

Ward: Prestwich - Holyrood

Item 05

Applicant: Manchester Eruv Committee

Location: 3 no. sites on Sandgate Road, 2 no. sites on Heys Road and 1 no. site on Heywood Road, Willow Road, Fairfax Road and St Margarets Road

Proposal: Erection of poles, TPK's and Flat panels to create an Eruv on 9 no. sites

Application Ref: 70011/Full

Target Date: 06/12/2023

Recommendation: Approve with Conditions

Description

The application site comprises of various locations in Whitefield and Prestwich at Sandgate Road, Heys Road, Heywood Road, Willow Road, Fairfax Road and St Margaret's Road.

The application is for the erection of structures which comprise 6m high poles, flat panels and TKP's or 'door frames/gateways' at 9 locations in connection with an Eruv.

The posts would be similar to lampposts or telegraph poles albeit slimmer in diameter. A wire would be attached to the top of the poles to bridge the poles and form what is know as a gateway.

An Eruv is a formally recognised continuous boundary or a 'virtual' enclosed area which defined using Rabbinic principles, that designates an area whereby orthodox Jewish people are able to carry out day to day activities on the Sabbath whilst observing the requirements of the Sabbath.

In the most part, the Eruv can be made up of pre-existing boundary walls and structures but in some areas the Eruv may be 'breached' or 'broken up' by a gap which needs to be bridged to continue the Eruv boundary or extend the current boundary.

The concept of an Eruv does not require planning permission, it is the erection of the structures that do.

In terms of using existing structures, the applicant states that existing infrastructure which is owned by many different stakeholders cannot be relied on due to inevitable maintenance, removal or replacement and this can cause disruptions to the Eruv. In addition, many of the locations, existing lampposts and telegraph poles for instance do not meet Eruv requirements.

In the case, the applicant is seeking to extend the current Eruv boundary by erecting structures in the 9 proposed locations as follows:

Heys Road (WH1) - Arch across footpath to tram station entrance

Heys Road (WH2) - Flat panel under bridge

Fairfax road (WH3) - Flat panel under bridge

Willow Road (WH4) - Flat panel under bridge

Sandgate Road (WH5) - 2 x 6m high poles

Sandgate Road (WH6) - 2 x 6m high poles to entrance of Prestwich Heys AFC

Sandgate Road (WH7) - TPK across pedestrian entrance to Prestwich Heys AFC

Heywood road (WH8) - 2 x 6m high poles

St Margarets Road (WH9) - 2 x 6m high poles.

To clarify the type of structures proposed -

TPK - This is an abbreviation of three Hebrew words devised by the Eruv committee as there was no proper description for these types of structure which is essentially a metal framed 'doorway' or 'archway', often with a central scroll design.

Flat panel - A profiled steel panel generally fitted to walls.

Poles - 6m high galvanised posts usually fitted on public footways on streets.

Relevant Planning History

60184 - Erection of 2.3m and 6m high poles (some connected with string) at 3 sites, to create an Eruv - Approved 7/9/2016

55356 - Variation of condition 2 of planning permission 54353 to include amendments to the location of poles - Approved 10/8/2012

54353 - 31 Locations: 6-8m high poles, 1.2m high poles, gating enclosures, 1.2m high fencing and associated works - Approved 18/10/2011

Publicity

21 properties directly affected by the position of the structures were notified by means of letter on 16/10/23.

Site notices posted on 23/10/23.

Four objections received (from 3 addresses) with issues as follows:

- What is a TPK or a Flat Panel?
- Would like to know where exactly on St Margarets Road the pole is planned to be.
- St Margarets Road - No objection to the Eruv but do object to the erection of two poles at the park entrance particularly as there are telegraph poles on other side of the park entrance which could be adapted to carry the Eruv wire
- visually intrusive: The proposed poles are unsightly and not in keeping with the attractive brick park walls, the old gatekeepers cottage and woodland backdrop which exist in the area. The addition of two very high grey poles will ruin the existing aesthetic.
- Particularly concerned that the proposed pole on the pavement side of the park entrance will further reduce the width of an already narrow paved entrance.
- Concerned that the proposed poles will also make it easier for people to scale the park walls at night to gain entrance to the park when it's closed which has been an ongoing problem over a number of years.
- Heaton Park should be for people of all faiths and none symbolism should be used above the park entrance.
- Essentially claiming a public area as a private area and therefore taking over a public space for a religious purpose.
- Concerned additional poles will impact visibility at the busy entrance risking pedestrians/bikes/animals/vehicles. There has already been a fatal accident in this area. The Eruv 'gateway' may distract users at the park gate which is already tight (blind corner / bus stop).
- The pedestrian gate and pavement was recently widened at cost to park/council allowing prams/wheelchairs easier access. A pole is planned in that exact area negating improvements & wasting money spent.
- Poses a danger to birds and bats can fly into the thin wire between the posts and injure themselves.
- Organisations state that where poles are available they'll be used instead of new poles, I'm therefore unsure why there would be a requirement for additional poles for the purposes of the Eruv.
- It does not for fill any tangible real world purpose, unlike the limited other 'street furniture' (a street light and electricity pole which services the community) it is non-essential.

Revised plan received to show poles re-positioned at the entrance to Heaton Park, reduced in diameter to 76mm and painted black.
Neighbours re-notified of the changes on 11/1/24.

- Painting the two six foot tall poles black will not significantly reduce the visual impact they make. The colour also conflicts with the green colour used for the adjacent park gates. The proposed Eruv structure remains intrusive.
- The proximity of the pole located to the left of the park gates to the perimeter wall means it will be targeted and used by people to scale the park walls when it is closed. As well as the being a security risk and potentially leading to anti-social behaviour, it would likely cause damage to the Eruv itself, which will lead to further disruption when it requires repairing.
- I do not believe the views and concerns of local residents have been adequately considered.
- Eruv pole locations have been adjusted slightly; this doesn't satisfactorily address concerns re: visibility and access issues (two people have sadly died in collisions with cars at this location). Any reduction in space for people entering / exiting the park increases the risk of accidents.
- Existing telegraph poles located at the park gates could be utilised to carry the wire; these poles have been in this location for many years and are highly unlikely to be relocated. Have sufficient efforts been made to assess the viability of using these?
- The Eruv would fulfill the same purpose if located inside the park gates / entrance.

Those who have made representations have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection in principle.

Transport for Greater Manchester - No objection in principle.

Public Rights of Way Officer - No response received

Manchester City Council - No response received.

Metrolink - No objection in principle and require a condition to agree the design and installation of the structures.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/7	Throughroutes and Gateways
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
HT6/1	Pedestrian and Cyclist Movement
RT1/1	Protection of Recreation Provision in the Urban Area
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning

considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Public Sector Equality Duty

Section 149 of the Equality Act places a general duty on public bodies to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, religion or belief, gender and sex and to foster good relations between different groups when discharging its functions. It is not considered that any one group would be disadvantaged by the proposed Eruv, however, those who observe Jewish law against carrying on the Sabbath would benefit from the proposal. As such there would be benefits to groups with protected characteristics, including parents and grandparents of young children, the disabled and elderly as well as their families. The proposal is therefore considered to benefit these protected groups and advance equality of opportunity. There is no evidence to suggest other such proposals elsewhere in Bury have had an adverse impact on community cohesion.

Places for Everyone

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs. PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision making process in line with paragraph 48 of the National Planning Policy Framework. Consequently, the principle of this application has been considered against the Plan (as proposed to be modified). However, the principle of this proposal does not give rise to any conflict with PfE policies.

Siting, design and appearance

The application proposes 3 types of structures - poles, flat panels and a 'doorframe' or gateway design.

The arched frame proposed to be located to the pedestrian entrance of the Metrolink Station at Heys Road would be steel portal yellow powder coated, to reflect the branding of Metrolink portals and structures on the network which would directly relate to the character of the Metrolink setting.

The archway structure proposed next to the pedestrian entrance to Prestwich Heys on the other hand would comprise two slimline black poles with a central scroll design and finished in a black colour. It would be set at the back edge of the highway and the design would be uncomplicated and modest and considered not to be an obtrusive addition within the street scene and this setting.

The flat panels would be located on walls which form an underpass at Metrolink Bridges. The panels would be approximately 1.2m high and 0.5m wide and would be erected so as not to protrude from the bridge structure or obstruct pedestrian access. The panels would be steel powder coated black. The applicant would need to enter into an agreement with Metrolink to establish the liability for the panels themselves and also the ongoing maintenance required in relation to both the bridge structure and the panels. This would be a civil matter.

The proposed posts which would be located on the highway would be 6m high and a simple tubular design. The exterior would be finished in a galvanised grey steel and the posts would be erected next to walls, boundaries or at the back edge of the footway. The erection of the poles would not add a significant number of pieces of street furniture to the area, and the poles would appear similar to street columns which are found in residential streets. Given their siting and appearance it is considered the poles would not be prominent or intrusive to the visual amenities of the area.

The poles which would be located at the entrance to Heaton Park on St Margarets Road would be set back against the stone boundary wall to the park and would have a black exterior finish which would be appropriate against the backdrop of the park.

The erection of the poles would not add a significant number of pieces of street furniture to the area, and the poles would appear similar to street columns which are found in residential streets.

It is therefore considered that the proposed Eruv structures would have a similar design and appearance to other street furniture which are commonly found on streets and in areas within the locality of each of these sites. It is considered the proposed development would therefore not harm the visual amenity of the areas and would comply with UDP EN1/2 - Townscape and Built Design.

Residential amenity

Where the structures would be located near to residential properties, they would either be located in between houses or set at the back of edge of pavement where it would not be unusual to site a telegraph pole or a lamppost. These new posts would resemble lampposts and telegraph poles, both of which are exempt from the need for planning permission when erected by the Council or Statutory Undertaker. They would not look so out of place as to be a detriment to the residential amenity of the neighbouring properties.

It is considered that the structures would be sensitively sited and would not have a detrimental impact on the residential amenity and would comply with EN1/2 - Townscape and Built Design.

Highway issues

The proposed posts would be located in areas that would not impede accessibility along the pedestrian footway.

The poles which are proposed at Sandgate Road (WH5) and Heywood Road (WH8) would be linked by a wire across the highway which would clear the highway at a minimum height of 5.5m which is shown on the proposed site plans. TfGM have been consulted and have noted the minimum height which they state should not be an issue.

No objections have been received from the Traffic Section with regard to the siting of any any of the structures. An appropriate management and maintenance agreement between the applicant and the Highway Authority would need to be entered into with a scope and specifications for the foundations which should be designed to be clear of any statutory undertakers plant. This would be covered under the Highway Act and for the applicant to obtain a license. An informative to the applicant would be included to this effect.

As such, the proposed development is considered acceptable and would not conflict with UDP Policy HT6/1 - Pedestrian and Cyclist Movement.

Metrolink

In relation to the sites numbered WH1, WH2, WH3 and WH4, these directly impact Metrolink infrastructure and Metrolink have no objection to the principle of the proposals. The exact locations, nature, fixings would need to be agreed with Metrolink which is a civil matter and an informative included to advise the applicant to contact Metrolink directly. From a planning perspective, the proposals are considered acceptable.

Transport for Greater Manchester

The quantum of development would not trigger the requirement for a highway impact review by TfGM.

In terms of other comments, TfGM would note the following:

- For site WH8, it would need to be ensured that the Eruv would not impact on the bus route or the bus stops. The site plan for WH8 outlines that the arch would be at a minimum height of 5.5m for cars, which should not be an issue.
- The applicant is advised to confirm with TfGM whether the proposals would be acceptable or whether the existing bus stop would need to be relocated. If relocation proposals are necessary, these would need to be progressed and agreed through the statutory process and would need to be wholly funded by the applicant and be in accordance with TfGM's bus stop design guidelines.
- Should construction works impact upon the use of the bus stop, TfGM would advise the applicant to liaise with TfGM prior to undertaking any works on site.

An informative to the applicant to advise they liaise directly with TfGM with regards to the above issues would be included.

Response to objectors

- The poles proposed to the entrance to Heaton Park have been changed and it is now proposed to finish the exterior in a black colour which would be less visually intrusive and locate the poles at the back edge of the footway to avoid any obstructions in this area.
- In terms of the wires (which would be affixed to the top of the poles to form a connection between the poles to create the Eruv) these would be similar to telegraph poles and as such it is considered that there would be no more harm to wildlife or bats and birds than from similar existing structures located in these areas.
- The applicant has stated that utilising existing structures would cause issues of ownership and the potential for future maintenance, relocation or even removal of existing structures.
- Regarding Site WH9 - St Margaret's Road, there is existing street furniture already located close to the wall and it is considered that the location and pole structures themselves would not add to any increase in security breaches or acts of vandalism than could already occur.
- All representations received to the application have been reported and considered.
- All other issues have been covered in the above report.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered -
Heys Road (WH1) - DA23033. 401. C
Heys Road (WH2) - DA23033. 402. A
Fairfax road (WH3) - DA23033. 403. A
Willow Road (WH4) - DA23033. 404. A
Sandgate Road (WH5) - DA23033. 405. A
Sandgate Road (WH6) -DA23033. 406. A
Sandgate Road (WH7) - DA23033. 407. A
Heywood road (WH8) - DA23033. 408. B
St Margarets Road (WH9) - DA23033. 409. B
and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. The structures (relating to the Eruv) hereby approved are required to be respectively removed as soon as reasonably practicable after it is no longer required for the purposes of serving the Eruv and the land restored to its condition before the development took place.
Reason. In the interests of visual and residential amenity pursuant to Bury Unitary development Plan Policies EN1/2 - Townscape and Built Design

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

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Photo 1 – Site WH4 Willow Road



Photo 2 – Site WH3 Fairfax Road



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Photo 3 – Site WH1 Heys Road



Photo 4 - Site WH2 Heys Road



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Photo 5 – Site WH7 Sandgate Road



Photo 6 – Site WH6 Sandgate Road



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Photo 7 – Site WH5 Sandgate Road



Photo 8 – Site WH8 Heywood Road



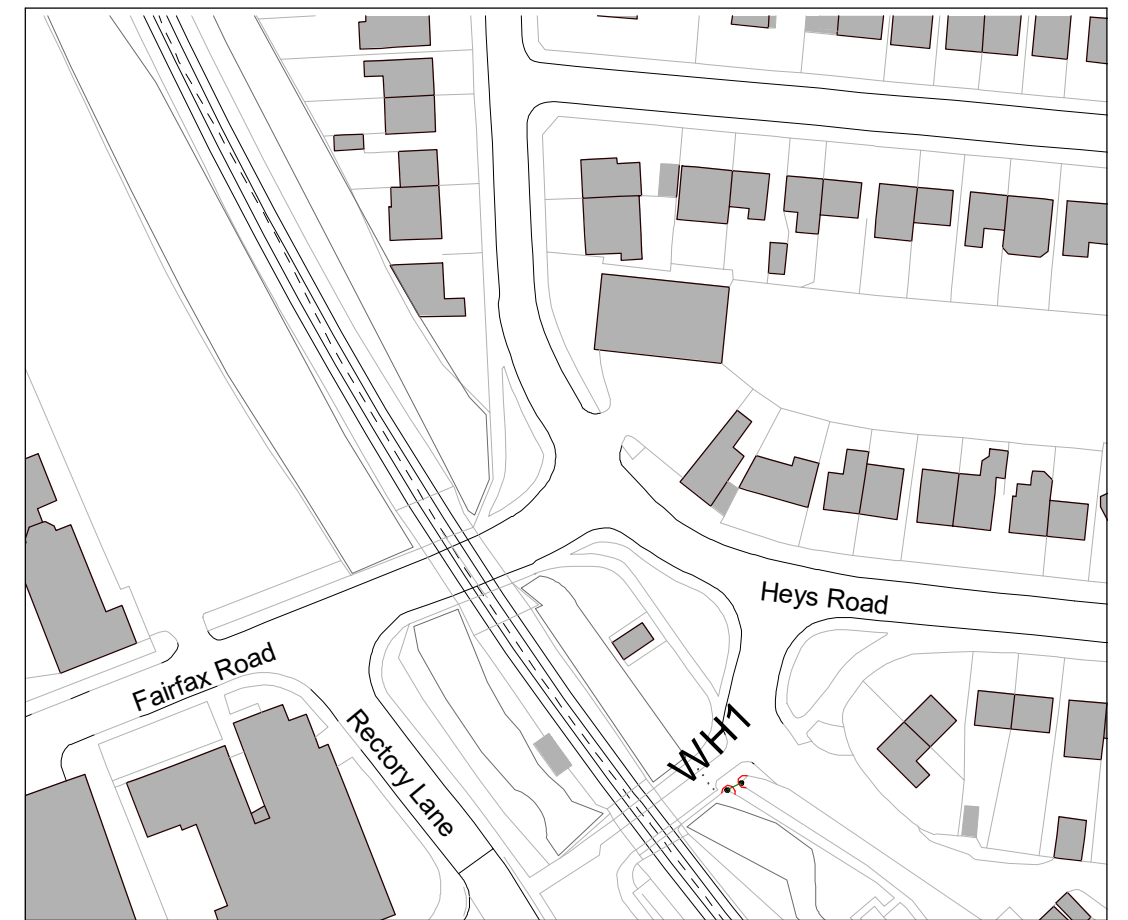
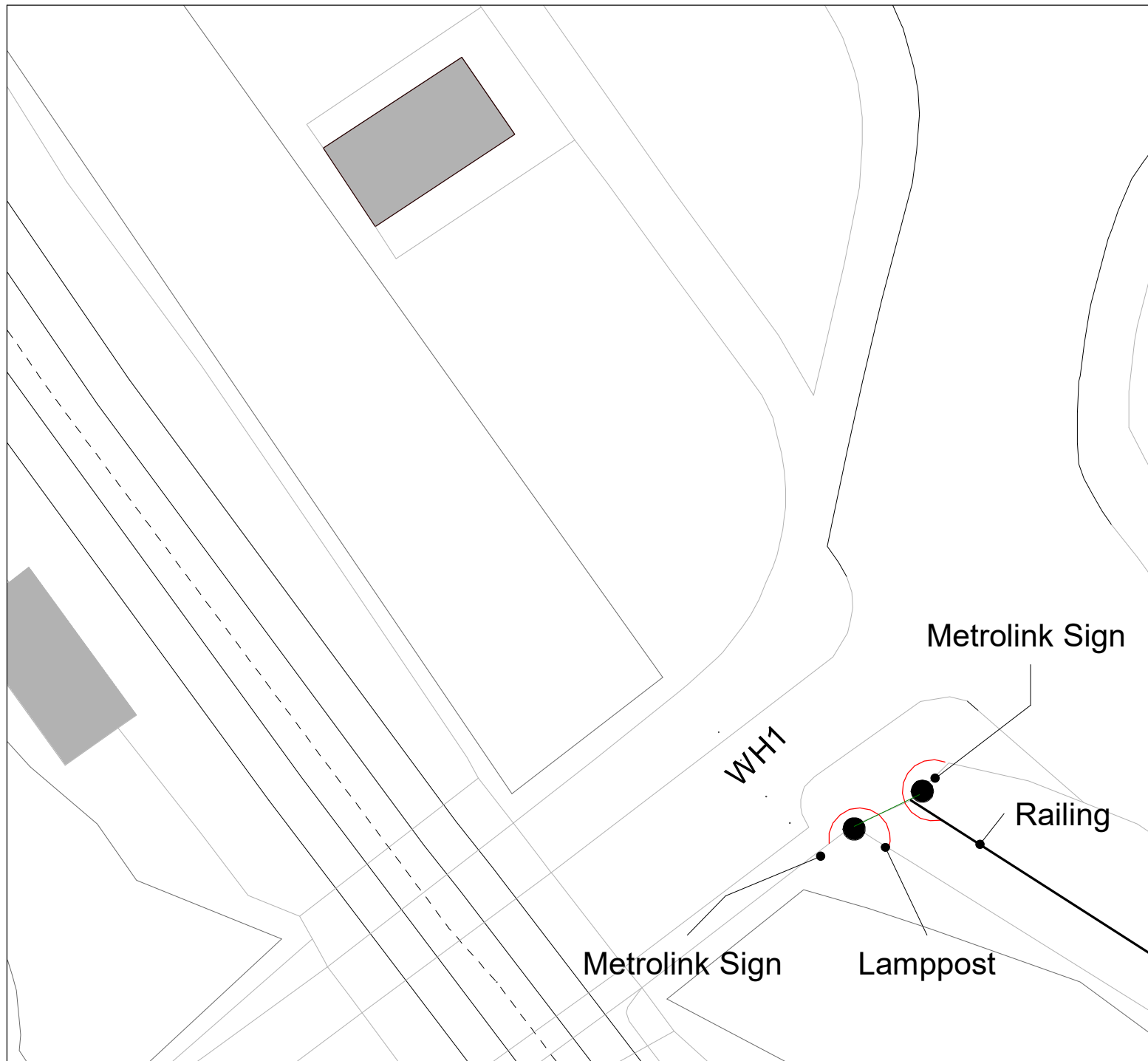
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Photo 9 – Site WH8 Heywood Road



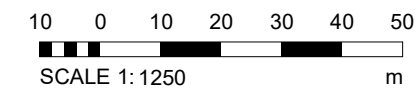
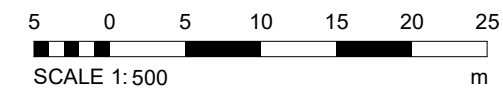
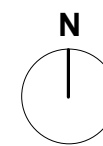
Photo 10 – Site WH9 St Margarets Road





1. Site - WH1 - Location Plan

1 : 1250



2. Site - WH1 - Site Plan

1 : 200

WH1 - TPK
 TPK across footpath leading up to tram station from Heys Road .
 (Ref 1) - steel portal Yellow powder coated. Exact design and dimensions TBC with Metrolink


Arch to be a minimum height of 2.5m for pedestrians or 2.7m for cyclists

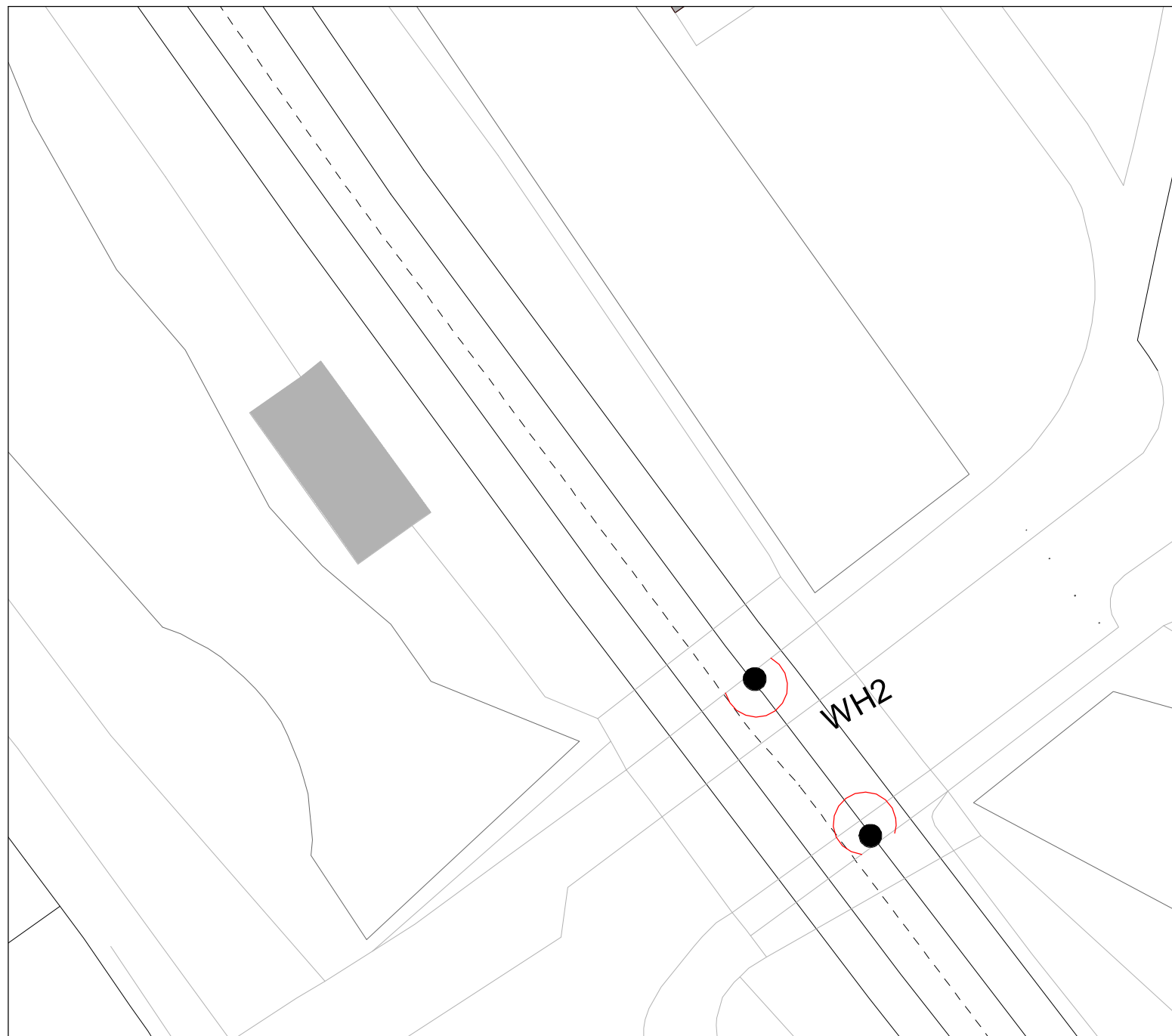


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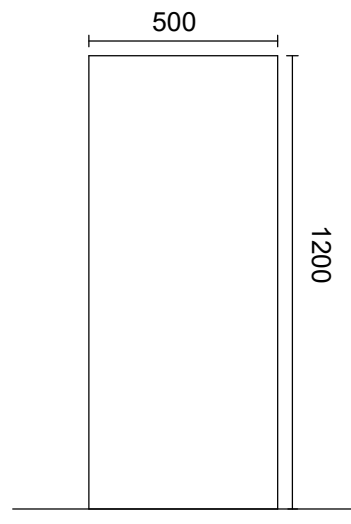
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B	WH1 - amend colour of TPK	YM	19/01/24
A	Validation changes	YM	10/10/23
REV	DESCRIPTION	BY	DATE

PROJECT	SCALE @ A3	DATE	DRAWN BY
Eruv Extension - Whitefield	As indicated	26 JUL 2023	YM
CLIENT	STATUS		
Manchester Community Eruv	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
WH1 - Heys Road, M25 1JY	DA23033.	401.	C
			
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1. Site - WH2 - Site Plan

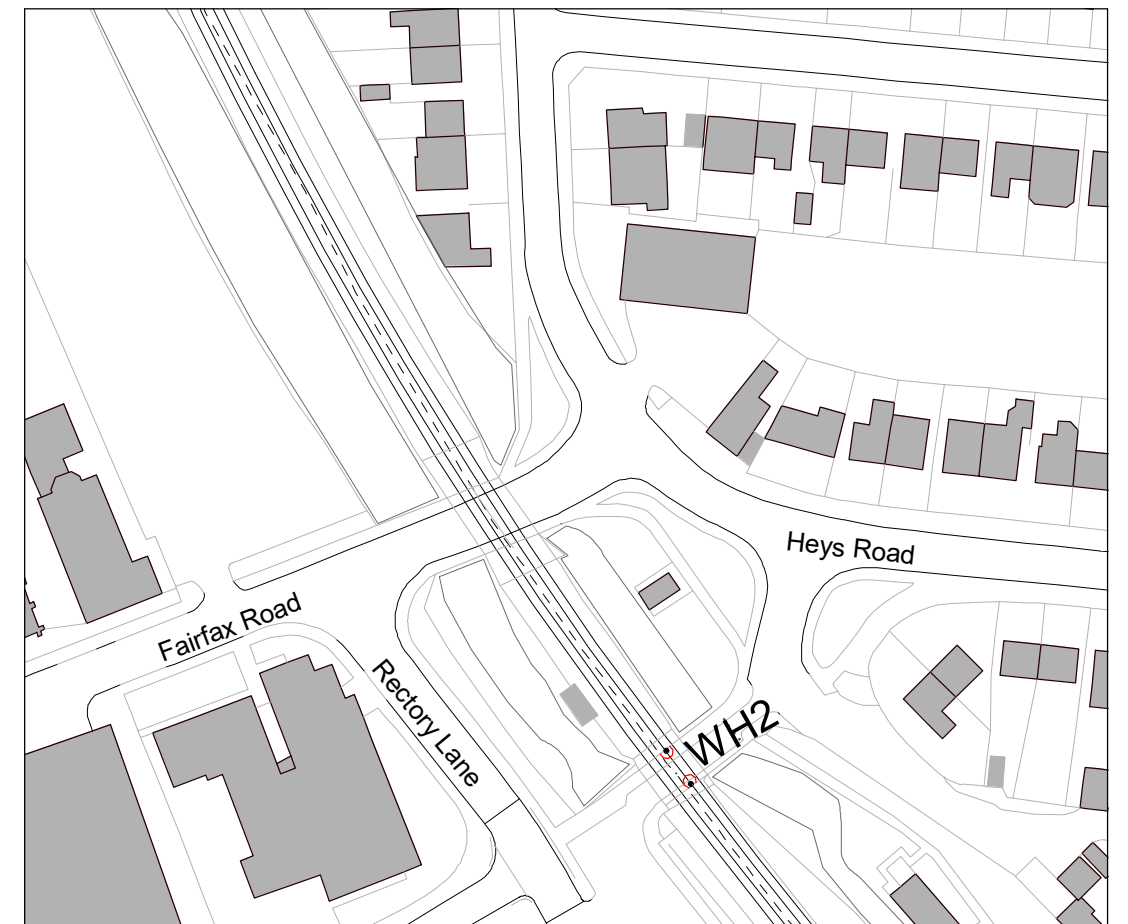
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WH2 - Flat Panel Under Bridge

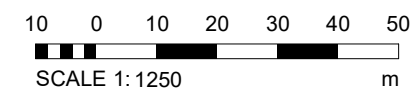
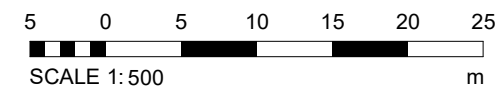
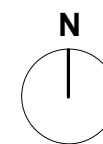
1200mm high and 500mm wide. profiled steel panel screwed into the wall. Powder coated black.

Either side of the bridge - at corresponding opposites at ground level



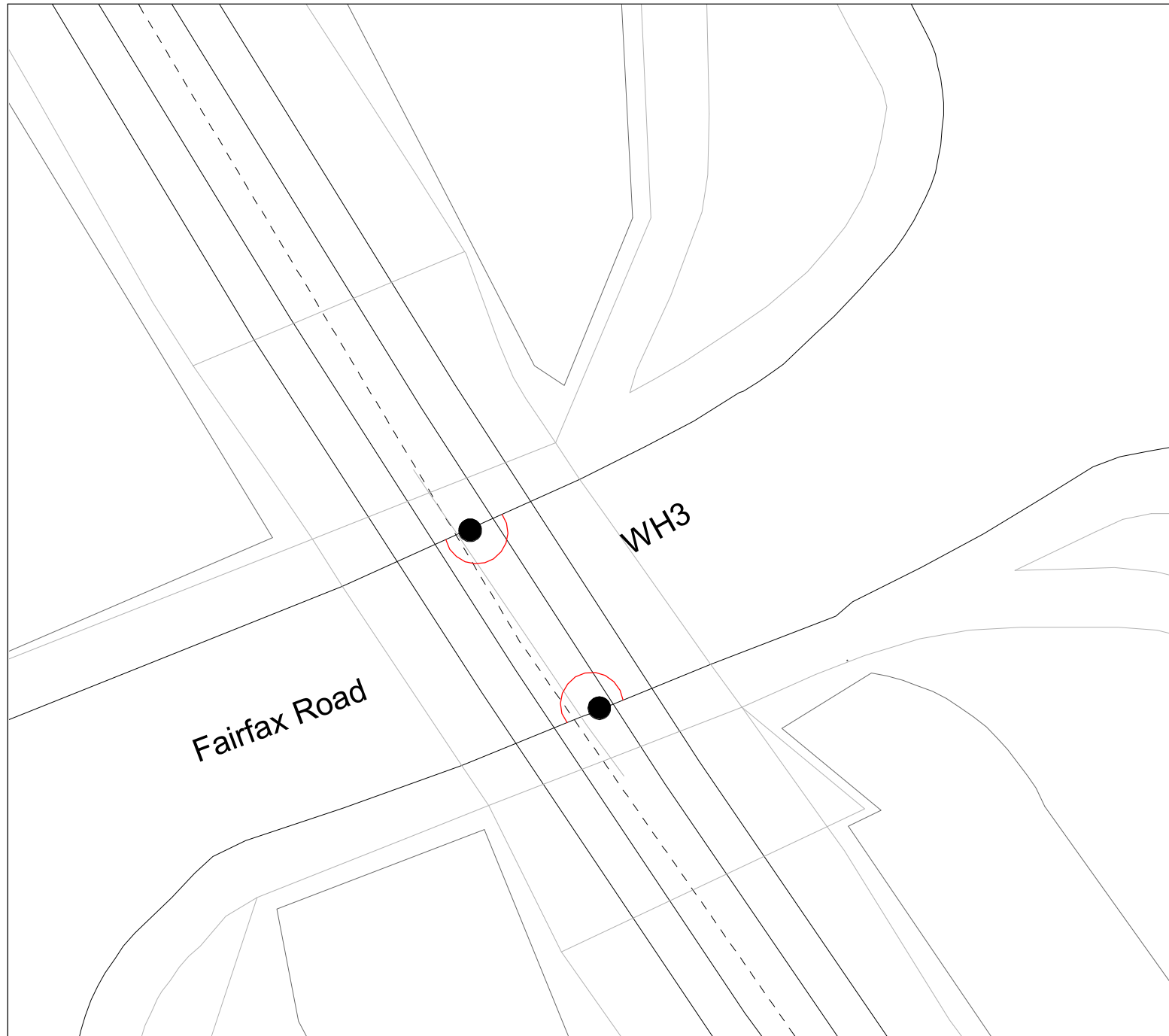
2. Site - WH2 - Site Plan - Location Plan

1 : 1250



REV	DESCRIPTION	DATE	BY	DATE
A	Validation changes		YM	10/10/23

PROJECT	SCALE @ A3	DATE	DRAWN BY
Eruv Extension - Whitefield	As indicated	26 JUN 2023	YM
CLIENT	STATUS		
Manchester Community Eruv	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
WH2 - Heys Road, M25 1JY	DA23033.	402.	A
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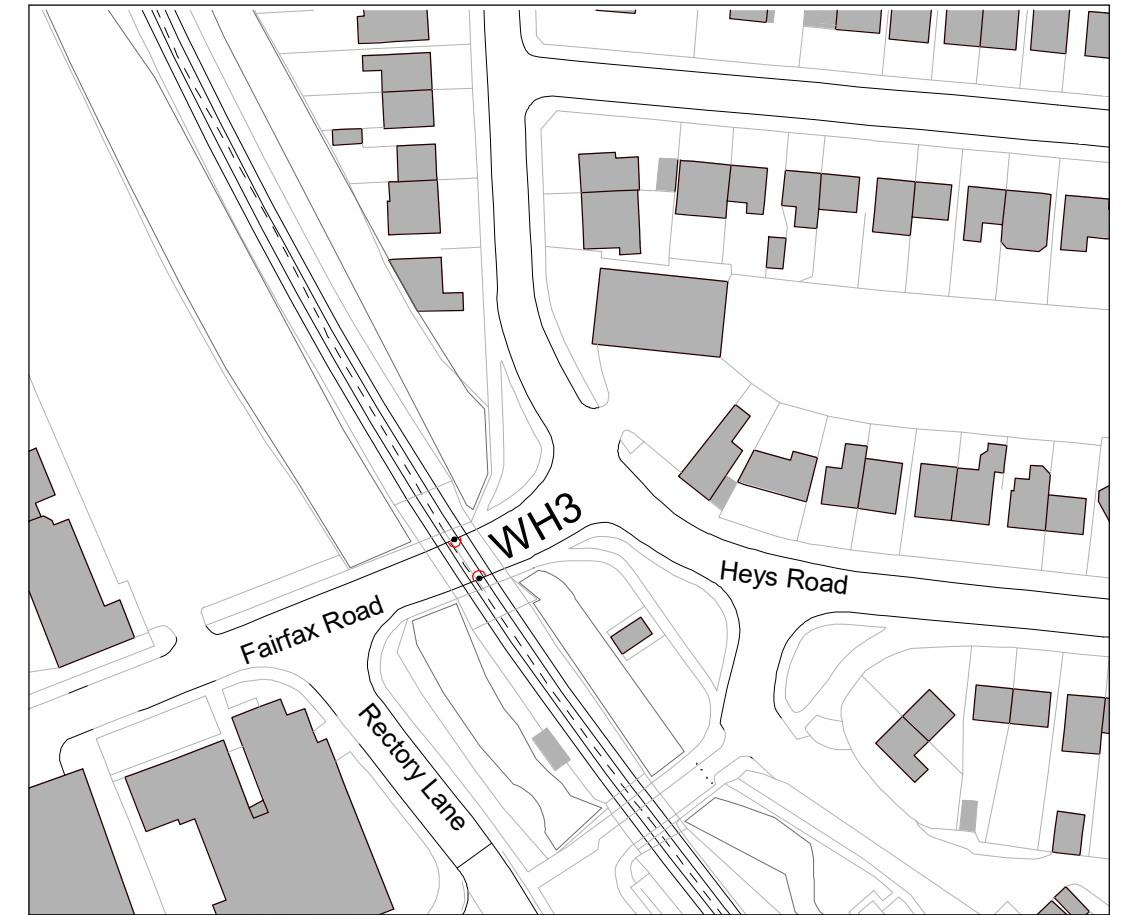
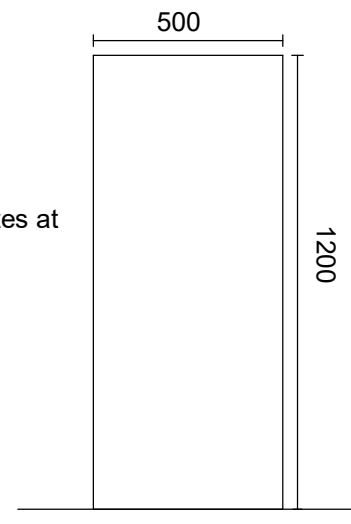
1. Site - WH3 - Site Plan

1 : 200

WH3 - Flat Panel Under Bridge

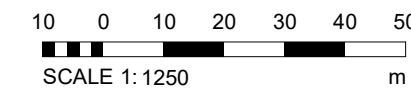
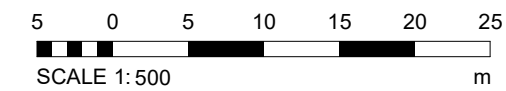
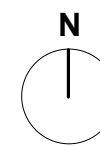
1200mm high and 500mm wide.
 profiled steel panel screwed into the wall. Powder coated black.

Either side of the bridge - at corresponding opposites at ground level



2. Site - WH3 - Site Plan - Location Plan

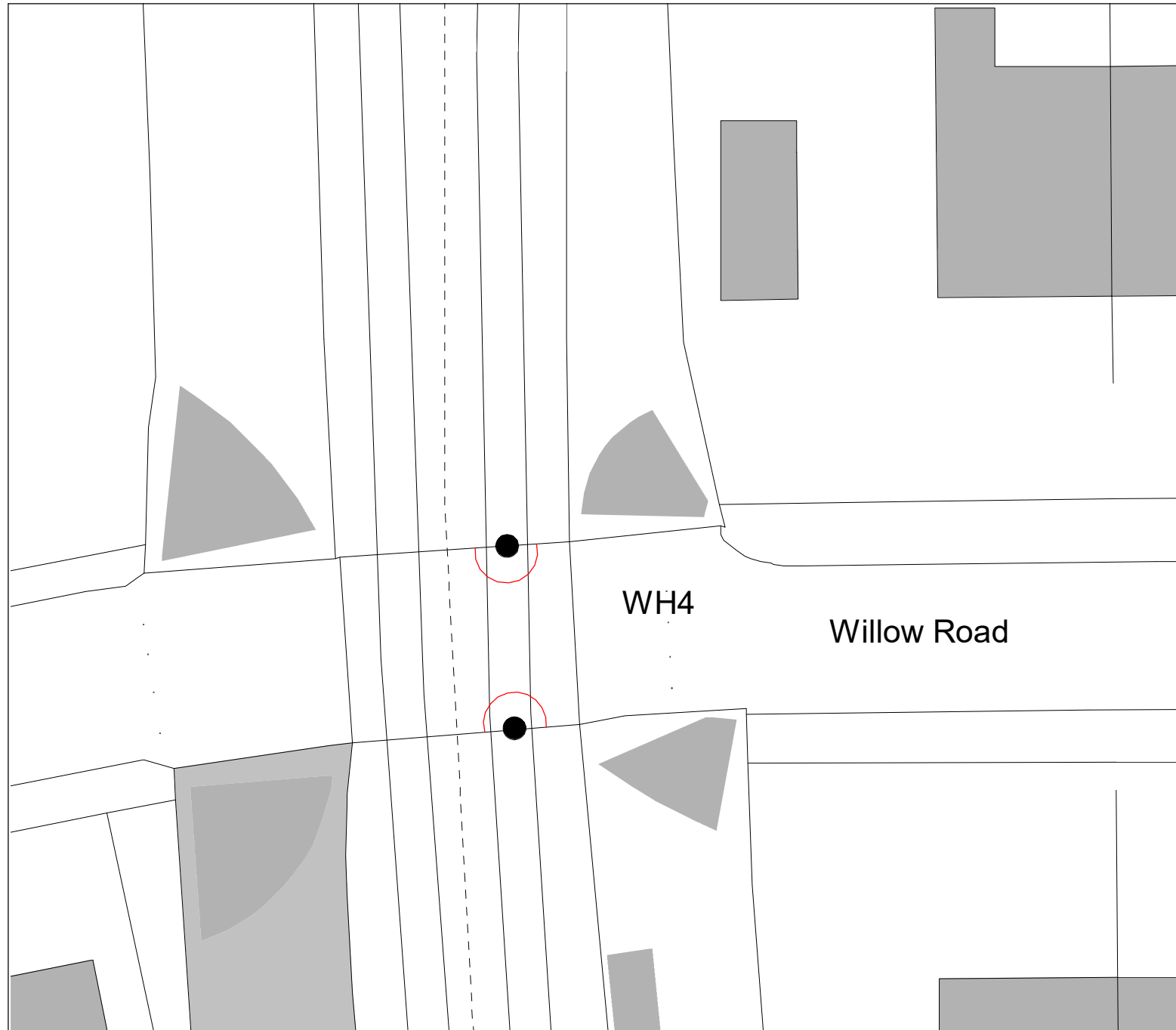
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A	Validation changes	YM	10/10/23
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PROJECT	SCALE @ A3	DATE	DRAWN BY
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CLIENT	STATUS		
Manchester Community Eruv	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
WH3 - Fairfax Road, M25 3AY	DA23033.	403.	A
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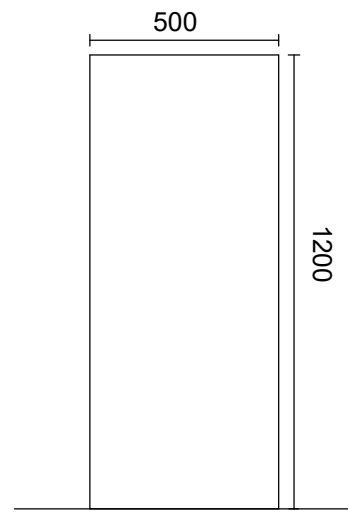
1. Site - WH4 - Site Plan

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WH4 - Flat Panel Under Bridge

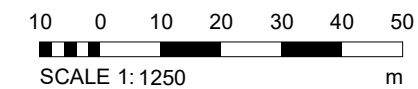
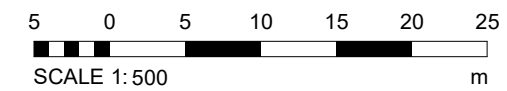
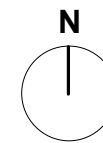
1200mm high and 500mm wide.
profiled steel panel screwed into the wall. Powder coated black.

Either side of the bridge - at corresponding opposites at ground level



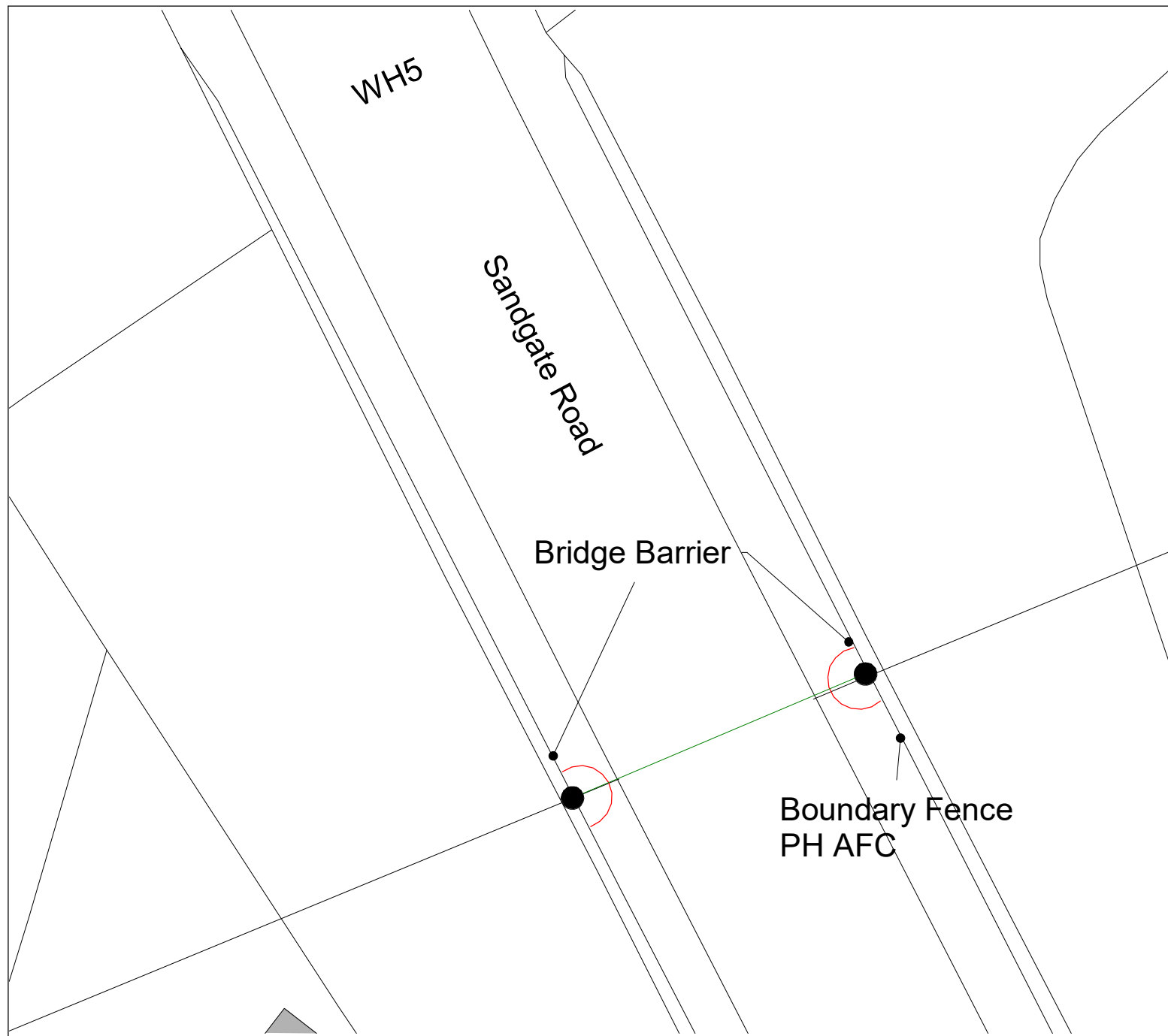
2. Site - WH4 - Site Plan - Location Plan

1 : 1250



A	Validation changes	YM	10/10/23
REV	DESCRIPTION	BY	DATE

PROJECT	SCALE @ A3	DATE	DRAWN BY
Eruv Extension - Whitefield	As indicated	31 Jul 2023	YM
CLIENT	STATUS		
Manchester Community Eruv	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
WH4 - Willow Road, M25 3DZ	DA23033.	404.	A
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1. Site - WH5 - Site Plan

1 : 200

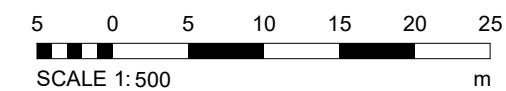
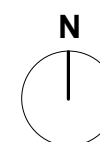
WH5 - TP
2 x 6 m High
89 mm Dia - Galvanised steel post across
Sandgate Road.

Arch to be at a minimum height 5.5m for cars.



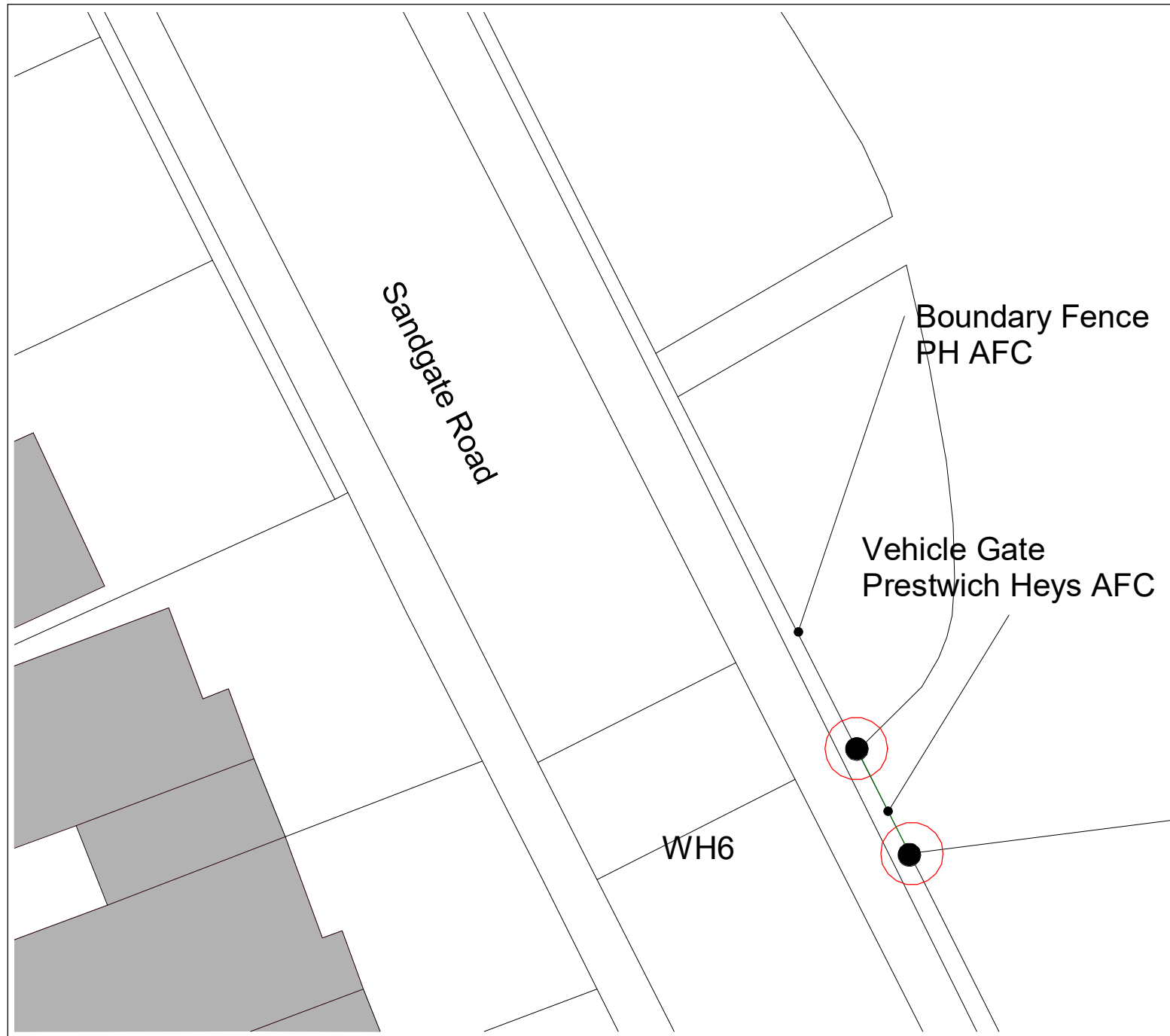
2. Site - WH5 - Site Plan - Location Plan

1 : 1250



A	Validation changes	YM	10/10/23
REV	DESCRIPTION	BY	DATE

PROJECT	SCALE @ A3	DATE	DRAWN BY
Eruv Extension - Whitefield	As indicated	31 JUL 2023	YM
CLIENT	STATUS		
Manchester Community Eruv	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
WH5 - Sandgate Road, M45 6NT	DA23033.	405.	A
			
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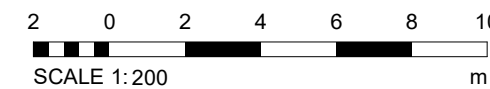
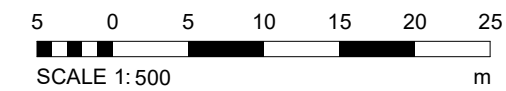
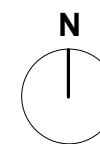
1. Site - WH6- Site Plan
1 : 200

WH6 - TP
2 x 6 m High
89 mm Dia - Galvanised steel post across
vehcile entrance to Prestwich Hays AFC


Arch to be at a minimum height 5.5m for cars.

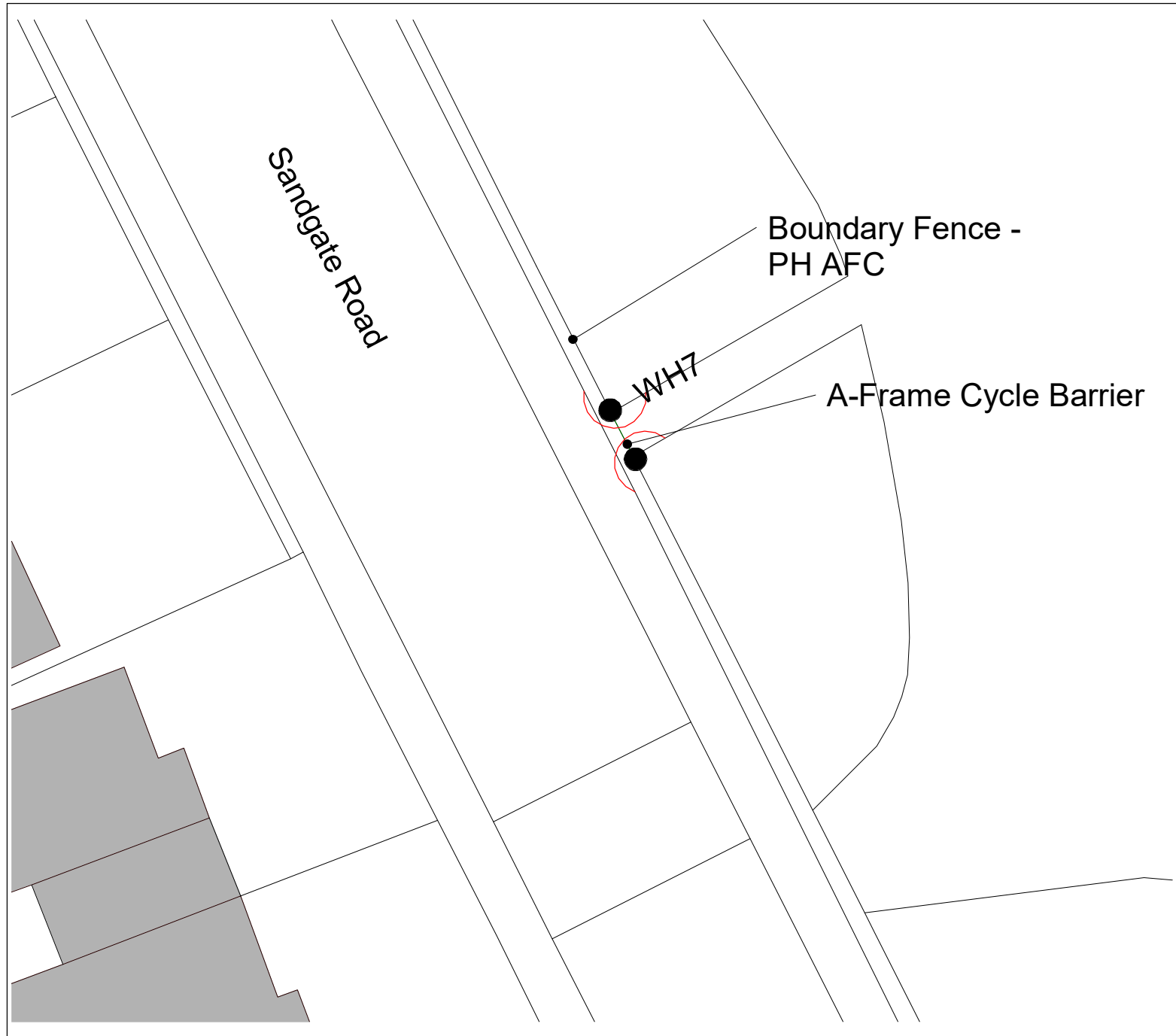


2. Site - WH6- Site Plan - Location Plan
1 : 1250



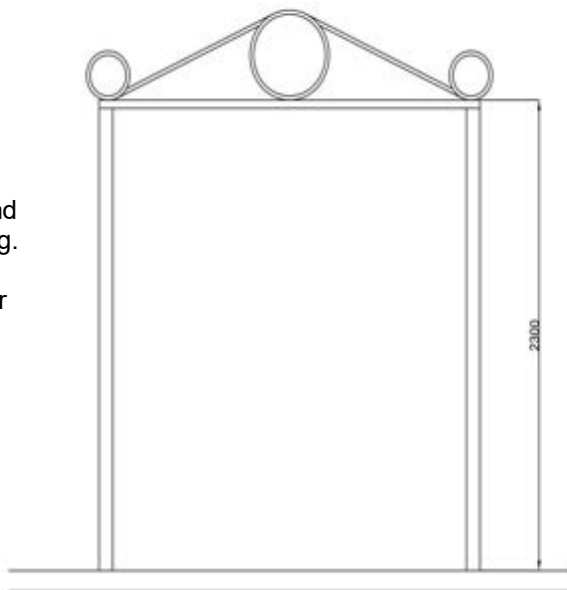
A	Validation changes	YM	10/10/23
REV	DESCRIPTION	BY	DATE

PROJECT	SCALE @ A3	DATE	DRAWN BY
Eruv Extension - Whitefield	As indicated	31Jul 2023	YM
CLIENT	STATUS		
Manchester Community Eruv	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
WH6 - Sandgate Road, M45 6NT	DA23033.	406.	A
NOTES			
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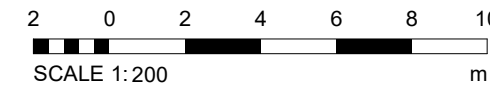
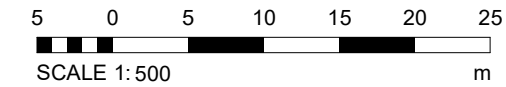
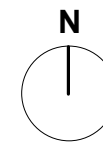


1. Site - WH7- Site Plan
1 : 200

WH7 - TPK
 TPK across pedestrian entrance to Prestwich Heys AFC .
 2300mm High x 75mm Dia - Galvanised steel post and wrought iron scrollwork atop with black powder coating.
 Arch to be a minimum height of 2.5m for pedestrians or 2.7m for cyclists

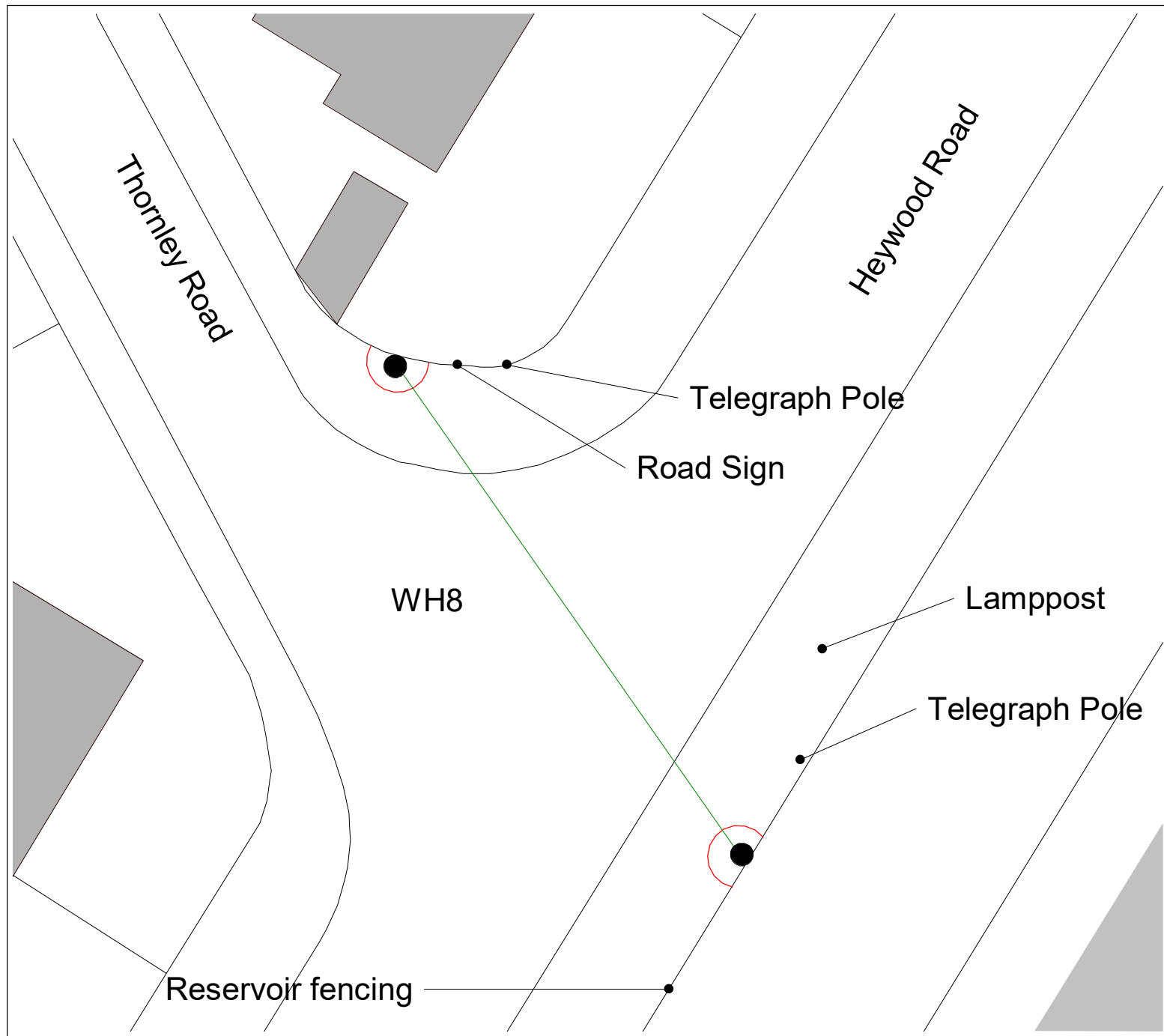


2. Site - WH7- Site Plan - Location Plan
1 : 1250



PROJECT	SCALE @ A3	DATE	DRAWN BY
Eruv Extension - Whitefield	As indicated	31JUL 2023	YM
CLIENT	STATUS		
Manchester Community Eruv	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
WH7 - Sandagte Road, M45 6NT	DA23033.	407.	A
NOTES			
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1. Site - WH8 - Site Plan

1 : 200

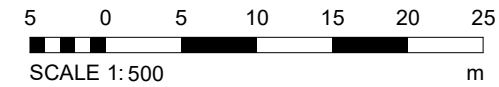
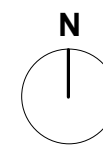
WH8 - TP
 2 x 6 m High
 89 mm Dia - Galvanised steel post across
 Heywood Road.

Arch to be at a minimum height 5.5m for cars.



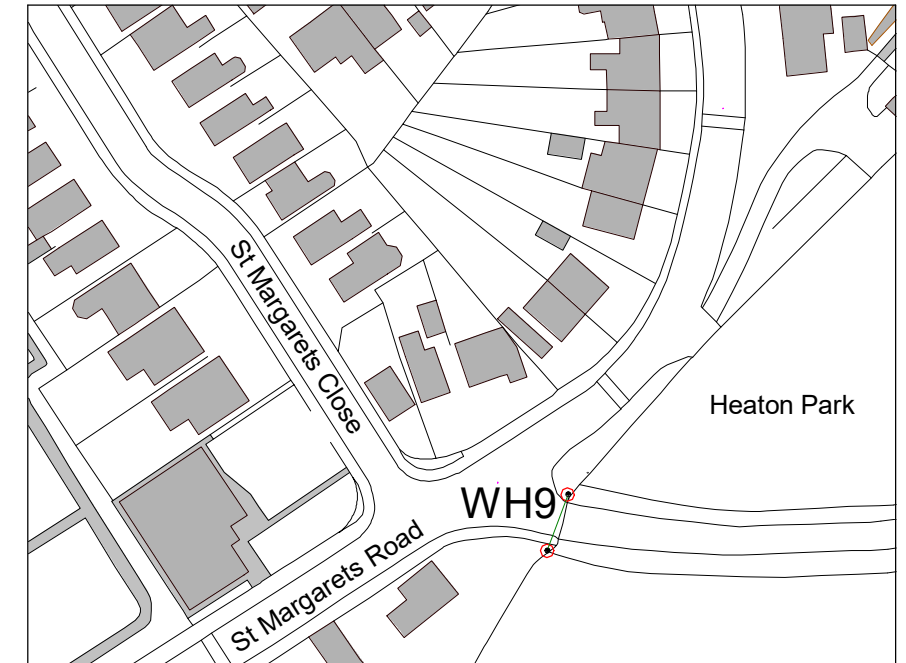
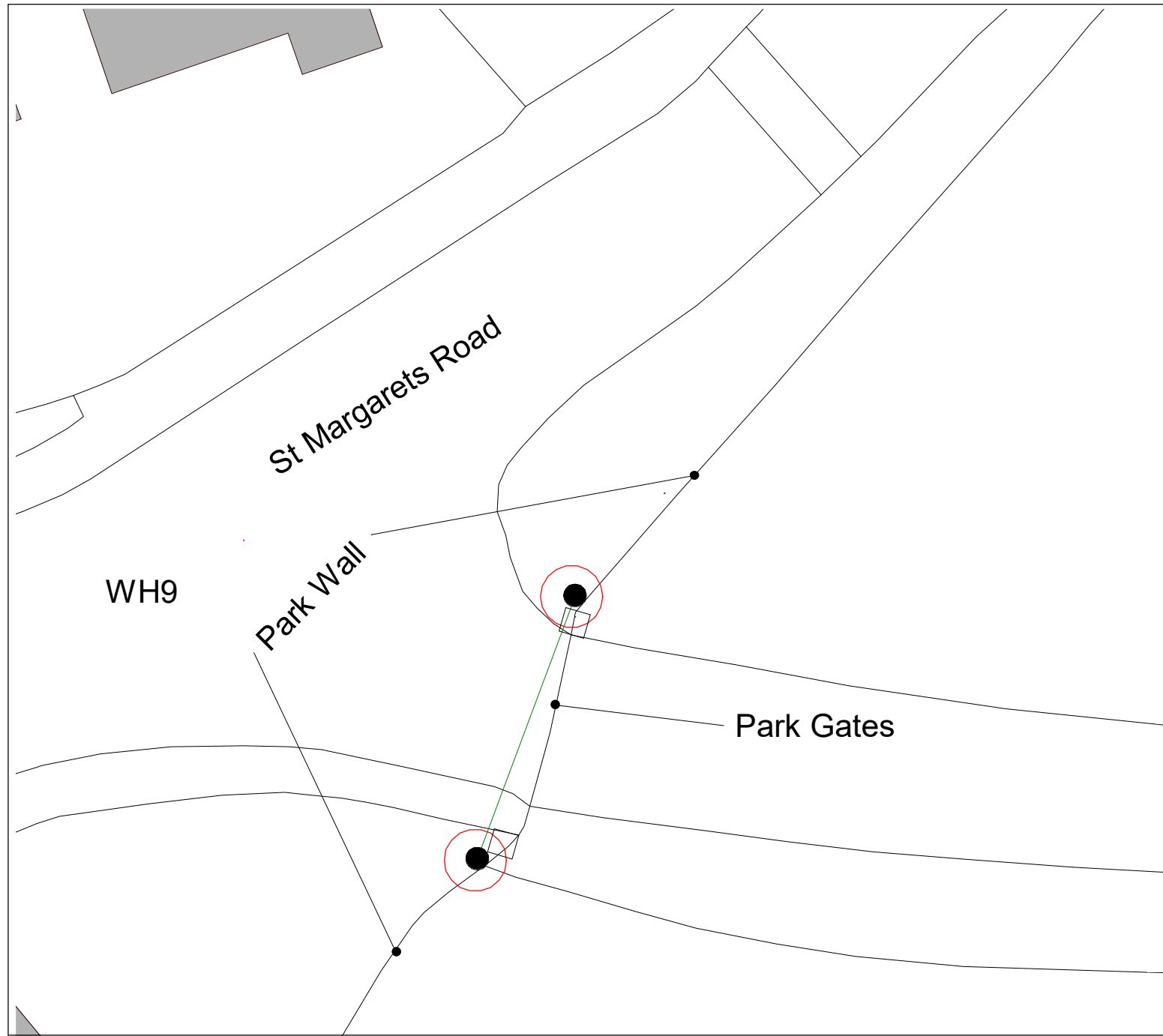
2. Site - WH8 - Site Plan - Location Plan

1 : 1250

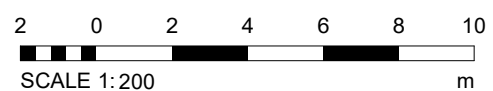
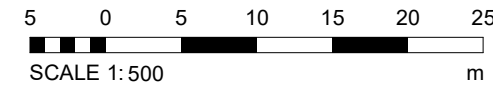
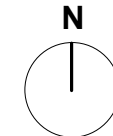


B	WH* - new telegraph pole	YM	11/12/23
A	Validation changes	YM	10/10/23
REV	DESCRIPTION	BY	DATE

PROJECT Eruv Extension - Whitefield	SCALE @ A3 As indicated	DATE 31 JUL 2023	DRAWN BY YM
CLIENT Manchester Community Eruv	STATUS Planning		
TITLE WH8 - 317 Heywood Road, M25 2RF	PROJECT NO. DA23033.	DRAWING NO. 408.	REV. B
 <p>www.debtal.co.uk</p>			
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2. Site - WH9 - Site Plan - Location Plan
1 : 1250



1. Site - WH9 - Site Plan
1 : 200

WH6 - TP
2 x 6 m High
76 mm Dia - Black polyester powder coated steel post across entrance to Heaton Park.

Arch to be at a minimum height 5.5m for cars.



B	WH9 - eruv poles moved and made green	YM	04/01/23
A	Validation changes	YM	10/10/23
REV	DESCRIPTION	BY	DATE

PROJECT	SCALE @ A3	DATE	DRAWN BY
Eruv Extension - Whitefield	As indicated	01 AUG 2023	YM
CLIENT	STATUS		
Manchester Community Eruv	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
WH9 - St Margarets Road, M25 2GT	DA23033.	409.	B
NOTES			
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