on Raven Meadows. The southern edge of the podium will include a smaller seating terrace.
- **Area 3** - Additional area of landscaping to the southern corner of the park extending along Raven Meadows and the formation of external steps.

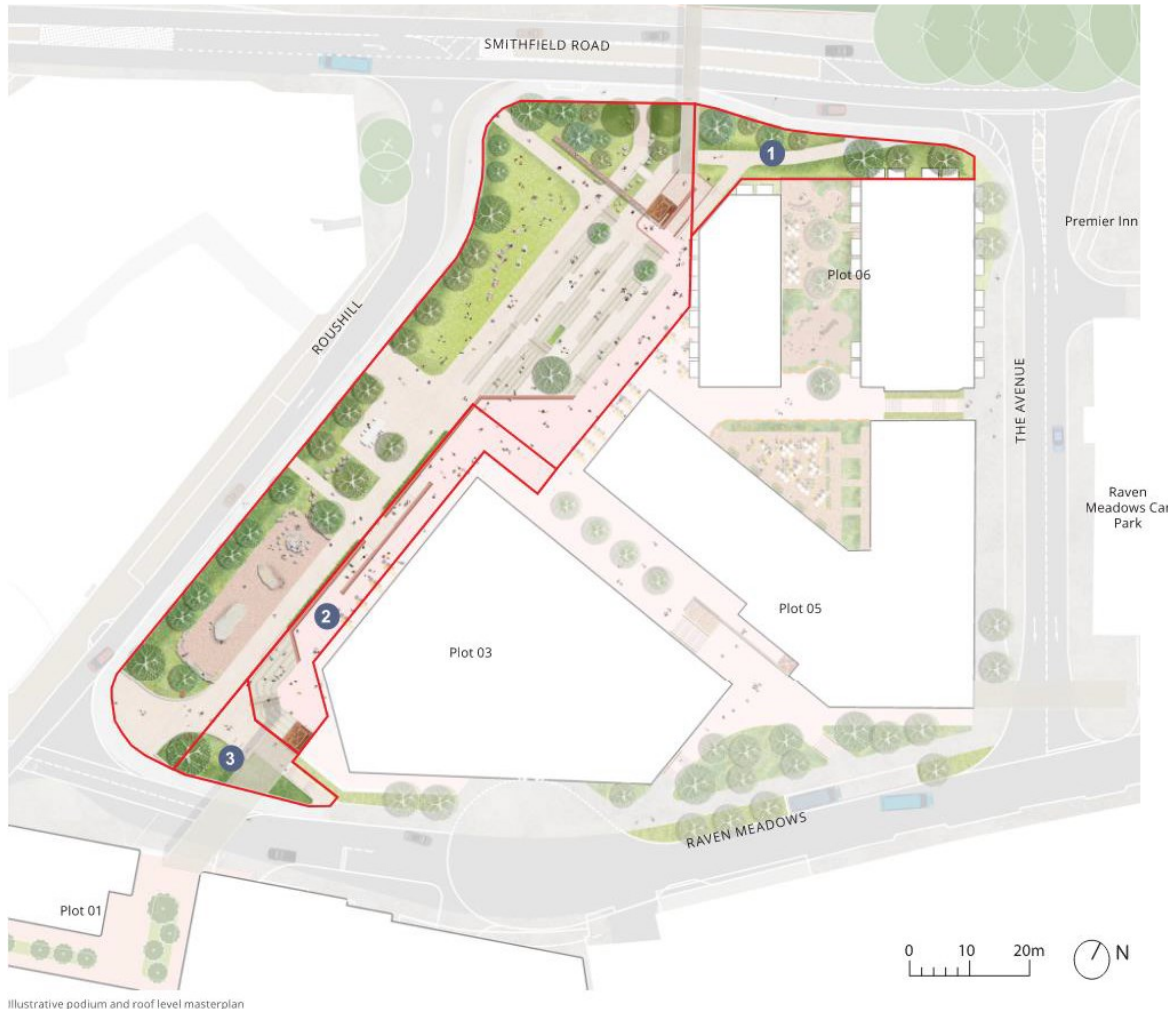


Figure 1 – Falkner Brown Associates plan of proposed changes

The description of development for the proposed amendments is as follows:

“Variation of Condition 2 (approved plans) of planning permission ref 23/05402/FUL for 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.”

However, the above description is subject to change as public toilets are proposed in the latest plans but are not currently included as an item of development in App1. This application under Section 73 is therefore accompanied by an application under Section 96A of the Town & Country Planning Act 1990

(as amended) to amend the description of development of Application 1 to accommodate the public toilets. It is anticipated that the Section 96 application would be determined first, followed by the Section 73 application.

EIA screening

To determine whether this Section 73 application is EIA development, BNP Paribas Real Estate submitted a request for a formal Screening Opinion. Based on the findings set out in the EIA screening report, it is concluded that the proposed development is unlikely to give rise to significant environmental effects and, as such, does not constitute an EIA development. This was confirmed by Shropshire Council on 13 September 2024 when they issued a negative Screening Opinion.

Submission Information

As a result of the proposed amendments sought as part of this application, the table below outlines the plans submitted in support of the application and those which are to be superseded as a result:

Original plans	S73 plans
Events Lawn, Amphitheatre and Podium - Detail Area. 8436-PL-GA-102. Dated 19.12.23	Events Lawn, Amphitheatre and Podium - Detail Area. 8436-PL-GA-102_P02
Landscape Plan - Masterplan - General Arrangement. 8436-PL-GA-100. Rev 01. Dated 12.12.23	Landscape Plan - Masterplan - General Arrangement. 8436-PL-GA-100_P04
Landscape Plan - Roushill Park - General Arrangement. 8436-PL-GA-101. Rev 01. Dated 12.12.23	Landscape Plan - Roushill Park - General Arrangement. 8436-PL-GA-101_P03
Landscape Sections - 1 of 2. 8436-SE-GA-200. Dated 19.12.23	Landscape Sections Part 1 - 8436-SE-GA-200_P02
Landscape Sections - 2 of 2. 8436-SE-GA-201. Dated 19.12.23	Landscape Sections Part 2 - 8436-SE-GA-201_P02
N/A	S73 Site Elevations: -FBA-40-XX-DR-A-PL-010-
	S73 Detail Elevations: -FBA-40-XX-DRA-PL-011-
	S73 Detail Axonometrics: -FBA-40-XX-DRA-PL-013-
	S73 Detail W/C Information: -FBA-40-XX-DRA-PL-014-
	Planning Diagram: 4068-FBA-XX-XX-DR-A-011004

The proposed amendments remain within the red line boundary of the approved Site Location Plan (ref: 4068-FBA-01-XX-DR-A-011001 P01) and relate to the same use. The additional details will help improve the overall function of the park and public spaces.

The following documents are also either re-provided or have been updated to reflect the proposed changes:

Original documents	Updated documents
Flood Risk Assessment. SRS-ARP-ZZ-ZZ-RP-CD-00002. Rev P05. Dated 01 March 2024	SRS-ARP-ZZ-ZZ-RP-CD-00004 - Application 1 FRA addendum
Design and Access Statement	DAS Part 1 of 5 - 1.0 Introduction
	DAS Part 2 of 5 - 2.0 Site Context and Analysis
	DAS Part 3 of 5 - 3.0 Illustrative Masterplan
	DAS Part 4 of 5 - 4.0 Detailed Landscape Proposal
	DAS Part 5 of 5 - 5.0 Landscape Strategies
Air Quality Assessment Rev 1	S73_App1_Air Quality_Tech Note_Issue 1_19 09 24
Noise and Vibration Assessment Rev 2	s73_App1_Noise and Vibration_Tech Note Issue 1_19 09 24
Preliminary Ecological Appraisal and Preliminary Roost	WIE20390-100-R-1-1-10 -UPEA
Transport Statement	SRS-ARP-XX-XX-RP-YT-00005 S73 Transport TN



Archaeological Assessment Update	Archaeological Assessment Update - edp8422_r005
Heritage Note	FAUH3000 - Smithfield Riverside Shrewsbury S73 - Heritage Statement
Drainage Strategy	SRS-ARP-RP-ZZ-RP-CD-0003 rev P02 - Section 73 - Drainage updates
Contamination Report contained within Geotechnical Study	IV.57.24 RMS and Discovery Strategy SRS-ARP-RP-XX-RP-CG-00002_P03_Smithfield Riverside GQRA – Parts 1-3 (as submitted with 24/03440/DIS relating to Condition 12 of App1)

As outlined above, this Section 73 application includes amendments to landscaping and the proposed public realm, an extension to the proposed podium, the addition of a lift shaft, stairs and an area for future public toilets. It is important to note that the development plan has not moved forward since the approval of the original application. The emerging Local Plan Review is still at examination and therefore, remains a material consideration with 'limited weight' at this stage, as confirmed by the Officers Report for the original application (paragraph 6.1.2).

Taking each of these changes in turn, the Officers Report for the original scheme outlines that the proposed landscaping and public realm areas weighed in favour of the proposal (paragraphs 6.1.6, 6.3.7) and received no objection from the Council's Landscape Officer. The Section 73 scheme proposes additional landscaping along Smithfield Road and improvements to the public realm areas which in our opinion will further enhance the proposal and still adheres to Adopted Policy SP5 and emerging Policies DP14-DP17.

The application also proposes an extension to the podium. The edge of the developed area during construction will now be the wall, rather than the hoardings as per the original scheme. This will not materially change the scheme and will only result in a slightly smaller developed area.

The Section 73 application also proposes the addition of a second lift shaft and stairs which will eventually connect to a bridge (coming forward as part of the Pride Hill application). Paragraph 6.2.9 of the original schemes Officer's Report sets out that the addition of disabled access ensures the public realm has regard for those with disabilities. The addition of a second lift continues this theme in the context of wider site with a steep topography and in our view further increases the public benefit of the proposal.

With the above in mind, the proposed changes the original scheme are not considered to result in any adverse impacts in respect of design, amenity, landscaping and green infrastructure. Indeed, the amended scheme is considered to increase public benefits by virtue of improved accessibility and additional landscaping. As such, this application adheres to both the adopted development plan and the emerging Local Plan Review.

Since approval of App1 a number of conditions have been discharged (see below) and new information has been provided as part of this Section 73 submission. As such, if this application is approved, we consider that a number of the previous App1 conditions should not be repeated. We would welcome discussions with the Council regarding future planning conditions as part of the application process.



Condition(s)	Reference no.	Status	Decision date
Condition 3 - WSI	24/02631/DIS	Partly discharged	19 July 2024
Condition 4 – Demolition Management Plan	24/02204/DIS	Discharged	16 August 2024
Condition 5 – Construction Management Plan			
Condition 9 – Surface water management			
Condition 19 – Hoardings			
Condition 7 – Habitat Management Plan	24/02993/DIS	Discharged	2 August 2024
Condition 8 – Tree Protection Plan	24/02508/DIS	Discharged	19 July 2024
Condition 11 – Evacuation Plan			
Condition 12 – Site Investigation (contamination)	24/03440/DIS	Submitted	N/A

The application fee of £363 (including service charge) will be paid by Shropshire Council.

I trust that the information provided is sufficient, however, if you have any queries, please do not hesitate to get in touch. It is vital that this application is determined in a timely manner in order to meet funding requirements. I look forward to receiving acknowledgement of this application.

Yours sincerely

C Layton

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