

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**

Encroachment application to reinstate and extend the wooden jetty at Otterbank Newby Bridge

Date: 13 April 2021	Reference: 022
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Reason for emergency

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.

Applications for encroachments onto the bed of Lake Windermere are ordinarily considered by the The Lake Administration Committee. However the chair of the committee has agreed that the next scheduled meeting of the committee is to be cancelled due a lack of business for it to consider. As the Committee will not be meeting for some considerable time, this application would have to wait for consideration which would introduce significant delay to the applicant. It is therefore considered reasonable for the matter to be considered by this emergency non-executive route.

TYPE OF DECISION

Lake Administration Committee	
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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: Bowness & Levens

1.0 Expected Outcome

1.1 That approval be given to the application to reinstate and extend the wooden jetty at Otterbank Newby Bridge.

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) Reinstatement and extension of the existing wooden jetty.

3.0 Background and Proposals

- 3.1 An application has been received to reinstate and extend the wooden jetty at Otterbank Newby Bridge. Otterbank is a private residence and sits on the Eastern 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 37.84m² approximately. This will be subject to a full survey by the Council's property agents Lambert Smith Hampton (LSH) 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 in Appendix 1. Environment Agency approval has also been received and a copy is attached in Appendix 2

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 – Use of our assets to create income for the Council in order to allow for investment in other service areas to help deliver the Council plan.
- 6.2 Health and Environment – Helping our residents to access and enjoy our distinct 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 is 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	01/04/2021	06/04/2021
Monitoring Officer	01/04/2021	06/04/2021
Operational Lead for Delivery and Commercial Services	01/04/2021	06/04/2021
Director of Customer and Commercial Services	01/04/2021	06/04/2021

Approved by:	Signature and Date
Chief Executive	13/04/2021
In consultation with	
Chairman of The Lake Administration Committee	12/04/2021



**Lake District
National Park**

7/2020/5445

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 Lawson, Otter Bank, Newby Bridge Road, Windermere, LA23 3LP |
| 2 | Date of application | 28 July 2020 |
| 3 | Land to be developed | Otter Bank, Newby Bridge Road, Windermere, LA23 3LP |
| 4 | Development forming the subject of the application | Construction of a replacement timber jetty adjacent existing boathouse |

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 otherwisethan in conformity with the following submitted plans and details:

- Drawing no. 20015 P101
- Heritage, Design and Access Statement
- Construction Method Statement
- Macrophyte Survey
- Flood Risk Assessment

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number

EPR/HB3552SY

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

Mr Robin Lawson ("the operator")

of

**Otter Bank
Newby Bridge Road
Cumbria
LA23 3LP**

to operate the following flood risk activities:

Flood Risk Activity (a) Installation of a timber jetty at Lake Windermere, River Levens (Main River)

Flood Risk Activity (d) The removal of gravel at Lake Windermere, River Levens (Main River)

at

Otter Bank, Windermere, Cumbria

National Grid Reference: 5D3890892320

to the extent authorised by and subject to the conditions of this permit.

Name	Date
<p>Digitally signed by Pete Miles DN: cn=Pete Miles, o=Environment Agency, ou=FCRM (PSO), email=peter.miles@environment- agency.gov.uk, c=GB Date: 2020.10.02 11:27:44 +01'00'</p> <p>Peter Miles Partnership & Strategic Overview Team Leader Cumbria & Lancashire</p>	<p>02/10/2020</p>

Authorised on behalf of the Environment Agency

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@south lakeland.gov.uk

APPLICATION FOR AN ENCROACHMENT ON THE BED OF WINDERMERE
Encroachment No..... .. .

Name of Applicant. ..Mr Robin Lawson
AddressOTTERBANK, NEWBY BRIDGE ROAD, WINDERMERE LA23 3LP
Telephone No... .. .

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

Location of Proposed Encroachment (**inc O.S. grid Ref**)... SD 38908 92320
Adjacent to existing boathouse on the east shore of Lake Windermere as part of the Town Head Estate LA12 8NP.

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

Details of Proposed Encroachment...New Jetty and Mooring Posts.....**New Jetty**
(a) Method and Type of Construction
Treated timber: Refer Construction Method Statement

(b) Dimensions: **Length** ..14.1m **Width:** ..1.2m widening to 2.4m

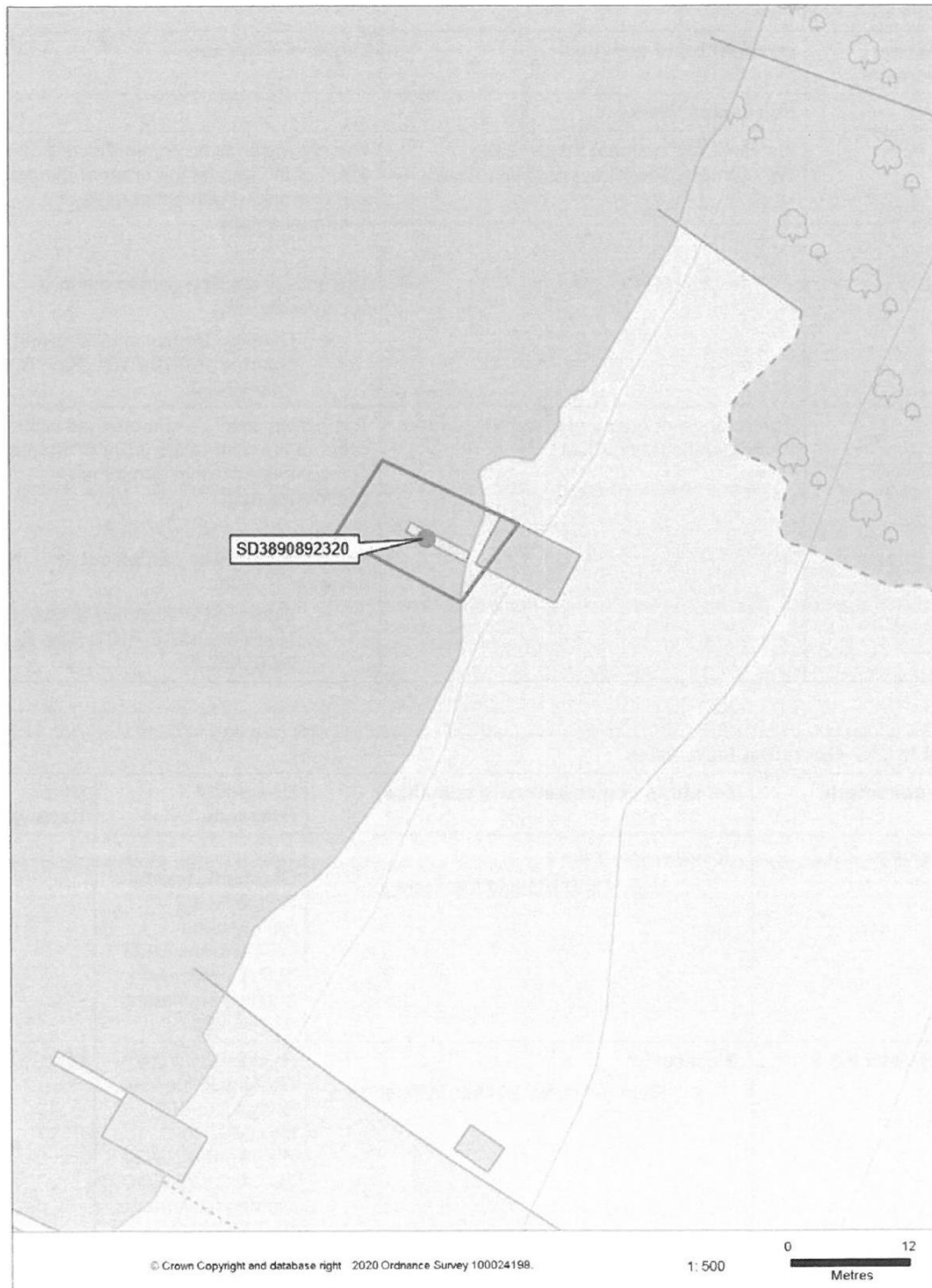
(c) The proposed Encroachment to be used **Privately**

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 £222.00p inc.vat.

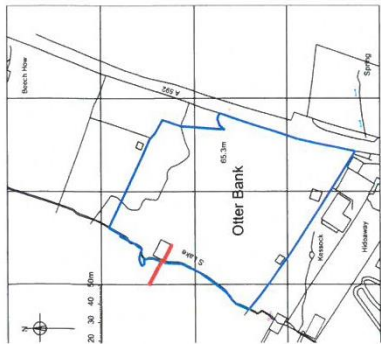
Signed... .. Date... 24 2 21

Schedule 2 – Site Plan

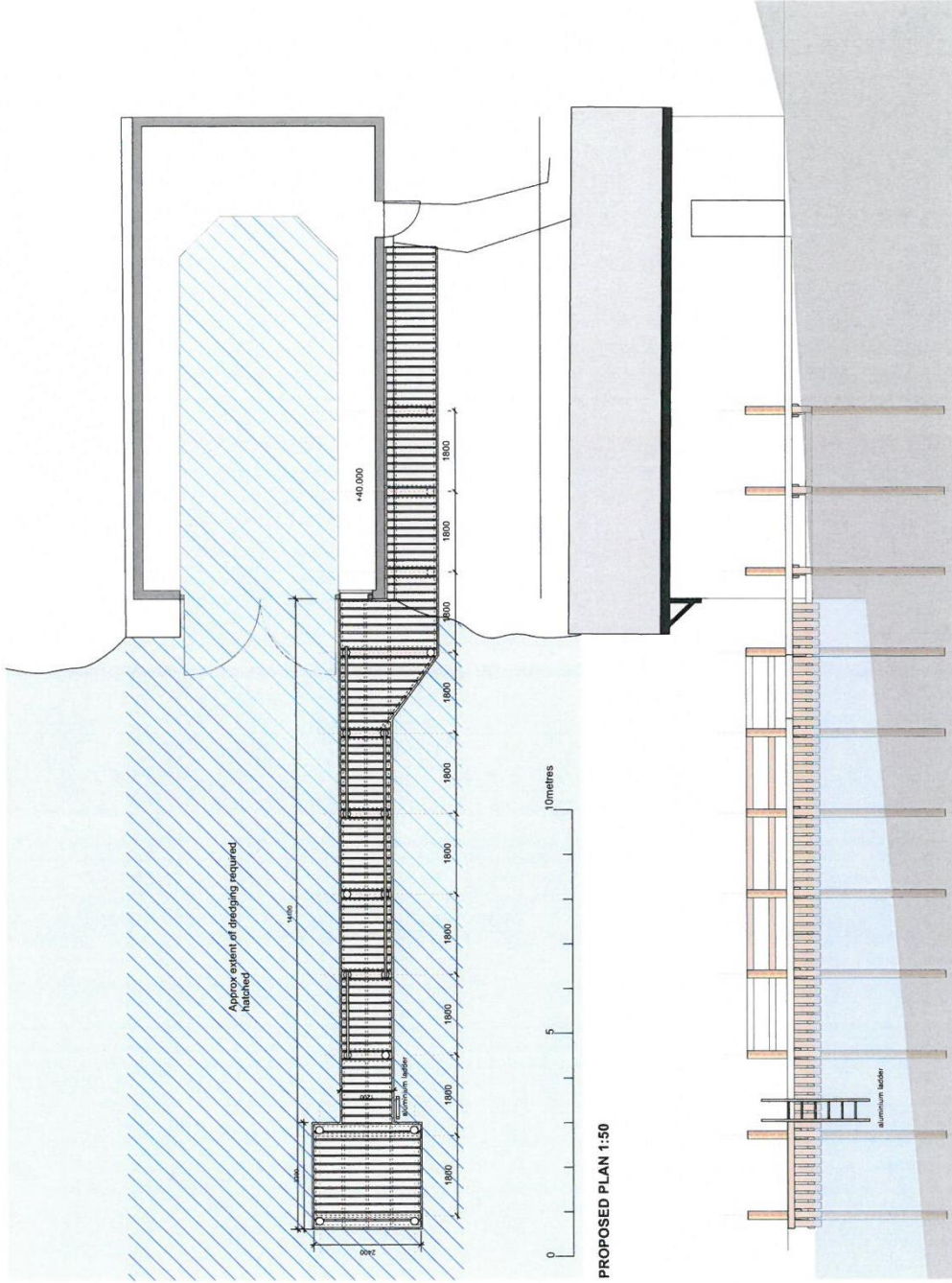


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Permit number
EPR/HB3552SY

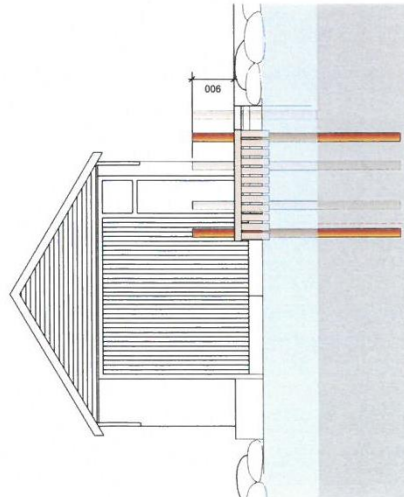


SITE LOCATION PLAN 1:1250

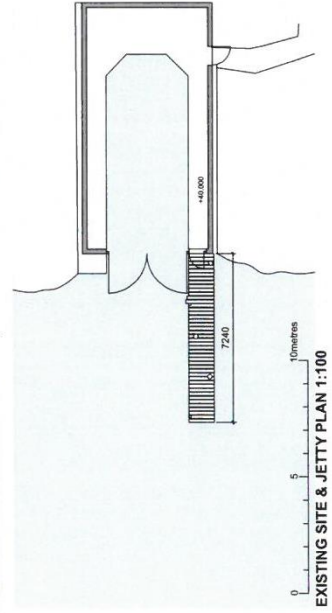


PROPOSED PLAN 1:50

PROPOSED SOUTH ELEVATION 1:50 (NORTH ELEVATION SIMILAR)



PROPOSED WEST ELEVATION 1:50



EXISTING SITE & JETTY PLAN 1:100

Rev. B 17.11.20 Item selected for A44 at end
Rev. A 24.02.20 Approx extent of decking indicated

Otter Bank Road Bypass on Widemere L53 317		Replacement Jetty	
Project	Drawn	Drawn	Rev
		20115 P111	B
Client	North Lismore		
Scale	1:50		
Drawn	17.11.20		

Specification notes:
 Jetty to be constructed with expanded metal mesh (pneumatically applied) on reinforced concrete slabs with 30 mm gaps between bays.
 150,000mm dia timber piles taken 900 above the deck.
 150 x 38 and 150 x 50mm framing.
 Jetty to be constructed to Jetty's and Mooring details.
 Piles to be driven to refusal.
 Structural bracing subject to technical design (not shown on drawing).

