

**South Lakeland District Council
Lake Administration Committee**

Friday, 21 January 2022

**Encroachment application to reinstate the wooden
jetty and associated dredging at the Samling
Hotel Windermere which is located 275m from
the hotel**

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

Links to Council Plan Priorities:

Working across boundaries – N/A

Delivering a balanced community – 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 –N/A

1.0 Expected Outcome and Measures of Success

1.1 That approval be given to the application to reinstate the wooden jetty and carry out associated dredging. The jetty is located 275m from the Samling Hotel Windermere.

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 commercial encroachment agreement, for the following:

- (1) Reinstatement of the traditional wooden jetty**
- (2) Localised dredging to allow berthing.**

3.0 Background and Proposals

3.1 An application has been received to reinstate the traditional wooden jetty damaged by storm and carry out associated dredging to allow boats to berth. The jetty is owned by the Samling Hotel and is located on the Eastern shore of Windermere.

3.2 The application provides details of a handmade oak gate a rope hand rail with removable oak posts and repair of the current steps.

- 3.3 The application provides details of the construction of the new jetty to be a traditional construction with timber piles measuring 6.63m² approximately these measurements are subject to a survey following completion.
- 3.4 The application provides details of the area to be dredged. This will cover an area of 20m² to a depth of 1.5m. This will ensure adequate depth to enable craft to berth.
- 3.5 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 Appendices Attached to this Report

| Appendix No. | Name of Appendix |
|---------------------|--|
| 1 | Planning notice decision |
| 2 | Notification of Environment Agency consent |
| 3 | Encroachment application |
| 4 | Dredging application |
| 5 | Location plan |
| 6 | Proposed layout and elevation plan |

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 new encroachment commercial 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 commercial encroachment agreement will be required following confirmation of agreed terms by the Council's Estates department.

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

7.6 Summary of Health and Sustainability Impacts

| | | Positive | Neutral | Negative | Unknown |
|--------------------------------|---|-----------------|----------------|-----------------|----------------|
| Environment and Health | Greenhouse gases emissions | | | | X |
| | Air Quality | | | | X |
| | Biodiversity | | | | X |
| | Impacts of Climate Change | | | | X |
| | Reduced or zero requirement for energy, building space, materials or travel | | | | X |
| | Active Travel | | | | X |
| Economy and Culture | Inclusive and sustainable development | | | | X |
| | Jobs and levels of pay | | | | X |
| | Healthier high streets | | | | X |
| | Culture, creativity and heritage | | | | X |
| Housing and Communities | Standard of housing | | | | X |
| | Access to housing | | | | X |
| | Crime | | | | X |
| | Social connectedness | | | | X |

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

| Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X" | | | | | |
|--|---|--|---|---|---|
| Age | P | | 0 | X | N |
| Disability | P | | 0 | X | N |
| Gender reassignment (transgender) | P | | 0 | X | N |
| Marriage & civil partnership | P | | 0 | X | N |
| Pregnancy & maternity | P | | 0 | X | N |
| Race/ethnicity | P | | 0 | X | N |
| Religion or belief | P | | 0 | X | N |
| Sex/gender | P | | 0 | X | N |
| Sexual orientation | P | | 0 | X | N |
| Armed forces families | P | | 0 | X | N |
| Rurality | P | | 0 | X | N |
| Socio-economic disadvantage | P | | 0 | X | N |

| 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 commercial 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 | 31/12/2021 | 05/01/2022 |
| Monitoring Officer | 31/12/2021 | 05/01/2022 |
| CMT | N/A | N/A |

| 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 |

| Circulated to | Date sent |
|----------------------|------------------|
| Executive (Cabinet) | N/A |
| Council | N/A |