

## Wigan Council

Report to Planning Committee

4th May 2010

**Application No:** A/09/73403

Speaking arrangements:

Major development. One speaker against for 4 minutes One speaker in favour for 4 minutes.

**Applicant:** Salmon Harvester Properties Ltd

**Agent:** Planning Perspectives LLP

**Development Proposed:** Redevelopment of former Industrial site to provide supermarket (Class A1), a seven screen cinema (Class D2), four restaurant units (Class A3), a petrol filling station and associated kiosk, alterations to the access arrangements, associated servicing, car parking and landscaping.

**Location:** Barlo House Spinning Jenny Way Leigh WN7 4PE

**Ward:** Leigh East

### 0Representations

1 letter of support received and 4 letters of objection

### Site Description:

The application site extends to approximately 6 hectares and includes land that currently falls within the public highway.

The former Barlo Radiators site (extends to 5 hectares) and currently comprises a number of lightweight steel clad industrial structures and two older brick buildings including a 4- storey factory fronting the Bridgewater Canal and a 3 storey office building fronting Spinning Jenny Way. The existing buildings are with the exception of the office building fronting Spinning Jenny Way in poor condition. There are significant open areas of hard standing used for storage and parking. These are located to the east and south of the site, overlooking the Bridgewater Canal. There are also areas of scattered trees and scrub, as well as a large area of dense scrub and grassland interspersed with rubble patches, along the eastern boundary. The southern boundary of the site adjacent to the canal is bounded by an existing galvanised palisade fence.

There are two points of vehicular access, one to the north west off Ellesmere Street and the other to the north east that connects to Spinning Jenny Way via Brown Street South. These provide the main access points to the factory, warehouses and

office buildings. A 15 metre telecommunications mast and compound is positioned to the south of the site, fronting the Bridgewater Canal. This is in a fixed position and will be retained.

There is a fault line orientated north west - south east which crosses the south west corner of the site. A Geo-environmental technical report has been prepared to assess this and as a result, a no build exclusion zone falls either side of the fault. This will not affect the siting of the buildings subject to this application or have any impact during construction should planning permission be forthcoming. A sewer crosses the car park but its position on site is such that it will have no implications for the development proposed.

The topography of the site slopes gently from north to south away from Spinning Jenny Way such that Spinning Jenny Way is elevated on an embankment fronting the site. A small part of the site, which includes the 4-storey factory building on the south west boundary, lies within the Leigh Bridge Conservation Area.

The Spinning Gate Shopping Centre is separated from the application site by Spinning Jenny Way (A572). The A572 is a main arterial road, carrying large volumes of traffic into and around Leigh town centre. Immediately to the west of the site lies BJ's Bingo and its associated car park, which is also accessed off Ellesmere Street. This site is included within the town centre boundary. Part of the Bingo car park has been subject to planning approval for four retail units (465 sq.m each), these units back onto the Canal (Reference: A/06/66106).

Immediately to the east of the site lie a mix of industrial uses and a Lidl food store which are accessed off Brown Street South and front Derby Street and Henry Street. The site is bounded by the Bridgewater Canal to the south. Further south of the Canal lies the former BICC site. An outline application for a proposed mixed-use development on this site has been referred to Government Office North West following the resolution to grant permission at the last Committee Meeting.

### **Proposals:**

The application proposes the comprehensive redevelopment of the site. In summary, the scheme comprises:

- 10,215 sq.m gross Class A1 supermarket including cafe (the operator is known to be Tesco);
- a 3,166 sq.m cinema with 7 screens and 1,303 seats;
- 4 restaurants (with a total combined floor area of 1,187sqm);
- a 6 pump petrol filling station and a supporting kiosk (80 sq.m);
- 800 parking spaces (41 of which are reserved for disabled spaces);
- 104 secure cycle spaces;
- a new signal controlled junction leading on to Brown Street South; and
- a new roundabout within the site to regulate the flow of traffic.

It is proposed to locate the food store to the west of the site, with the service yard accessed behind the store via Ellesmere Street. It is expected that the number of vehicle movements associated with the service yard could be 40 hgv and 128

dot.com delivery vehicles per day. It is estimated this would generate 14 two-way trips an hour. In addition to the main store, Tesco will operate a 6-pump petrol filling station (PFS) and associated kiosk. It will be located to the east of the site and will be accessed from Spinning Jenny Way.

The retail store will have 24 hour opening with restrictions in place on Sundays to comply with trading law. It is estimated that the new store will result in a full time equivalent of 450 to 500 jobs.

Cineworld will occupy the cinema, which will be located adjacent to the canal to the south of the site. Entrance to the cinema will be via the main entrance foyer that will open onto the car park. The cinema will have seven screens accommodating approximately 1,300 seats. It is estimated that the cinema would provide 10 full-time positions and 30 part-time jobs. The cinema will operate until 12.30 am Sunday to Thursday and until 3.30 am on Fridays and Saturdays.

The four restaurants will be positioned along the southern boundary of the site. The restaurants will be of a similar size and all have outdoor seating to the rear overlooking the canal. They have also been sited within close proximity to the cinema to enable easy access and allow linked trips to the town centre.

The car park will accommodate 800 spaces and will be shared between the three uses. Within this figure, 41 spaces will be reserved for disabled customers and 16 spaces will be provided for parents with children. Secure parking for 104 cycles will be provided under cover close to the food store entrance and near to the cinema and restaurants. These will be available for customers and staff. A total of 17 spaces will be allocated for motorcycle parking. A car park management strategy will be in place to limit free parking on site to a maximum of 4 hours.

## Supplementary Documents

Retail and Leisure Assessment  
Planning Statement  
Design and Access Statement  
Landscaping Report prepared by The Landscape Partnership  
Tree Conditions Survey and an Arboricultural Implications Assessment  
Employment Land Review  
Sustainability Statement  
Energy Strategy  
BREEAM Retail Pre-Certification Assessment Report  
Site Waste Management Plan  
Air Quality Assessment  
Geo-environmental Desk Study  
Biodiversity Study  
Transport Assessment and Interim Travel Plan  
Consultation Report  
Noise Assessment  
Flood Risk Assessment and Drainage Strategy  
Lighting Assessment  
Statement in response to the White Young Green Retail Assessment

All these documents are available for inspection by the Committee on request in the Department and are available on the website.

## **Policy Context**

### **UDP Allocation:**

EM1A Primary Employment Area

### **Relevant Policies/Guidance**

National Policy Guidance

PPS1 - Delivering Sustainable Development  
PPS4 - Planning for Sustainable Economic Growth  
PPS5 - Planning for the Historic Environment  
PPG9 - Biodiversity and Geological Conservation  
PPG13 - Transport  
PPG14 - Development on Unstable Land  
PPS23 - Planning and Pollution Control  
PPS24 - Planning and Noise  
PPS25 - Development and Flood Risk

Regional Spatial Strategy to 2021

DP1 - Spatial Principles  
DP2 - Promote Sustainable Communities  
DP4 - Make the Best Use of Existing Resources and Infrastructure  
DP5 - Manage Travel Demand, Reduce the Need to Travel and Increase Accessibility  
DP7 - Promote Environmental Quality  
DP9 - Reduce Emissions and Adapt to Climate Change  
W3 - Supply of Employment Land  
W4 - Release of Allocated Employment Land  
RT2 - Managing Travel Demand  
RT9 - Walking and Cycling  
EM18 - Decentralised Energy Supply

Replacement Unitary Development Plan Policies

EM1- Land and Buildings for Employment Uses  
EM1A - Primary Employment Areas  
EM1D -Offices  
S1F - Retail and Leisure Development Outside Town Centres and Local Centres  
EV1 - Environmental Protection and Enhancement  
EV1B - Pollution  
EV2D - Species Protection  
EV2E - Trees, Woodlands and Hedgerows  
EV3A - Design of New Development  
EV3D - Landscaping of Development

EV3F - The River Douglas, Canal Network and Other Water Features  
EV3H - Public Art  
EV4A - Development and Design in Conservation Areas  
EV4E - Archaeology, Ancient Monuments and Development  
A1 - Accessibility  
A1A - Transport Assessments  
A1B - Travel Plans  
A1C - Access for All  
A1D - Walking  
A1E - Cycling  
A1F - Bus Provision - New Development  
A1N - Strategic Route Network  
A1R - Highway Access - New Development  
A1S - Parking in New Development  
C1F - The River Douglas Canal Network and Other Water Features  
G1A - Impact of Development on Amenity  
G1B - Planning Obligations  
G1C - Development and Flood Risk  
Leigh Masterplan - this sets out a series of objectives to support the transformation of the area over the next 15 years

#### **Previous Relevant Decisions:**

A/00/53346 CA - Demolition of Warehouse building - Approved 10/04/2001  
A/09/73402 CA - Conservation Area Consent for the demolition of a 4 storey factory building - Approved 6/11/2009

#### **Consultations:**

Engineers Highways - No objections in principle. Suggest contributions be sought through a S106 agreement for transport and access improvements  
Engineers Drainage - No objections, subject to standard informative relating to drainage and imposition of conditions  
Environmental Protection - Suggest conditions for noise, contamination and air quality. No observations with regard to former landfill site within 250 metres which does not pose a risk  
United Utilities - No objections in principle. Suggest conditions for storage tanks and bund walls. The sewer that crosses the car park is not affected by the proposal  
Environment Agency - No objections in principle to the proposal subject to the imposition of conditions regarding flood risk, surface water regulation system, protection of the canal and contamination  
GM Police - Need further details of pedestrian link and make suggestions for on site security which will be used as informative. Should the applicant wish to achieve Secured by Design further consultation with GM Police will be necessary  
GMPTE - Site well located to bus station. Initially concerned with lack of legible pedestrian links across the site. This has been satisfactorily addressed in the amended proposals and provides a clear and satisfactory link through the site and across Spinning Jenny Way. It is also proposed to provide a bridge across the canal with contributions from this proposal and land on the opposite side of the canal at Bridgewater Place

Access Officer - Amendments have been made to the disabled parking spaces to comply with the SPD. Request further details on access points for compliance with the SPD and Part M of the Building Regulations. I consider that this can be adequately controlled by way of suitable planning condition

Archaeology Unit - concerned about the loss of the 4 storey building which was subject to a separate application and has now been approved with satisfactory planning conditions attached

Fire Officer - No objections

Ecology Unit - Suggest attaching conditions should planning permission be granted in relation to biodiversity issues

Bolton Council - No objections

Warrington Council - No comments received

Salford Council - No objections

## **Representations**

21 letters of consultation were sent to neighbouring residents and businesses.  
1 letter of support and 4 letters of objection received.

A letter of support from the management company responsible for the Spinning Gate Shopping Centre considers that the level of investment will be a benefit to all residents, business and visitors by improving the commercial opportunities in Leigh and providing a boost to the jobs market and suggests that it is difficult to conceive any other types of comprehensive re-development for the site which will generate so many benefits for so many in Leigh Town Centre.

The letters of objection are concerned with:

- impact on the town centre;
- increased traffic and congestion;
- highway safety; and
- possibility of litter in the canal.

## **Assessment**

Material Considerations:

Principle of Development - National, Regional and Local Policy Context

Loss of Employment Land

Retail Assessment

Access and Parking

Design of New Development and Impact on Conservation Area

Ecology

Landscaping

Public Art

Noise

Air Quality

Flood Risk and Drainage

Lighting

Observations on Representations Received

## Principle of Development - National, Regional and Local Policy Context

The Development Plan is the Regional Spatial Strategy and the Wigan Replacement UDP. Regional and local policies follow national policies. These are discussed in detail below.

In particular, Members will now be aware that PPS4 has recently been published which sets out national policy relevant to the determination of this proposal and provides up to date guidance.

### Regional Policy Context

Regional Spatial Strategy (RSS) principal policies DP2, DP4, DP5, DP7 and DP9 are relevant, as they include promoting sustainable communities, making best use of existing resources and infrastructure, managing travel demand, increasing accessibility, promoting environmental quality and addressing climate change.

The site is immediately adjacent to Leigh town centre and in close proximity to the bus station and the proposed Leigh Guided Bus way. It is a vacant former heavy industrial site allocated in the UDP as a Primary Employment Site. It is in a highly accessible location within the urban area and re-development accords with the sequential approach in Policies DP4 and DP5 which require development to be located so as to reduce the need to travel.

Within the transport policies, Policies RT2 and RT9 seek respectively to manage travel demand and promote walking and cycling. New developments are to be located with good access to public transport, provision for pedestrians and cyclists and to minimise travel by the private car. The latter is encouraged by incentives such as Travel Plans, public transport, cycle and pedestrian networks.

### Local Policy Context

The development site is identified in the final draft of the Leigh Master plan document prepared by DTZ as a priority area and recognises the potential for this site to be developed for uses that are complementary to the town centre. The proposed development will provide uses which are complimentary to the existing town centre and would also help to stimulate development on the adjacent former BICC site at West Bridgewater Street. These developments would remove a number of unattractive industrial style buildings and provide modern purpose built retail and leisure space. The application site and the adjacent Bridgewater site would be linked by a new footbridge over the canal which would enable the regeneration of the two sites and the canal environment to be taken forward together and would help to maximise opportunities to link effectively with the town centre.

The principle of this development has to be assessed against a number of policies relating to the loss of employment land and the introduction of a retail use. These and other technical issues are discussed in detail below.

## Loss of Employment Land

The Regional Spatial Strategy for the North West of England and the Wigan Replacement Unitary Development Plan both place a strong emphasis on the need to safeguard employment land.

Policy EM1 sets out the need for the Council to make best use of its existing employment land. It sets out the issue of an identified shortfall of employment land of up to 91 hectares through the need to identify 255 hectares of employment land for the plan period of April 2002 to April 2016. This issue is a key consideration for this proposal. To ensure that the Council is making the best use of employment land the applicant needs to provide robust justification as to why a non-employment use is acceptable on this site. The majority of the site is allocated in the Replacement UDP as a Primary Employment Site. Policy EM1A states that within primary employment areas, development for, or changes of use to, uses within Classes B1, B2 and B8 or other employment uses will be permitted provided that there will be no unacceptable environmental, amenity, highway, road or other adverse impact. Other uses will only be permitted when:

- they will be small scale and complementary to the primary employment function of the area or part thereof; or
- they are on the fringe of the Primary Employment Area and it can be demonstrated that it will improve the physical relationship between the employment uses and adjacent uses, and it will not result in any greater constraint on the development and use of the remaining Employment Area for employment uses.

Where all, or a substantial part of a Primary Employment Area is proposed for development or it is substantially undeveloped, a masterplan or development brief shall be agreed with and approved by the Council. The development shall accord substantially with the approved masterplan. The application is for a full, detailed application which has been devised following the principles that are applied when producing a masterplan.

An Employment Land Study has been prepared on behalf of the applicant and submitted with this application to provide an accurate and up to date assessment of the employment position in Leigh. This has been prepared with RSS Policy W4 and LDF Core Strategy Preferred Options Policy DM2 in mind.

In addition further work has been undertaken having regard to:

- current available land and buildings for B1(a) space;
- unimplemented planning permissions;
- non-allocated sites; and
- current applications.

This study concludes that there is limited prospect that the site would come forward for employment purposes in the short term (except possibly on a piecemeal basis for Class B1(a) offices) due to the state of the economy and the availability of alternative, preferable sites. The report provides evidence that the application site is

not ideally suited to Class B2/B8 uses due to the existence of more accessible sites and a preference to locate such uses away from the main town centres. Overall, the report concludes that there is adequate supply of Class B1 (b) and B1 (c) sites and that piecemeal development for offices would not be a beneficial use of the site and that the loss of the application site to town centre uses would have no detrimental effect on the overall provision of employment land and premises.

Also the applicant contends that the proposals for a retail store, cinema and restaurants can be seen as employment deriving uses which would create in the region of 500 full time equivalent jobs and as such the proposed development is deemed acceptable on this site. Furthermore, the application site is located on the edge of Leigh town centre and there is a compelling argument for allowing these complementary town centres uses as they will contribute to the vitality and viability of Leigh town centre and will act as a stimulus to the local economy. As such the applicant argues that the proposal would contribute to the employment need locally and thus be compliant with PPS4.

Now that the applicant has undertaken further work regarding the Employment Land Review I am satisfied that there is justification for allowing this Primary Employment Site to be released for the proposal under consideration. It is difficult to predict in advance of the Local Development Framework coming forward how many of the potential employment sites in the Borough will be taken forward to meet employment land requirements by 2026, but given the specific and unique opportunity presented by this proposal to regenerate the economy of Leigh town centre, I consider that it would be appropriate to depart from the UDP allocation policy applying to this site. Accordingly, I consider that the Employment allocation in the UDP does not in the circumstances provide sufficient justification for resisting the proposal.

PPS4 is a recent government policy statement, which was published after the UDP and as such is a material consideration to be given significant weight. Policy EC10 applies to all planning applications for economic development and states that local planning authorities should adopt a positive approach towards such development. It is implicit that where developments will secure sustainable economic growth then these developments should be treated favourably. However, in assessing how proposals could contribute towards sustainable development Policy EC10 identifies five criteria against which the impact of the development should be assessed. These include;

- whether the proposal has been planned to limit carbon dioxide emissions;
- the accessibility of the proposal;
- whether the development secures a high quality of design;
- the impact on the social and physical regeneration of the area; and
- the impact on local employment.

The quality of the design is discussed below, where it is concluded that it is acceptable consisting of a range of buildings displaying a high level of quality of the external elevations and providing a scale of development deemed acceptable on this edge of centre site adjacent to the canal.

Accessibility issues are also discussed below, where it is concluded that the site is accessible on foot from the existing bus station and town centre and is convenient for the planned Leigh Guided Busway. It is also acknowledged that the proposal will contribute to the re-vitalisation of the town centre and provide for approximately 500 full time jobs.

As discussed elsewhere in this report, there are significant improvements that would flow from the proposal in terms of physical and economic regeneration both on the site and in the wider town centre and contributions will be sought through the signing of a Section 106 agreement to reduce the impacts of air quality associated with the development.

Local employment initiatives will also be secured through the S106 agreement to help recruit local people, develop apprenticeship opportunities and links with the Job Centres, colleges and others.

It follows therefore that there is strong support for the proposal when assessed against Policy EC10.

#### Retail Assessment

The Government's key objective for town centres, as set out in PPS4, is to promote their vitality and viability by focussing new development and investment in existing centres. The guidance explains that when considering proposals, local planning authorities should consider relevant local issues and other material considerations, including:

- Physical regeneration;
- Employment;
- Economic growth; and
- Social Inclusion.

The submitted Retail and Leisure Assessment states that the proposed scheme can provide an important means of securing socio-economic benefits for the town of Leigh and is therefore compliant with national guidance recently introduced in PPS4. It considers that the food store and cinema can perform the role of genuine anchors to the town centre's existing retail and commercial leisure offer. The applicants state that the critical mass of leisure floor space, along with the mix and quality of food and non-food retailing, will:

- 'claw back' shoppers, cinema goers and retail/leisure expenditure currently leaking from the town centre's catchment to similar-sized (large format) stores and multiplex cinemas in competing centres and out-of-centre locations;
- generate significant linked trips and spin-off expenditure to the town centre;
- help to strengthen the vitality and viability of the town centre's daytime and evening economies; and
- act as a catalyst for other new investment and development within Leigh town centre.

Overall, therefore it is claimed that the proposed development will help to not only maintain but enhance Leigh's market share of both comparison and convenience shopping in the face of increased competition from other centres and shopping locations in the sub-region, as well as significantly enhance its role as a commercial leisure destination.

Furthermore, the Retail and Leisure Assessment states that the large food store and cinema will together make a significant contribution to the overall economic and social life of the Leigh Town Centre. Bringing economic benefits, for example, the development will result in the creation of new, quality, jobs aimed at local people. It is argued that this in turn will lead indirectly to an increase in business, consumer and investor confidence in the future of the town centre. The development also results in the regeneration of a redundant and unattractive site. The scheme will significantly improve the area, which is acknowledged as a high profile location on the southern gateway into Leigh town centre. This will have a positive effect on the overall quality, attractiveness and character of Leigh town centre as a place to shop, work and visit for a range of activities and uses both during the day and evenings. Therefore it is also consistent with the aims of the Leigh Masterplan which seeks to promote the number of shoppers and visitors to Leigh and to identify key sites for development.

Under UDP Policy S1F new shopping and leisure facilities over 500 sq. metres gross floorspace will only be permitted when:

- the applicant has demonstrated the need for the development (not now a requirement in PPS4);
- the applicant has demonstrated that a sequential approach to site selection has been undertaken within the catchment area, and that there are no suitable sites or buildings in sequentially preferable locations that are viable for the proposed use and available, or likely to become available, within a reasonable period of time;
- the proposal, either by itself or together with recently completed developments or outstanding planning permissions, will not harm the vitality or viability of any town centre or local centre;
- it will not unduly affect the amenity of nearby residents or other uses;
- the site is widely accessible by existing public transport provision, walking and cycling, or such provision can be secured by legal agreement, and has good access from the Strategic Route Network. The development must not have an unacceptable impact on the road network; and
- the site is well related to existing patterns of movement between residential areas and town centres and/or other major retail locations (superstores and retail parks).

As stated above PPS4 was published in December 2009 (replacing the guidance in PPG4 and PPS6) and provides an up to date policy framework for determining applications. This Policy Statement should be given greater weight than UDP policies where the policy emphasis has changed (e.g. the removal of the requirement to test need). PPS4 requires a sequential approach to be applied in selecting appropriate sites for retail and leisure developments. All options in the centre should be thoroughly assessed before considering edge-of-centre sites.

Development in an out-of centre location will only be considered acceptable when it has been clearly demonstrated that no suitable and viable centre or edge-of centre sites are available. It is not now a requirement of policy to identify a need for the development but the sequential test and impact on the town centre remain as valid considerations.

Under the terms of Policy EC15 of PPS4 the applicant has undertaken a sequential approach to site selection and has considered the following sites:

- Land East of Atherleigh Way (Grasmere Street);
- Former Parsonage Colliery ;
- Land at Leigh Sports Village; and
- Vacant premises in Leigh Town Centre.

I consider the first three to be out of centre and therefore would not provide a more centrally located site capable of accommodating the development proposed. It is also accepted that there are no sites within the town centre capable of accommodating the floorspace. The Retail Study accompanying this application goes on to confirm that the application site is the most appropriate location capable of accommodating a superstore, cinema and restaurant of the type proposed. This is because it is located immediately adjacent to the town centre boundary, in a location ideally suited for town centres uses that will facilitate linked shopping trips and enhance the vitality and viability of Leigh town centre, to the benefit of existing businesses and visitors to the town. I must advise Members that I would concur with this view.

Policy EC16 of PPS4 requires that applications for main town centre uses that are not in centre (unless EC16.1.e applies) should be assessed against the following impacts on centres:

- (a) the impact of the development on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
- (c) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
- (d) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made;
- (e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role and hierarchy of centres; and
- (f) any locally important impacts on centres under Policy EC3.1.e.

The Council has recently had its retail and leisure study updated. This demonstrates that for the period up to and including 2015 there is sufficient capacity to support the development proposed without a detrimental impact on the trading patterns of the town centre. It is also necessary to be aware of the significant benefits that will flow

from a grant of permission and how in the wider terms there will be an improvement in the vitality and viability of Leigh Town Centre.

Our updated Retail and Leisure Needs Study identified a long-term need for a larger format convenience goods store and a cinema. It also found that Leigh faces strong and increasing competition from Wigan town centre, out-of-centre retailing and other stronger regional and sub-regional centres. The retail and leisure offer in Leigh town centre therefore needs to be improved to effectively compete with other centres and maintain its vitality and viability over the long term, as a sustainable place to shop and spend leisure time. The mixed-use application will address this need.

The applicant considers that only a 7.7% trade diversion from Leigh town centre will take place with the majority of trade being drawn from other out of town stores and adjoining districts. This is not a large impact on the town centre and must also be considered against the benefits from the development, including the qualitative improvements to the town centre offer and the improvements to the evening economy provided by the proposed leisure facilities. On balance, it is considered that the development has the potential to create an overall positive impact by clawing back expenditure from outside the store's catchment area, improving the retail offer adjoining the town centre and broadening the evening economy of the centre.

However, in order to ensure that the necessary 'spin off' benefits to the town centre are achieved, it is vital to ensure that the remaining town centre offer is maintained and enhanced, the environmental quality of the area is uplifted and the linkages between the two are improved. Achieving these aims justifies a significant developer contribution through a town centre improvement fund and contribution to improved pedestrian links. This can be required and controlled by Section 106 agreement.

Through the findings of the retail study I accept that there is a strong qualitative need for an additional food store. Whilst it is not a requirement of the developer to identify need under the terms of recently published PPS4 the proposed development on this edge of centre site will help to address overtrading of existing provision (most of which is located out-of-centre). In addition, the proposed development will meet a qualitative need through improving consumer choice and competition by introducing a new retailer into Leigh. It is also important to acknowledge that the introduction of a new food store will draw trade from similar facilities located out-of-centre to a sequentially preferable location providing better opportunities for linked trips to take place between the proposed development and the town centre.

In addition to the food store, the proposal will bring forward a seven screen cinema and four ancillary restaurants. These will in my opinion compliment the retail proposal and can be justified in improving the evening economy in Leigh.

In this instance it can clearly be established that Policy EC16.1.e applies and that the proposal is in compliance with clauses (a) to (f). In addition I do not consider

that it is necessary to assess the proposal further against the criteria set down in Policy EC17 being an edge of centre site with no sequentially preferable sites.

The scale of development is therefore deemed acceptable and compliant with national policy in PPS4 and the relevant provisions of the UDP Policy S1F.

### Access and Parking

In order to assess the highway impact of the proposals the applicant commissioned Singleton Clamp & Partners to undertake a full Transport Assessment (TA) for the proposed development.

The main access to the site for vehicles will be via a new signalised junction at Spinning Jenny Way/Brown Street South. The main pedestrian access to the site will be via the junction of Spinning Jenny Way/Brown Street South where pedestrian crossing facilities are available or via a proposed puffin crossing on Spinning Jenny Way, which provides a convenient link between the development site, Leigh town centre and the bus station. The access for delivery vehicles serving the supermarket is also off Spinning Jenny Way but via Ellesmere Street. The smaller units (cinema and restaurants) will be served from within the site. In total there are approximately 800 car parking spaces provided for the development; which is within Wigan Council's maximum parking standards for the scale of the development. These car parking spaces will be free but the maximum stay will be limited to a 4 hour stay. A Car Park Management Contractor will be employed to enforce the parking restrictions in place. This can be controlled by way of planning condition in order not to prejudice parking within the wider town centre that would occur should the free parking be extended for a longer period.

Following submission of the TA Wigan Council commissioned Greater Manchester Transport Unit (GMTU) and Greater Manchester Urban Traffic Control (GMUTC) to undertake an independent review of the TA. GMTU and GMUTC reviewed and assessed the junction modelling work, trip generation and any assumptions made within the TA. As a result of this review and comments made by both GMTU and GMUTC there was the need for Singleton Clamp to provide further information. Therefore Singleton Clamp submitted a Supplementary TA in February 2010 in order to address the issues identified by GMTU & GMUTC.

Full assessments of the following junctions have been undertaken as part of the TA to fully understand the impacts of the proposed development upon the local highway network:

- Twist Lane/Atherleigh Way/Parsonage Way;
- King Street/Spinning Jenny Way/St Helen's Road/Twist Lane;
- Spinning Jenny Way/Ellesmere Street;
- Spinning Jenny Way/Brown Street South (Site Access);
- Spinning Jenny Way/Chapel Street/Lord Street;
- Chapel Street/Warrington Road.

The capacity assessments carried out detail that the junctions are forecast to safely accommodate the additional traffic generated by the proposed development.

Additional work associated with the TA has been undertaken following negotiations with the Highway Engineer in order to obtain the optimum site layout. As part of the proposals the applicant has proposed to include a puffin crossing on Spinning Jenny Way to provide a safe and convenient pedestrian link from the proposed development site to Leigh town centre and a new signalised junction as previously mentioned at the site access and a signed cycle route through the site amongst other improvements.

Additionally, as part of the proposed Section 106 Agreement transport contributions will be secured including contributions towards a pedestrian/cycle bridge over the Bridgewater Canal and pedestrian improvements at the signalised junction of Twist Lane, St Helens Road, King Street, Spinning Jenny Way.

The site is well located in relation to the main town centre bus station (located on the opposite side of Spinning Jenny Way) and the proposed Leigh Guided Busway and this will provide further connections to the strategic route network giving good proximity to public transport on this strategic edge of centre site.

In light of reviewing the Transport Assessment submitted by Singleton Clamp, the comments received from both GMTU and GMUTC and the amendments made to the site masterplan there are no traffic, transport or highways safety objections to the proposals from the highways engineers. The proposal is therefore acceptable when assessed against PPG13, RSS policies and the transportation policies of the UDP.

#### Design of New Development and Impact on the Conservation Area

The application lies adjacent to the main town centre, a small part of the site along the southern boundary of the canal falls within the Leigh Bridge Conservation Area and the site abuts the Bridgewater Canal Conservation Area. It is therefore necessary to have regard to the Conservation and Design policies of the UDP in particular EV3A, EV4 and EV4A. These policies seek to ensure;

- that new development promotes the character and identity of places through responding to and re-enforcing locally distinctive patterns of development;
- the continuity of street frontages and enclosure of space by development which clearly defines private and public areas;
- public spaces and routes that are attractive, safe, visually and physically uncluttered and function effectively for all users;
- provision of an appropriate scale of development that reflects and enhances the buildings and roofs, scale, massing, heights and densities that are specific to the area;
- not to allow proposals which fail to preserve or enhance the character or appearance of a Conservation Area; and
- encourage the occupation of old buildings and permitting new uses which are compatible with their character and settings;

The application is submitted with a Design and Access Statement which states that the proposed layout responds to the varying elements that create and define the site boundaries. Spinning Jenny Way to the north, the canal to the south, Ellesmere Street/bingo hall/car park to the west and the canal basin/existing buildings to the east.

The Tesco store is sited close to Spinning Jenny Way which, with a maximum height of approximately 11 metres and frontage depth along Atherleigh Way of 90 metres, forms a significant road frontage to compliment the Spinning Gate Shopping Centre directly opposite the site. The elevations consist of an attractive palette of materials with significant elements of glazing and timber cladding together with colour coded cladding. The roof is also given an improved visual appearance by the introduction of a number roof lights and wind catchers which help to break up the mass of the roof structure and provide both an acceptable visual appearance on this important road corridor and will provide natural rather than mechanical ventilation and cooling.

The cinema will be situated along the southern boundary of the site adjacent to the canal and in close proximity to the footpath link across the canal. This has a smaller footprint but has a similar height to the retail store and the elevations adopt a combination of extensively glazed openings and composite 'micro-rib' steel, aluminium cladding or timber faced cladding panels.

In my opinion units of this scale respond positively to the scale of adjoining buildings, including the bingo hall to the west of the site and Lidl to the east. These buildings are similar in height to those proposed. The buildings that currently occupy the site are of a significantly larger footprint and scale than those proposed. It is intended that the much more open nature of the redevelopment will help to open up the site and the views towards the canal, encourage links between the town centre and canalside, and provide a new link to the south across the canal.

The restaurant units are only single storey extending to approximately 5 metres. These are also situated along the southern boundary of the site between the cinema and the service area for the main store. The A3 units have external seating areas on the canal frontage which will (together with the re-development proposals south of the canal) help to rejuvenate the canalside.

The original car parking layout has been amended to provide a satisfactory level and layout of spaces for all users and the proposal also includes a strong pedestrian link to Spinning Jenny Way. The proposed bridge link across the canal will provide stronger links between the town centre and the residential and commercial areas to the south. It is also worth noting that the canal has a single towpath which has recently been upgraded and this is on the opposite side to the development site. The bridge will therefore open up both the site and the wider town centre to a significant footfall hitherto not catered for.

The petrol station canopy will be 4.5m in height and the kiosk 3.0m high. The petrol filling station is positioned in the north-east corner of the site which allows ease of access and egress from the main road and where it will have minimum impact on pedestrian movements in and around the site.

In setting a target for energy efficiency, Policy EM18 of the Regional Spatial Strategy (RSS) requires that all new development of more than 1,000 square metres should secure at least 10% of its energy from de-centralised and renewable or low-carbon sources, unless having regard to the type of development involved and design this would not be feasible. The submitted evidence shows that the necessary reduction in emissions can be achieved in the scheme.

I consider that the layout and design is acceptable having regard to UDP Policies EV3A, EV4 and EV4A.

I would also confirm that the building within the Conservation Area has already received Conservation Area Consent for its demolition, it being deemed appropriate that in terms of the comprehensive re-development of the site its removal is justified.

### Ecology

The application is accompanied by an ecological appraisal and reptile survey and these have been assessed by my Senior Ecologist and the Greater Manchester Ecology Unit.

It has been established that the terrestrial habitat on site offers low potential for the majority of protected species to be present. However, it was initially felt that the habitats associated with the eastern section of the site may have been potential reptile habitat. A Reptile Survey has now been undertaken and concludes that there is no presence on the site. There are therefore no implications from the development with regard to reptiles.

The biodiversity report sets out a number of recommendations for ecological enhancement and these can be satisfactorily dealt with by way of planning condition. As a consequence I consider that the proposal complies with UDP policy EV2D which states that the Council will not permit development which would have an adverse impact on legally protected species unless there are clear and convincing reasons.

### Landscaping

Policy EV2E sets out the Council's policy to the protection and enhancement of trees, woodlands and hedgerows.

A landscaping strategy has been submitted which proposes to upgrade the boundaries around the site to provide an improved edge to the Bridgewater Canal and Spinning Jenny Way and a secure boundary around the service yard to the rear of the Tesco superstore. The northern boundary along Spinning Jenny Way will fall within an area of existing and proposed planting. The vegetation will be managed to allow clear views into the site and no fencing is proposed along this boundary. The boundary along the eastern and western sides of the site will be retained in its current form.

The southern boundary of the site comprises four sections. At the eastern end, an existing palisade fence is immediately adjacent and runs along the canal edge. This is screened by the existing vegetation and would be difficult to remove and replace without damaging the existing trees. Adjacent to this, there is currently a section with no boundary fencing. A steep bank with dense vegetation forms the site boundary in this area. This arrangement would be retained and no fencing is proposed for this section. The remainder of the existing southern boundary is formed by a palisade fence (c. 2.2m high). This will be removed and replaced with appropriate fencing/walls.

The scheme has been assessed by a Senior Landscape Architect and it is noted that the present frontage along Spinning Jenny Way comprises a mix of overgrown mass planting; neglected shrub beds and trees planted either singly or in groups. It appears to have been landscaped in separate lengths at different times. The quality varies from good individual trees to blocks of mass-planted Birch, all with a pronounced lean away from the existing building.

The general strategy envisaged is that a coherent frontage is required along Spinning Jenny Way to provide visual unity. The large mature trees in good condition will be retained but the smaller trees and those in poor condition will be replaced with new tree planting to give a strong structural edge to the development. Members will be aware from the site visit that the area between Spinning Jenny Way and the development is wide, particularly at the eastern end and I take the view that a grass margin could be created around a central area of planting. It has also been agreed that a range of tree species will be proposed on the site and details have been included in the landscape statement.

It has also been agreed that the landscaping will be increased in accordance with the landscape statement that will:

- provide a more acceptable view across the canal;
- provide more obvious planting design links between the roundabout and surrounding beds;
- provide more tree planting along the pedestrian route east-west across the car park.

This course of action has been agreed by the Senior Landscape Architect and I take the view that the proposal as amended is acceptable when assessed against UDP Policy EV2E.

#### Public Art

Policy EV3H requires the provision of public art in appropriate cases. A scheme of this scale and its location adjacent to the town centre would mean that an element of public art should be provided. I consider that this can be covered by planning condition to allow for on site provision.

## Noise

Policy G1A of the UDP seeks to protect existing and proposed land uses from significant adverse noise impacts associated with new development.

The following noise sources have been identified:

- noise from activities in the service yard;
- noise associated with plant and machinery;
- noise associated with the petrol filling station and car wash; and
- noise associated with the A3 and Cinema Uses

A noise survey was submitted in support of the proposal and this has been fully assessed by Environmental Protection Officers, who conclude that the proposal will not give rise to significant amenity issues (that cannot be overcome by condition), to justify refusing the proposal when assessed against UDP Policy G1A.

## Air Quality

The proposal needs to be assessed against UDP Policy EV1B Pollution and the SPD Development and Air Quality. An air quality assessment has been submitted as part of the proposal. Policy EV1B seeks to restrict development that would give rise to unacceptable levels of air pollution or which would have an unacceptable effect on air quality. The proposal falls within Band 4 within the SPD which is for those developments with a substantial potential impact and could lead to a situation where it would be justifiable to refuse planning permission unless other material considerations indicate otherwise.

I consider that in this instance on this former heavy industrial site immediately adjacent to Leigh Town Centre its re-development for the range of uses proposed is consistent with national, regional and local policy. It will help to 'clawback' lost trade in the town centre to out of centre shopping facilities and will help re-vitalise this strategic site adjacent to the canal and bring wider community benefits. These must weigh heavily in determining the proposal.

Under a strict interpretation of the SPD a separate financial contribution would be sought for measures to combat air quality effects associated with the proposal. In this instance I consider that the overall design of the proposal, with specific matters to be controlled by condition and the Section 106 agreement will reduce the impacts of the scheme on air quality and weigh in favour of the proposal in terms of air quality. In the circumstances balancing the impact on air quality against the other benefits of the scheme, I conclude that the proposal is acceptable.

## Flood Risk and Drainage

The proposal has been assessed by my Drainage Engineers, United Utilities and the Environment Agency who having regard to UDP Policy G1C take the view that the proposal will be acceptable subject to the imposition of a number of conditions to deal effectively with:

- flood prevention measures including limiting discharge of surface water rate;
- imposition of a surface water regulation system;
- protection of the canal during construction phase;
- protection of public sewer on the site; and
- oil and petrol separators

## Lighting

The submission includes an external lighting assessment which shows that light spillage is contained primarily within the site. Any off site spillage is strictly limited and will not give rise to any significant adverse impact on the amenity of nearby existing land uses. Consequently I consider that the proposal compiles with UDP Policy G1A.

## Observations on Representations Received

1 letter of support has been received and 4 letters of objection have been received from neighbours.

All the issues raised in representations received have been considered in the main body of the report. The comments about the canal will be addressed through the approval of satisfactory boundary treatments and day to day management of the site.

The issue of land availability has also been raised as an obstacle to the site coming forward for development. I must advise Members that the agent acting in this matter does not consider this to be a fundamental factor in terms of the scheme being delivered.

## Conclusion:

The Unitary Development Plan provides the framework to encourage and stimulate appropriate new development, control the location and quality of development and safeguard environmental quality. The Plan's strategy derives from national, regional and community plans and is expressed through its vision, objectives and policies. The overall aim is to make the Borough a more attractive place to live and visit and to attract new employment and investment through a sustainable balance between:

- Economic growth;
- Social progress; and
- Environmental protection and enhancement.

The objectives of the plan relevant to the determination of this application are therefore:

- promoting sustainable economic growth which is compatible with environmental objectives;
- protecting the amenities of localities from adverse effects arising from development;

- facilitating and encourage investment in areas which contribute to regeneration;
- protecting and enhance the built environment and to encourage good quality urban design;
- ensuring community safety through design, layout and land use; and
- sustaining and enhance the vitality and viability of Leigh Town Centre.

In terms of retail policy the proposal has been assessed against PPS 4 Planning for Sustainable Economic Growth and the retail policies of the UDP, in particular Policy S1F.

PPS 4 requires a sequential approach to site selection which advocates first priority to sites within a town centre before considering edge-of-centre sites like this. The Retail Study submitted with this application applies the sequential approach to site selection and confirms that there are no more suitable centrally located town centre sites capable of accommodating the development proposed.

In addition the proposal will bring forward a seven screen cinema and ancillary restaurants. These will in my opinion compliment the retail proposal and can be justified in improving the evening economy in Leigh.

It is considered that the proposed development would draw most of its trade from similar facilities within the catchment, most of which are located out-of-centre. Whilst I acknowledge that some trade will be diverted from existing facilities within Leigh town centre it is not accepted that the development would result in an increase in vacancies within the primary shopping area of Leigh. I also take the view that the proposed development will improve the range of services available to the local community and the resulting implications from the proposed cinema and leisure uses will be positive on the evening and night-time economy.

The proposal has been tested against national, regional and local policy and is deemed acceptable. I would recommend that Members be minded to approve the application subject to referral to Government Office North West as required under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 because the proposal is not in accordance with a provision of the Development Plan and is land which is an edge of centre site. It will also be necessary for the applicant to enter into a Section 106 agreement to provide a contribution towards;

- the provision of a footbridge across the canal;
- the promotion and enhancement of the town centre;
- air quality initiatives;
- local employment initiatives; and
- a contribution towards travel plan monitoring.

## Recommendation

### Minded to Approve

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details shown on plan reference 001.81.01 Rev C, 001.81.002 Rev Q, 001.81.003 Rev K, 001.81, PFS01.Rev A, 001.81.CA301.Rev F, 001.81.TO1. RevB, 001.81.TO2 RevA, 001.81.004 RevC, 09419-TS02 and SJW-TLP-09419-1000A
2. Before any part of the development hereby approved is commenced a detailed scheme to demonstrate how the wheels of vehicles can be cleaned before leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be provided and maintained and used at all times during the site preparation and construction works that vehicles leaving the site do not deposit mud or other debris on the highway.
3. Prior to the commencement of the site preparation and construction of any building hereby approved provision shall be made on the site for:- the parking of construction workers vehicles storage of building materials, equipment and plant, and placement of site cabins, site offices and storage containers in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the commencement of the development. The development shall be carried out only in accordance with the approved details.
4. Before any part of the development hereby approved is commenced, particulars/samples of the materials to be used for the external walls and roof for each building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved materials.
5. No more than a maximum of 6,931 sq.metres of net sales area shall be provided within the supermarket hereby approved.
6. Before the development hereby approved is commenced the following information shall be submitted to and approved in writing by the Local Planning Authority:
  - a full site survey showing:
  - the datum used to calibrate the site levels
  - levels along all site boundaries
  - levels across the site at regular intervals
  - floor levels of adjoining buildings
  - full details of the proposed finished floor levels of all buildings and hard surfaces.The development shall be carried out only in accordance with the approved details.
7. The development hereby permitted shall not be commenced until such time as a scheme for the provision and implementation of a surface water regulation system and details of the method of surface water and foul water drainage from the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing

arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority

8. Surface water from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage shall be connected to the foul sewer before any building hereby approved is brought into use.
9. Prior to the use of the development commencing a petrol/oil interceptor shall be installed on the site in accordance with a scheme previously approved in writing by the Local Planning Authority.
10. No development shall commence until a scheme in the form of a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. Any identified mitigation measures shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, and shall be maintained for the duration of the construction works.
11. Before the development hereby approved is brought into use all plant and machinery shall be enclosed with sound insulating material in accordance with a scheme previously agreed in writing by the Local Planning Authority.
12. Before the development hereby approved is commenced, a scheme for the extraction of fumes and odours shall be submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be carried out and completed before the development is brought into use.
13. The Rating Level as defined in BS4142:1997 "Method for Rating Industrial Noise Affecting Mixed Residential Areas" for the cumulative noise from fixed plant and machinery associated with the development shall not exceed the following levels outside the nearest noise sensitive buildings identified as:

Cawdor Street/Wharfdale

Daytime 07:00 - 23:00 51dBA  
Night time 23:00 - 07:00 36dBA

Henry Street and Proposed Housing to the South of the site (A/09/72812)

Daytime 07:00 to 23:00 43dBA  
Night time 23:00 to 07:00 35dBA

14. Before the use commences, the cinema shall be insulated in accordance with a scheme previously approved in writing by the Local Planning Authority in order to secure reduction in the level of noise emanating from the building.
15. Loading and unloading shall not be carried out except during the following times for :  
Home Delivery Vehicles - Monday to Saturday 0600 to 2300 hours, and emptying and removal of recycling vessels - Monday to Saturday 0700 to 2300 hours and Sunday 0900 to 1700 hours.
16. The car wash and jet wash hereby permitted shall not be operated except during the following hours: Monday to Sunday 0700 to 2300 hours.

17. Before the development hereby approved is commenced details of the proposed boundary treatment screen walls and fences (including the recommendations included in the noise report submitted by Sharpes Reedmore Partnership dated 14 September 2009 ) shall be submitted to and approved in writing by the Local Planning Authority and shall be erected as an integral part of the development in accordance with the approved details .
18. Before the development hereby approved is commenced the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
19. In accordance with the details required by Condition Number 18 a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority
20. Before the development hereby approved is commenced a method statement detailing the measures that are to be taken to protect the integrity of the canal bank along the southern boundary of the site during demolition of the existing buildings and the construction of new development shall be submitted and approved by the Local Planning Authority. The development shall not be carried out except in complete accordance with the agreed details.

21. Before the development hereby approved or any demolition is commenced and during the construction period temporary metal fencing shall be erected along the canal boundary. Details of the type of fencing shall be agreed in writing with the Local Planning Authority.
22. The development hereby approved shall only be carried out in accordance with the recommendations of the Flood Risk Assessment (FRA) Acies Consultants - September 2009 and the mitigation measures detailed within the Flood Risk Assessment shall be implemented as recommended unless otherwise agreed in writing with the Local Planning Authority.
23. Prior to the commencement of any excavation or construction works or the entry of vehicles or plant into the site, all existing trees, shrubs and hedges on and adjacent to the site to be retained shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy, in accordance with and appearing on the approved plan. The fencing shall be maintained for the duration of the development operations and no operations whatsoever shall take place within it.  
Any trees or hedges removed without consent, which are dying or seriously damaged or becoming seriously diseased within 60 months following completion of the development shall be replaced with trees of such size and species and within such a period as may be agreed by the Local Planning Authority.
24. Prior to the commencement of any operations on the site an Operational Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall identify the order in which operations will be undertaken, including tree works, erection of protective fencing, location of site compound and material storage, construction, specific tree protection and special procedures and materials where development is within the sphere of influence of trees. It shall identify all tree works to be to BS3998 by an approved contractor, all development to BS5837, including erection of protective fencing, and the method of special tree protection. It shall identify a list of contacts during development and include the planning conditions for this consent.
25. A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development, or in accordance with a timeframe that has been agreed in writing by the Local Planning Authority. The Travel Plan shall show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. The plan shall be implemented in accordance with the details as approved. The approved travel plan shall be maintained and kept up to date at all times and shall take into account any change in circumstances such as a change to the occupier of the site.
26. Before the development hereby approved is commenced a full biodiversity strategy report shall be submitted to and agreed in writing with the Local Planning Authority. The report shall include proposals to enhance on site ecology and increase biodiversity as outlined in paragraph 7.10 of the Biodiversity Survey and Report dated August 2009 and prepared by

Environmental Perspectives. The development shall not be carried out except in complete accordance with the agreed details.

27. Before the development hereby approved is commenced full details of the proposed pedestrian links shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out except in complete accordance with the agreed details.
28. Before the development hereby approved is commenced a car park management strategy shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out except in complete accordance with the agreed details.
29. Before the development hereby approved is commenced full details of the Combined Heat and Power Supply shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out except in complete accordance with the agreed details.
30. The site shall be treated in accordance with a landscape scheme to be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and all works in accordance with the scheme shall be completed within a period of 24 months from the date on which development in accordance with the permission hereby granted is first commenced, or such longer period as may be agreed by the Local Planning Authority, having regard to planting seasons, such landscape scheme to include the planting of live trees and the treatment of forecourts, paving and boundary fences. All planting shall be maintained for a period of 5 years from the agreed date of planting.
31. Before the development hereby approved is commenced a scheme for the provision and maintenance of Public Art within the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before first use of the Supermarket hereby approved.

**Reasons:**

1. For the avoidance of doubt, and having regard to Policy EV3A of the replacement Wigan UDP.
2. To ensure the cleanliness and safety of the highway and having regard to Policy A1R of the replacement Wigan UDP.
3. To ensure that construction workers vehicles are not parked on the highway and materials and associated facilities are not detrimental to the amenity of the area, having regard to Policy A1S of the replacement Wigan UDP.
4. To ensure that the external appearance of the buildings is satisfactory, having regard to Policy EV3A of the replacement Wigan UDP.
5. To protect the vitality and viability of the Town Centre having regard to replacement Wigan UDP Policy S1F.
6. To ensure that the details of the development are satisfactory, having regard to Policy EV3A of the replacement Wigan UDP.
7. To reduce the risk of flooding having regard to replacement Wigan UDP Policy G1C.
8. To avoid contamination of the surface water system, in accordance with Policy EV1B of the replacement Wigan UDP.
9. To avoid contamination of the surface water system, in accordance with Policy EV1B of the replacement Wigan UDP.

10. To ensure that the details of the development are acceptable having regard to replacement Wigan Unitary Development Plan Policy G1A.
11. The insulation of plant and machinery which generate high levels of noise will reduce the impact of the proposal on existing development in the vicinity, in accordance with Policies EV1B and G1A of the replacement Wigan UDP.
12. To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy G1A of the replacement Wigan UDP.
13. The predicted level of noise emission from the proposed development would not be acceptable to existing development in the vicinity outside normal working hours, having regard to Policies EV1B and G1A of the replacement Wigan UDP.
14. To minimise the noise annoyance on existing development in the vicinity, having regard to Policies EV1B and G1A of the replacement Wigan UDP.
15. To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy G1A of the replacement Wigan UDP.
16. To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy G1A of the replacement Wigan UDP.
17. To ensure that the details of the development are satisfactory, having regard to Policies EV3A and G1A of the replacement Wigan UDP.
18. To ensure that any contamination is investigated and treated to the satisfaction of the Local Planning Authority, during the carrying out of the development as required by Policy EV1B of the replacement Wigan UDP.
19. To ensure that any contamination is investigated and treated to the satisfaction of the Local Planning Authority, during the carrying out of the development as required by Policy EV1B of the replacement Wigan UDP.
20. To ensure that the structural integrity of the existing canal thereby reducing the risk of flooding having regard to the provisions of replacement Wigan Unitary Development Plan G1C.
21. To protect the canal and prevent debris from being deposited in the canal having regard to the provisions of replacement Wigan UDP Policy G1A.
22. To reduce the risk of flooding having regard to replacement Wigan Unitary Development Plan Policy G1C.
23. The existing trees and shrubs represent a visual amenity which the Local Planning Authority consider should be substantially maintained, in accordance with Policy EV2E of the replacement Wigan UDP.
24. The existing trees and shrubs represent a visual amenity which the Local Planning Authority consider should be substantially maintained, in accordance with Policy EV2E of the replacement Wigan UDP.
25. To reduce the need to travel to and from the site by private transport in accordance with replacement Wigan UDP Policy A1B and the council's Travel Plans Supplementary Planning Document and in order to promote sustainable modes of travel to and from the site, and to reduce reliance of the private car.
26. To protect and enhance the natural environment and biodiversity having regard to replacement Wigan UDP Policy EV2.
27. To ensure satisfactory access for all having regard to replacement Wigan UDP Policy A1C and the SPD Access for All.
28. To ensure safe and satisfactory effective car parking management at all times having regard to replacement Wigan Unitary Development Plan Policies G1A and A1.

29. To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy G1A of the replacement Wigan UDP.
30. To help to assimilate the proposed development into its surroundings, having regard to Policy EV3D of the replacement Wigan UDP.
31. The provision of Public Art is a significant factor in enhancing the environment and can help to make new buildings distinctive having regard to replacement Wigan UDP Policy EV3H.

**Plans Attached to Report**

Location Plan

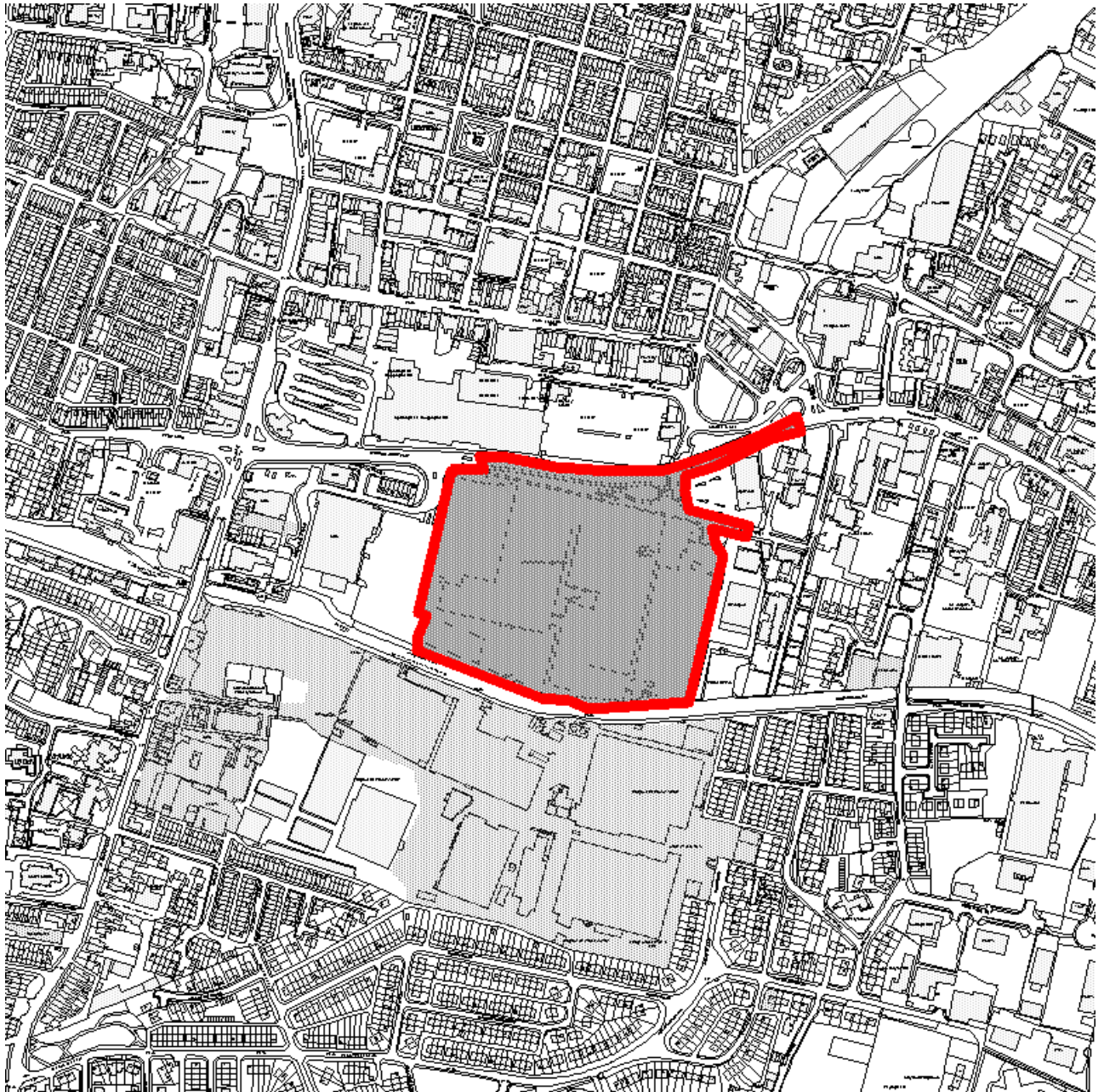
**P/BL/A/09/73403**

**Application No:** A/09/73403

**Development Proposed:** Redevelopment of former Industrial site to provide supermarket (Class A1), a seven screen cinema (Class D2), four restaurant units (Class A3), a petrol filling station and associated kiosk, alterations to the access arrangements, associated servicing, car parking and landscaping.

**Location:** Barlo House Spinning Jenny Way Leigh WN7 4PE

**Ward:** Leigh East



Site Area 



This plan is representative only, to indicate the site in relation to its surroundings.

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