

**South Lakeland District Council
Lake Administration Committee**

Friday, 2 July 2021

**Encroachment application to replace the existing
wooden jetty at Bucks Yeat Lodge Park Newby
Bridge**

Portfolio: Not Applicable
Report from: Simon Rowley-Director of Customer and Commercial Services
Report Author: Frankie Flannigan – Service Delivery Manager
Wards: Bowness & Levens;
Forward Plan: Not Applicable

1.0 Expected Outcome

1.1 That approval be given to the application to replace the existing dilapidated jetty for a like for like new traditional wooden jetty at Bucks Yeat Lodge Park Newby Bridge.

2.0 Recommendation

2.1 It is recommended that the Committee: -

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

(a) Replacement of the existing jetty to a new traditional wooden jetty as outlined in the appendix to this report.

3.0 Background and Proposals

3.1 An application has been received to replace the existing dilapidated jetty with a new wooden traditional jetty. Buck Yeats Lodge Park sits on the Eastern shore of Windermere. The jetty is for the use of private residents within the lodge park.

3.2 The applicant provides details of the construction of the new jetty to be a traditional construction with timber piles measuring 19.89m² approximately. These measurements are subject to a survey on completion of the works.

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 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.

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.

7.1.1 The applicant's current financial statement can be seen in Part II – Appendix 8 for consideration by the committee.

Human Resources

7.2 There are no staff implications.

Legal

7.3 A new commercial 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 Committee refuse the application. | It is likely to be challenged by the applicant | Allow the construction to proceed subject to a private encroachment agreement |

Contact Officers

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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, location and elevation plan |
| 6 | Part II – Financial statement of applicant. |

Background Documents Available

| Name of Background document | Where it is available |
|-----------------------------|-----------------------|
| Not Applicable | |

Tracking Information

| Signed off by | Date sent | Date Signed off |
|---------------------|----------------|-----------------|
| Legal Services | 04/06/2021 | 11/06/2021 |
| Section 151 Officer | 04/06/2021 | 11/06/2021 |
| Monitoring Officer | 04/06/2021 | 11/06/2021 |
| CMT | Not Applicable | |

| Circulated to | Date sent |
|---------------------------------|----------------|
| Lead Specialist | Not Applicable |
| Human Resources Lead Specialist | Not Applicable |
| Communications Team | Not Applicable |
| Leader | Not Applicable |
| Committee Chairman | Not Applicable |
| Portfolio Holder | Not Applicable |
| Ward Councillor(s) | Not Applicable |
| Committee | Not Applicable |
| Executive (Cabinet) | Not Applicable |
| Council | Not Applicable |