

**South Lakeland District Council
Lake Administration Committee**

Friday, 1 July 2022

Encroachment Application to construct a new boat house with jetty at Herons Croft Bellman Landing Windermere

Portfolio: Customer and Locality Services Portfolio Holder

Report from: Director of Customer and Commercial Services

Report Author: Frankie Flannigan – Service Delivery Manager

Wards: Bowness & Levens;

Forward Plan: Not applicable

Links to Council Plan Priorities:

Working across boundaries – NA

Delivering a balanced community – encouraging a sustainable environment and inclusive economy, we will grow our green economy by making the best use of our parks, open spaces and lakes.

A fairer South Lakeland – N/A

Addressing the climate emergency – Improving the natural environment in and around the lake to ensure a healthy, diverse and high quality biodiversity on land and on water.

1.0 Expected Outcome and Measures of Success

1.1 That approval be given to the application to construct a new boathouse with wetdock and replace the existing wooden jetty at Herons Croft Bellman landing Windermere. Allow associated dredging to achieve an appropriate depth.

2.0 Recommendation

2.1 Delegate the authority to the Director of Customer and Commercial Services to grant permission, subject to the completion of a new private encroachment agreement, for the following:

- 1) Construction of a new boathouse**
- (2) Replace the existing Jetty**
- (3) Carry out associated dredging**

3.0 Background and Proposals

3.1 An application has been received to construct a new boat house with glass balustrade balcony and replace the existing jetty. Bellman landing is a private residence and sits on the Eastern shore of Windermere.

3.2 The application provides details of the construction of Herons Croft lakeshore boathouse Bellman Landing which will consist of a new boathouse with glass

balustrade balcony and wet dock which covers an area of 54m² and this also includes replacement of the existing wooden jetty covering an area of 33.3m². These measurements are subject to a survey following completion

- 3.3 Dredging will also be carried out covering an area of 90m to a depth of 1m. A silt curtain will be used round the perimeter of the working area to ensure will be able to settle back within the location. Dredged material will be drained on site before removal. There will be no impact on the Arctic Char spawning grounds.
- 3.4 The construction of the boathouse will be of reinforced concrete base and foundation with a galvanised steel portal frame structure supporting a local Burlington slate roof. The boat house will consist of a summer room toilet and kitchen facilities.
- 3.5 Planning consent was originally approved on 28th September 2008 and an Approval of certificate of Lawful proposed use or Development has been issue by the planning authority dated 3rd of May 2022.
- 3.6 The applicant has provided confirmation of the approved planning consent by The Lake District National Park Authority and a copy is attached. Environment Agency approval has been approved.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Planning notice decision
2	Approval of Certificate of Lawful Proposed use or Development
3	Notification of Environment Agency consent
4	Encroachment application
5	Dredging details
6	Location plan
7	proposed layout
8	Existing Image

5.0 Consultation

- 5.1 Informal consultation has taken place with the Lake Wardens. The Service Delivery Manager is also in possession of all relevant consents, risk assessments, method statements and plans. Please see appendices

6.0 Alternative Options

- 6.1 The Committee could decide to refuse the application however this action is not recommended as there are no boundary issues with this location, planning permission has been granted by LDNPA and approval of the Environment Agency has been issued.

7.0 Implications

Financial, Resources and Procurement

- 7.1 A revised private encroachment agreement will be required to ensure the appropriate income is received

Human Resources

- 7.2 There are no staff implications.

Legal

- 7.3 A new revised encroachment agreement will be required following confirmation of agreed terms by the Council's Estates department. The Council's legal and professional fees in connection with the survey and on and completion of the revised agreement will be recovered from the applicant.

Health and Sustainability Impact Assessment

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No.
- 7.5 A sustainability impact assessment has not been carried out as this is an individual application which has already been granted planning permission and Environment Agency consent.

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 If you have not completed an Impact Analysis, please explain your reasons: No equality and diversity implications arise out of this proposal

Risk Management	Consequence	Controls required
The Committee refuse the application.	It is likely to be challenged by the applicant	Allow the construction to proceed subject to a revised private encroachment agreement

Contact Officers

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Background Documents Available

Name of Background document	Where it is available
Not Applicable	

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	14/06/2022	14/06/2022
Monitoring Officer	14/06/2022	14/06/2022
CMT	14/06/2022	14/06/2022

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A

