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DRAFT

Controller of Development Services
London Borough of Barnet
Planning Group (Barnet House)
1255 High Road
Whetstone
London N20 0EJ

Your reference

Our reference

Date

EF/1871/AP2/PCF

21st May 1993

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990

INSTALLATION OF STREET FURNITURE TO COMPLETE THE IDENTIFICATION OF THE PERIMETER OF A DEFINED "ERUV" AT VARIOUS LOCATIONS IN N2, N3, N6, NW2, NW3, NW4, NW7 AND NW11

Please note that we have been instructed to advise and act for the United Synagogue Eruv Committee in respect of their proposals to complete the definition of the perimeter of the designated Eruv in this area. Our clients are aggrieved at your Council's decision of 2nd March 1993 to refuse planning permission in respect of their recent application and we hereby give notice that an appeal is to be made to the Secretary of State for the Environment against that decision.

Our clients would nevertheless prefer to resolve this matter by agreement if at all possible and accordingly we hereby enclose a "repeat" application which has been prepared after careful consideration of your Council's reasons for refusal and which incorporates revisions which we hope will commend themselves to your Members since they reduce even further the already limited visual impact of our clients' proposed development.

This application comprises the following documents:-

1. This covering letter.
2. Application form TP1 Part 1.
3. Certificate B under Article 12A of the Town and Country Planning General Development Order 1988.
4. A plan showing the overall area of the defined Eruv.

Ref: 1871

To: L.B. Barnet

21st May 1993

5. An index of the individual locations and for each location a schematic plan describing the details of the street furniture required.

In addition to the application documents one copy of additional supporting information is enclosed.

Please note that this application is submitted within 12 months of your Council's decision to refuse planning permission in respect of the earlier application, it relates to the same development in respect of the same series of locations, and is submitted by the same applicant. Accordingly, no fee is payable.

THE NATURE OF THE DEVELOPMENT

The proposed development comprises solely the installation of a limited amount of street furniture in the form of typical street furniture poles, ie typical street lighting columns or typical telegraph poles. Typically only two poles will be required at any given location, although in some cases a maximum of three poles will be required. The various locations are each divorced from each other and there will therefore be no concentrations.

In each location the two or three poles will be connected at high level by a thin wire.

CHANGES SINCE THE PREVIOUS APPLICATION

These revised proposals incorporate two main changes:-

- i) Firstly, following discussions with the Royal Society for the Protection of Birds it has become clear that their previous comments have been misinterpreted. The RSPB has no objections to these proposals, nor any objections to the use of the originally proposed nylon mono-filament wire which was later substituted by a thicker 3mm thick wire. The nylon mono-filament wire is extremely thin, being only a maximum 1mm circumference and virtually invisible. These revised proposals are presented on the basis of the use of nylon mono-filament wire in all locations except where indicated in the index referred to as application document 5, whereas the previous application was considered on the basis of the visible 3mm wire.
- ii) Secondly, our clients have given very careful consideration to your Council's second reason for refusal concerning the Wildwood Road location and the alleged impact of the proposal on the Conservation Area. Following discussions with your Council's highway engineers, these current proposals involve the installation of only two "Eruv" poles in this location (as opposed to seven originally proposed) with the now thinner 1mm diameter wire suspended between existing street lamp-posts.

Ref: 1871

To: L.B. Barnet

21st May 1993

VISUAL AMENITY CONSIDERATIONS

Although your Council's Planning Department has previously recommended the grant of planning permission for the earlier proposals, your Council have refused planning permission on grounds which essentially amount to a visual amenity objection, alleging that the proposed street furniture would be obtrusive, out of character, and detrimental to the general streetscene.

In our opinion those allegations are unfounded and the proposals need to be considered in context. The defined Eruv has a perimeter of approximately 11 miles (17.6 kilometres) and encloses an area of about 6½ square miles (16.8 square kilometres). The defined area contains many miles of roads and approximately twice that mileage of pavement. On each road lamp-posts and telegraph poles are found at frequent intervals as are other items of street furniture including road signs, traffic lights etc.

It is impracticable for us to count the existing items of street furniture but it is self-evident that the area contains many thousands of lamp-posts and many thousands of telegraph poles with their conspicuous wire.

Against that background these proposals are de minimis. A total of eighty poles is proposed, in groups of two or three, in scattered locations. This represents a very modest increase which in the context will be unnoticeable.

Of the 11 mile perimeter, the proposed virtually invisible wire will be extended along only a total length of about 1025 yards (940 metres) and, except along Wildwood Road, no single location will involve a length of wire much in excess of 20 metres (with the majority around 10 metres).

IMPACT ON THE CONSERVATION AREA

The Wildwood Road section of the perimeter involves a length of about 250 metres but these revised proposals involve only 2 poles, one at each end of that length.

The wire itself will be thin and virtually invisible being suspended between existing street lighting columns. The immediate surroundings include significant mature trees which provide a back-cloth which will further disguise any residual impact.

Again therefore these proposals will have a de minimis visual impact and will have no adverse effect on the character or visual amenities of the Conservation Area.

Ref: 1871

To: L.B. Barnet

21st May 1993

APPARENT MISUNDERSTANDINGS AND NON-PLANNING OBJECTIONS

We have noted the unusually large quantity of third party correspondence generated by the previous application and have considered the various points made. It seems clear that many of the representations were based on misunderstanding and raised non-planning issues irrelevant to consideration of the original application. We hope that the information already provided in this letter will help clarify the situation for interested parties and we provide the following comments which we hope will be of further assistance.

The Creation of an Eruv

The installation of the limited amount of street furniture referred to in this application will not of itself "create" an Eruv. An Eruv is no more nor less than a symbolic notional concept identified in the minds of members of the United Synagogue. Its boundaries are defined by members of the community of the United Synagogue having regard to their knowledge of the general life of that community and its component families with the guidance and approval of the Ecclesiastical Court.

As such, the concept and the identity of the Eruv exists and will continue to exist whether or not the proposed additional street furniture is installed.

The vast majority of the boundaries of the Eruv are already defined by existing boundary demarcations such as existing lines of fences. The additional street furniture is required so as to provide a physical definition of the relatively short length of the perimeter which is not already otherwise defined by existing "natural" boundary demarcation. It is required to complete the physical definition of the perimeter solely because, without such physical definition, Jewish law prevents the community from taking advantage of the Eruv.

The completion of the identification of the perimeter is of extreme importance to the substantial religious minority living within this area and adhering to the United Synagogue faith and will have a dramatic impact on the quality of life of those people.

Conversely, with the exception of some de minimis impact on the streetscene, the completion of the perimeter will have no impact on the amenities of any other person and no adverse impact on the quality of life of anyone. Nobody will suffer any measurable loss of amenity.

CONCLUSIONS

In our view this application relates to a modest proposal which does not contravene any Central Government policy nor any planning policy contained in the Barnet UDP.

Ref: 1871

To: L.B. Barnet

21st May 1993

This application relates to a modest development which is required to serve the community interests of a substantial religious minority and which improve the general amenities and quality of life of that group.

The application development will have a de minimis impact on the general street scene, involving nothing more than a very modest increase in the amount of already existing typical street furniture.

The proposed development will therefore not in any way alter the general character of any part of the area nor will it have any adverse impact on the character of the Conservation Area.

These proposals incorporate significant modifications to the previously refused scheme involving the use of virtually invisible nylon wire and a significant reduction in the number of poles required along Wildwood Road.

These proposals are even more worthy of the support of your Department than those contained in the previous application and we trust that you will again report the application to your Council's Committee with a recommendation that planning permission be granted; and we hope that your Council's Members will be able to take an objective view and this time accept your recommendation.

Should you wish to discuss any aspects of these revised proposals please do not hesitate to contact us. We should be very pleased to meet and explain any matters.

Thank you for your attention.

Yours faithfully,

Eric Fibbens

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