

LONDON BOROUGH OF BARNET
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Item No. 4

<u>COMMITTEE</u>	TOWN PLANNING AND RESEARCH
<u>DATE</u>	27th OCTOBER 1993
<u>SUBJECT</u>	ESTABLISHMENT OF AN ERUV IN THE BOROUGH (ERUV 2)
<u>CONTRIBUTORS</u>	CONTROLLER OF DEVELOPMENT SERVICES
<u>STATUS</u>	PUBLIC
<u>WARD</u>	HENDON, GOLDERS GREEN, GARDEN SUBURB, CHILDS HILL, EAST FINCHLEY, FINCHLEY, WEST HENDON, MILL HILL.
<u>ENCLOSURES</u>	APPENDIX 1: REPORT TO TOWN PLANNING AND RESEARCH COMMITTEE 24.2.93. FOLLOWED BY MAP OF BOROUGH SHOWING PROPOSED ERUV 1 AND DETAILED SITE APPRAISALS. APPENDIX 2: SUPPLEMENTAL REPORT TO TOWN PLANNING AND RESEARCH COMMITTEE 24.2.93. APPENDIX 3: ADDENDUM TO APPENDICES 1 AND 2. APPENDIX 4: PLAN SHOWING AMENDED PROPOSAL IN RESPECT OF LOCATION 13 WILDWOOD ROAD AND SITE APPRAISAL

1. SUMMARY

This report considers amended proposals (planning application ref ERUV 2) for the erection of poles connected by 'wire' at various locations in the Borough. The area within these enclosures and other permanent boundaries would form an Eruv. An appeal has been lodged against non-determination of this application and therefore the Committee can only decide what its decision would have been had an appeal not been lodged.

2. RECOMMENDATION/CONCLUSIONS (FOR DECISION BY THE COMMITTEE)

- 2.1 No recommendation is made by officers for the reasons given in paragraph 8.12. In the event that the decision of Members is that, if an appeal had not been lodged against non-determination of the application,

it would have been approved, the approval should be subject to the following 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 Town and Country Planning Act 1990.

2. Posts to be erected at the following locations shall be treated with anti-vandalism paint above a height of 2m. measured from adjacent ground level.

Ashley Lane (footpath)	Location 34
Aylmer Road	15
Bancroft Avenue	16
Colindeep Lane	26
East End Road	18A
Great North Way (footpath)	35
Great North Way (Copthall)	36
Great North Way (south side)	24B
Hendon Way	03
Lichfield Road	01
Lyndale Avenue	04
Prospect Place(footpath)	18B
Squires Lane	21
Watford Way	25
West Heath Road	09

Reason: To safeguard the security of nearby residential properties.

3. No works to trees, including cutting or damage to branches and roots, shall be undertaken in implementing the approved development.

Reason: To safeguard the trees of the borough which represent a significant amenity feature.

INFORMATIVES

1. The applicants' attention is drawn to the letter from the Department of Transport dated 8th January 1993 and the requirements contained therein.
2. Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws 1981, the prior written consent of the National Rivers Authority Thames Region is required for any proposed works or structures in, under, over or within 8m of the River Brent main river.
3. British Telecom requires that the free "Dial

Before You Dig" service is used prior to work commencing to locate and mark underground plant.

4. All due care and attention should be taken when working in close proximity to Thames Water Utilities Outside Stop Valves on the pavements.
5. This planning permission is incapable of being implemented as a result of the decision of the Council's Public Works Committee not to grant consent for the United Synagogue Eruv Committee's proposals.

3. RELEVANT PREVIOUS DECISIONS

- 3.1 Public Works Committee decisions 28.4.92-6, 30.6.92-1, 5.10.93-1.

The Public Works Committee at its meeting on 5th October 1993 resolved that the Director of Technical Services be instructed to:-

- (a) advise the United Synagogue Eruv Committee that the Council, as highway authority, will not grant consent under Section 178 of the Highways Act 1980 to erect wires over the public highway, as it is proposed to use street lighting columns to support the wires in certain locations, and that this use would be contrary to the operational practice of the highway authority.
- (b) advise the Town Planning and Research Committee of their decision prior to the consideration and possible determination of the current planning application (Reference ERUV-2).

- 3.2 Town Planning and Research Committee Decisions 11.11.92-7, 16.12.92-4, 24.2.93-1, 14.7.93-9.

The Town Planning and Research Committee at its meeting on 24th February 1993 refused application ref ERUV1 for the following reasons:-

01

The proposed poles and wire would result in the introduction of additional street furniture which would be visually intrusive and detrimental to the character and appearance of the street scene contrary to policies G1, G2, G3A and D, G18, T1.1, T2.1 and T3.1 of the Unitary Development Plan.

02

The proposed poles and wires along Wildwood Road by reason of their size, number and general appearance would be visually intrusive, impair the continuous landscape of Turners Wood and the adjoining meadow

land and cause demonstrable harm to the environment of a conservation area of national importance.

4. POLICY CONSIDERATIONS

4.1 Policies G1, T1.1, T3.1 of the Unitary Development Plan:

Policy G1

In meeting the aims of this plan the Council will seek to maintain and improve the character and quality of the environment throughout the Borough.

Policy T1.1

All development proposals must be compatible with the established character and architectural identity of existing or adjoining properties and the general locality in terms of scale, form and other contextual design elements, impact on neighbouring properties and intensity of use. Original design solutions will be acceptable where they meet these requirements.

Policy T3.1

The Council will not permit development or demolition proposals which conflict with the need to preserve or enhance the character or appearance of the Borough's Conservation Areas.

5. RESOURCE IMPLICATIONS

5.1 None.

6. MONITORING OFFICER'S OBSERVATIONS

6.1 None.

7. HEAD OF PAID SERVICES OBSERVATIONS

7.1 None.

8. BACKGROUND INFORMATION/OFFICERS COMMENTS

8.1 My previous report to the Town Planning and Research Committee on 24th February 1993 in respect of ERUV 1 is attached as Appendix 1.

The report explained the background to the proposals, summarised the consultation and views expressed, and identified what were considered to be the material planning considerations that the Committee should take into account in determining the application. Separate site appraisals were given for each of the 38 locations where the poles and 3mm wire was proposed.

8.2 An Appeal has been lodged against the refusal of ERUV 1. This will be heard together with the appeal against non-determination at a Public Inquiry commencing on 30th November 1993. The applicants have

however, asked, that the appeal be considered on the basis that 0.3mm 'wire' (as now proposed in ERUV 2) is used.

8.3 The revised proposal ERUV2 differs from that which was refused in the following respects:-

- i) It is intended to use 0.3mm 'wire' instead of 3mm wire (a sample of the 'wire', actually fishing line, will be available for Members inspection at the meeting).
- ii) At Wildwood Road (Location 13) two wooden posts are now proposed, whereas seven tubular steel posts were originally intended. The wire would be suspended utilising existing lamp posts between the two proposed end posts (See Appendix 4).

Consequently the application now proposes 80 posts compared to the 85 previously considered.

The 'wire' will be secured to the posts by means of stainless steel rings (the size of key rings) which will be attached to the posts by stainless steel jubilee clips.

8.4 Applicants Statement

Agents acting on behalf of the applicants submitted a letter with the revised application, which concluded:-

" 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.

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

The application development will have a de minimus impact on the general streetscene, 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."

8.5 Consultations and Views Expressed

The Town Planning and Research Committee on 14th July 1993 agreed a less intensive form of public consultation for this second application than for ERUV1.

Advertisements were placed in local papers and site notices displayed at each location explaining the revisions and advising that previous comments made in respect of ERUV1 would be brought forward.

The Corporation of London, The Royal Society for the Protection of Birds (RSPB), The London Ecology Unit, English Nature, Hampstead Garden Suburb Trust, The Hampstead Garden Suburb Residents' Association and the occupiers of 1 Wildwood Rise and 'Wylde Close Corner' have been consulted specifically.

Previous comments raised in respect of ERUV1 are summarised in Appendices 1 and 2.

8.6. At the time of the preparation of this report a further 77 individual letters raising objection and concern to the ERUV have been received. Comments made are similar to those previously recorded in respect of ERUV1 with the addition of objections to the use of existing lamp-posts for the purpose of suspending the 'wire'.

8.7. One letter specifically states that the writer has no objection to the proposal. Another expresses strong support and a third urges the Council to support the application.

8.8. Letters have also been received from the following (content summarised);-

The London Ecology Unit:-

1. Note that less damage is likely to overhanging trees along Wildwood Road.
2. Thinner wire would probably increase risk to birds.

The Superintendent of Hampstead Heath (Corporation of London)

1. The posts, even two at Wildwood Road, are still an unwarranted addition to street furniture and will be obtrusive.
2. This kind of permanent structure is not desirable so close to the edge of the Heath and could be said to be in the middle of the Heath as the Extension continues to the north.

The Finchley Society:

1. Consider the proliferation of street furniture should be resisted.
2. In each location the poles will add very substantially to the existing number of not dissimilar poles and prejudice visual amenity.
3. The two poles at Location 19 Church Lane, N2, will impinge upon the setting of Holy Trinity Church, a listed building.
4. A dangerous precedent would be set if permission is granted for private street furniture and also if Council street furniture is allowed to have attachments for private purposes.
5. The use of very fine wire will be a greater hazard to birds than the thicker wire.
6. Wire also a hazard to humans if broken.

The Royal Society for the Protection of Birds have stated:-

"Whilst the potential exists for birds to collide with a monofilament wire of the nature proposed, we are satisfied that whilst regretful, this would not have a significant impact on local bird populations. The RSPB therefore does not wish to raise objection to this planning application."

- 8.8. The Hampstead Garden Suburb Conservation Area Advisory Committee reiterate their previous view that the erection of poles and wire along residential roads in the Conservation Area is unacceptable.

8.9. Planning Considerations

The use of existing lamp posts for the support of the wire at location 13 Wildwood Road is not in itself a town planning issue. The planning considerations remain unchanged from the time of the previous application. (ERUV 1).

- 8.10 Although the Public Works Committee have resolved that the Council, as highway authority, will not grant consent for the use of existing street lighting columns to support the wire, the Council, as local planning authority, must still consider the planning application.
- 8.11. Appendix 4 to this report contains a plan showing the amended proposal in respect of Location 13 and my revised site appraisal.
- 8.12. My view of the revised application is consistent with my previous recommendation. However I am conscious that Members formed a different view of the earlier application in relation to matters which are partly subjective. It is, therefore, for Members to decide whether they wish to support or reverse their earlier decision having due regard to the alterations made since the earlier proposals. Were the members to take the view that permission should now be granted, it would be, however, no longer appropriate to include a condition relating to the thickness of the wire because the type of wire is now specified in the application, because of the revised observations of the Royal Society for the Protection of Birds, and because of the absence of any evidence to suggest that thinner wire would cause demonstrable harm to public safety.
- 8.13. Having regard to the previous decision to refuse application ERUV1, careful consideration should be given by Members to the amended proposal with particular attention to whether any aspects of the previous reasons for refusal have been overcome (e.g. the visual intrusion of the thinner 'wire' and the impact of the proposal upon Wildwood Road and the Conservation Area).

9. LIST OF BACKGROUND PAPERS

- 9.1 The Controller of Development Services files ERUV1 and ERUV2.
- 9.2 Any person wishing to inspect these background papers should telephone 081-446-8511 ext 4981.

10. AUTHORS

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- 10.2 MO - JL.