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**Our ref:** CM/223679

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Planning Portal Reference: 13425954

Dear Sir or Madam,

**RE: Section 96A Application to amend the description of development to planning permission 23/05402/FUL, Riverside Shopping Centre, Pride Hill, Shrewsbury, Shropshire.**

This letter supports an application under Section 96a of the Town and Country Planning Act 1990 (as amended) to amend the description of development of Planning Permission ref. 23/05402/FUL (Application 1) approved on 22 March 2024.

The proposal is to introduce new public toilets in the podium as part of the development under Application 1. The toilets would be located and accessed from Roushill Park. Currently the toilets form part of the scheme being prepared under Application 2, which comprises the podium and built development above for a mix of offices, hotel, homes and cafes and restaurants to replace the Riverside shopping centre. The toilets are located in the element of podium and additional landscaping now proposed to be delivered in advance of Application 2 and therefore an amendment to Application 1 is being sought separately (see separate application under s73).

The description of development for Application 1 does not currently include reference to public toilets and this application carries with it a request to the local planning authority to agree to amend it as a minor non-material amendment.

It is anticipated that both applications could be determined at the same Planning Committee, sequentially with the s96a being determined first to include the public toilets in the description of development and then to vary Condition 2 for Application 1 to amend the plans to accommodate the toilets.

The principle of this approach 2 has been discussed with Tabitha Lythe, Planning & Development Services Manager and the case officer, Mike Davies through the pre-application process.

Planning Practice Guidance ("PPG") states that<sup>1</sup> *"There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990."*

The PPG<sup>2</sup> goes on to outline that *"The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A."*

In terms of what constitutes 'materiality', an appeal in the London Borough of Harrow in 2010<sup>3</sup> confirms that *"consideration of materiality in the present context is not confined to the external appearance of the building. For a change to be material. I consider it must be of **significance**. Put simply it has to matter."* (emphasis added).

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<sup>1</sup> Paragraph: 002 Reference ID: 17a-002-20140306. Revision date: 06 03 2014

<sup>2</sup> Paragraph: 008 Reference ID: 17a-008-20140306. Revision date 06 03 2014

<sup>3</sup> Appeal reference: 2119243

Whilst the inspector does explain that materiality is not just a case of whether the proposed changes will result in harm, he does go on to state that *“an obvious lack of harm in planning terms may thus point to a lack of consequence and in turn, of materiality”*.

### The Proposed Changes

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

In this instance, we consider the proposed changes are non-material as they do not alter the size or scale of the proposal and importantly are not significant enough to materially change the scheme as a whole. This application simply seeks to introduce public toilets into the description of development.

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

I trust that the information provided is sufficient, however if any additional information is required, then 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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