

**South Lakeland District Council
Lake Administration Committee**

Friday, 2nd July 2021

**South Lakeland District Council Lake Administration
Committee 2nd July 2021 Encroachment
Application, Windermere Aquatics, Waterhead
Marina**

Portfolio:	Not Applicable
Report from:	Director of Customer and Commercial Services
Report Author:	Frankie Flannigan – Service Delivery Manager
Wards:	Ambleside & Grasmere;
Forward Plan:	Not Applicable

1.0 Expected Outcome

1.1 That Members agree to delegate the application to the Director of Customer and Commercial Services for decision.

2.0 Recommendation

2.1 That the application is delegated for decision to the Director of Customer and Commercial Services.

3.0 Background and Proposals

3.1 The proposed marina is located at the Southern edge of the entrance to Waterhead and Ambleside. The development includes a 47 berth marina with facilities with 10 of these berths allocated for public use, 2 houses and 5 two storey holiday accommodation with car parking.

3.2 The application provides details of the construction of the new marina that contains 47 berths. The jetties will be floating pontoons and include up to 14 piles driven into the lakebed to secure the facility. This is similar to the applicants other marina installed at Bowness. The area of the encroachment will be surveyed prior to finalisation of any lease agreement.

3.3 23 planning conditions have been set and some of these conditions relate to the marina operation which are highlighted below.

- **Planning condition 16:** 10 public berths to be allocated at the Southern side of the jetties. A number of berths to be allocated for boat hire, location to be determined. These locations thereafter be only used for these users and they shall be maintained in the approved locations.
- **Planning condition 17:** There shall be no rafting or doubling up of berths on the Norther side of the northern-most jetty/pontoon at any time.

- **Planning condition 25:** The marina shall not be brought into use until a scheme for the management and disposal of flotsam, jetsam and other detritus.
- **Planning condition 26:** no boat moored at the marina hereby permitted shall be occupied overnight.

3.4 The applicant has provided confirmation of the approved planning consent with conditions by The Lake District National Park Authority and a copy is attached. Environment Agency approval has also been received.

4.0 Consultation

4.1 There has been considerable consultation undertaken by the LDNPA at the time of planning application and a number of planning conditions have been set. 23 in total.

5.0 Alternative Options

5.1 Members could decide to reject the application and refuse permission to proceed. A large amount of consultation has taken place. The planning authority LDNPA have considered and approved the application and set 23 planning conditions that must be met prior to construction. The option to refuse is not recommended.

6.0 Links to Council Priorities

6.1 The applicant is a large local employer and also provides facilities for a large number of visitors to the area.

7.0 Implications

Financial, Resources and Procurement

7.1 A new or revised lease will be required and this is to be negotiated by Lambert Smith Hampton.

Human Resources

7.3 There are no staff implications

Legal

7.4 Legal services will be required to complete the lease following confirmation of agreed terms of the new lease by LSH.

Health, Social, Economic and Environmental

7.5 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No.

7.6 A sustainability impact assessment has not been carried out as this is 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.

Risk

Risk	Consequence	Controls required
That the Committee do not approve the application as detailed within the approved planning consent	The encroachment could be built without Committee approval	The Council could seek an order through the court to prevent the construction of the encroachment.

Contact Officers

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Appendices Attached to this Report

(delete if no appendices attached)

Appendix No.	Name of Appendix
1	Planning notice decision
2	Environment Agency Permit
3	Encroachment Application
4	Location plan
5	Proposed marina layout
6	Floating Jetties technical detail
7	Marina works management document
8	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	11/06/2021	22/06/21
Section 151 Officer	11/06/2021	
Monitoring Officer	11/06/2021	22/06/21
CMT	NA	

Circulated to	Date sent
Lead Specialist	11/06/2021
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

