

Please note this is a Part 1 (Public) report and will be published on the website any Part 2 (Confidential) information should be included in a separate document as an Appendix.

**EMERGENCY DELEGATED NON EXECUTIVE DECISION**

To the Chief Executive to take such action on behalf of the Council as appears to him/her necessary in circumstances that prevent obtaining the necessary authority from an appropriate committee following consultation with the Leader of the Council or the Chairman of the committee concerned. Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. (In accordance with Part 3 of the Councils Constitution 3. (B 1) (1.1) Scheme of Delegation to Officers specific delegation to the Chief Executive.)

**South Lakeland District Council  
Emergency Non-Executive Decision**

Date: 2 September 2020	Reference: 013
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<p><b>Reason for emergency</b></p> <p>The Council has no planned Council or other Non-Executive meetings due to Government advice and COVID 19 it is therefore considered necessary in these circumstances and following consultation with the Leader of the Council or the Chairman of the committee concerned.</p> <p>The decision is required to be taken due to The Lake Administration Committee is not sitting until 2<sup>nd</sup> October which is causing a delay to applicants who need to arrange construction with the contractors.</p>
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<b>TYPE OF DECISION</b>	
Lake Administration Committee	
Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. Committee Services will be keeping a record of these decisions.	

**Portfolio:** Chair of the Lake Administration Committee

**Report from:** Simon Rowley Director of Customer and Commercial Services

**Report Author:** Frankie Flannigan – Service Delivery Manager

**Wards:** Broughton and Coniston

**1.0 Expected Outcome**

1.1 That approval be given to the application to install a new wooden jetty at High Cunsey Farm Cunsey on Windermere

**2.0 Decision**

**2.1 That the Chief Executive grants permission, subject to the completion of a new private encroachment agreement, for the following:**

**(1) Installation of a new traditional wooden jetty.**

**3.0 Background and Proposals**

- 3.1 An application has been received to construct a new traditional wooden jetty at High Cunsey Farm on Windermere High Cunsey Farm is a private residence on the Western shore of Windermere
- 3.2 The application provides details of the construction of the new jetty to be a traditional construction with timber piles measuring 27.56m<sup>2</sup> approximately. These measurements are subject to a survey following completion.
- 3.3 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 also been received

#### **4.0 Consultation**

4.1 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.

#### **5.0 Alternative Options**

5.1 The application could be refused, 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.

#### **6.0 Links to Council Priorities**

6.1 Economy and Culture

6.2 Health and Environment

#### **7.0 Implications**

##### **Financial, Resources and Procurement**

7.1 A new 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 private encroachment agreement will be required following confirmation of agreed terms by the Council's property agents, Lambert Smith Hampton (LSH).

##### **Health, Social, Economic and Environmental**

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 No equality and diversity implications arise out of this proposal.

7.9 Summary of equality and diversity impacts: Not applicable

##### **Risk**

Risk	Consequence	Controls required
The application could be refused	It is likely to be challenged by the applicant as planning consent has already been given by the LDNPA planners	Allow the construction to proceed subject to a private encroachment agreement

##### **Contact Officers**

Frankie Flannigan, Service Delivery Manager, Phone 01539 796165, f.flannigan@southlakeland.gov.uk

##### **Appendices Attached to this Report**

Appendix No.	Name of Appendix
1	Planning notice decision
2	Notification of Environment Agency consent
3	Encroachment application
4	Location plan
5	Proposed layout and elevation plan

## 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	23/07/2020	20/08/2020
Monitoring Officer	23/07/2020	20/08/2020
Director of Corporate Strategy and Resources	25/08/2020	27/08/2020
Director of Customer and Commercial Services	23/07/2020	20/08/2020

	Signature and Date
Chief Executive	02/09/2020
<b>In consultation with</b>	Cllr Doug Rathbone
Chairman of The Lake Administration Committee	26/08/2020



**Lake District  
National Park**

7/2020/5045

TOWN AND COUNTRY PLANNING ACT 1990

**NOTICE OF GRANT OF PLANNING PERMISSION**

To: Mr Tony Hills  
Damson Consultancy Limited  
Pelis Yeat Farm Studio  
Hophouse Lane  
Kirkby Lonsdale  
LA6 2EH

**PART 1- PARTICULARS OF APPLICATION**

- |   |   |   |
|---|---|---|
| 1 | Name and address of applicant                         | Mr & Mrs Redding - High Cunsey Farm,<br>Cunsey, Ambleside, LA22 0LT |
| 2 | Date of application                                   | 28 January 2020   |
| 3 | Land to be developed                                  | High Cunsey Farm, Cunsey, Ambleside,<br>LA22 0LT                    |
| 4 | Development forming the<br>subject of the application | Construction of new timber jetty 17.225m<br>long x 1.6m wide        |

**PART 2-PARTICULARS OF DECISION**

**IN PURSUANCE** of their powers under the Town and Country Planning Act 1990, the Lake District National Park Authority as local planning authority **HEREBY GIVE NOTICE THAT PLANNING PERMISSION** for the development referred to in Part 1 hereof **HAS BEEN GRANTED.**

**SAVE** as hereunder specified the development shall be carried out and completed in entire accordance with the particulars specified in the application and plans submitted. The development shall be subject to the following conditions:

- 1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:

- Drawing no. 19009 P01.
- Construction Method Statement .

REASON: For the avoidance of doubt.

# ***I& Environment*** **•••Agency**

## **Permit with introductory note**

### **The Environmental Permitting (England & Wales) Regulations 2016**

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Mr Philip Redding

Installation of a new timber jetty at Lake Windermere, River Levens (Main River).

National Grid Reference: 5D3839194144

High Cunsey Farm, Cunsey, Cumbria

Permit number

EPR/GB3491JF

**South Lakeland District Council**

Lake Wardens Office  
Ferry Nab  
Bowness-on-Windermere  
Cumbria LA23 3JH

Tel: 015394 42753  
Fax: 015394 47813

e-mail: lake.wardens@southlakeland.gov.uk

**APPLICATION FOR AN ENCROACHMENT ON THE BED OF WINDERMERE**

**Encroachment No..... ..**

Name of Applicant Mr Philip Redding  
Address High Cunsey farm, Cunsey, Ambleside, LA22 0LT

Telephone No 07973 297938

Name of Agent..... Tony Hills Damson Consultancy Ltd  
Telephone No... 015395 61763  
Name of Contractor..... Jetties and Moorings Ltd  
Telephone number 015395 31341

Location of Proposed Encroachment ( **inc O.S. grid Ref** ) SO 38391 94144  
Lakeshore of High Cunsey Farm, Cunsey, Ambleside LA22 0LT

**5 COPIES OF THE LOCATION PLAN AND DIMENSIONS  
TO BE SUBMITTED AT TIME OF APPLICATION**

Details of Proposed Encroachment. ... **New Jetty**

(a) Method and Type of Construction..... Treated timber: Refer Construction Method Statement

(b) Dimensions: **Length** 17.225m **Width:** . 1.6m

(c) Is the proposed Encroachment to be used **Privately**

Names and Addresses of adjoining land owners  
1).....  
2).....

**All Applications Must include certified copies of plans and permissions granted by the Lake District National Park Authority.(Planning Consent) and The Environment Agency. together with the fee of £226.S0p inc.vat.**

Signed...

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