

ERUV APPEALS - CONDITIONS

SUGGESTED BY APPELLANTS VIA ERIC FIBBENS HAVING REGARD TO:-

- a) CIRCULAR 1/85 AND APPENDIX A MODEL where appropriate
- b) COUNCIL OFFICERS' REPORT RE. ERUV
- c) ERIC FIBBENS' PROFESSIONAL OPINIONS

CONDITIONS

1. This development must be begun not later than five years from the date of this permission.

Reason: To comply with Section 91 of the T & C PA 1990
(Officers' Report 1)

2. The wire used to span between the posts hereby permitted shall not without the prior written consent of the Local Planning Authority be otherwise than *of a type similar to* Drennan Special Matt Sub Surface Green Fly Leader fishing wire 0.3mm diameter.

Reason: To ensure compliance with the terms of the application and to safeguard the visual amenities of the area.
(Adaptation of Officers' Report 3)

3. No trees shall be lopped, topped or pruned without the prior written consent of the Local Planning Authority.

Reason: To safeguard the trees of the Borough which represent a significant amenity factor.
(Adaptation of Officers' Report 4)

4. No pole hereby permitted shall be installed closer than 1.5m from the trunk of any tree.

Reason: To safeguard the trees of the Borough which represent a significant amenity factor.
(Based on Fibbens' Landscape Architect Consultants' advice)

5. No pole hereby permitted shall be installed in any of the permitted locations except in accordance with a detailed design specification and colour as may have been previously approved in writing by the Local Planning Authority provided that nothing in this condition shall be taken as requiring any design or specification other than in general accordance with the terms of the application.

Reason: To safeguard the visual amenities of the area by providing flexibility and enabling individual site specific design solutions.

6. No pole hereby permitted shall be installed except in a precise location agreed either in writing or on site by the Local Planning Authority.

Reason: To ensure proper consideration of individual site specific conditions and to minimise the visual impact of each individual pole.

COMMENT BY ERIC FIBBENS

Condition 1

As required by Statute.

Condition 2

This wire is demonstrably virtually invisible. It is the Appellants' preferred option and the LPA are entitled to be able to control the use of alternatives.

Condition 3

There is no need to lop top or prune. This condition provides control by LPA without fettering their discretion to allow reasonable work should circumstances prove otherwise.

Condition 4

Eric Fibbens is advised by his Landscape Architect that typical lamp-posts etc. are commonly located within the spread of tree canopies and that the proposed method of installation/construction is appropriate provided no hole is located closer than 1.5m. from the trunk.

Such a restriction is consistent with the terms of the application and, together with Condition 6, will enable any specific site problems that may be encountered to be resolved.

No such problems are expected but this condition protects the LPA position and all trees near the sites.

Condition 5

This condition allows e.g. timber to be substituted for metal and/or for the paint colour to be changed to suit individual "backcloth" conditions thereby reducing even further the very limited/de minimis visual impact in any given location.

Condition 6

This provides site specific detailed flexibility within the terms of the application to cater for any unforeseen on-site difficulties.

Other Conditions

Eric Fibbens sees no need for any other condition. In particular he can see no need for the Officer's Report Condition 2 requiring the use of anti-vandalism paint.

However, the imposition of such an anti-vandal paint condition would not cause the Appellants insurmountable problems.