
APPLICATION NO.	P09/E0051/RET
APPLICATION TYPE	RETROSPECTIVE
REGISTERED	06.02.2009
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Mr Terry Buckett Ms Roswitha Myer
APPLICANT	Henley-on-Thames Town Council
SITE	3-7 River Terrace Henley-on-Thames
PROPOSAL	Retention of 5 finger jetties, outside 3 - 7 River Terrace.
AMENDMENTS	Amplified by information accompanying letter from Henley-on-Thames Town Council dated 12 May 2009
GRID REFERENCE	476371182488
OFFICER	Susan P Spencer

1.0 **INTRODUCTION**

- 1.1 Consideration of this application was deferred at the meeting of Planning Committee on 13 May 2009 to enable the applicant to submit additional information. The application is referred to the Committee at the discretion of the Planning Manager.
- 1.2 The application site, which is shown on the OS extract **attached** as Appendix A, is a 31m stretch of the River Thames, to the south of Henley Bridge and opposite 3-7 River Terrace. The site is located within the Henley Main Conservation Area and is situated between existing landing stages to the north (opposite 15 Thameside – Baltic Court) and south (Hobbs and Son.)
- 1.3 In August 2008 it was brought to the attention of the Council that moorings had been created in front of 3-7 River Terrace. A site inspection by Enforcement Officers confirmed that 5 timber finger jetties had been constructed adjacent to the towpath opposite 3-7 River Terrace.
- 1.4 The Enforcement Officer made contact with Henley Town Council who had undertaken the works without the benefit of planning permission.

2.0 **PROPOSAL**

- 2.1 The current application seeks the retention of the five finger jetties for use as private moorings. The jetties are of a timber construction and are accessed from the footpath opposite 3 River Terrace. Each jetty is 0.76m in width and 6.1m in length. The access walkway which runs parallel with the riverbank and from which the finger jetties projects, is approximately 0.6m in width and is separated from the edge of the riverbank by a 0.9m gap.
- 2.2 A copy of the plan of the moorings prior to the work being undertaken is **attached** at Appendix B, while a copy of the 'proposed' finger jetties is **attached** at Appendix C. Photographs of the jetties as constructed are **attached** at Appendix D.

2.3 Henley Town Council has submitted further information stating 'that of the ten moorings, five have been allocated to numbers 3-5 River Terrace, one mooring has been kept for the boat 'Elsie', two moorings have been assigned and been paid for and two are vacant for which we are seeking to find moorers.

3.0 CONSULTATIONS & REPRESENTATIONS

3.1 **Henley-on-Thames Town Council (applicant)** – no strong views

3.2 **Environment Agency** – no objection

3.3 **The Henley Society** – no objection

3.4 **Conservation Officer** – no objection to 5 timber finger jetties

3.5 **2 letters of objection from local residents** – the points raised are summarised below:

- development is a barrier to boating public's right to access to public road and to move freely close to the bank and should be removed;
- the 5 finger jetty is commercial operation and does not preserve historic setting;
- site is part of conservation area. Development contrary to policy R9 as it is construction in an open communal space, removes amenities for boating public and detrimentally effects views towards important Henley Bridge;
- jetties have never been on this site;
- any obstruction of the river increases risk of flooding. Large quantity of materials used here and their positions close to the bank make flooding of the public road and listed River Terrace more likely than before;
- moorings are out of keeping with existing moorings, are visually obtrusive and out of character with adjacent landing stages.

4.0 RELEVANT PLANNING HISTORY

4.1 **P78/S0775** planning permission refused on 21 March 1979 for erection of landing stage and use as mooring (1 River Terrace, Henley)

P84/S0272 planning permission refused on 11 July 1984 for two identical 20ft x 4ft timber landing stages alongside River Bank (opposite 5 and 7 River Terrace)

P84/S0343 planning permission refused on 8 August 1984 for the provision of a landing stage (6 River Terrace)

5.0 POLICY & GUIDANCE

- 5.1 G1 – General Restraint and Sustainable Development
G2 – Protection and Enhancement of the Environment
G6 – Promoting Good Design
C3 – The River Thames and its Valley
CON7 – Proposals Affecting a Conservation Area
R9 – River Thames

6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations in this instance are:

- 1) the impact of the proposal on the river environment and landscape
- 2) the impact of the proposal on the Henley Main Conservation Area

Impact on River Thames environment and landscape

- 6.2 It would appear that moorings existed (albeit unauthorised) on this stretch of the river opposite numbers 1, 2 and 6 River Terrace. Aerial photographs held by the Council dating from 1999/2000 and 2003 support this and show that the stretch of river between the jetties at 2 and 6 River Terrace was used unofficially for boat moorings, with boats being moored parallel with the towpath. The aerial photos from 1999/2000 and 2003 are **attached** at Appendix E.
- 6.3 A search of planning records reveals that planning permission was not granted for the moorings opposite 1, 2 and 6 River Terrace. There are also no planning records for the historic landing stages to the north and south of the application site. It is noted that in the past planning permission has been refused for jetties opposite 5 and 7 River Terrace and 1 River Terrace (see Section 4.1 of this report.) Aerial photographs available to officers support that, on the balance of probability, the jetties opposite 1, 2 and 6 River Terrace have existed for more than 4 years and are therefore lawful and subsequently immune from enforcement action.
- 6.4 In this case, the five finger jetties are located along a 31m stretch of the river, between the aforementioned existing timber mooring jetties/landing stages. The existing jetties and five jetties under consideration in this application form a continuous line of moorings along the water's edge from 15 Thameside to Boathouse Reach.
- 6.5 Policy C3 of the Local Plan states that the distinctive character of the River Thames and its valley and the settlements on its banks will be maintained and, where appropriate enhanced. Proposals for any form of development which detracts from its special character will not be permitted. Policy R9 states that in considering proposals for recreational development associated with the River Thames and its valley, the overriding aim will be to preserve the river environment and landscape. To this end new permanent moorings or new hire bases will not be permitted. Temporary and overnight moorings for visitors will be permitted in suitable locations where no environmental damage is caused and where proper access and other facilities are available. The policy elaborates that while the Council will not normally permit further permanent moorings on the river, there is a need for temporary moorings for river users who wish to visit some of the attractive settlements adjacent to the river or who need an overnight stop.
- 6.6 Notwithstanding the emphasis in policy R9 on the provision of temporary moorings for visitors, rather than permanent moorings, it is considered that this is a location where permanent moorings are acceptable. It is a town centre location, where existing moorings are evident to the north and south. The character of the area is very much of a bustling and active riverside location. It is not a peaceful and tranquil rural location that the policy seeks to protect. It is difficult to demonstrate that there would be any significant harm to the riverside character of the area.
- 6.7 The application was referred to the Environment Agency for comment and they have responded with no objection to the proposal and added that they have granted consent for the jetties. As such, there is no objection to the proposal on the grounds of environmental damage.
- 6.8 Accordingly, it is considered that the proposal complies with Policies C3 and R9 in that the jetties do not detract from the special character of the river. Furthermore it is considered that they preserve the river environment and landscape in this specific location.

Impact on Henley Main Conservation Area

6.9 Policy CON7 of the Local Plan states that planning permission will not be granted for development which would harm the character or appearance of a conservation area. The policy adds that when considering development in conservation areas, the design and scale of new work should be sympathetic to the established character of the area and traditional materials should be used whenever this is appropriate to the area.

6.10 As part of the consultation process, the application was referred to the Council's Conservation and Design Team. They have raised no objection to the application and advise that with the jetties being of a timber construction similar to those already existing alongside, they preserve the existing water-side character of this part of the Main Henley Conservation Area.

7.0 ENFORCEMENT CONSIDERATIONS

7.1 As this application is retrospective, the refusal of planning permission would result in consideration being given to pursuing formal enforcement action in respect of the development. The decision as to whether or not to take enforcement action is delegated to officers. PPG18 encourages local authorities to pursue enforcement action where it is expedient to and planning harm is identified. Action should be proportionate to the breach of planning control and should take account of the general public interest in preventing inappropriate development.

7.2 A metal gate has been erected on the jetty structure, opposite number 3 River Terrace, as shown in the photograph **attached** at Appendix F. For the avoidance of doubt, this gate does not form part of the current application and it is not shown on the plans accompanying this application nor is it referred to in the description of development. Planning officers have considered the acceptability of this unauthorised gate under enforcement investigation (ref: EE08/170) and are of the opinion that it is visually intrusive and out of keeping with the area. As such, officers are likely to pursue the removal of this gate under delegated powers, although formal action has yet to be authorised.

8.0 CONCLUSION

8.1 The development complies with relevant Local Plan policies as the jetties do not harm the character or appearance of the conservation area or the river environment.

9.0 RECOMMENDATION

9.1 **Grant Planning Permission (01)**

No conditions

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