**ITEM 1**

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| **Application Reference** | **DC/074646** |
| **Proposal and Locations** | Erection of street furniture in 32 locations, including steel poles, clear nylon wire, arches and posts in association with an Eruv.<br><br>Various locations on boundary of Eruv. Cromer Road, Newboult Road, Jackson Street, Brookfield Road, Old Wool Lane, Queens Road, Radnormere Drive, Birtlespool Road, Cheadle Road, North Downs Road, Turves Road, Acacia Avenue, Bankfield Road, Highfield Road, Vernon Close, Chedlee Drive, Bruntwood Lane, Etchells Road, Wilmslow Road, St Ann's Road North, Brandon Avenue, Rose Vale, Elmsleigh Road, Pymgate Lane, Yew Tree Grove, Firs Road, South Drive, West Drive, Styal Road, Park Road, Altrincham Road, Brookside Road, and Kingsway - Gatley, Heald Green, Cheadle and Cheadle Hulme, Stockport. |
| **Type Of Application:** | Full Application |
| **Registration Date:** | 05.02.2020 |
| **Target Date:** | 25.05.2020 (Extension of time) |
| **Case Officer:** | Helen Hodgett |
| **Applicant:** | Cheadle & Gatley Eruv Committee |
| **Agent:** | Mr Edelmann, Yeshurun Hebrew Congregation, Gatley |

## DELEGATION/COMMITTEE STATUS

## Updates

Members will be aware that this application was deferred during the previous 10th September 2020 meeting of Planning and Highways Regulation Committee (PHR), at the request of the applicant, to seek the resolution of the Holding Objection to installation TPK01 from Network Rail.

It is confirmed that the holding objection to installation TPK01 from Network Rail has been removed. The plan for installation TPK01 confirms a maximum depth of 300mm for the foundations for the archway, in the interests of railway safeguarding.

This application has been considered by Cheadle Area Committee and Bramhall & Cheadle Hulme South Area Committee for comments, which are summarised at the end of this report.

The application is before Planning and Highways Regulation Committee (PHR), as the Local Planning Authority have received more than 4 representations of support and more than 4 representations of objection to the application, and as the

application straddles the area boundaries of Cheadle Area and Bramhall & Cheadle Hulme South Area.

Representations update:
The report to the Area Committees reported representations, including those from 38 households objecting to the application, and representations from 62 households supporting the application. We have received subsequent representation from a further 70 households objecting to the application, as well as 2 petitions against the development. There are also three 'neutral' representations.

Petitions:
One petition is signed by the occupiers of 10 addresses regarding proposed installation TP27 on South Drive, within Cheadle and Gatley Ward, which it is stated is "not required in the forming of an Eruv." In summary, it is stated in the petition that "poles are only needed when the Eruv boundary needs to cross a road or footpath." "There is a natural boundary created by the roads of South Drive, Nansen Road, Priests Avenue, Kings Avenue and West Drive."

One petition is signed by the occupiers of 24 addresses on Birtlespool Road/ The Orishmere Estate, Cheadle Hulme North, who are opposed to installations TP05, TP06 and TP07. It is stated, in summary, that residents were not informed of the application and have not had opportunity to make representations; the application is contrary to saved UDP policy CDH1.2 and would adversely affect residential amenity, and would be of benefit to a small proportion of people in the area.

The representations received from the additional objectors and within the petitions include objections on similar grounds to those that have been addressed in the case officer's report, and as such there are no material considerations that have been raised which are not been considered in the report before you, however, the following clarifications are provided in relation to objections received.

**Commentary on objections:**

Consultation:
Comment has been made regarding consultation on the application with local residents. It is confirmed that the occupiers of neighbouring properties to each installation have been notified of the planning application by letter. A site notice to publicise the application has been displayed adjacent to each of the installation sites for public consultation (sites 1-25 - site notices posted 19/2/20; sites 26-32 - site notices posted 20/2/20; and site 33 – site notice posted 21/2/20). A Press Notice to publicise the application was published in the Stockport Express on 19/2/20.

St. Ann's Road North:
Representation has been specifically received requesting the re-siting of proposed installation ref. TP20, across St Ann's Road North, (Heald Green Ward), concerns sited include: the view of the installation from house windows being an eyesore, and

the use of the pole as a climbing aid onto the adjacent wall and resultant increased congregation of young people on the wall.

It is confirmed that installations would not appear incongruous, appearing similarly to existing street furniture, characteristic of the urban environment contexts, with the new poles being similar in diameter to a pole for a road sign at 89mm, which would not unduly impact upon residential amenity. The proposed pole would not increase access for young people to sit/congregate at the existing low boundary wall adjacent to TP20, as it is low and has a flat top. The site also benefits from natural surveillance from the adjacent houses and people within the street.

South Drive:
Representation has also been received specifically regarding the necessity for the South Drive post and wire installation ref. TP27 (Cheadle and Gatley Ward).

Agent response to South Drive and necessity for locations of installations:
In response to the questions asked regarding the necessity for installations, the Agent has provided the following specific responses:

The creation and formulation of an eruv are complex, however, from the outline Eruv plan, the Eruv is a virtual circle that connect the points where the poles are planned. Poles mark boundaries where there is not a natural one already in existence such as house frontages, Cul-de-sacs… or railings etc.

The Western border of the Eruv runs along Nansen Road and South Drive and this requires continuing across South Drive, so as to allow those said poles to continue the boundary southwards.

Without the proposed installation TP27 across South Drive (between the properties shown as 1 and 8), there would not be a continuous Western Eruv boundary within which to freely move on the Sabbath.

South Drive is open to Nansen Road which in turn is open to West Drive and then Styal Road. South Drive is located in the area that forms the western boundary and as such required Eruv apparatus in that location to ensure continuity of the western boundary from the north to the south.

The installation on South Drive allows for the continuation of the boundary and those on the outside ie. Styal Road will be outside of the Eruv. The South Drive poles will permit Jewish people living in South Drive, Nansen Road, Priest Avenue, Kings Avenue and West Drive to walk and carry, or use wheelchairs or push buggies north to West Drive and then round onto the eastern pavement of Styal Road north to Church Road and into the village, within the Eruv to Gatley village, the synagogue and friends elsewhere in the Eruv on the Jewish Sabbath.

Similarly, on Firs Road and Yew Tree Drive, it is proposed to continue the Western border across the street in the same way to achieve the same results.

With these proposed poles and existing landscape features, there would be a complete unbroken Western border and, indeed, the same principles apply throughout the Eruv route varying along the route as per the requirements set out for the creation of an Eruv, and the existing landscape features.

Regarding footpaths, we recognise that these aren't always ideal for the purposes of pushing wheelchairs. The proposed Eruv will include a large swathe of the locality including many routes and streets that make it possible for Jewish residents to go from A to B. It is nigh impossible to satisfy every single individual's preferred route however, much thought has gone into the Eruv route to ensure maximum benefit to residents within the parameters of feasibility.

Whilst the pushing of wheelchairs will prove to be of great benefit with the creation of the Eruv, one mustn't discount the other benefits the Eruv will provide i.e. the carrying of prayer books, personal effects, medication, pushing toddlers in prams etc. In every Eruv there will be numerous alternate routes to get from one place to another and those using an Eruv will typically plan their routes in advance ensuring they remain within the virtual Eruv boundaries. Wheelchair users and pram pushers will often, if not always, view the fact that they can now get to the Synagogue as a bonus and more important than the route it took them to arrive there!

TfGM:
Concern has been raised regarding footpaths and the comments made by Transport for Greater Manchester that a 2m footpath should be retained. Members are advised that a footpath of a width less than 2m is considered acceptable in areas of low pedestrian flow, and if any sites were in an area of high footfall such as in the town centre, which they are not, then a different view may have been reached. The highways engineer has individually assessed all the sites.

Question 4 of the application form:
Regarding the site area and question 4 of the planning application form, the Agent states that the application sites are a total of 4.675 sq. metres, rather than 3.55 sq. metres, as stated on the application form.

Plan of entire Eruv:
Members will note that at Cheadle Area Committee, Cllr. Roberts sought a plan of the whole of the Eruv. Members will, however, appreciate that an Eruv is dynamic, and, as such, there is no definitive boundary. The congregation reside within a notional Eruv and the proposals are to complete a dynamic boundary to permit the carrying of objects and movement of non-ambulant persons on the Sabbath.

It is the 32 installations before members that are the subject of this planning application and which are to be considered.

Request for further information for PHR members regarding explanation of an Eruv:
Following a request from Bramhall & Cheadle Hulme South Area Committee, it is confirmed that all members have been provided with further information to the Planning Statement from the Agent regarding what an Eruv is.

## DESCRIPTION OF DEVELOPMENT

Planning Permission is sought for the installation of street furniture in 32 locations.

The street furniture is proposed in association with an 'Eruv', which is a notional area, as defined in Jewish law, encompassing an area throughout which the carrying of objects and movement of non-ambulant persons can be carried out on the Sabbath (from sunset on Friday until nightfall on Saturday).

A natural Eruv consisting of existing streets and street furniture already exists within the area, however, there are gaps at certain points, which have resulted in this application for additional street furniture. It is the street furniture that forms the subject of this application.

The application as originally submitted included 35 installations. The application now includes 32 installations, as follow below. Installations TPK8, TP34 and TP35 are omitted from the application. Please note that the number reference for each of the installations remains as originally submitted for continuity and ease of reference.

Notice has been served on Stockport MBC and Stockport Homes (TP17 & TPK21) as the landowners of the proposed installation sites.

As is shown in detail in the accompanying plans, diagrams and documents for this application, the proposed 32 installations comprise:

- 22 pairs of galvanised steel 6 or 5 metre high, 89 millimetre (mm) diameter poles, with a clear nylon fishing wire strung taut between each pair of poles. To ensure the tension of the wire, the wire would sit within a 6mm high V bar welded on top of each pole, and fix perpendicular to two eyebolts welded to the poles at a height of approximately 4 metres above ground level. The poles would be set into the ground with a below ground concreted base of 900mm depth by 300mm in diameter. The poles would be 6 metres in height above ground level and would be set 200mm away from boundaries. (Installation references: TP02-TP07, TP09, TP11, TP13-TP17, TP20, TP23, TP25-TP28, TP30-TP32).

- 8 galvanised steel archways, 2.4 metres in height of varying widths, with 75mm diameter posts and wrought iron scrollwork atop, powder coated black. To have concrete bases. The installations would be set 100mm away from boundaries. (Ref.s TPK01, TPK10, TPK12, TPK18, TPK21, TPK22, TPK24, and TPK29).

- The attachment of a clear nylon fishing wire between 2 sets of existing SMBC lampposts (ref. s TP19 and TP33). The wire to be attached with a light post

head attachment detail to be agreed, with perpendicular eyebolts to ensure tension.

All of the 24 clear nylon fishing wires would additionally include 12.5 millimetre (mm) diameter white float buoys at 1 metre intervals, threaded along the length, in the interests of ecology.

**SITES AND SURROUNDINGS**

The location and details for the 32 installations can be best understood by looking at the accompanying plans and documents for this application. The installations are located within predominantly residential areas, as regards the development plan, as follow.

TPK01: Cromer Road – archway over footpath between rear of 38 Cromer Road and railway line, Cheadle Hulme North ward.

TP02: Wire across Stockport Road affixed between two 6m high 89mm diameter posts located on Newboult Road & Jackson Street, Cheadle and Gatley and Cheadle Hulme North ward.

TP03: Wire across Brookfield Road affixed between two 6m high 89mm diameter posts located adjacent to entrance to Jewish Cemetery and substation to side of 144 Brookfield Road, Cheadle and Gatley ward.

TP04: Wire across Old Wool Lane affixed between two 5m high 89mm diameter posts adjacent to rear of 7 Wentworth Drive and 2 The Demmings, Cheadle Hulme North and Cheadle and Gatley ward. Directly adjacent to designated Green Chain designation in development plan.

TP05: Wire across junction of Queens Road with Radnormere Drive affixed between two 6m high 89mm diameter posts, Cheadle Hulme North ward.

TP06: Wire across Birtlespool Road affixed between two 6m high 89mm diameter posts adjacent to 2 Birtlespool Road and rear of 102 Queens Road, Cheadle Hulme North ward.

TP07: Wire across Radnomere Drive affixed between two 6m high 89mm diameter posts adjacent to 5 and 8 Radnomere Drive, Cheadle Hulme North ward.

TPK08: Queens Road – Omitted from the application. Land ownership unclear.

TP09: Wire across Cheadle Road at junction with Orrishmere Road affixed between two 6m high 89mm diameter posts, Cheadle Hulme North ward.

TPK10: North Downs Road - archway over footpath between rear of 2a East Downs Road and playing field of Laurus School, Cheadle Hulme North ward.

TP11: Wire across junction of Turves Road and Acacia Avenue affixed between two 6m high 89mm diameter posts, Cheadle Hulme North and Cheadle Hulme South ward.

TPK12: Turves Road - archway over footpath between 43 and 45 Turves Road, where the footpath joins the pavement of Turves Road, Cheadle Hulme South ward.

TP13: Wire across Bankfield Road affixed between two 6m high 89mm diameter posts adjacent to 6 Bankfield Road and the electricity substation, Cheadle Hulme South ward.

TP14: Wire across Highfield Road at junction with Turves Road affixed between two 6m high 89mm diameter posts, Cheadle Hulme South ward.

TP15: Wire across Vernon Close affixed between two 6m high 89mm diameter posts adjacent to Bradshaw Hall Primary School and 18 Vernon Close, Cheadle Hulme South ward.

TP16: Wire across Chedlee Drive at the junction with Turves Road affixed between two 6m high 89mm diameter posts, Cheadle Hulme South ward.

TP17: Wire across Bruntwood Lane affixed between two 5m high 89mm diameter posts adjacent to Emmanuel Church and 7 Hall Meadow, Cheadle Hulme South ward. 40m from designated Green Chain.

TPK18: Etchells Road - archway over footpath between 26 and 28 Etchells Road, Heald Green ward.

TP19: Wilmslow Road - attachment of a clear nylon fishing wire between 2 sets of existing SMBC lampposts located adjacent to 119 Wilmslow Road and The Courtyard, Heald Green ward.
Located outside of, but within the vicinity of Cheadle Royal Hospital Conservation Area and Registered Historic Parks and Gardens, within which are sited grade II listed buildings, including the Nurses Home and Cheadle Royal Hospital. Located adjacent to designated Green Chain.

TP20: Wire across St Ann's Road North affixed between two 6m high 89mm diameter posts adjacent to 39 St. Ann's Road North and the St. Ann's Road North pavement adjacent to the footpath to Gleneagles Road, Heald Green ward.
Located outside of, but within the vicinity of Cheadle Royal Hospital Conservation Area and Registered Historic Parks and Gardens, within which are sited grade II listed buildings, including the Nurses Home and Cheadle Royal Hospital. The areas adjacent to the footways where the poles would be located are covered by area Tree Preservation Orders (TPOs).

TPK21: Brandon Avenue - Entrance to Rose Vale Park - archway over footpath between 23 and 23 a and b Brandon Avenue, Heald Green ward.

TPK22: Rose Vale – Entrance to Rose Vale Park - archway over footpath to rear of 35 Motcombe Farm Road, Heald Green ward.

TP23: Wire across Elmsleigh Road affixed between two 6m high 89mm diameter posts adjacent to 50 and 52 Motcombe Road, Heald Green ward.

TPK24: Pymgate Lane - archway over footpath to side of 2 Motecombe Road, Heald Green ward.

TP25: Wire across Yew Tree Grove affixed between two 5m high 89mm diameter posts adjacent to 1 Yew Tree Grove and the electricity substation, Cheadle and Gatley ward.

TP26: Wire across Firs Road affixed between two 6m high 89mm diameter posts adjacent to 6 Firs Road and the side of 2 Firs Grove, Cheadle and Gatley ward. The mature tree within the footway adjacent to the proposed pole adjacent to 6 Firs Road is a TPO tree.

TP27: Wire across South Drive affixed between two 6m high 89mm diameter posts adjacent to 1 South Drive and property known as 7a South Drive (shown as 8 South Drive upon the submitted plan), Cheadle and Gatley ward.

TP28: Wire across junction of West Drive and Styal Road affixed between two 6m high 89mm diameter posts, Cheadle and Gatley ward.

TPK29: Styal Road - archway over footpath leading to Halstead Grove between 14 and 16 Styal Road, Cheadle and Gatley ward. Located opposite the Gatley Village Conservation Area. Adjacent to designated Green Chain.

TP30: Wire across Park Road affixed between two 6m high 89mm diameter posts on Windsor Avenue and Malvern Avenue, Cheadle and Gatley ward.

TP31: Wire across Altrincham Road affixed between two 6m high 89mm diameter posts on Clifton Drive and Altrincham Road, Cheadle and Gatley ward.

TP32: Wire across Brookside Road affixed between two 5m high 89mm diameter posts adjacent to Brookside horticultural nursery and 26 Brookside Road, Cheadle and Gatley ward.
Approx. 10m from Gately Carrs Site of Biological Importance (SBI) and Local Nature Reserve (LNR). Adjacent to Landscape Character Area.

TP33: Kingsway A34 – attachment of a clear nylon fishing wire between 2 sets of existing SMBC lampposts, one located adjacent to the steps of the footpath, adjacent to the slip road to the M60, south of the railway cutting and flyover, and one on the opposite side of the carriageway, Cheadle and Gatley ward.

TP34: Airedale Close – Omitted from the application

TP35/36: Crescent Road – Omitted from the application

## POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

**The Statutory Development Plan includes:-**

Policies set out in the Stockport Unitary Development Plan Review (SUDP) adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &

Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (CS) adopted 17th March 2011.

N.B. Due weight should be given to relevant SUDP and CS policies according to their degree of consistency with the National Planning Policy Framework ('NPPF') (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given); and how the policies are expected to be applied is outlined within the Planning Practice Guidance ('PPG') launched on 6th March 2014.

**Saved policies of the SUDP Review**
NE1.1 – Sites of Special Nature Conservation Importance
NE1.2 – Sites of Nature Conservation Importance
NE3.1 – Protection and Enhancement of Green Chains
EP1.9 – Safeguarding of Aerodromes and Air Navigation Facilities
L1.7 – Recreation Routes: Maintenance and Expansion of Network
L1.8 – Strategic Recreation Routes
L1.11 – Development Related to Recreation Routes

**LDF Core Strategy/Development Management policies**

Core Policy CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE
SD-1: Creating Sustainable Communities

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT
SIE-1: Quality Places
SIE-3: Protecting, Safeguarding and Enhancing the Environment
SIE-5: Aviation Facilities,Telecommunications and other Broadcast Infrastructure

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK
T-1: Transport and Development
T-3: Safety and Capacity on the Highway Network

## National Planning Policy Framework (NPPF)

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 (updated 19th June 2019) replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Extracts from the National Planning Policy Framework (NPPF) – link to full document - https://www.gov.uk/government/publications/national-planning-policy-framework--2

1. Introduction

Para 1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Para 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

2. Achieving sustainable development

Para 7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Para 8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Para 10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

The presumption in favour of sustainable development

Para 11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:
c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Para 12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4. Decision-making

Para 38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 54. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Para 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Para 56. Planning obligations must only be sought where they meet all of the following tests:
a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.

8. Promoting healthy and safe communities

Para 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Para 92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

9. Promoting sustainable transport

Para 108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 110. Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

12. Achieving well-designed places

Para 124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Para 127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

15. Conserving and enhancing the natural environment

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons58 and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Para 213. existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

**CONSULTATION RESPONSES**

**NEIGHBOURING PROPERTIES**

The occupiers of neighbouring properties have been notified of this planning application by letter.

A site notice to publicise the application has been displayed adjacent to each of the installation sites for public consultation (sites 1-25 - site notices posted 19/2/20; sites 26-32 - site notices posted 20/2/20; and site 33 – site notice posted 21/2/20).

A Press Notice to publicise the application was published in the Stockport Express on 19/2/20.

Representations have been received from 101 households in response to the application.

Representations received from 38 households object to the application. The issues raised in the individual representations received in response to the application can be summarised and reported as follows:

Object to the erection of overtly religious symbols/hardware on the public highway.
A natural Eruv already exists in this area and is in use by the local Jewish community.
The Eruv would be contrary to the Talmudic guideline, as it will not be integral, as unobtrusive and unnoticeable as possible. Eruv's elsewhere include existing street furniture, roads and railway lines.
The Eruv will be visually intrusive. Unnecessary street furniture and clutter, which is detrimental to the character and appearance of the street scene, contrary to UDP policy. Some of the installations are next to existing street furniture, which should be utilised instead.
The Eruv will be visible from my property as a reminder of religious practices. A breach of my Human Rights.
An Eruv is divisive and as such may promote anti-semitism, and damage community and societal cohesion.
My property may be a target for anti-semitism.
Could cause serious disturbance to social harmony.

The proposed Eruv in Hale was not proceeded with in the interests of the community.
94.9% of the population locally are not Jewish. Query the inclusion of streets without Jewish residents.
The route chosen for the Eruv includes anomalies, creating dead ends and not a continuous route, and including installations on roads that do not need an installation, unlike other Eruvs.
The proposed Eruv is not fit for purpose to enable the movement of non-ambulant people, as the route is not continuous, and should be refused. It is symbolic in purpose.
The installations are not commensurately dispersed, with some areas having an installation on every street.
The whole Borough should be informed of what is proposed here.
The proposal does not bring substantial public benefit to a significant part of the Borough's population.
The Eruv pole will block access to maintain, remove and replace the fence around my property boundary.
The planting of trees rather than the installation of poles would be better for the environment and visually.
Query as to who will own and maintain the installations? It should not be at the public's expense.
Nylon thread would inevitably impact detrimentally upon wildlife, ie birds.
The proposal sets a precedent for other religions.
The poles will need to be sited away from services already in the ground.

<u>Representations received from 62 households support the application. The issues raised in the individual representations received in response to the application can be summarised and reported as follows:</u>

The Eruv would be beneficial to people's lives, allowing people to carry items on the Sabbath, such as medication and spare clothing, and would allow the pushing of elderly or infirm people in wheel chairs and children in buggies/prams, to allow people and families to continue to attend synagogue on the Sabbath if unable to walk, to visit friends and family, promoting community cohesion and inclusion.
A number of people have provided testament to the benefits that they would personally experience from the Eruv, including being able to once again join in with community, religious and family activities on the Sabbath.
Those who are Sabbath observant would be able to attend religious and community social events without infringing their religious beliefs.
Having seen an Eruv in other parts of the country, an Eruv does blend in, as it is difficult to see the poles and wires.
The existing boundaries can be utilised and the additional street furniture required is limited and unobtrusive. There are no costs to the council or public in the maintenance.
There are many examples across the country and none of them has resulted in an increase or decrease in any particular population group. Local Eruv installations include those in Manchester and Bury.
The proposal is not divisive. Eruvs are established in many communities including in England, without detrimental impact on the area in terms of social cohesion or

community relations.  The installations in other areas are unnoticed by the majority of the population.
The Eruv does not present any additional danger to wildlife / birds in the area. The number of wires is minimal and adds a small amount to the large number of existing electricity, telephone and other aerial cables already installed in the area.

## CONSULTEE RESPONSES

**SMBC Highways** – The proposal for the creation of an Eruv within the Borough involves the installation of new poles within footways spaces, the use of street lighting columns and the installation of gateway features. Where necessary nylon will be attached to and stretched between poles and street lighting columns to create the boundary and noting the height clearance at a minimum of 5m from ground level this does not give rise to concern.

Each individual site has been reviewed with comment as follows:

TPK01, gateway feature. The design will not unacceptably inhibit the free and safe operation of the footpath, which is adopted highway. No concerns raised.

TP02, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP03, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP04, the installation of a 5m galvanised steel pole on either side of the bridleway. No concerns raised.

TP05, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP06, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP07, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP09, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP10, gateway feature. The design will not unacceptably inhibit the free and safe operation of the footpath, which is adopted highway. No concerns raised.

TP11, the installation of 6m galvanised steel poles to the rear of footways. No concerns raised.

TP12, gateway feature. The design does not impact on the overall effective width of the footpath and I see no reason to express concern.

TP13, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP14, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP15, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway including reattachment of a Traffic Order sign. No concerns raised.

TP16, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP17, the installation of two 5m galvanised steel poles on Stockport Homes land. No concerns raised.

TP18, gateway feature across adopted highway. No concerns raised.

TP19, attachment to existing lighting columns on either side of the highway. No concerns raised.

TP20, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TPK21, gateway feature on Stockport Homes land. No concerns raised.

TPK22, gateway feature. The design does not impact on the overall effective width of the footpath and I see no reason to express concern.

TP23, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TPK24, gateway feature across public right of way. No concerns raised.

TP25, the installation of a 5m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP26, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP27, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP28, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP29, gateway feature across adopted footpath. No concerns raised.

TP30, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP31, the installation of a 6m galvanised steel pole to rear of footway on either side of the highway. No concerns raised.

TP32, the installation of a 5m galvanised steel pole on either side of the highway. No concerns raised.

TP33, attachment to existing lighting columns on either side of the highway. No concerns raised.

In conclusion, the installation of new poles and gateways and the use of existing street lighting columns plus the provision of nylon connection will not cause safety concerns for users of the highway or any traffic related concerns. I note that in some locations foam circular buoys will be attached to the wire, these features when in place would not give rise to any highway safety implications and any necessary replacement or maintenance can be undertaken in accordance with the management and maintenance plan to be agreed. I note that the Eruv features will be inspected twice weekly to ensure it is intact and twice yearly for any necessary repairs or strengthening to poles and gateway features. In the unlikely event that the nylon cabling breaks this would be replaced and due process will require authorisation from the Highway Authority (under legislation separate from Planning) to undertake works within the highway.

I therefore raise no objections, a condition being required on any approval granted to ensure an installation, management and maintenance plan is agreed prior to implementation of any part of the Eruv.

Condition:
No part of the development hereby approved shall be implemented until a strategy for the installation, maintenance and management of the Eruv associated infrastructure has been submitted to and approved in writing by the local planning authority.
The strategy shall include:

- Procedures and process for liaison with the highway authority with respect to the undertaking of installation works within the adopted highway.
- Full engineering details of all furniture to the installed within the highway including depth of installation of poles and gateway features.
- Details of how and by whom would work be undertaken within the highway.
- Procedures and process for liaison with the Council's Street Lighting department for approval of works that affect lighting columns.
- Details of how and by whom would work be undertaken that involves nylon cable attachment to street lighting columns.
- Details of how and by whom poles will be installed within the adopted highway.
- Procedures and process for liaison with the Council's Public Right of Way Office with respect to installation of features that affect the Right of Way network.
- Details of an inspection regime including ensuring retention of the furniture, nylon wire and foam buoys and procedures for reactive measures in the event of damage to or removal of any features.
- Details of any notification process from the public in the event that damage to furniture or nylon wire occurs.

- Details of any necessary traffic management that will be provided when installation, repair and maintenance work is undertaken.
- Details on how permission for the installation of features on third party land will be secured.
- Details on the regime for routine maintenance.
- Details on indemnity and public liability that will be in place.

Installation and maintenance work shall be undertaken fully in accordance with the approved strategy.

Reason: To ensure the installation and maintenance work is undertaken in a safe manner and do not adversely affect highway operation and safety or prejudice the amenities of the occupiers of the adjoining residential properties, in accordance with Policies Development Management T-3 Safety and Capacity on the Highway Network, SIE-1 Quality Places and SIE-3 Protecting, Safeguarding and enhancing the Environment. The details are required prior to the commencement of any part of the development to ensure that installation specification is approved, that formal process and procedure is followed and that future management and maintenance will be provided.

Informative:
The applicant's attention is drawn to the need to apply for and obtain the permission of the Highway Authority to erect poles and gateways within the public highway and attachments to street lighting columns. For further advice the applicant should contact Network Management (0161 474 4843) and Network Asset Maintenance (0161 474 2412).

**SMBC Nature Development** –
**Legislative and Policy Framework**

**Nature Conservation Designations**
The proposed application site areas do not have any nature conservation designations but some of the locations are located adjacent to designated areas. This detail is outlined in the table below but in particular includes:

- TP04 –adjacent to Green Chain
- TP19 – adjacent to Green Chain
- TP32 – adjacent to Gatley Carrs Site of Biological Importance (SBI) and Local Nature Reserve (LNR)

The proposals have the potential to adversely impact wildlife that these designated areas support and furthermore the functionality of the designated sites as wildlife corridors has the potential to be impacted. The scheme has been revised however to include measures to reduce the risk of these potential impacts (outlined below).

**Legally Protected Species**
All species of bats, and their roosts, are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.

Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS).
Under the Regulations it is an offence to:

1) Deliberately capture or kill a wild EPS
2) Deliberately disturb a wild EPS in such a way that significantly affects:
    a) the ability of a significant group to survive, breed, rear or nurture young.
    b) the local distribution of that species.
3) Damage or destroy a breeding place or resting site of such an animal.

Breeding birds and their nests are legally protected under the Wildlife and Countryside Act 1981 (as amended).

In many of the sites, proposals involve provision of posts either side of an opening (such as a street) and attaching very fine gauge translucent wire (fishing line) high between the posts to form a barrier. Fishing line is proposed to minimise the visual impact of the Eruv, however the wire would likely not be visible to birds and would also be too fine for bats to detect through echolocation and therefore there is a risk of wildlife colliding with the fishing line and also becoming entangled if it breaks. Harp traps for example are used to catch bats for monitoring purposes and these use fishing line as typically this is too thin for bats to detect through echolocation. This is of particular concern where the proposed fishing line is placed near/within areas of suitable bat and bird habitat (see table below). To reduce the risk of potential adverse impacts on wildlife the scheme has been revised to include the provision of white floats (balls) of 12.5mm diameter to be spaced along the wire (min. 1m intervals). This will increase visibility of the wire to wildlife thereby reducing the risk of potential collision.

| **Location** | **Comments** |
|---|---|
| TP01:<br>Cromer Road | Arched metal gateway proposed - no significant ecological issues anticipated |
| TP02:<br>Stockport Road between Newboult Road & Jacksons Road | Soprano pipistrelle record nearby. Approx. 80m from suitable bat foraging habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP03:<br>Brookfield Road | Adjacent to good bat foraging habitat and suitable bird nesting habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP04:<br>Old Wool Lane | Directly adjacent to designated Green Chain and suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP05:<br>Queens Road and Radnormere Drive | Approx. 90m from suitable bat foraging habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP06:<br>Birtlespool Road | Surrounding gardens likely to offer suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP07:<br>Radnomere Drive | Surrounding gardens likely to offer suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP08:<br>Queens Road | Omitted |
| TP09:<br>Cheadle Road | Record for common pipistrelle bat activity nearby. Surrounding gardens likely to offer suitable bat and bird habitat. Potential |

| | |
|---|---|
| | collision risk for bats/birds if fishing line alone used. |
| TP10:<br>North Downs Road | Arched metal gateway proposed - no significant ecological issues anticipated |
| TP11:<br>Turves Road/ Acacia Avenue | Record for common pipistrelle bat activity nearby. Surrounding gardens likely to offer suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP12:<br>Turves Road | Arched metal gateway proposed – no significant ecological issues anticipated |
| TP13:<br>Bankfield Road | Surrounding gardens likely to offer suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP14:<br>Highfield Road | Surrounding gardens likely to offer suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP15:<br>Vernon Close | Surrounding gardens likely to offer suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP16:<br>Chedlee Drive | Adjacent to suitable bat/bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP17:<br>Bruntwood Lane | Located amid suitable bat and bird habitat and approx. 40m from designated Green Chain. Potential collision risk for bats/birds if fishing line alone used. |
| TP18:<br>Etchells Road | Arched metal gateway proposed – no significant ecological issues anticipated |
| TP19:<br>Wilmslow Road | Located adjacent to suitable bat and bird habitat and designated Green Chain. Potential collision risk for bats/birds if fishing line alone used. |
| TP20:<br>St Ann's Road North | Adjacent to suitable bat/bird habitat. Potential collision risk for bats/birds if fishing line alone used. Adjacent trees are designated TPO |
| TP21:<br>Brandon Avenue - Entrance to Rose Vale Park | Approx. 35m from designated Green Chain. Arched metal gateway proposed - no significant ecological issues anticipated |
| TP22:<br>Rose Vale – entrance to Rose Vale Park | Approx. 35m from designated Green Chain. Arched metal gateway proposed - no significant ecological issues anticipated |
| TP23:<br>Elmsleigh Road | Approx. 60m from designated Green Chain and located next to suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP24:<br>Pymgate Lane | Arched metal gateway proposed - no significant ecological issues anticipated |
| TP25:<br>Yew Tree Grove | Approx. 100m from designated Green Chain and amid suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP26:<br>Firs Road | Records for common pipistrelle bats nearby and located amid suitable bat and bird habitat. Approx. 60m from designated Green Chain. Potential collision risk for bats/birds if fishing line alone used. |
| TP27:<br>South Drive | Approx. 100m from designated Green Chain and amid suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP28:<br>West Drive | Approx. 100m from designated Green Chain and amid suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP29:<br>Styal Road/Halstead Grove | Approx. 15m from designated Green Chain. Arched metal gateway proposed - no ecological issues anticipated |
| TP30:<br>Park Road/Malvern Road | Surrounding gardens likely to offer suitable bat and bird habitat. Potential collision risk for bats/birds if fishing line alone used. |
| TP31:<br>Altrincham Road | Adjacent to suitable bat/bird habitat. Record for pipistrelle bat in the locality. Potential collision risk for bats/birds if fishing line |

| | |
|---|---|
| | alone used. |
| TP32:<br>Brookside Nursery | Approx. 10m from Gately Carrs Site of Biological Importance (SBI) and Local Nature Reserve (LNR). Located amid good bat and bird habitat. . Potential collision risk for bats/birds if fishing line alone used. |
| TP33:<br>Kingsway A34 | Suitable bat and bird habitat located either side of road. Potential collision risk for bats/birds if fishing line alone used |
| TP34:<br>Airedale Close | Omitted |
| TP35/36:<br>Crescent Road | Omitted |

**LDF Core Strategy**
**Core Policy CS8 Safeguarding and Improving the Environment**
**Green Infrastructure**
3.286

**Biodiversity and Nature Conservation**
3.296

**DEVELOPMENT MANAGMENT POLICY SIE-3**
A) Protecting the Natural Environment
**Protecting, Safeguarding and Enhancing the Environment**
3.345, 3.347, 3.364, 3.368, 3.369

**Stockport's Unitary Development Plan (Retained Policy)**
**NE1.1 SITES OF SPECIAL NATURE CONSERVATION IMPORTANCE**
*Development which would destroy or adversely affect, directly or indirectly, the natural or wildlife value of a SSSI, NNR or LNR will not be permitted unless there is a justification for carrying out development in that particular area which overrides any harm to the substantial nature conservation value of these sites.*

**NE1.2 SITES OF NATURE CONSERVATION IMPORTANCE**
*The habitats and biodiversity of sites of biological importance, geological conservation sites and local wildlife sites will be protected and enhanced where possible. Proposals for development on sites so designated must demonstrate that there is a justification which overrides any harm to the nature conservation value of the site.*

**NE3.1 PROTECTION AND ENHANCEMENT OF GREEN CHAINS**
*Development which would detract from the wildlife or recreation value of the Green Chains identified on the Proposals Map will not be permitted.*

**Recommendations:**
Many of the proposed sites are located amid and/or adjacent to suitable habitat for birds and bats. The scheme includes the provision of white floats (balls) 12.5mm diameter to act as markers. These will be spaced min. 1m apart along the wires in the locations identified as presenting a collision risk to wildlife. It is considered that this will sufficiently increase visibility to bats and birds to reduce the potential risk of collision.

Whilst a coloured float marker would be preferable, it is considered that white balls would still be visible to birds as they would be silhouetted against trees/buildings etc. Birds are most likely to approach the eruv wires on a horizontal plane where the silhouetted balls would be more visible, compared with viewing the balls against the sky from the ground. With regards to bats, the colour of the floats is of less potential concern since bats principally use echolocation to navigate their way through the landscape and so the presence of the floats is sufficient to increase visibility (regardless of colour).

It is understood that the Eruv will be checked regularly (weekly) to ensure it is intact and no wire has broken. This will help reduce the risk of wildlife potentially becoming entangled in loose wire.

Incorporation of these measures within the proposals would help minimise the potential risk of adverse impacts on protected species and moreover will help protect ecological networks across the borough (3.296 of policy CS8) and maintain habitat connectivity (3.345 of policy SIE-3).

Should planning consent be granted, an informative should be attached to the consent to state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the scheme, work should cease immediately and an ecologist/LPA should be contacted.

In order to avoid potential adverse impacts on trees, all proposed posts/boundary features should be located outside tree root protection areas and canopy spread areas so as to minimise potential adverse impacts on adjacent trees. All works should be carried out in accordance with British Standard Guidance in relation to tree works. This is important in all of the proposed areas but is of particular significance in location TP20 as the trees here are designated under a Tree Preservation Order.

Providing the proposed posts are located outside tree canopy areas, no vegetation clearance is anticipated to facilitate works. Should any tree works/removal of woody vegetation be required however, this should be undertaken outside the bird nesting season (which is March – August, inclusive) unless otherwise approved by the LPA.

**Greater Manchester Ecology Unit (GMEU)** – The proposed street furniture is not located in an area which has any nature conservation designations, legal or otherwise.
It appears to be predominantly in residential areas on existing hardstanding, where the potential of impacting upon protected species would be minimal. I would therefore not consider it reasonable to require any further ecological survey work.

An informative should be used so that the developer is aware of the legal protection that certain species receive. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately and an ecologist/LPA should be contacted.

**SMBC Arboriculture** – (Installations TP20 and TP26 are adjacent to trees with a Tree Preservation Order).

There are legally protected trees within this site or affected by this development. The construction site footprint predominantly sits within the hard standing footprint and informal grounds of the public footway/highway and the proposed new infrastructure will potentially impact on the trees on or around the proposed site.

There is one main concern over the proposed scheme, which is the potential for negative impact on trees on the public highway and within private properties all along the site/route from the construction works of the new poles and connecting lines and infrastructure without any appropriate associated arboriculture impact assessment of the lines within proximity of tree canopies and if they don't wish to position the poles outside of the root zones of the trees then full method statement for the installation of the poles too.

This will need to consider all existing tree canopy cover with potential negative impact on trees or allow the repositioning of the poles or even replace poles with new planted trees to reach maturity in good form and improve the local environment. In addition it's not clear if any construction traffic, material storage or encroachment would come close to the retained trees and potential impact on them to facilitate the scheme.

Conditions required regarding submission of detailed proposed method statements and proposed tree protection measures, in order to ensure the protection of trees.

**SMBC Conservation and Heritage** – Having reviewed the plan of the revised proposed locations, it appears that none of the proposed locations are sited within any Conservation Area, nor within the immediate setting of designated heritage assets. As such the scheme now accords with the advice given at the earliest pre-application
stage, to seek suitable eruv locations outside of / away from, designated areas and buildings. This approach is therefore, supported and raise no objection to the proposals.

**SMBC Public Rights of Way** – No comments.

**Peak and Northern Footpaths Society** – No representation received.

**Ramblers Association** – No representation received.

**GMP Design for Security** – Having looked over the plans we would recommend that considerations must be made when making the installations ensuring that no climbing aids are created as a result. In summary we would have no objection to the approval of the application.

**Manchester Airport Group** – The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

We have no aerodrome safeguarding objections to the proposal.

**Network Rail** – Network Rail has no objection in principle to the proposal location and works, as most of the Eruv installations are not adjacent to the existing operational railway. A holding objection is placed on TPK01, which is adjacent to the boundary with Network Rail land. Once Network Rail is satisfied that the proposed works would not increase the risk to the existing operational railway, the holding objection on the site TPK01 can be withdrawn.

**Highways England** – Respond to offer no objection.

**Transport for Greater Manchester (TfGM)** – As a result of the installation works associated with each site, the affected footway at each site will need to be reinstated, where necessary, in accordance with relevant Council standards and specifications.

TfGM would refer to the Local Highway Authority (LHA) to confirm if the apparatus is proposed to be installed at a satisfactory distance from the highway in terms of the risk of vehicle strike and sightline visibility.

A minimum footway width of 2m (where the apparatus is positioned) needs to be retained at all locations to ensure pedestrian movements are unimpeded.

Sightline visibility for vehicles, cyclists and pedestrians needs to be maintained and should not be impinged upon by the siting of the apparatus.

Servicing arrangements associated with the apparatus should not impact upon the highway and result in traffic conflicts. Service vehicles should park appropriately and should not use bus lay-bys or footways.

**Manchester City Council** – No objections to the proposal.

## ANALYSIS

### Principle of development

Planning Permission is sought for the installation of street furniture in 32 locations, to be located within Predominantly Residential Areas, as regards the Council's development plan.

The application as originally submitted included 35 installations. (Installations TPK8, TP34 and TP35 are now omitted from the application). (Please note that the number reference for each of the installations remains as originally submitted for continuity and ease of reference).

The street furniture is proposed in association with an 'Eruv', which is a notional area, as defined in Jewish law, encompassing an area throughout which the carrying of objects and movement of non-ambulant persons can be carried out on the Sabbath (from sunset on Friday until nightfall on Saturday).

A natural Eruv consisting of existing streets and street furniture already exists within the area, however, there are gaps at certain points, which have resulted in this application for additional street furniture. It is the street furniture that forms the subject of this application.

It is proposed to introduce the following, as shown in the accompanying plans to this report, to complete the gaps in the Eruv:

- 22 pairs of galvanised steel 6 or 5 metre high, 89 millimetre (mm) diameter poles, with a clear nylon fishing wire strung taut between each pair of poles (Installation references: TP02-TP07, TP09, TP11, TP13-TP17, TP20, TP23, TP25-TP28, TP30-TP32);
- 8 galvanised steel archways, 2.4 metres in height of varying widths, with 75mm diameter posts and wrought iron scrollwork atop, powder coated black (Ref.s TPK01, TPK10, TPK12, TPK18, TPK21, TPK22, TPK24, and TPK29).; and
- Clear nylon fishing wire between 2 sets of existing SMBC lampposts (ref. s TP19 and TP33).
  All of the 24 clear nylon fishing wires would additionally include 12.5 millimetre (mm) diameter white float buoys at 1 metre intervals, threaded along the length, in the interests of ecology.

In terms of planning policy related to the principle of the proposed installations, the National Planning Policy Framework (NPPF) and the Council's development plan, including Development Management Policy SD-1, promote sustainable forms of development to achieve, for example, well-designed places and to promote healthy and safe communities.

Policy CS8 and Development Management Policy SIE-1 'Quality Places' of the Council's development plan, advocate, for example, that account should be had of materials appropriate to the location; the sites characteristics in relation to context; provision, maintenance and enhancement of access, privacy and amenity for users and residents; the creation of sustainable communities; and the potential for the enhancement of the public realm.

Paragraph 92 of the NPPF states that "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;"

**Amenity and Community**

The installations comprise 22 galvanised steel 6 or 5 metre high, 89 millimetre (mm) diameter poles, with a clear nylon fishing wire, threaded with 12.5mm white floats, strung taut between each pair of poles; 8 galvanised steel archways, 2.4 metres in height of varying widths, with 75mm diameter posts and wrought iron scrollwork atop, powder coated black; and clear nylon fishing wire threaded with 12.5mm white floats between 2 sets of existing SMBC lampposts. The new poles would be installed a distance of 200mm from boundaries and the posts 100mm from boundaries.

Objections have been received regarding, for example, the locations and appearances of the installations, and the creation of street clutter and disamenity because of the installations. The proposed pole and wire street furniture would essentially appear as existing street furniture, which is characteristic of the urban environment context, with the new poles being similar in diameter to a pole for a road sign at 89mm. The 8 archways would be located over footpaths, incorporating a simple form in black powder coated metal.

The locations of the installations are proposed to bridge gaps in the natural Eruv and are sited to minimise their breadth in locations, are not sited directly adjoining boundaries of properties, and are sited away from visibility splays, leaving footways and footpaths an accessible width. The scale and appearance of the installations are such that it is considered that the impact of the location of an installation adjacent to residential properties would not result in an undue impact upon residential amenity, including outlook. Given the scale and siting of the proposed installations and the urban context, it is not considered that the installations would serve to adversely impact upon the appearance of the public realm.

The presence of the notional Eruv would permit members of the community who are Sabbath observant, to increase their participation in community activities, to improve health, social and cultural wellbeing, as advocated by the NPPF and the Council's development plan.

It is accordingly assessed that pursuant to policies, including Policy SIE-1 'Quality Places' of the Council's development plan, the proposed materials and installations are appropriate to the locations; the installations relate to the urban context; access would not be impeded; amenity for users and residents would not be unduly adversely affected; the public realm would not be unduly impacted upon; encouraging a sustainable community.

Some installations would be located adjacent to the boundaries of Conservation Areas, as established above, however, none of the installations would now be located within a Conservation Area. It is considered that pursuant to the NPPF and policies including, Core Strategy policy SIE-3, the installations would not have an impact upon a heritage asset or the setting of a heritage asset, due to the siting, separation, scale and design of the installations.

## Highways

The majority of the installations would be located upon the public highway (two to be located on land owned by Stockport Homes). The installations have all been assessed in terms of impacts upon the highway.

It is assessed that the installation of new poles and gateways, and the use of existing street lighting columns, plus the provision of nylon connection will not cause access or safety concerns for users of the highway, or any traffic related concerns. In some locations foam circular buoys will be attached to the wire, these features when in place would not give rise to any highway safety implications and any necessary replacement or maintenance can be undertaken in accordance with the management and maintenance plan to be agreed.

It is noted that the Eruv features will be inspected twice weekly to ensure it is intact and twice yearly for any necessary repairs or strengthening to poles and gateway features. In the unlikely event that the nylon cabling breaks this would be replaced and due process will require authorisation from the Highway Authority (under legislation separate from Planning) to undertake works within the highway.

No objections are raised regarding the highways implications of the proposal, provided a condition is imposed upon any approval granted, in order to ensure an installation, management and maintenance plan is agreed prior to implementation of any part of the Eruv. This is to ensure the installation and maintenance work is undertaken in a safe manner and do not adversely affect highway operation and safety or prejudice the amenities of the occupiers of the adjoining residential properties, in accordance with Policies Development Management T-3 Safety and Capacity on the Highway Network, SIE-1 Quality Places and SIE-3 Protecting, Safeguarding and enhancing the Environment. The details are required prior to the commencement of any part of the development to ensure that installation specification is approved, that formal process and procedure is followed and that future management and maintenance will be provided.

The proposed installations, including archways across footpaths would not specifically conflict with saved UDP policies including L1.7 – Recreation Routes: Maintenance and Expansion of Network, L1.8 – Strategic Recreation Routes and L1.11 – Development Related to Recreation Routes. Due to the proposed siting, design, scale and appearance of the installations, rights of way would be maintained, would not be obstructed, and the installations would appear in keeping with the character and urban environment of the routes.

## Ecology and Trees

The proposed application site areas do not have any nature conservation designations, but some of the locations are located adjacent to designated areas, including:

- TP04 –adjacent to Green Chain
- TP19 – adjacent to Green Chain

- TP32 – adjacent to Gatley Carrs Site of Biological Importance (SBI) and Local Nature Reserve (LNR)

The proposals have the potential to adversely impact wildlife that these designated areas support and furthermore the functionality of the designated sites as wildlife corridors has the potential to be impacted. The scheme has been revised however to include measures to reduce the risk of these potential impacts (outlined below).

In many of the sites, proposals involve provision of posts either side of an opening (such as a street) and attaching very fine gauge translucent wire (fishing line) high between the posts to form a barrier. Fishing line is proposed to minimise the visual impact of the Eruv, however the wire would likely not be visible to birds and would also be too fine for bats to detect through echolocation and therefore there is a risk of wildlife colliding with the fishing line and also becoming entangled if it breaks. Harp traps for example are used to catch bats for monitoring purposes and these use fishing line as typically this is too thin for bats to detect through echolocation. This is of particular concern where the proposed fishing line is placed near/within areas of suitable bat and bird habitat (see table below). To reduce the risk of potential adverse impacts on wildlife the scheme has been revised to include the provision of white floats (balls) of 12.5mm diameter to be spaced along the wire (min. 1m intervals). This will increase visibility of the wire to wildlife thereby reducing the risk of potential collision.

Many of the proposed sites are located amid and/or adjacent to suitable habitat for birds and bats. The scheme includes the provision of white floats (balls) 12.5mm diameter to act as markers. These will be spaced min. 1m apart along the wires in the locations identified as presenting a collision risk to wildlife. It is considered that this will sufficiently increase visibility to bats and birds to reduce the potential risk of collision.

Whilst a coloured float marker would be preferable, it is considered that white balls would still be visible to birds as they would be silhouetted against trees/buildings etc. Birds are most likely to approach the eruv wires on a horizontal plane where the silhouetted balls would be more visible, compared with viewing the balls against the sky from the ground. With regards to bats, the colour of the floats is of less potential concern since bats principally use echolocation to navigate their way through the landscape and so the presence of the floats is sufficient to increase visibility (regardless of colour).

It is understood that the Eruv will be checked regularly (weekly) to ensure it is intact and no wire has broken. This will help reduce the risk of wildlife potentially becoming entangled in loose wire.

Incorporation of these measures within the proposals would help minimise the potential risk of adverse impacts on protected species and moreover will help protect ecological networks across the borough (3.296 of policy CS8) and maintain habitat connectivity (3.345 of policy SIE-3).

Should planning consent be granted, an informative should be attached to the consent to state that the granting of planning permission does not negate the need to

abide by the legislation in place to protect biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the scheme, work should cease immediately and an ecologist/LPA should be contacted.

In order to avoid potential adverse impacts on trees, all proposed posts/boundary features should be located outside tree root protection areas and canopy spread areas so as to minimise potential adverse impacts on adjacent trees.

All works should be carried out in accordance with British Standard Guidance in relation to tree works. This is important in all of the proposed areas, but is of particular significance in locations TP20 and TP26, as the trees here are designated under a Tree Preservation Order. Conditions are required regarding the submission of detailed proposed method statements and proposed tree protection measures, in order to ensure the protection of trees, pursuant to policies including SIE-3: 'Protecting, Safeguarding and Enhancing the Environment.'

Providing the proposed posts are located outside tree canopy areas, no vegetation clearance is anticipated to facilitate works. Should any tree works/removal of woody vegetation be required however, this should be undertaken outside the bird nesting season (which is March – August, inclusive) unless otherwise approved by the LPA.

**Airport and Rail Safeguarding**

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. There are no aerodrome safeguarding objections to the proposal, pursuant to the NPPF, saved UDP policy EP1.9 – Safeguarding of Aerodromes and Air Navigation Facilities, and Core Strategy policies SIE-3: Protecting, Safeguarding and Enhancing the Environment, and SIE-5: Aviation Facilities,Telecommunications and other Broadcast Infrastructure.

Network Rail has no objection in principle to the proposal location and works, as most of the Eruv installations are not adjacent to the existing operational railway. A holding objection is placed on TPK01, which is adjacent to the boundary with Network Rail land, pursuant to Core Strategy policy SIE-3: Protecting, Safeguarding and Enhancing the Environment and the NPPF. Once Network Rail is satisfied that the proposed works would not increase the risk to the existing operational railway, the holding objection on the site TPK01 can be withdrawn. (Update – Network Rail Holding objection removed).

**Conclusion**

Overall, it is considered that the proposed installations would constitute a sustainable form of development. The installations would not appear incongruous, appearing similarly to existing street furniture within the street scene contexts and would not unduly impact upon residential amenity. The installations would be sited so as not to impede access and the notional Eruv would permit members of the community to participate in community activities, encouraging a sustainable community, pursuant to National planning policies and the Council's development plan.

The proposal is considered to comply overall with the development plan and the NPPF, for the reasons set out within the report and therefore, the NPPF requires the development to be approved without delay.

**RECOMMENDATION**

The recommendation is to Grant Planning Permission, subject to conditions.

**CHEADLE AREA COMMITTEE 18TH AUGUST 2020**

The Planning Officer introduced the application and provided a verbal update on the additional representations received since the publication of the report to the Committee.

Cllr Mellor asked the Planning Officer for clarification regarding public consultation. The Planning Officer confirmed that a number of site notices had been displayed, a press notice was published, and that neighbouring adjoining residents were notified by letter.

Cllr Roberts asked the Planning Officer whether the impact upon the street scene has been assessed by Officers, and if it has been found to be acceptable, asked the Planning Officer to explain this view. The Planning Officer referred to the Case Officer's report, particularly the "Amenity and Community" section, confirming that impact upon the character and appearance of the area has been considered, and has not been found to result in harm. The proposal has also been assessed by the Conservation Officer due to the location of some sites in relation to heritage assets, and this is also reflected in the Officer report.

Cllr Roberts asked the Planning Officer about a revision to the application regarding safety regarding bats and birds, and the inclusion of polystyrene balls on the wires. Cllr Roberts asked if an assessment had been made on this by a person with expertise in that field. The Planning Officer referred to the Case Officer's report, particularly the "Ecology and Trees" section, confirming that the float markers have been assessed by the Council's Ecologist. Cllr Roberts requested confirmation that the Ecologist considers the markers to be an appropriate measure, and the Planning Officer confirmed that no objections have been received in relation to the float markers.

Cllr Roberts asked the Planning Officer whether a plan to show the overall border of the Eruv had been provided, to include the natural and manmade features. The Planning Officer stated that they do not believe that such a plan has been submitted, and noted that this would not be a validation requirement. Cllr Roberts requested that such a plan is provided to the Planning and Highways Regulation Committee. The Planning Officer confirmed that this can be requested from the Application prior to the Planning and Highways Regulation Committee meeting. The Senior Planning Manager confirmed that Officers have discussed this point with the Agent, and that the matter under consideration is the elements which require planning permission. However it has been confirmed on the day of the Committee meeting by the Synagogue that all of the congregation is included within the Eruv. It is clear that Eruvs are dynamic boundaries which can change over time, however the information before Members is that which requires planning permission.

Cllr Pantall asked the Planning Officer if consultation letters sent via Royal Mail. The Planning Officer confirmed their understanding of the question to be to whether the adjoining neighbours of each piece of street furniture were consulted by letter, and confirm that they have.

Mr Akbar, a member of the public, spoke against the proposal, introduced by the Democratic Services Officer. Concerns were raised regarding the impacts of the development upon the street scene, the need for the boundary itself, and the number of people that the development would affect. An alternative solution was suggested.

Cllr Roberts asked Mr Akbar for more detail regarding his concerns that the proposed development would be unsightly. Mr Akbar responded to clarify that the change in levels along the road would cause the string to be more visible when viewed from an elevated position. In addition, concerns are raised regarding the installation of street furniture in a green area, and that is would be visible against a backdrop of trees.

Mr Katz, a member of the public, spoke in favour the proposal, introduced by the Democratic Services Officer. Mr Katz referred to the Design and Access Statement submitted with the application and provided background to the proposal. It was confirmed that the installations themselves would not have religious significance or symbolism. Reference was made to the 2010 Equalities Act.

Cllr Mellor noted objections raised on the grounds of concerns that the proposed development could lead to an increased incidence of anti-Semitic incidents. Cllr Mellow asked Mr Katz to comments on this, and the social cohesion impacts of the proposal. Mr Katz responded with an account of the impact of the North Manchester Eruv, where there has been a reduction in local anti-Semitic incidences, improving social cohesion.

Cllr Holloway expressed disappointment that there was not pre-application engagement with the community. Cllr Holloway raised queries regarding wheelchair users and the difficulties faced, and queried the options explored. Mr Katz responded that whilst wheelchair users would benefit from the proposal, this is not the sole purpose of the Eruv.

The Planning Officer confirmed that they did not intend to respond on any of the points raised. It was commented that the points raised in terms in siting, appearance and character of the street scene are assessed in the Case Officer's report, and that the specific questions regarding the use of the Eruv were best answered by the Applicant. The Chair, Cllr Charles-Jones opened the debate, noting that Members are asked to comment on the proposal, specifically the material planning considerations, and to give a recommendation to the Planning and Highways Regulation Committee which will make the decision on this application.

Cllr Mellor spoke regarding the diversity of the Cheadle Area, and the social benefits of the proposal. Cllr Mellor disagreed with objections raised on the grounds that the street furniture would be obvious in appearance. Cllr Mellor commented that the

point raised in relation to the Equality Act is important, and commented on some of the objections received.

Cllr Greenhalgh spoke, and confirmed that he had no objection in planning terms. It was commented that to refuse the application would raise concerns in relation to Human Rights, Disability and Religious Freedom.

Cllr Nottingham spoke and confirmed agreement with the Case Officer' conclusions in relation to visual impact, and that archways over passageways may have a positive impacts. Cllr Nottingham made positive comments in relation to social cohesion and diversity.

Cllr Morrison spoke in agreement with Cllr Mellor, Cllr Grenhalgh and Cllr Nottingham that there is nothing in the application to merit a recommendation to refuse the application, and noted agreement with Cllr Greenhalgh in relation to Human Rights matters. Cllr Morrison commented that we are existing a period of time of isolation, and that this proposal would have social cohesion benefits. Cllr Morrison supported the comments made by Cllr Mellor in relation to some of the objections received.

The Chair, Cllr Charles-Jones added to the comments made by Cllr Mellor and Cllr Morrison in relation to some of the objections received.

Members considered the report and supported the Case Officer's recommendation that the Planning and Highways Regulation Committee approve the application.

**BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE 20TH AUGUST 2020**

The Planning Officer introduced the application giving a summary of the proposed development, how it affects Bramhall and Cheadle Hulme South and what the main issues for consideration are. Members were advised that the application is before them for comment before being presented to Members of Planning & Highways for a decision.

Cllr Wyatt asked if the consultation that has taken place is adequate and what visual effect the floats will have on the streetscene. Members were advised that an advertisement was placed in the Stockport Express, site notices erected in each location and letters sent to neighbours adjacent to each application site. The floats are white, 1.25cm in diameter and positioned at 1m intervals. Being small in szie they will have no impact on the streetscene.

Cllr Vine expressed a number of concerns regarding danger to wildlife which she considers is real; the floats will not help and will look ridiculous. The proposed development only affects less than 5% the popoulation of the area. Whilst Cllr Vine is supportive of them carrying out their commitment to the law she expressed her opposition to them building archways and installing street furniture which she considers an infringement to the human rights to those who are not of the Jewish faith. This could cause trouble, there are many Muslims in the area and this could be very controversial. The application should not be accepted.

The Planning Officer responded to the comments made by Cllr Vine by advising Members that the floats were requested by the Council's qualified ecologist and they are nationally accepted method of ensuring that the flight pattern of bats and birds is not interrupted. The floats make the wires more visible to birds and bats. The professional opinion of the Council's ecologist is that there will not be an adverse impact on ecology. The application has also been considered by the Greater Manchester Ecology Unit who raise no objection to the proposed development.

The UDP and the NPPF require local authorities to support the health, social and cultural wellbeing of all sections of the community and it is considered that the application achieves in relation to the Jewish community. With regard to the impact on the remainder of the population, it is considered that the proposed development is in keeping with urban grain of the locality and the nature of other street furniture in the Borough and it is not considered that the development will be visually obtrusive or harmful to the amenities of the locality.

Cllr McGahan asked who will be responsible for the maintenance and repair of the installations? The Planning Officer advised that the applicant would be responsible and it is proposed that a condition be imposed on the grant of planning permission requiring the submission, approval and implementation of a maintenance strategy. This will include mechanisms to ensure that the equipment is inspected on a regular basis, which the applicant advises will be on a weekly basis and arrangements for the reporting of damage and agreeing a timescale for any repair works.

Cllr Hurlstone asked what existing street furniture already exists and how are these gaps identified? The Planning Officer advises that the person speaking in support of the application may be able to answer that question better however it is understood that existing buildings, hedges and fences form the current boundaries, it is the gaps such as those across roads where there the additional installations are required.

Cllr Holt questioned whether all the sites for the installations have been checked for hazards and to make sure passage is not obstructed. The Planning Officer advised that a site visit is always been made, all of the locations have been inspected and the development found to be acceptable. The application has also been inspected by the Council's Highway Engineer who is satisfied that there will be no adverse impact on highway safety and that there will be sufficient room for pedestrians to use the footpaths in a safe manner.

Cllr Vine enquired as to who would pay for the street furniture and was advised that it would be the applicant.

Members heard representations from Mr Burns in opposition to the application. He advised Members that he has no objection to anyone practicing religion however he opposes any permanent demarcation of an area on behalf of any religion. The assertion that the proposed eruv simply completes the natural eruv that exists and that is virtual. The eruv is physical structure that will be visible. The idea that any religion should be able to permanently mark out an area should be strongly resisted. It is also debateable whether the eruv will encourage diversity across the broader community either. We are a secular and tolerant society and anyone is free to practise their religion, this however should not extend to permanent religious

symbols defining an area of the community. This is potentially the thin edge of the wedge, allowing one religion to engineer a local area around their rule and will invite other religions to apply for the same preferential treatment. These ideas should be resisted at all costs by anyone who cares about social cohesion and diversity. Perhaps there are other solutions to be explored such as technological conclusions. 4 years ago plans for an eruv in Hale Barns were rejected and this application should be refused too.

Cllr Vine responded to Mr Burns by confirming that she is against the application and would like to put on record that she believes that every person should be free to practice their religion. The issue in this instance however is about imposing physical structures upon a community that would affect less than 5% of the population. It is wrong to do that.

Mr Burns responded by thanking Cllr Vine for her comments and expressed his opinion that this is the thin edge of the wedge. We need cohesion and harmony.

Cllr Vine responded by expressing her view that the application is the complete opposite of seeking cohesion, will cause a lot of dissention and incite a lot of people who otherwise would not be incited.

Cllr Hunter asked Mr Burns to clarify who he was referring to in his comments when he mentioned 'we'? Mr Burns advised that his comments were those of his family and everyone he spoke to in Cheadle. He commented that no one knew about the application as the signs were in small writing on lamp posts and people didn't read them because they thought it was about a bar or a new shop opening up.

Members then heard representations from Martin Katz who spoke in favour of the application and has been involved in this project from its conception almost 4 years ago. Reference was made to eruv's in Manchester as well as in almost all towns and cities across all five continents. Mr Katz explained that an eruv is a term in religious Jewish law which defines a notional boundary comprising existing buildings, walls and fences; where roads cross the boundary Jewish law accepts the provision of pair of poles with a wire strung between to maintain the boundary. The poles and wires have no religious significance and no religious symbolism. Within this boundary the Sabbath law which prohibit the movement of object and on ambulant persons from one location to another may be relaxed. This allows observant Jews who are very young or non ambulant of all ages and their carers to leave their house on Friday evening and Saturday to attend social, leisure, religious or communal activities. Eruv's in existence in other areas for many demonstrate that they have no impact on any other section of the local population nor do they affect the existing demographic or impact on social cohesion. Once installed the poles are indiscernible in the street and cause no impediment to wildlife. Reference was made to the 2010 Equalities Act which imposes a duty on local authorities to support prescriptive characteristics of minority groups; the observing of the Sabbath is a prescriptive characteristic of the Jewish faith. The eruv will enable young and non ambulant people to leave the home on the Sabbath. For some this is the only time that they can meet.

Cllr Hurlstone asked Mr Katz for an explanation about the gaps in the eruv and why there needs to be street furniture when existing buildings etc already help form the

boundary. Martin Katz explained that the eruv is already in existence when, for example you are walking along a terrace as the frontage of the terrace forms the boundary. When you get to the end of that terrace you need to cross over the road, if there is a cul de sac that is at the end of the terrace then there wouldn't need to be a pair of poles to define the boundary as you could just follow the road around the cul de sac and continue. The issue is where there is no obvious way to cross the road other than by using this link (the poles and wire) to follow this notional boundary. Development to 32 locations is proposed as there are 32 locations in the Borough where there is a gap in the eruv.

Cllr Vine asked why it is so fundamental that there needs to be a piece of furniture to determine whether or not a person goes on one side of the road or the other. Surely those following the religion would know that where there is a gap that this is where the boundary is? Mr Katz advised that it is little like a hole in a water balloon, you need to close the gap for it to be complete. This is something that has been introduced by sages many years ago where you can close the gap in the boundary to form a complete circle and allow those within in to follow the Sabbath.

Cllr Vine also asked who will be checking the wires? Mr Katz advised that a person will be nominated by the synagogue to check the eruv at least once a week. From his experience there has never been a case of wildlife being impacted by the installations.

Cllr Wyatt advised Mr Katz that until a few days ago she knew nothing of an eruv. Why were Members never contacted to discuss the proposals and explain them? Mr Katz advised that they followed planning advice that was presented to them which did not include contact with Members.

Cllr Wyatt also enquired about the concept of a notional area and why it is not possible to IT to define the eruv? Mr Katz explained that law requires a notional boundary and that reference to it being notional reflects the fact that it is barely visible. The boundary does not demarcate territory (as has been suggested) and is simply about completing the broken line so that within that area people can use pushchairs, wheelchairs and medication. From experience it massively increases social cohesion from all areas of the community and religions.

Cllr Wyatt also asked how many people will benefit from the eruv and was advised that the synagogue has 1400 people in its congregation including 300 families. The eruv would also benefit those of the Jewish faith visiting the area from any part of the world.

Cllr Holt noted the presence of eruv's around north Manchester and asked if there was any evidence of damaged or vandalism. Mr Katz advised that have been 2 instances where an HGV backed into a column and it was replaced in a few hours. There has been no evidence of anti-Semitic instances. When walking around the area you would not notice if you were in or out of the eruv.

Cllr McGahan asked Mr Katz why there can't be a virtual eruv if people know where the boundary is? Mr Katz commented that is already very virtual by the fact that it is barely noticeable. There has to be a physical boundary. It is not sufficient to advise

people that certain roads are in the eruv as when they get to the end of the road how will they know if they can cross the road if there is not a physical structure there to demarcate the boundary of the eruv? The use of technology is not possible to create an infrared line around the boundary of the area, there has to be a physical structure.

In commenting on the application Cllr Hunter expressed his view that in the light of some comments made that we are a community that values the contribution of all faiths and those who have none. We are blessed to have strong communities in this area. We are not here to debate community cohesion, the issue is to debate the planning application which has little impact on the Area Committee with no development in Bramhall and marginal impact on Cheadle Hulme South. Unfortunately this application has drawn out reprehensible views on social media (not at this meeting) and the danger is that this type of application invites comments that have no place in our society. The application must be determined on planning grounds and the professional opinion of Officers is weighed against all other comments. The report is exemplary in that respect including before and after photos. The simple fact is that there are no planning grounds to oppose this proposal.

Cllr Bagnall agreed with Cllr Hunter noting that this committee cannot decide the application and that it must be referred to Planning & Highways with the comments of the Area Committee.

Cllr McGahan noted that many of the questions raised by Members is perhaps due to a lack of knowledge about an eruv.

Cllr Bagnall agreed with Cllr MCGahan and suggested that it would be helpful if a 1 page document could be provided to Members of the Planning & Highways Committee outlining some of the issues discussed. Mr Katz confirmed that this could be provided if instructed by the relevant authority.

Cllr Wyatt was upset that Members had not be consulted prior to the application and the consultation done by the Council was inadequate and she agrees with concerns about the clutter of street furniture. The application will however bring a benefit to a lot of people and for that reason she supports the recommendation.

The Planning Officer confirmed that in reporting the application to Planning & highways there will be detailed summary of the discussion at both area committees.

Cllr Vine wanted to put on record that she voted against the recommendation.

Cllr McGahan noted that a vote had not been taken but given the difference in views asked that a vote be taken.

In voting, (5 for, 1 against and 1 abstention) the Area Committee agreed that planning permission should be approved for the proposed development. Cllr McGahan reiterated the request that Mr Katz forward to the Planning Officers a brief resume as previously discussed.

**PLANNING & HIGHWAYS REGULATION COMMITTEE (10/09/20)**

The Planning Officer introduced the report and advised that whilst the applicant is working positively with Network Rail's Engineers, the Holding Objection remains in place regarding installation TPK01; accordingly, the applicant has requested a deferral with a view to resolving the Network Rail holding objection prior to the next Planning & Highways Regulation Committee in October.

Committee agreed to the applicant's request and resolved to defer consideration of the application.

Cllr. Taylor and Cllr. Bagnall advised Committee that members have received correspondence questioning the necessity for certain installations. Cllr. Taylor and Cllr. Bagnall both requested that a response be provided for members in relation to the necessity for certain installations.