

**South Lakeland District Council**  
**Lake Administration Committee**  
**Friday, 22 April 2022**

**Encroachment application to replace the boathouse  
and jetty and associated dredging 1 Bellmans  
Landing Windermere**

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**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

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**1.0 Expected Outcome and Measures of Success**

1.1 The proposal is to construct a new boathouse and jetty to replace the previous constructions lost due to storm Desmond in 2015 at 1 Bellman Landing.

**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 private encroachment agreement, for the following:**

- (1) Construction of a new boathouse**
- (2) Construction of a new wooden jetty**
- (3) Carry out associated dredging**

**3.0 Background and Proposals**

3.1 1 Bellman landing is a private property on the East shore of Windermere. The previous boathouse and jetty were severely damaged by Storm Desmond back in 2015.

3.2 The applicant has provided details of the construction which will consist of a new boat house and a traditional wooden jetty. The proposed boathouse would be approximately

3.7 metres wide, 8 metres long and 3.8 meters high. The walls would be constructed of timber boarding supported by tubular piles in the lake, the pitched roof would be covered in natural slate. The jetty dimensions would be 11m long with a width of 1m and would be a traditional wooden jetty constructed of treated spruce. These are approximate dimensions and a full survey will be carried out by the asset team on completion.

- 3.3 The proposed works would also include repair of the foreshore, concrete paving and dredging works covering the footprint.
- 3.4 Dredging would be carried out to cover an area of 61m<sup>2</sup> to a depth of 1m to enable appropriate depth for berthing.
- 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 revised private 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 Estates department. The Council's legal and professional fees in connection with the survey and the negotiation and completion of the new agreement will be recovered from the applicant.

## 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 **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 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