



**PLANNING COMMITTEE: Thursday,  
5 September 2024**

---

**Report of: Assistant Director Planning & Regulatory Services**

**Contact for further information:  
Robert Brigden (Extn. 5161) (E-mail: [robert.brigden@westlancs.gov.uk](mailto:robert.brigden@westlancs.gov.uk))**

---

**SUBJECT: PLANNING APPLICATION REF: 2023/1139/FUL**

**PROPOSAL:** Single storey detached building to provide a multifunction space.

**APPLICANT:** Mr M Spall

**ADDRESS:** West Lancashire Light Railway, Station Road, Hesketh Bank, PR4 6SP

**REASON FOR COMMITTEE DECISION:** Called in by Cllr David Westley because of concerns about a loss of residential amenity and impact on the street scene.

---

Wards affected: Tarleton Village;

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Planning Committee on an application which seeks planning permission to allow a single storey detached building to provide a multifunction space.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

- 2.1 That planning permission be GRANTED subject to conditions.

## **3.0 THE SITE**

- 3.1 The application site comprises land forming part of the West Lancashire Light Railway, along with a shared car park and roadway which are in separate ownership. The railway facility is located along the northern side of Thornton Drive and to the east of a ribbon of residential development situated along Station Road and also part of Thornton Drive. Land to the east of the railway facility forms part of a proposed Heritage Park, which was granted planning permission in 2023. Access to the site is from Station Road, with Thornton Drive connecting to the car park which the railway facility shares with the Heritage Park site. On the southern side of Thornton Drive is a new housing development on the former Alty's Brickworks site. The light railway facility includes railway lines, workshops, a carriage shed, toilet block and a station building.

## **4.0 PROPOSAL**

- 4.1 This planning application proposes the erection of a single storey detached building to provide a multifunction space. The submitted information explains that the building would have two main functions: as a café, serving hot drinks, cakes, hot and cold sandwiches and similar to visitors, and also as a space for internal meetings and to give presentations and safety seminars to the volunteers of the railway. It is also explained that the proposal would be ancillary to the main use of the railway facility and only operational during the hours currently applicable to that.
- 4.2 The proposal would be located towards the south-western corner of the railway site, immediately to the west of existing tracks. A residential property, No.3 Thornton Drive, is located to the west, and Thornton Drive to the south.

Since the application was originally submitted, a number of amendments have been made in an attempt to address consultation responses, which include:

- A reduction in the roof pitch and eaves heights to reduce the ridge height by approximately 650mm;
- A reduction of the proposed floor level by around 300mm;
- Repositioning of the proposals away from the boundary fence to the neighbouring property to the west by around 1m and away from Thornton Dr by approximately 900mm;
- The removal of an opaque kitchen window from the Western elevation;
- Confirmation that the proposals will be ancillary to the wider site;
- Change of external materials to red brick with grey steel roof.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 The previous planning decisions of most relevance to the proposal are as follows:

*Relating to the car park shared with the neighbouring Heritage Park:*

2022/0676/FUL - Application to expand the existing leisure/amenity use to a Living Museum/Heritage Park including the erection of a Visitor Centre and Learning Hub, ancillary buildings with uses: E(a), E(b), F1(c), F2(c), improved access, visitor facilities, additional car parking with hard and soft landscaping – Approved.

*Relating to the Light Railway site specifically:*

2019/1244/FUL - Replacement toilet block – Approved.

2010/1318/FUL - Extension to existing carriage shed for storing historic narrow gauge railway vehicles and erection of canopy to side of existing station platform. Retention of timber storage shed and six containers, plus the siting of one additional container for the secure storage of narrow gauge railway equipment, materials and equipment used in their maintenance and restoration – Approved.

2009/0837/FUL - Retention of portakabin, timber storage shed and "cube" portakabin store. Erection of new shelter over wood working machinery – Approved.

2009/0350/LDP - Certificate of Lawfulness - Proposed shelter and portacabin – Not permitted.

2001/0070 - Storage shed for historic narrow gauge railway equipment – Approved.

1996/1173 - Storage building, water storage tank and water crane – Approved.

8/80/968 – Retention of continued use of existing railway and associated buildings and to erect carriage shed – Approved.

## **6.0 OBSERVATION OF CONSULTEES**

6.1 **WLBC Drainage Engineer** – No objections following the submission of further information.

6.2 **WLBC Environmental Protection** – No objections subject to the use of conditions to secure controls over plant and equipment; operating hours; odour prevention; external lighting; and the prevention of amplified music.

6.3 **Highway Authority** – No objections.

6.4 **United Utilities:** General advice regarding sustainable drainage and impacts upon UU infrastructure.

## **7.0 OTHER REPRESENTATIONS**

7.1 Representations have been received from an occupier of No.3 Thornton Drive, along with the landowner and operator of the Heritage Park. A summary of their material objections is as follows:

- Noise nuisance resulting from a commercial use alongside a dwelling;
- Noise impacts owing to late opening times;
- Harm to outlook, privacy and access to natural light in relation to the neighbouring dwelling and its garden;
- Odour nuisance;
- Impact on highway safety owing to loss of sight lines along Thornton Drive;
- Inadequate or inappropriate access arrangements;
- Inadequate parking arrangements owing to increased visitor numbers and longer stays;
- Overspill parking likely as the railway shares its car park with the proposed Heritage Park;
- Harmful to the streetscene owing to the proposal's positioning and height;
- Flood risk and drainage impacts, including contaminant run-off;
- Should be restricted to the operational constraints imposed by the existing consent;
- Lack of control over the proposal's use.

7.2 Further representations were received from the same respondents following the proposed amendments and a further publicity exercise by the Council. These generally repeated the points above, and in particular:

- Drainage arrangements may be ineffective;
- Hours of use are not defined;
- The proposal would still be overbearing and harmful to neighbouring amenity and the streetscene;
- Noise and odour impacts;
- Not explained how the building would be accessed;
- Buses, coaches and delivery vehicles cannot use the car park;
- The use of the proposal would be difficult to control in terms of who uses it (visitors to railway or others).

## **8.0 SUPPORTING INFORMATION**

Planning Statement  
Drainage soakaway calculations

## **9.0 RELEVANT PLANNING POLICIES**

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (Local Plan) provide the policy framework against which the development proposals will be assessed.

9.2 The site is located within the Regional Town of Skelmersdale as designated in the Local Plan.

### **West Lancashire Local Plan 2012-2027 DPD**

SP1 - A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EC3 – Rural Development Opportunities  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

### **Supplementary Planning Document**

Design Guide SPD (2008) ("the Design SPD")

## **10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES**

10.1 The main considerations for this application are:

Principle of Development  
Visual Impact  
Amenity

Highways  
Drainage  
Ecology

### **Principle of Development**

- 10.2 Paragraph 88 of the NPPF states that planning decisions should enable sustainable growth and expansion of all types of business in rural areas and supports sustainable rural tourism and leisure developments which respect the character of the countryside.
- 10.3 The site is located within a Rural Development Opportunity site and as such must be considered within the context of Policy EC3 of the Local Plan as well as the NPPF. Policy EC3 advises that the Council will permit the development of some brownfield sites for mixed uses, including for leisure/recreational/community use, in order to stimulate the rural economy and provide much needed housing. High quality design is expected.
- 10.4 Representations raise concerns about the intensification of the site's use and difficulties in controlling the numbers of people visiting the site.
- 10.5 The site is currently in use as a leisure/recreational/community use and the proposed building would provide additional facilities to support the existing use; the proposal is therefore considered to be in accordance with Policy EC3, subject to high quality design being achieved and that will be discussed in the following section.
- 10.6 The submitted information states that the proposal is intended to be ancillary to the existing use and a planning condition can be imposed that limits the opening hours to those of the existing railway facility. These limitations are established by planning permission 8/80/968, with the use of the trains being limited to weekends and bank holidays. It is noted that the proposal would provide café facilities in place of similar provision provided using temporary marquee structures, and that it would provide staff meeting and presentation space that currently occurs in other buildings. It is also noted that the proposed building is relatively small in size compared to the site as a whole.
- 10.7 It is difficult to accurately predict how the proposal might affect the numbers of visitors to the site or how long they spend at the facility compared to the existing situation, however, it seems likely that it would generally serve people who are visiting the railway rather than those seeking out a café only, bearing in mind that there are other commercial and community facilities available within walking distance of the site, including a café and hot food takeaways.
- 10.8 Given the nature of the proposal's use, its size, the possibility to limit its opening times to the established facility, and the stated aim to improve functions that already occur at the site, it is considered that the proposal would be ancillary to the existing use of the site. There would not be a material change of use.
- 10.9 The proposal is considered to be acceptable in principle.

## **Visual Impact**

- 10.10 Policy GN3 of the Local Plan, along with the Design SPD, require that new development should be of a scale, mass and built form that responds to the characteristics of the site and its surroundings. This policy also requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance any attractive attributes through sensitive design including appropriate siting, orientation, scale, materials etc.
- 10.11 Representations have raised concerns about the proposal's siting and scale, and resultant impact on the streetscene.
- 10.12 It is noted that the proposal is modest in size compared to existing buildings in its immediate vicinity, including the sheds located within the railway facility and the surrounding houses and flats. The proposal would be a single-storey structure measuring around 65sqm in area. It would also be an improvement in comparison to the temporary marquee structures which the proposal is, in part, intended to replace.
- 10.13 Following the amendments made to the scheme, which were described at the beginning of this report, including alterations to its layout to set it back more from the street and reduce its height, and also changes to the materials to better reflect the local vernacular, it is considered that it would not result in unacceptable harm to the character of the area. Conditions are recommended to secure the use of the external materials as described on the submitted plans and to secure the planting of a hedgerow at the rear of the building to soften its visual impact when viewed from the west and the neighbouring property.
- 10.14 Subject to the use of the aforementioned conditions, given its siting, scale and design, it is considered that the proposal would result in a high-quality design and would not result in unacceptable harm to the character of the area. As such, it is in accordance with Policies EC3 and GN3 of the Local Plan.

## **Amenity**

- 10.15 Policy GN3 of the Local Plan states that development should not result in unacceptable harm to the amenities of neighbouring occupiers.
- 10.16 Objections have been received regarding the proposal's impacts on neighbouring occupiers, including the effects of its positioning and size on the outlook, privacy and access to light at No.3 Thornton Drive, and the effects of noise and odour resulting from its use, particularly if the use is not controlled.
- 10.17 As discussed above, the proposal would be ancillary to the existing railway facility. Condition 6 of planning permission 8/80/968 states that:

*No trains shall operate outside the hours of 10.30hrs to 1800hrs on Saturdays, Sundays and Bank Holidays unless it is in an emergency or for repair work to the track.*

- 10.18 This condition effectively imposes strict limits on when the general public would visit the railway facility and a condition can be imposed to ensure that the use of the proposed building is also limited to these times. This being the case, it is considered unlikely that unacceptable disturbance could arise as a result of the proposal, over and above how the site could already be used.
- 10.19 The Council's Environmental Protection Team have considered the proposal and raised no objections, subject to the use of conditions to limit the opening hours, and to secure controls in relation to the control of odour, use of extractor equipment, external lighting, and the prevention of amplified music. These conditions can be imposed should planning permission be granted, although the more restrictive time restrictions referred to above would be applied instead.
- 10.20 Given the proposal's siting, scale and design in relation to neighbours, it is considered that it would not result in unacceptable harm to the amenities of neighbouring occupiers in terms of their outlook, privacy, access to natural light, or in any other material respect. As such, and in this regard, the proposal is in accordance with Policy GN3 of the Local Plan.

### **Access Arrangements**

- 10.21 Policy GN3 of the Local Plan states that development should incorporate suitable and safe access and road layout design in line with the latest standards. Policy IF2 of the Local Plan stipulates the amount of parking space required to serve new development.
- 10.22 Representations have raised concerns about the proposal's impacts on highway safety and parking, with the access to the proposal being queried.
- 10.23 It is noted that the railway facility shares a carpark that is in separate ownership, with 47 parking spaces being available on a first come, first served basis, and the car park will be shared with the planned Heritage Park. Concerns have been raised that the proposal would result in an intensification of the site's use, with an increase in visitors and the amount of time people spend at the site, with knock on effects for the availability of parking spaces.
- 10.24 As discussed above, it is difficult to reliably predict what the effect on visitor numbers would be. There are other commercial and community facilities nearby within walking distance, including hot food takeaways, a supermarket and a café, along with public parking in what is a more commercial area of Hesketh Bank. The site is located in a sustainable location that can be reached on foot from bus stops and the aforementioned uses. As such, the proposal, which would be modest in size, would not be the only café in the locality and visitors would not necessarily access it by car. This is notwithstanding the fact that the proposed building and its café element would be in replacement of the temporary marquee and food offer available at present. In view of this, it is considered unlikely that the new building would significantly increase visitor numbers to the extent that parking provision and highway safety is unacceptably compromised, and the Council is not aware of a pre-existing problem relating to parking at this site. It is of course accepted that a more permanent addition to the site may increase its popularity, however this is difficult to predict and again its effects would only be limited to the times permitted.

- 10.25 As an ancillary use serving an existing railway attraction, and subject to controls on the opening times reflecting the existing situation for the wider site, it is considered unlikely that the proposal would result in an adverse effect in terms of parking. The applicant has stated that the café would be stocked by staff using their cars rather than large delivery vehicles, and this can already occur at the site on an ancillary basis, and the site is not considered any more likely to attract buses and coaches than is currently the case, given the proposal's modest and ancillary nature. In terms of the access to the building, this would be through the existing access into the railway facility as a whole and, within the site, the applicants have not indicated any layout changes that would require planning permission.
- 10.26 The Highway Authority has considered the proposal, including the comments received from the general public, and has no objections to it in terms of its impact on highway safety or amenity.
- 10.27 Subject to the use of a condition to limit the opening hours of the proposed building as described above, the proposed access and parking arrangements are considered acceptable and in accordance with Policies GN3 and IF2 of the Local Plan.

### **Drainage**

- 10.28 Policy GN3 of the Local Plan contains a number of provisions to ensure that development proposals have regard to flood risk impacts and the need for adequate drainage arrangements.
- 10.29 The site is located in Flood Zone 1, which is at the lowest risk of flooding. Representations have raised concerns about the proposal's drainage arrangements and impacts in relation to flood risk. The proposal would drain to a soakaway. The Council's Drainage Engineer has considered the submitted supporting information and concluded that the proposals are acceptable.
- 10.30 Given the nature of the proposal, it is considered that it would not result in any harm in terms of flood risk or drainage and, in this regard, it is in accordance with Policy GN3 of the Local Plan.

### **Ecology**

- 10.31 Policy GN3 of the Local Plan requires that development proposals avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. Policy EN2 advises about the Council's commitment to protect existing natural sites Section 4 of the Design Guide SPD advises that all development proposals should take proper account of the likely effect on wildlife.
- 10.32 The proposal would result in development on what is hard a surfaced area and would not cause any significant loss of habitats. As such, the proposal would not result in any unacceptable ecological harm and is therefore in accordance with Policies EN2 and GN3 of the Local Plan.

## **11.0 CONCLUSION**



11.1 The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations.

## **12.0 RECOMMENDATION**

12.1 That planning permission is granted by the Assistant Director of Planning and Regulatory Services subject to the following conditions:

### **Condition(s)**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Received by the Local Planning Authority on 14th May 2024:

001 Rev D  
003 Rev B  
004  
005 Rev C  
006 Rev B  
007 Rev B

Received by the Local Planning Authority on 24th May 2024:

100 P1

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. No external lighting shall be installed on the land and buildings without the prior approval in writing from the local planning authority.

The development shall be carried out in accordance with any approved lighting scheme and retained as such thereafter.

Reason: These details are required to be approved before the commencement of development to minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No extraction equipment shall be installed on the building hereby approved until details of a scheme to control the emission of fumes and odours from the premises

have been submitted to and approved in writing by the Local Planning Authority including:

- a. the provision of odour filters;
- b. the siting of any external ventilation stack; and,
- c. details of any measures which are necessary to attenuate noise from the ventilation stack;

The approved scheme shall be fully installed and operating prior to the development hereby permitted being first brought into use. It shall thereafter be retained, maintained and operated to the approved specification.

Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Any externally located plant or equipment shall not cause an increase in the ambient background sound level at the boundary of the nearest residential property. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted.

Reason: To prevent an increase in background sound levels and protect the amenity of any residents and to safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Notwithstanding the details shown on the approved drawings, the building hereby approved shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include provision for a hedgerow to the rear, or western side, of the building.

The approved hard landscaping works shall be completed prior to the first use of the approved building. The approved soft landscaping works shall be completed in the first available planting season following the first use of the approved building.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting, or from the date of first occupation if relating to an existing specimen, shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and ecological considerations, and to comply with Policies GN3, EN2 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Customers shall not be served or accommodated in the premises, and any approved kitchen extract or other mechanically operated equipment shall not be operated, except between the hours of 10.30 - 18.00hrs on Saturdays, Sundays, Bank and Public Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No amplified music shall be played outside the proposed building at any time without the prior approval in writing from the local planning authority.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The development shall be undertaken using the external materials detailed on the Proposed Elevation Plan Dwg no. 005 Rev. C received by the Local Planning Authority on 14<sup>th</sup> May 2024 and shall be retained as such thereafter.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Informative Notes**

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction hours for all works on site.

Works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays.

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

### **Reason for Approval**

The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EC3 - Rural Development Opportunities  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies

with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

### **13.0 SUSTAINABILITY IMPLICATIONS**

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

### **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

14.1 There are no significant financial or resource implications arising from this report.

### **15.0 RISK ASSESSMENT**

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

### **16.0 HEALTH AND WELLBEING IMPLICATIONS**

16.1 There are no health and wellbeing implications arising from this report.

### **Background Documents**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

### **Appendices**

None.