

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131540/FO/2021

Date registered valid: 14 October 2021

Proposal: Erection of 14 no. Slimline poles up to a maximum of 4m high and erection of 6 no. archways in association with the extension of the existing Eruv

Address: Various Locations On Boundary Of Eruv From Heaton Park To The North, Halliwell Lane To The South And, Manchester, M8 8JX

Ward(s): Crumpsall Ward

Applicant: Mr Martin Katz Manchester Eruv Committee C/o Agent

Agent (if any): Mr David Bitan Debtal Architecture Ltd 72 Bury New Road, Prestwich, M25 0JU

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 18.01.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 12 November 2021 Expired: 3 December 2021

Neighbour notifications

Printed: 12 November 2021 Expired: 3 December 2021

Site notice

Posted: Expired:

Press advert

Published: 23 November 2021 Expired: 14 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Crumpsall Lane conservation area

Tree Preservation Order:

Description of area

This application relates to various locations in the Cheetham Hill/Crumpsall area of North Manchester. The locations begin on Halliwell Lane to the south and finish adjacent to Heaton Park on Sheepfoot Lane, via various other locations along a specific route, including along the Manchester to Bury Metrolink line that runs through Crumpsall. Some of the locations are within the Crumpsall Lane Conservation Area, and one location is next to the Grade II listed Heaton Park. The area in general though is residential in nature.

Description of development

Planning permission is sought for 14 no. slimline poles up to a maximum height of 6m and the installation of 6no. archways in association with the extension of the existing Eruv. The poles are approximately 100mm in diameter and would consist of steel, powder coated grey (RAL 7005).

An Eruv is a continuous boundary designated in accordance with ancient Rabbinic principles. It is needed because on the Jewish Sabbath, Orthodox Jews are not allowed to carry objects from a public space to a private space and vice versa, and no carrying in a public space is allowed. This means that both the very young and the elderly in the Jewish community are more often than not housebound on the Sabbath as they cannot leave their homes without transgressing some of the restrictions of the Sabbath. The provision of an Eruv would allow people to 'carry' within it, so it would allow members of the community to fully enjoy time with their friends and enjoy religious observances together on the Sabbath.

The boundaries of an Eruv are normally formed using existing local physical features such as fences and walls alongside roads, railways, rivers or terraced buildings. On occasion, this continuity is breached by highways (roads), so this breach must be integrated by the erection of a notional 'gateway' which consists of posts or poles linked by a wire crossing the highway. Eruvs exist in Israel and most major cities in the USA, and there are over 160 Eruvs worldwide. In London there are 4 Eruvs and a new continuous Eruv is now being applied for in Greater Manchester running through the Manchester, Salford and Bury local authority areas.

The Greater Manchester Eruv involves the erection of over 100 posts in total linked by overhead wire at 50 sites within Bury, Salford and Manchester. Once erected, the poles with associated wires, and the use of existing physical features within the area, would lead to a continuous Eruv that would cover an area of 6.5 sq. km. The route of the Eruv has been chosen to encompass as much of the Jewish community as possible. Existing physical features and structures would be used as much as possible to form the boundary, but where a breach in the continuous boundary exists, poles with wires are needed. Within the Manchester area specifically, 14 no. poles are needed, with associated wire linking them.

Consultations & Notification Responses

Publicity- The application was advertised in the local press as a development affecting a listed park, in the public interest and as affecting a conservation area. A number of site notices were also displayed along the route of the Eruv in Manchester.

Local residents were notified however no responses were received.

Highways- Responded with the following comments:

The proposed poles are galvanised steel and it appears will be located at the back of footway in adopted highway. The proposed application is acceptable in principle subject to the following:

- All poles etc. do not obstruct the clear width of the footway, they are located such that footway width is not compromised.
- Currently the arches appear to be 2.3m in height- this should be changed to minimise risk to cyclists. In some locations there are barriers in place to slow pedestrians/restrict cyclists - in these locations the arches should be increased in height to 2.5m in other locations the arches should have 2.7m clearance.
- It is recommended that since the majority of proposed poles are located in the adopted/public highway that their installation is undertaken by the MCC Contractor, the contact details for the contractor are as follows: 0161 908 5800 or manchester.contracts@manchester.gov.uk.
- It appears that currently the expected maximum vehicle height is circa 5m therefore it is therefore recommended that all wires should be at an absolute minimum of 5.5m height to ensure there is also a safety margin.
- Where there are existing signs on posts that are to be replaced with taller posts, the signs should be replaced at the existing clearance height etc.
- CE3 refers to replacing existing timber posts, these are not apparent and this should be clarified.
- Where the wires are attached to lamp columns, the applicant should advise the MCC lighting contractor, in the first instance information can be sent for review to Mr. Gary Eccles via g.eccles@manchester.gov.uk.
- The following proposed posts appear to be located in areas of land that are not adopted. If the poles are to remain in the proposed positions the applicant will have to serve notice on the land owner(s) accordingly.
 - o Appian Way (LB7)
 - o Lokfu Gardens (LB9)
- For any posts located on bridges the Applicant should discuss the proposed

scheme with MCC Structures team via highways.structures@manchester.gov.uk

Policy

Manchester Core Strategy 2012- 2027 (adopted July 2012)

Policy SP1

Development in all parts of the City should:- Make a positive contribution to neighbourhoods of choice including:-

Creating well designed places that enhance or create character.

Making a positive contribution to the health, safety and wellbeing of residents

Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.

Protect and enhance the built and natural environment.

Policy EN3

Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

DM1

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

Community safety and crime prevention.

Design for health.

Adequacy of internal accommodation and external amenity space.

Refuse storage and collection.

Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

- DC18.1 The council will give particularly careful consideration to development proposals within Conservation Areas.
- a) the council will seek to preserve and enhance the character of its designated Conservation Areas by carefully considering the following issues:
- I) the relationship of new structures to neighbouring buildings and spaces
 - II) the effect of major changes to the appearance of existing buildings
 - III) the desirability of retaining existing features such as boundary walls, gardens, trees (including street trees)
 - IV) the effect of signs and advertisements
 - V) any further guidance on specific areas which has been approved by the council

Issues

The poles that form part of the application would be slimline (approximately 10cm in diameter) and would be 6m in height maximum. They would be discreetly located at the back of pavement, next to existing physical features such as houses, walls and fences. It is considered that they would not adversely affect visual amenity within the area and as there would be so few of them located along the route of the Eruv in Manchester, it is considered that they would not add to visual clutter in the area, nor adversely affect visual amenity within the area. Some of the poles within Manchester would be within the Crumpsall Lane conservation area, but their location within this is considered to be acceptable as it is felt that they would not adversely affect the character and appearance of the conservation area. One of the poles would be located on Sheepfoot Lane, next to the Grade II listed Heaton Park, however this is also considered to be acceptable as it is considered that this one pole would not adversely affect the setting of the park.

Access

As stated above, the poles would all be located at the back of footpath so it is considered that the inclusion of new poles within the public pavement would not adversely affect access along the pavement, particularly for disabled people, as they would be located in an appropriate place where they would cause the least obstruction.

Unitary Development Plan - For the above reasons, it is considered that the proposed development is acceptable and consistent with UDP policies H2.2 'Housing' and DC18.1 'Conservation Areas'.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including

Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The development must be begun not later than the expiration of three years beginning with the date of permission

Reason- Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

LOCATION PLAN, 407 LB7- 22 Sandering Drive, 408 LB8- 118 Fairy Lane, 409 LB9- 1 LOKFU Gardens, 410 LB10- 10 Stonefield Drive, 411 LB11- 15 Barrow Hill Road, 412 LB12- 176 Elizabeth Street. The drawings listed above were stamped and received by the City Council as Local Planning Authority on 14 October 2021.

501.1- CE1, 502.1- CE2, 503.1- CE3, 504.01- CE4, 202.01- CE5, 506.1- CE6, 507.1- CE7. The drawings were stamped and received by the City Council as Local Planning Authority on 17 January 2022.

Documents

Manchester Eruv Planning Statement, stamped and received by the City Council as Local Planning Authority on 14 October 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

52 Crumpsall Lane, Manchester, M8 5SG
54 Crumpsall Lane, Manchester, M8 5SG
139 Delaunays Road, Manchester, M8 4RE
145 Delaunays Road, Manchester, M8 4RE
143 Delaunays Road, Manchester, M8 4RE
147 Delaunays Road, Manchester, M8 4RE
141 Delaunays Road, Manchester, M8 4RE
155 Cleveland Road, Manchester, M8 4GX
113 Parkhill Avenue, Manchester, M8 4QZ
113A Parkhill Avenue, Manchester, M8 4QZ
153 Cleveland Road, Manchester, M8 4GX
151 Cleveland Road, Manchester, M8 4GX
116 Herristone Road, Manchester, M8 4PN
116 Chudleigh Road, Manchester, M8 4PG
114 Chudleigh Road, Manchester, M8 4PG
118 Chudleigh Road, Manchester, M8 4PG
113 Chudleigh Road, Manchester, M8 4PU
8 Dinorwic Close, Manchester, M8 4FT
3 Dinorwic Close, Manchester, M8 4FT
1 Dinorwic Close, Manchester, M8 4FT
10 Dinorwic Close, Manchester, M8 4FT
6 Dinorwic Close, Manchester, M8 4FT
4 Dinorwic Close, Manchester, M8 4FT
27 Mariman Drive, Manchester, M8 4PS
25 Mariman Drive, Manchester, M8 4PS
17 Dinorwic Close, Manchester, M8 4FT
22 Dinorwic Close, Manchester, M8 4FT
19 Dinorwic Close, Manchester, M8 4FT

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH1