

**DEVELOPMENT CONTROL AND REGULATION COMMITTEE**  
**22 January 2020**  
**A report by the Executive Director for Economy and Infrastructure**

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**Application Reference No. 5/19/9017**

Application Type: Full Planning Permission

Proposal: Section 73 application to vary Condition 1 of planning permission 5/18/9010 so as to retain a portacabin up to 31 January 2021.

Location: Ulverston Fire Station, The Ellers, Ulverston, LA12 0AB

Applicant: Cumbria Fire & Rescue Service

Date Valid: 10 December 2019

Reason for Committee Level Decision: Application made by the Executive Director for Economy and Infrastructure

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**1.0 RECOMMENDATION**

- 1.1 That Planning Permission be Granted subject to condition set out in Appendix 1 to this report

**2.0 THE PROPOSAL**

- 2.1 Planning permission is sought to retain a flat-roofed single storey portacabin building currently sited at Ulverston Fire Station, The Ellers until 31 January 2021.
- 2.2 The portacabin in question was installed in 2014 to provide additional welfare accommodation for fire crew in response to operational changes. The portacabin was allowed for a temporary time period in order to provide time for a permanent built solution to be provided. The existing fire station site is intended to be replaced by the new Furness Peninsula Blue Light Hub (FPBLH) located south-west of the junction of Daltongate and the A590 in Ulverston. Unfortunately, the build of the FPBLH stalled mid-way through construction due to a dispute between the applicant and their appointed construction contractor. This dispute has now been resolved and the applicant is close to completing the engagement of a new construction contractor whom is currently anticipated to complete the FPBLH in autumn 2020. In light of this, and the time required for Cumbria Fire and Rescue Service to transfer to the new building once completed, the application seeks to retain the portacabin building at the current The Ellers fire station site up until 31 January 2021.

**3.0 SITE DESCRIPTION**

- 3.1 Ulverston Fire Station is a small operational fire station building comprising of two fire appliance bays with office, welfare and training facilities. It is centrally located within Ulverston on a small site in a primarily residential area. Vehicular access onto the site is gained from Chapel Street whilst emergency vehicles egress onto the Ellers. The fire station is a single storey building with a pebbledash finish,

white U-PVC windows and doors, red painted fire appliance bay doors and has a grey slate pitched roof. The portacabin has a footprint of 14.5m x 3.9m x 3.3m high and has an external skin of goosewing grey plastisol coated galvanised steel sheet and silver corner trims. The portacabin is sited to the eastern side of the fire station building and is setback slightly from its building line.

#### **4.0 SITE PLANNING HISTORY**

- 4.1 The fire station at the Ellers was built in the 1970s. Planning Permission for the siting of a portacabin building to provide additional welfare facilities for a temporary period expiring on 30 June 2017 was granted in June 2014 (*Ref. 5/14/9014*). Applications to allow the retention of the portacabin building for a further period of time were subsequently granted in 2017 (*Ref. 5/17/9004*) and 2018 (*Ref. 5/18/9010*). This latter permission permitted its retention until 31 December 2020.
- 4.2 Planning Permission for a new combined emergency services building on the western edge of Ulverston [known as the Furness Peninsula Blue Light Hub] was granted on 30 March 2016 (*Ref. 5/15/9008*). Applications to revise the design of the scheme and provide additional associated infrastructure at the site were granted in January 2017 (*Refs. 5/16/9019 and 5/16/9020 respectively*). Construction of the Blue Light Hub facility commenced in February 2017; however construction work halted in August 2018.

#### **5.0 CONSULTATIONS AND REPRESENTATIONS**

- 5.1 South Lakeland District Council Planning Department: No response received.
- 5.2 Ulverston Town Council: No response received.
- 5.3 Environment Agency: No objection.
- 5.4 United Utilities: No response received.
- 5.5 The application site falls within the County Council electoral division of Ulverston East. The Councillor representing this division, Mr Mark Wilson, has been notified of this application.
- 5.6 No representations have been received.

#### **6.0 PLANNING POLICY**

- 6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.
- 6.2 South Lakeland District Council's Local Development Plan currently comprise of the following:
- [South Lakeland Core Strategy - adopted 20 October 2010](#)
  - [South Lakeland Local Plan Land Allocation Development Plan Document](#)

[Policies](#) - adopted 17 December 2013.

- [South Lakeland Development Management Policies Development Plan Document](#) – adopted 28 March 2019.

6.3 The following policies from the above documents are considered to be of some relevance to the determination of these planning applications:

- CS1.1 - Sustainable Development Principles;
- CS3.1 - Ulverston and Furness Area (Spatial Strategy);
- CS8.2 - Protection and enhancement of Landscape and Settlement Character
- CS8.8 - Development and Flood Risk;
- CS8.10 - Design;
- CS9.1 - Social and Community Infrastructure;
- DM1 - General Requirements for all development
- DM2 - Achieving Sustainable High Quality Design;
- DM6 - Flood Risk Management and Sustainable Drainage Systems.

6.4 [The National Planning Policy Framework](#) (NPPF) was published in a revised form in February 2019. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- Section 2 - Achieving sustainable development: Paragraphs 8 & 11;
- Section 8 - Promoting healthy & safe communities: Paragraphs 91, 92 & 95;
- Section 12 - Achieving well-designed places: Paragraphs 124, 127-129 & 130;
- Section 14 - The challenge of climate change, flooding & coastal change: Paragraphs 148, 155, 163 & 164;

## **7.0 PLANNING ASSESSMENT**

7.1 The key planning issue relevant to this proposal is whether the retention of this temporary portacabin building for a further period of time would be acceptable. Key considerations in respect of this are considered to be community safety, design, visual impact and flood risk considerations.

7.2 Proposals for temporary developments such as this are only acceptable if it can be demonstrated that a clear and realistic plan is in place to ensure that they will only be present for a short time period. The stalled development of the FPBLH is regrettable, however there is now a high level of confidence that this development will be completed in autumn 2020 with a new construction contractor having been appointed and already deployed on site. Consequently a time extension of 13 months from the 31 December 2019 is required to allow for the completion and occupation of this new facility. This temporary building was provided so as to allow a regular retained crew to be deployed at Ulverston Fire Station as the existing welfare facilities at the station were insufficient to accommodate this. The presence of a retained crew improves emergency response time and thus serves to improve community safety and complies with the objectives of Policy CS9.1 of the South Lakeland Core Strategy. As such there remains a clear need to retain this portacabin facility for a further short limited period. Consequently, it is considered the applicant has demonstrated a

need to retain the portacabin and that the additional timeframe sought will be sufficient to allow for the completion and occupation of the FPBLH.

- 7.3 Policies CS8.2, CS8.10, DM1, and DM2 apply as do paragraphs 124, 127, 128, 129 and 130 of Section 12 of the NPPF. In essence, these seek proposals to be designed so as to create high quality visually attractive places that function well for their lifetime and that reflect key distinctive characteristics of a settlement's character so as to maintain a strong sense of place. Whilst the portacabin building has been sympathetically sited and finished in a colour palette that is in-keeping with the area, it is considered to be unacceptable as a permanent form of development and its permanent retention would have an adverse effect on the design quality of the built environment and local visual amenity contrary to policies DM1 and DM2.
- 7.4 Ulverston Fire Station is located within Flood Risk Zone 3. A Flood Risk Assessment was submitted in respect of the original application for the temporary portacabin. Cumbria Fire & Rescue Service has a business continuity plan for this site (*which covers circumstances such as flooding which could compromise the use of the Fire Station for its normal core activities - e.g. garaging the appliance/equipment and responding to incidents*) and is signed-up for Flood Warnings. The Environment Agency has no objection to the retention of the portacabin for the time period proposed. The new FPBLH development is not located within Flood Risk Zones 2 or 3.

## **8.0 CONCLUSION**

- 8.1 The flat roofed portacabin building is not considered to be an acceptable form or design of permanent development in this location. The applicant has demonstrated a justifiable need for the retention of the portacabin building for an additional short period of time whilst construction of the Furness Peninsula Blue Light Hub is completed. The needs of a critical emergency response service are considered to weigh heavily in favour of this further time extension proposal and to override the portacabin's adverse visual impact provided it is only present for a short temporary period. I therefore consider that the application proposal is temporarily expedient, in broad accordance with the development plan, and that there are no material considerations that indicate the decision should be made otherwise; and that with the planning conditions proposed, any potential harm would reasonably be mitigated. I therefore recommend that this application be granted subject to conditions.
- 8.2 **Human Rights**: Given the nature and purpose of the proposed development no Convention Rights as set out in the Human Rights Act 1998 would be affected.

**Angela Jones**  
**Executive Director for Economy and Infrastructure**

**Contact**: Mr Edward Page

**Electoral Division Identification**: Ulverston East - Cllr Mark Wilson

**Appendix 1 - PROPOSED PLANNING CONDITION**

**Time Limit**

1. The portacabin building shall be removed from the site, and the land restored to its former condition prior to the portacabin being placed on the site, by 31 January 2021.

*Reasons: The portacabin is unacceptable as a permanent form of development and its permanent retention would have an adverse effect on the design quality of the built environment and local visual amenity contrary to Policies DM1 and DM2 of the South Lakeland Development Management Policies Development Plan Document – adopted 28 March 2019.*

*To comply with Section 72 of the Town and Country Planning Act 1990.*

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

