

**South Lakeland District Council
Lake Administration Committee**

Friday, 22 April 2022

**Encroachment application to erect a single
replacement boathouse with balcony wet docks
and jetties at 1 & 2 Lakeshore Boathouses
Bellman Landing Windermere**

Portfolio: Customer and Locality Services Portfolio Holder
Report from: Director of Customer and Commercial Services
Report Author: Frankie Flannigan – Service Delivery Manager
Wards: Bowness & Levens;
Forward Plan: N/A

Links to Council Plan Priorities:

Working across boundaries – N/A

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 construct a new boathouse comprising wet docks 3 wooden jetties, with living accommodation and 2 balconies/terraces.

2.0 Recommendation

2.1 Delegate the authority to the Director of Customer and Commercial Services to grant permission, subject to the completion of revised private encroachment agreements, for the following:

(1) Installation of a replacement boathouse with living accommodation. To include three wooden jetties and wet docks at 1&2 Bellman Landing

3.0 Background and Proposals

3.1 An application has been received to replace the two existing boat houses and 3 jetties. Bellman landing is a private residence and sits on the Eastern shore of Windermere.

3.2 The current 2 boathouses and 3 jetties are in a dilapidated condition and require replacement.

- 3.3 The application provides details of the construction of 1&2 lakeshore boathouse Bellman Landing which will consist of a new boathouse with natural stone and slate roof. This has an approximate encroachment area of 109m² only a small element of that will sit within the council's title and that area will be confirmed once a full survey is carried out.
- 3.4 Three replacement traditional wooden jetties with wooden piles covering an approximate area of 82.4m²
- 3.5 Two Glass balustrade balconies/terraces with slate floor finish with approximate dimensions of 87.7m².
- 3.6 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	Location plan
5	Site Plans existing and proposed
6	Proposed layout
7	Proposed encroachment
8	3D image of proposed structures

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 revised private encroachment agreement will be required to ensure the appropriate income is received. On completion a full survey is to be carried as part of the agreement with the costs to be paid by the applicant.

Human Resources

- 7.2 There are no staff implications.

Legal

- 7.3 A new revised private encroachment agreement will be required following confirmation of agreed terms by the Council's Estates department. All appropriate legal fees are to be paid by the applicant as set out in the fees and charges.

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

Equality and Diversity

- 7.6 Have you completed an Equality Impact Analysis? No
- 7.7 No equality and diversity implications arise out of this proposal

Risk Management	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 residential 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	23/03/2022	01/04/2022
Monitoring Officer	23/03/2022	01/04/2022
CMT	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	
Executive (Cabinet)	N/A	
Council	N/A	