

**LOCATION:** Golders Green Eruv, London, NW11

**REFERENCE:** F/00171/14

**Received:** 13 January 2014

**Accepted:** 13 February 2014

**WARD(S):** Golders Green/Child Hill

**Expiry:** 10 April 2014

**Final**

**Revisions:**

**APPLICANT:** Golders Green Synagogue

**PROPOSAL:** In connection with the creation of an Eruv in Golders Green, the construction of pole and wire gateways, 1m high posts known as 'leci' and fencing at the following locations:

Site 1: Cotswold Gardens, Rear gardens wall of 56 to 58 Cotswold Gardens. (2x 3m high poles and connecting wire)

Site 2: Clitterhouse Road, adjacent to the corner post of the hairpin railing to the access to flats 166-168 Clitterhouse Road. (2x 5.5m high poles and connecting wire)

Site 3: Brent Terrace, Rear of the public footpath on the line of the junction between 48/49 Brent Terrace. (2x 5.5m high poles and connecting wire)

Site 4: Brent Terrace, adjacent to the north west corner fence at the rear of 49 Brent Terrace (2x 2.5m high poles and connecting wire)

Site 5: Cricklewood Lane, located directly beneath the north end of the bridge with a matching pole directly beneath the south end of the bridge. (2x 1 m high leci)

Site 6: Cricklewood Lane, adjacent to flank fence of 68 Cricklewood Lane to flank fence to 70 Cricklewood Lane (2x 5.5m high poles and connecting wire)

Site 7: Path between Cricklewood Lane and Besant Road (2x 2.5m high poles and connecting wire)

Site 8: Farm Avenue, Hedge between 20/22 Farm Avenue to flank wall of 11 Farm Avenue (2x 5.5m high poles and connecting wire)

Site 9: Cricklewood Lane, adjacent to the end of the fence between 270/272 Cricklewood lane to the junction between 159/161 Cricklewood Lane. (2x 5.5m high poles and connecting wire)

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 869\_001, 869\_21A, 869\_01, 869\_02, 869\_03A, 869\_04, 869\_05, 869\_06A, 869\_07, 869\_08A, 869\_09, Design and Access Statement.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the

plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

#### **INFORMATIVE(S):**

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 The erection of development on the highway will require a licence under the Highways Act. It will be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security, technical specification (including colour of poles and type of wire) etc. The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.
- 3 Licences under the Highways Act will only be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should identify the owner of the land and seek an agreement with the land owner.
- 4 Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
- 5 In accordance with the general guidance given in the Traffic Signs Regulations and General directions 2002, the applicant should ensure that structures located at the front of the kerb, on a verge or a footway should be a minimum of 0.45m away from the kerbline on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.
- 6 Prior to the commencement of any works on Site XX, the developer must contact Network Rail to inform them of their intention to commence works.

- This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.
- 7 The applicant must obtain necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other consent(s) under relevant highway and traffic legislations prior to construction work commencing on site.
- 8 The applicant would be fully responsible for maintaining the proposed poles, wire and leci to be placed on the Transport for London Road Network public highway at all times.
- 9 The applicant would be liable for the cost of rectifying damage caused to the Transport for London Road Network public highway resulting from construction and maintenance of the proposed Eruv structures.
- 10 Transport for London requests that each of the Eruv sites on the Transport for London Road Network public highway would be covered by an indemnity and liability insurance for a minimum amount of £10,000,000. Evidence of such cover would need to be produced prior to construction work commencing on site, and would need to be ready for inspection upon demand by Transport for London at any time.
- 11 No construction and maintenance work to the Eruv structures shall be undertaken on the Transport for London Road Network public highway without prior consent from Transport for London. The work shall be carried out fully in accordance with relevant existing health and safety legislation and rules, as well as direction and guidance provided by Transport for London.
- 12 Despite the grant of planning permission from the Local Planning Authority, Transport for London reserves its right to revoke consents / licences, and request the removal of the proposed Eruv structures at any time, if the existence of such structures would be deemed no longer appropriate in the interest and benefit of public, highway operation and road users on the Transport for London Road Network (e.g. highway maintenance, statutory undertakers' requirement, safety and highway network development).
- 13 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework (NPPF) dated 27/3/12

In March 2012 the Government published its National Planning Policy Framework (NPPF). This document replaced all PPGs and PPSs and condenses national guidance into a 50 page document as part of the reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The key theme of the guidance is that Local Planning Authorities should approach applications with a presumption in favour of sustainable development.

The 3 identified dimensions to sustainable development are: economic, social and environmental. These dimensions give rise to the need for the planning system to

perform a number of roles including a social role. This is defined as: 'supporting strong, vibrant and healthy communities ...with accessible local services that reflect the community's needs and support its health, social and cultural well being'.

One of the 12 identified core land use planning principles that should underpin both plan making and decision taking, states that planning should 'take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

The NPPF identifies that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions should aim to achieve places which promote (inter alia) 'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'. Planning policies and decisions should 'plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments'.

#### The Mayor's London Plan: July 2011

The replacement London Plan was published in July 2011 and is part of the development plan under the Planning and Compulsory Act 2004. The London Plan provides strategic planning policy for all London Boroughs for the period up to 2031.

Policy 3.1 Ensuring Equal Life Chances for All  
Policy 3.16 Protection and Enhancement of Social Infrastructure  
Policy 6.10 Walking  
Policy 7.1 Building London's Neighbourhoods and Communities  
Policy 7.2 An Inclusive Environment  
Policy 7.4 Local Character  
Policy 7.5 Public Realm

#### Relevant Core Strategy Policies:

CS1 Barnet's Place Shaping Strategy- Protection, Enhancement and Consolidated Growth- The Three Strands Approach  
CS5 Protecting and enhancing Barnet's Character to Create High Quality Places  
CS7 Enhancing and Protecting Barnet's Open Spaces  
CS10 Enabling Inclusive and integrated Community Facilities and Uses  
CS12 Making Barnet a Safer Place

#### Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity  
DM03 Accessibility and Inclusive Design  
DM15 Green Belt and Open Spaces  
DM17 Travel Impact and Parking Standards

### Relevant Planning History:

B/03356/11: Woodside Park Eruv, 34 sites in the Woodside Park Area. Approved

H/01834/10: Mill Hill Eruv, 19 Sites in the Mill Hill Area. Approved 6.7.10

H/00921/09: 9 sites around the Edgware Area to Complete the Stanmore/ Canons Park Eruv. Approved 25.6.09

W13797: Edgware Area Eruv. Approved 24.11.04

### Finchley, Golders Green and Hendon Eruv (Known as the North West London Eruv) Planning History

#### Eruv1

Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". Refused 24/02/1993.

#### Eruv2

Installation of street furniture (comprising groups of poles connected by thin high level wire) to complete the identification of the perimeter of a defined Eruv. Refused 27/10/1993.

An appeal against the refusal of planning permission Eruv1 and Eruv2 was heard at a Public Inquiry in December 1993. On 20 September 1994 the Secretary of State for the Environment allowed the appeal and granted planning permission subject to conditions.

#### Eruv 3 and 4

Erection of street furniture comprising groups of poles (usually 2) between which is suspended at high level a wire to designate the perimeter of a nominated Eruv. Approved 08/01/1997 and 7/7/1998.

### Consultations and Views Expressed:

This application has been the subject of extensive consultation with the local community, over 1000 residents and organisations were notified of the application by letter, notices were displayed at each of the proposed sites, and an advert was published in the local paper.

This section of the report summarises the responses to the consultation.

Neighbours Consulted:	1075	Replies:	58
Neighbours Wishing To Speak	1		

14 objections were received the concerns raised may be summarised as follows:

- Additional poles will put young pedestrians in unnecessary danger.
- Poles would ruin the view and prevent residents from enjoying their environment.
- Proposals will add to street clutter and will be an intrusive feature.
- Whilst the proposals will make the life of the Orthodox Jewish community easier this should not be at the expense of any residence which will suffer as a result.
- The poles should be placed in main roads and not residential side streets.
- In this day and age an Eruv is unnecessary and irrelevant.
- The Eruv will lead to a vicious form of racism, especially amongst the young.
- There are no orthodox Jews in Brent Terrace so the Eruv is neither necessary nor proportionate.
- The Eruv will be vandalised - its existence will invite such behaviour.
- Birds will suffer injuries and can potentially be killed by flying into the wires.
- The gap between 48-49 Brent Terrace is used by contractors working on the railway and the presence of an invisible wire at 2m high will create health and safety issues.
- The vast majority of residents in this area are not orthodox Jews. The creation of an Eruv could result in a raft of application from an indefinite number of pressure groups.
- Whilst there should be no unfair discrimination against minorities, it is disproportionate and inappropriate to ignore the views and leanings of the majority of the population in the UK, where the Head of State is also the Head of the Established Christian Church.
- The installation of the Eruv is likely to have the opposite effect to that of fostering good community relations.
- Lack of notification.
- Problems with submitting comments.
- Oppose any extreme orthodox approach as it may put other religious groups in a discriminating position.
- The Eruv could increase antisemitism/cause accidents.
- There is a lot of crime in the area and residents don't want anything that might incite racial tension.
- Proposal will effect property values.
- The area for the new Eruv is Cricklewood and not Golders Green as described on the application.
- The applicant is not from Cricklewood and there is no evidence of a need for an Eruv in the Cricklewood area.
- The siting of poles and wires is highly visible and designed to maximise distress to non-believers.
- The residents of Brent Terrace have spent a lot of time and effort improving the area and in the insertion of poles will adversely effect this.
- Symbols of religious orthodoxy or fundamentalism should be within their respective place of worship.

5 people did not object but commented on the proposal. Their comments can be summarised as follows:

- Why is it necessary in this area?
- The Jewish people have a right to have the proposed Eruv as long as I am under

no obligation to follow the Jewish laws prohibiting carrying.

- The installation of poles and wires in Clitterhouse Road and Brent Terrace sites are completely unnecessary.
- The proposal does not appear to make a continuous boundary as required and there are several alternative locations that appear more logical and less intrusive.

39 letters were received in support of the application. The comments made can be summarised as follows:

- It will enable people who are disabled to attend synagogue and visit family on the Jewish Sabbath.
- Visual impact of the poles and wires is minimal.
- It will enable women with young children to attend synagogue and community events on the Jewish Sabbath which they currently cant do.
- A large number of Eruvs have already gained planning permission and have been successful in their communities with no adverse effects on the surrounding population.
- The proposal will add considerably to the quality of life for observant Jews living within the Eruv.
- The health impact of encouraging walking in the area will have a positive impact on both physical and mental health for those affected.
- The proposal will enable young families who cannot afford to live in Golders Green to live nearby.

#### Internal /Other Consultations:

- Natural England - No objection
- Environment Agency - No objection
- Network Rail - No objection
- Network Rail -Infrastructure Protection - No objection
- London Underground - Infrastructure Protection - No objection

#### Date of Site Notice:

## **2. PLANNING APPRAISAL**

Amongst the restrictions accepted by Orthodox Jews are the prohibitions of carrying - which includes the pushing of wheelchairs and pushchair's - from public space to a private space and vice versa, and carrying in a private street, on the Jewish Sabbath.

This means that within the Orthodox Jewish community disabled members and parents of very young children who cannot walk are restricted to their homes on the Sabbath.

The purpose of an Eruv, which is a complete boundary around a town or district, is to integrate a number of private and public properties into one larger combined space. Consequently, Jewish individuals within the Eruv are then permitted to move objects across, what was before the construction of the Eruv, a public domain-private

boundary.

There are three established Eruv in the borough - the Edgware Eruv; the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv) and the Woodside Park Eruv. The Mill Hill Eruv which was granted consent in 2010 is in the process of being installed.

The extent of an Eruv is formed by utilising continuous local features such as fences or walls alongside roads, railways or terraced buildings. However where continuity is not possible due to breaks in the boundary, e.g. roads, then the breach must be bridged by the erection of, for example, a notional "gateway" formed by poles and wire.

The boundary itself does not require planning permission however the development proposed in this application would complete the boundary where there are any gaps.

The proposal involves development (poles & "wire", leci, and/or fencing) at 9 sites.

The design and sizing of the poles is based on a number of requirements.

Any wire or other feature crossing the public highway must be at least 5.5m above the surface of the road.

However a design case where the wire would be struck by an over-height vehicle or an extremely high wind together has been used to determine the materials and size of poles. The material selected is based on the break strength of the wire to be used (nylon or Kevlar) and its ability to be welded cleanly and without sharp edges. These calculations lead to a diameter of 76mm and a wire thickness of 5mm being the optimum size.

The design of the foundations for the poles have been completed in accordance with the Highways Agency guidelines. This allows for the excavation to be completed from above and quickly by hand. There is no connection underground for any poles.

Experience with other Eruvs has shown that it is possible to place the poles and their foundations extremely close to existing walls and not cause any disturbance to surrounding tree roots or utilities.

The poles are able to be carried by hand and installed without the need for cranes and other mechanical aids. This therefore will mean during installation any traffic and other disturbance will be limited as much as possible.

Where a pole and wire are only required to be placed over a footpath a slightly smaller 4m pole may be used. In this case a primary concern is to ensure that the wire is not subject to vandalism and is kept out of the way of pedestrians.

In selecting a wire material the key requirement was to try and minimise the diameter and visual effect. The diameter of less than 1/2 mm is equivalent to the visibility of a car from 8km distance. The materials have been selected to minimise any hydroscopic (water absorption) which in an outdoor environment would subject the

fibres to damage due to freeze thaw, water and UV light. Yet the materials would need to be weak enough to snap should the wire be struck by any passing over-height vehicle.

It is proposed that the poles to be used will be fabricated from S235 steel, zinc plated and painted either grey or green depending upon their location. All poles will be installed in a ready full finished state however if poles are scratched or if required while in use these may be repainted to ensure consistent high cosmetic standards.

Lecis will be attached or bonded to existing bridge structures and will be constructed from sheet metal (mild steel), zinc plated and painted or powder coated to a grey colour. Where there is depth to the items on installation these will be filled with expanding foam and capped to improve dimension stability and resist damage due to vandalism.

Free standing Lecis are of welded construction similar to poles and will be coloured black to match existing street furniture. In addition to a concrete foundation these will be back filled with concrete on installation to reduce the chances of vandalism and improve strength.

All other materials and works are in line with current street works practices and present no hazard to installation contractors, members of the public and any other contractor working in the street scene once these works are completed.

Protection of the public is a key issue and the design of all the proposed poles and leci has been either in line or exceed current requirements. However in the extremely unlikely event of any incident or injury the Eruv will be maintaining public liability insurance of at least £10m. To date there has been no example of any claim against any Eruv for public liability in the UK.

Should planning permission be granted a series of special licences under Highway legislation will also be required to permit these works to be commenced.

The cost of the Eruv, as well as its annual maintenance, will be borne entirely by the Jewish community. The proposal is an extension to the existing North West London Eruv and therefore the existing maintenance arrangements for this Eruv will be extended to include this new area.

Maintenance and upkeep of all these works and the insurance will be the responsibility of the North West London Eruv Committee. The erection and maintenance of the Eruv boundary will be funded by the committee and will not provide any burden on public finances. Weekly inspections will be carried out of the route to ascertain the integrity of the Eruv and to identify any breakage's that need fixing. As with the current Eruv the community will be informed via a dedicated website, text message and email subscriptions.

The proposal at each of the sites is described and appraised below.

**Site 1 : Cotswold Gardens**  
**Rear garden wall of 56 to 58 Cotswold Gardens (2 x 3m high poles**

### **and connecting wire)**

Two 3m high poles are proposed. One would be sited on the pailing fence at the eastern corner of the rear garden wall of 56 Cotswold Gardens. A matching pole would be located adjacent to the pailing fence at the northern corner of the rear garden wall of 56 Cotswold Gardens. A wire would span between the two poles 'bridging' the gap created by the public entrance to Clitterhouse Playing Fields.

*Appraisal:* Both poles would be located either side of the public entrance to Clitterhouse Playing Fields. The poles have been located at the far edges of the entrance and would be viewed against the mature vegetation that exists along the rear boundary of the playing fields. The proposed poles are therefore not considered to be visually obtrusive or detrimentally impact upon the amenity of adjoining residents. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

No specific objections to this site have been received.

### **Site 2: Clitterhouse Road Adjacent to the corner post of the hairpin railing to the access to flats 166-170 Clitterhouse Road (2 x 5.5m high poles and connecting wire)**

Two 5.5m high poles are proposed. One would be sited adjacent to the left hand gate post to the service access road to Clitterhouse Playing Fields. This pole would be coloured green. A matching pole would be located adjacent to the boundary railings that belong to a purpose built block of flats (166-170 Clitterhouse Road). This pole would be coloured grey. A wire would span between the two poles 'bridging' the gap created by Claremont Road.

*Appraisal:* The proposed pole adjacent to Clitterhouse Playing Fields would be viewed against the backdrop of trees within the park and the large lamp columns that are placed at regular intervals along Claremont Road. Furthermore, the pole will be coloured green to blend with the background of the adjoining open space and vegetation. The proposed pole on Clitterhouse Road will be viewed against the backdrop of a three storey block of flats within a streetscene where there are both grey lamp columns and wooden telegraph poles. The proposed poles need to be 5.5m high as they span a road which is a bus route. The proposed poles are therefore considered to be of the minimum height possible and to have been sited so as to minimise their visual impact whilst still complying with the requirements of an Eruv. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

No specific objections to this site have been received. The proposed poles and wire at this location form part of the larger Eruv boundary and are required to complete the whole boundary. Whilst it is acknowledged that the proposed equipment may not benefit residents in the immediate vicinity, the wider benefit that would accrue for the Eruv should be taken into account as addressed elsewhere in the report

### **Site 3: Brent Terrace Rear of the public footpath on the line of the junction between**

### **48/49 Brent Terrace (2 x 5.5m high poles and connecting wire)**

Two 5.5m high poles are proposed. One would be sited adjacent to the west elevation of the single storey brick built sub-station that is located at the southern end of the playground/open space. The proposed partnering pole would be located at the back edge of the footpath on the boundary between nos 48/49 Brent Terrace.

*Appraisal:* The proposed pole adjacent to the sub-station was originally shown to be red but this has been amended to green to blend with the adjoining hedgerow and open space. For the pole adjacent to the Brent Terrace properties have a low boundary wall (brick and railings in the case of No.49 and precast concrete for No. 48) to the front. A grey lamp column is located on the opposite corner of the front boundary to No. 49 adjacent to an unmade access road. Further down the street is a large telegraph pole with numerous wires spanning the road. The addition of a pole and further wire are therefore not considered to adversely impact upon the visual amenity of the street or adjoining residential properties. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

The following specific objections to this site were received:

- There are no orthodox Jews in Brent terrace so the Eruv is neither necessary nor proportionate.
- The gap between 48-49 Brent Terrace is used by contractors working on the railway and the presence of an invisible wire at 2m high will create health and safety issues.
- The residents of Brent Terrace have spent a lot of time and effort improving the area and in the insertion of poles will adversely effect this.

*Officers Comments:*

- The gap between 48-49 Brent Terrace is not affected by the proposal as the poles and wire span Brent Terrace and not the access road. Furthermore, 5.5m poles are proposed in order to comply with the requirements for crossing a highway to ensure that vehicles can pass safely under them.
- The proposed poles are considered to have been sited as sensitively as possible whilst still meeting the requirements for an Eruv in order to minimise their visual impact. They are not therefore considered to adversely effect the character and appearance of the area.

### **Site 4: Brent Terrace Adjacent to the north west corner fence at the rear of 49 Brent Terrace (2 x 2.5m high poles and connecting wire)**

To the rear of Brent Terrace runs an access path that serves the rear of the properties in the terrace. A 2.5m high green pole is proposed to be mounted adjacent to the north west corner fence of 49 Brent Terrace, the partnering pole would be located adjacent to the pre-cast concrete gate pier that supports the 2m high steel palisade fence that encloses the railway sidings. The poles would be

connected by a wire.

*Appraisal:* 49 Brent Terrace has the benefit of a 1.8m high close boarded fence. The proposed pole would therefore project 0.7m above this and would be viewed against the background of the heavily vegetated railway sidings and palisade fence. The proposal is therefore not considered to adversely impact the outlook from adjoining residential properties. As the site is located to the rear of 49 Brent Terrace only glimpsed views of the poles would be possible from Brent Terrace. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

The same site specific objections as for site 3 were received for this site. Please refer to the section above for the comments and officers response.

**Site 5: Cricklewood Lane**

**Located directly beneath the north end of the bridge with a matching pole directly beneath the south end of the bridge (2 x1m high poles)**

The proposal here is for Leci as opposed to poles and wires. Leci are 1m high bollard's. The proposed leci will be adhered to the side of an existing bridge 2.3m from the face of the bridge on the northern (station) side of the bridge.

*Appraisal:* The proposed Leci will be small additions which will have no adverse impact on the appearance of the bridge and street scene. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

The proposals will not impede pedestrians using the footpath as over 1m width of footpath would be retained. The proposal is therefore not considered to impact adversely on the safe and free flow of pedestrians and is in accordance with Policy DM17 of the adopted Local Plan.

No specific objections to this site have been received.

**Site 6: Cricklewood Lane**

**Adjacent to the flank fence of 68 Cricklewood Lane to flank fence to 70 Cricklewood Lane (2 x 5.5m high poles and connecting wire)**

Two 5.5m high poles are proposed. One pole would be located adjacent to the side boundary with 68 Cricklewood Lane the partnering pole would be located adjacent to the side boundary with No.70 Cricklewood Lane. The poles would be connected by a wire to 'bridge' over Lichfield Road.

*Appraisal:* 68 and 70 Cricklewood Lane are large two storey Victorian Semi detached properties which front onto Cricklewood Lane. Both properties are located either side of the junction with Lichfield Road and as a result their flank elevations front onto this road. A small boundary wall runs along the back edge of the footpath. The proposed poles would be located adjacent to the flank elevations of these properties to minimise the visual impact on the streetscene. The proposals are therefore considered to comply with the requirements of Policy DM01 of the

adopted Local Plan.

No specific objections to this site have been received.

**Site 7: Path between Cricklewood Lane and Besant Road (2 x 2.5m high poles and connecting wire)**

Two 2.5m high poles are proposed. One pole would be located adjacent to the pier on the east side of the footpath adjacent to the north-east corner of 80 Cricklewood Lane. The partnering pole would be located adjacent to the flank elevation of Ivy Hall (a Middlesex University building). The poles would 'bridge' over a public footpath that leads to Besant Road.

*Appraisal:* 80 Cricklewood Lane is a large two storey semi detached property. The side boundary which abuts the public footpath to Besant Road is constructed of a 1.5m high palisade fence. The other side of the public footpath is formed by the side elevation of Ivy Hall, a three storey, educational building. A number of lamp columns are located along the centre of the footpath. The proposed poles would be coloured grey and would be 1m higher than the boundary fence and attached to the facade of an existing building. They would be viewed against the backdrop of lamp columns; footpath signs and mature trees as a result the visual impact of the proposed poles is considered to be minimal. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

No specific objections to this site have been received.

**Site 8: Farm Avenue  
Hedge between 20/22 Farm Avenue to flank wall of 11 Farm Avenue  
(2 x 5.5m high poles and connecting wire)**

Two 5.5m high poles are proposed. One pole would be located adjacent to the front boundary hedge of 20/22 Farm Avenue, the pole would be 5.5m high coloured green and located at the back edge of the footpath. The partnering pole would be located adjacent to the side boundary wall of No. 11 Farm Avenue. 11 Farm Avenue is located on the junction with Hocroft Avenue and as a result the pole would actually be located in Hocroft Avenue. This pole would be coloured grey. A wire would 'bridge' over Farm Avenue.

*Appraisal:* Farm Avenue and Hocroft Avenue are residential street characterised by large two storey semi detached properties. One pole would be located adjacent to the front boundary hedge to the front of 20/22 Farm Avenue. The pole would be located at the back edge of the footpath. As the poles are 'bridging' a road they are at the minimum height of 5.5m to enable vehicles to pass below them. Concerns have been raised by local residents about the appropriateness of the location and the impact on outlook. The applicant has reviewed this site and looked at other options to re-site, they have confirmed that this is the most appropriate location to meet the requirements for the creation of an Eruv. In order to address concerns about loss of outlook a tapered pole of the same height is now proposed to help address concerns regarding bulk. The proposed pole to the front of 20/22 would be seen against the

backdrop of an adjacent lamp column and is therefore not considered to be out of character in the streetscene. It has been coloured green and redesigned to minimise visual impact. It is therefore considered on balance that the proposal would not adversely impact upon the character and appearance of the streetscene and the residential amenity of adjoining properties to such a level as to warrant a refusal.

The proposed pole adjacent to 11 Farm Avenue would be viewed against the backdrop of the two storey side elevation of this property. A street tree is located to the front of the proposed location which will also provide additional screening. The proposal is therefore not considered to adversely impact upon the character and appearance of this part of Farm Avenue/Hocroft Avenue or the residential amenity of surrounding properties to such a level as to warrant a refusal.

It is therefore considered on balance that the proposals will comply with the requirements of Policy DM01 of the adopted Local Plan.

The following specific objections have been received in relation to this site:

- Additional poles will put young pedestrians in unnecessary danger.
- Poles would ruin the view and prevent residents from enjoying their environment.
- Proposals will add to street clutter and will be an intrusive feature.
- The poles should be placed in main roads and not residential side streets.
- Lack of notification.
- Problems with submitting comments.
- Proposal will effect property values.

*Officer Comments:*

- The proposed poles will be located at the back edge of the footpath, the proposals will not impede pedestrians using the footpath as over 1m width of footpath would be retained. The proposal is therefore not considered to impact adversely on the safe and free flow of pedestrians and is in accordance with Policy DM17 of the adopted Local Plan.
- The proposed poles would be located approx 9m from Nos. 20/22 Farm Avenue. Habitable room windows in these properties would face the pole. The fact that the pole would be visible does not imply harm to residents' visual amenity or living conditions and for the reasons outline above this is not considered to be a sustainable reason for refusal. There are no habitable room windows in the side elevation of No. 11 Farm Avenue.
- This part of Farm Avenue, already contains a collection of street furniture in the form of lamp posts and signage. The introduction of a further 2 poles and wire would not harm the street scene.
- When designing the Eruv the applicant has sought to minimise the need for poles wherever possible by using existing boundaries and main thoroughfares. However, in order to meet the needs of the community and the legal requirements of an Eruv it has to include certain areas. The applicant has looked at other options for the boundary. However, it was concluded that these either did not meet the requirements of an Eruv or they had a greater impact.

- Over 1,000 properties were consulted on the Eruv application. 25 individual properties in Farm Avenue were consulted on the proposals. In addition site notices were erected at each of the sites.
- 8 letters of objection were received from residents in Farm Avenue and has been summarised above.
- Impact on property values are not a material planning consideration.

#### **Site 9: Cricklewood Lane**

#### **Adjacent to the end of the fence between 270/272 Cricklewood Lane to the junction between 159/161 Cricklewood Lane (2 x 5.5m high poles and connecting wire)**

Two 5.5m poles are proposed. One pole would be located adjacent to the end of the 1m high close boarded side boundary fence for 270/272 Cricklewood Lane. This pole would be coloured grey. The partnering pole would be located adjacent to the brick pier that forms part of the front boundary wall to 159/161 Cricklewood Lane. This pole would also be coloured grey and both poles would be connected by a wire.

*Appraisal:* This part of Cricklewood Lane is in close proximity (approx. 10m) from the junction with the Hendon Way. As a result whilst the surrounding residential buildings are suburban in their form the area is more urban in character with pedestrian guard rails, traffic light, lamp columns and a pedestrian footbridge informing the character and appearance of the area. The addition of these two poles in this location is therefore not considered to adversely impact upon the character and appearance of the streetscene. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

### **3. PLANNING CONSIDERATIONS**

The proposal falls to be considered against the relevant development plan policies, in each of the appraisal sections above the individual sites have been assessed against the relevant general planning policies in terms of their visual impact.

With regards to specific policy support for the principle of the proposal, this can be found at Policy CS10 of the Adopted Core Strategy which seeks to ensure that community facilities are provided, including places of worship, for Barnet's communities. Development management Policy DM13 in respect of community uses seeks to ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties. Depending on the location of the proposed poles and "wire", leci, and fencing different policies will apply. The policies in respect of Character, Design, Road Safety will apply almost universally, more specific policies such as those relating to conservation areas will depend on the precise location of the proposals.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The majority of these have been considered in the section above. However, the following specific responses can be made:

- The Eruv is considered necessary by the Orthodox Jewish community who form part of the population of Barnet.
- The borough has the benefit of a number of established Eruvs and it has not been found to lead to racism or vandalism.
- The boundary of the Eruv has been drawn up by the Eruv committee to meet the needs of its membership.
- There have been no instances within the other established Eruvs of birds being killed by flying into the wires.
- The council has not experienced applications from other pressure groups as a result of other Eruv applications elsewhere in the borough. Any application from any group or individual will be considered on its merits and judged against adopted policy and national legislation.
- The council acknowledge we live in a multi-cultural society and as set out in Policy CS10 the Council seeks to meet the needs of all of its communities.
- The experience from other Eruvs within the borough is that they haven't lead to an increase in anti-Semitic incidents.
- The proposed Eruv is not considered to increase the risk of crime.
- The application is described as Golders Green as it is an extension to the existing North West London Eruv that covers Golders Green.
- The proposed Eruv does not contain any religious symbols.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.

Section 149 provides:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:-

- eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- a. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share

it involves having due regard, in particular, to the need to-

- a. remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b. take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
- c. encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- a. tackle prejudice, and
- b. promote understanding.

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- age;
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

#### *Equalities impacts evidence gathering*

There has been extensive consultation on the equalities impacts of this proposal. With an equalities questionnaire being sent to all consultees requesting their views on the potential equalities impact of the development on protected groups in the area who might be affected by the scheme.

#### Analysis of relevant impacts on protected groups

It is considered that the following protected groups will potentially be affected by the proposal:

- Jews
- Other faith groups Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
- Secular Groups – Agnostic, Atheist, Humanist
- Disabled people
- Elderly Jews
- Young children and parents of young children who are Jewish

- Jewish women (on the assumption that these have greater childcare responsibility)

Before analysing the potential impact of the proposal on each of these groups it must be acknowledged at the outset that monitoring and assessing religious equality or equality between people with different beliefs can be difficult. Varying levels of commitment to particular religious or beliefs can make it difficult to interpret the information gathered. For example, in this case there may be significant differences between someone who loosely identifies themselves as culturally Jewish but does not practice the Jewish faith and an orthodox Jew who observes the Sabbath and refrains from “carrying” on that day except within an Eruv.

#### *Orthodox Jews*

In the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws.

The Jewish Community comprises 15% of Barnet’s population. This prohibition has the following potential adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath.

Parents cannot utilize a pram or pushchair to take their baby/young child with them to the synagogue or anywhere else such as to friends, elations etc. In effect this means that children aged two and under may be housebound and unable to attend synagogue. The same will be true for at least one of their parents, a situation that would persist until all the children in a family are able to walk to synagogue and back.

The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

Disability takes various forms and those who require an appliance such as wheelchair, walking stick, zimmer frame to get out and about cannot make use of such aids in a public thoroughfare without transgressing Jewish Law on the Sabbath.

The prohibition also applies to the carrying of medication such as pills, nebulisers etc. unless the absence of such medication were life threatening. Less obviously Jewish law also prevents the carrying of reading glasses whilst walking.

The introduction of the Eruv would directly benefit these members of the Jewish community who are adversely affected as described.

Other members of the Jewish community would also benefit indirectly from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

The majority of the Jewish community who completed the questionnaire were in favour of the proposal. The most common point made being the benefit that the Eruv would bring to the Jewish community.

### *Other Faith Groups*

Other protected groups who may be impacted by the Eruv development by virtue of their religious beliefs include members of the Bahai, Buddhist, Christian, Hindu, Jain, Muslim, and Sikh Communities who comprise a combined total of 73% of the borough's population.

Based on the equalities questionnaires distributed in respect of this application of the total of 17 questionnaires that were returned completed (or partially completed) 4 (23.5%) were completed by persons within these groups. The only other faith group represented within this section were Christians of which all 4 objected to the proposal.

Of the 4 questionnaires returned by persons within these groups the main objections/concerns raised by members of these groups were:

- b. An objection to any symbols of religion outside their respective place of worship.
- c. Potential offence to other groups within what is an ethnically diverse area.
- An increase in anti-semitism and the potential to cause accidents.

Officers recognise the concerns about the perceived impact that the Eruv development will have on the religious beliefs of members of other faiths in the community. The effect of this on the individual will vary from person to person and there is clearly an inherent difficulty in assessing equality issues not only between people with different beliefs but also between persons sharing the same belief. The level of commitment to a particular religion or belief will vary from person to person.

However these identified impacts on members of other faith groups must be balanced against the following considerations:-

- The proposed Eruv equipment comprising poles, wire, leci, and fencing will not display any Jewish or any other religious symbolise that would allow them to be readily identified as being of religious significance.
- The proposed poles would be up to 5.5m high and connected in places by relatively thin wire. Officers consider that they would appear as part and parcel of the variety of street furniture with no discernible religious significance. In addition the poles and equipment will be located where possible at the back edge of the pavement so as not to stand out or draw undue attention in the general street scene.

The physical impacts of the proposed Eruv equipment have been considered on a site by site basis earlier in this report. Officers consider that the siting of the Eruv equipment would not result in visual obtrusions such as to warrant refusal of the proposal and the equipment could be readily assimilated into the general street scene.

There are already Eruvim in existence in Barnet, and the operation of these provides useful evidence as to how the proposed scheme is likely to operate and the likely potential impacts of the scheme on protected groups.

Officers recognise and have had due regard to the strongly held views of members

of other faith groups about the potential negative impacts of the Eruv of their beliefs and local environment. However, officers consider that these concerns are mitigated by the experience of the form and operation of other Eruvim in the borough where there is no evidence that these concerns have been borne out in practice. The potential adverse impact of the proposal on these protected groups also needs to be balance against the positive outcome that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to worship at the Synagogue on the Sabbath.

### *Secular Groups*

This group includes Atheists, Agnostics and Humanists. A total of 5 (29.4%) completed questionnaires were received from members of these communities, of which 2 objected to the proposal. Members of secular groups and non religious persons make up 13% of Barnet's population.

One of the two objectors stated that the extensive nature of the Eruv, and area it covers will imply that Cricklewood is not a multi-cultural, multi-ethnic, community but a Jewish one, and it will have a detrimental effect on the multi-cultural area.

It is evident from the consultation that these concerns together with the objections in respect of the potential imposition of religious symbols / designation on members of other faith groups and secular persons are strongly held views by those who responded.

It is considered that these perceived adverse impacts are mitigated by the following:

- The successful operation of existing Eruvim elsewhere in this borough and in neighbouring authorities where there is no evidence that an Eruv gives rise to tension between secular and religious groups.
- The Eruv equipment does not carry any Jewish symbolism and is usually seen as part and parcel of the normal street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Jewish Community.

### *Disabled people*

A total of 3 questionnaires (17.6% of the total returned) were completed by persons who stated that they have a disability under the Disability Discrimination Act definition ("a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities"). 2 of the 3 questionnaires (66%) were completed by a member of the Jewish community, however none of the disabled members of the Jewish community who completed a questionnaire stating support for the Eruv referred to any specific benefit to them.

1 response was received from non Jewish disabled persons of which they were neither in support or against the objection but made comments on queries that they had with regards to the application.

### *Potential negative impacts on disabled people*

Although this was not a point raised in questionnaires responses, there may be a potential impact on partially sighted/blind persons whereby the equipment could create a trip or collision hazard which could have a serious effect on their safety and general wellbeing.

Officers consider that the sites for the equipment have been carefully chosen so as to prevent a trip or collision hazard arising. The Eruv poles themselves are 76mm in diameter so are relatively thin structures that can be sited at the back edge of the pavement so as to minimise intrusion onto the footway. The Eruv poles are considerably smaller than many items of street furniture that can be erected without the need of any planning permission. The location of the Eruv poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.

The council's Highways Group, who are directly responsible for highway and pedestrian safety on the Borough's roads have been consulted throughout the process and have no objections to the proposal. The impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration.

In addition to planning permission being necessary, the equipment also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued.

With regard to the existing Eruvim in the borough there have not been any incidents of the Eruv poles causing an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of poles on the public highway could result in a hazard to members of the public in general and disabled persons in particular that is not the case with this proposal. Each site has been carefully assessed and it is considered that the siting of the poles would not adversely impact disabled members of the community.

#### *Positive impacts on disabled persons*

On the other hand, the proposal would significantly and positively benefit disabled members of the Jewish community in that it would enable them to attend the synagogue for worship on the Sabbath as well as generally being able to leave their houses to socialise with friends and family on those days. It would in effect give them the same opportunity to join in the spiritual and social life of their community, as well as the wider community on the Sabbath in accordance with the Equality Act.

Overall, officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Jewish community.

#### *Elderly People*

There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled.

### *Positive impacts for elderly Orthodox Jews*

Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals. Without an Eruv elderly Orthodox Jews are prohibited from carrying these items on the Sabbath and as such may be housebound and unable to attend synagogue.

The implementation of the Eruv will allow elderly Orthodox Jews to participate in religious and communal activities more easily.

Of the 8 questionnaires completed by members of the Jewish community, 5 (62.5%) were completed by elderly persons (65 +) 3 of which supported the proposal. Only one of the elderly members of the Jewish community who responded to the questionnaire supporting the proposal did so citing the benefits / improvement to the quality of life that the Eruv would bring.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on the elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise as for disabled persons, for example potential impacts in relation to greater obstructions on the pavement etc.

Overall it is considered that the Eruv would bring significant benefits to elderly members of the Jewish community, as described in the previous section. Conversely the Eruv could have potential negative impacts as identified in the previous section but it is considered that these concerns have been addressed.

The proposal would have clear and significant benefits for elderly members of the Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

### *Young Children and parents of young children in the Jewish Community*

Without an Eruv, very young children that have not reached walking age or are only capable of walking short distances would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.

Due to childcare responsibilities, at least one parent would similarly be effectively housebound. Moreover, it is likely that mothers would have a greater childcare responsibility and therefore are likely to be disproportionately affected.

The introduction of the Eruv would enable the use of pushchair's, pram's etc for taking children out on the Sabbath. This would provide greater equality of opportunity not only for the children themselves but also their carer's. In addition there would be indirect benefits to the wider community from being able to include all members in the various activities.

Officers consider that the proposal would positively benefit members of this particular group. No noteworthy potential adverse impacts on members of this group have been highlighted or drawn to officers attention through the consultative process.

### *Fostering Good relations*

With regard to the Public Sector equality duty S149 (5) of the Equality Act 2010 requires that the Council have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding”

It is considered that the planning application itself provides an opportunity for inter religion understanding to be promoted. The promotion of the planning application and public consultation which outlines the role of the Eruv has provided an insight into the practices of the Orthodox Jewish Community to other local people.

### *Overall conclusion on equalities impacts*

In determining this planning application the LPA must have due regard to the equalities impacts of the proposed Eruv on those persons protected under the Equality Act 2010. This Act requires the LPA to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts both positive and negative have been weighed in the case of each of the affected protected groups. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on elderly, disabled and young members of the Orthodox Jewish Community.

Officers consider that proposal has the potential to generate certain negative impacts on groups with the protected characteristics of age, disability, religion or belief.

There have been objections to the application made in respect of religious or belief characteristics, demonstrates that these respondents feel strongly against the Eruv and have taken the time and trouble to detail those objections are summarised within the report.

However, officers consider that in practice the development would not change the use of the land nor impose any changes in behaviour on others. The development proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath.

The creation of the Eruv itself does not require planning permission as most of the boundary does not involve development for the purposes of the Town and Country Planning Act 1990. The application comprises street furniture, poles joined at the top by “wire”, 1m high posts known as leci and fencing.

Besides the poles and “wire” and leci there are no other manifestations delineating the Eruv boundary. The development would not display any signage or religious symbol.

No one group would be directly disadvantaged by the Eruv, however those Jews

who do not wish to transgress Jewish Law would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups, outside of the Jewish community.

## **5. CONCLUSION**

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advises has three dimensions; economic, social and environmental. It is considered that this application is promoted by the social dimension in that it reflects the community's needs and supports its health, social and cultural well being.

The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment needs to be taken into account in the consideration of this application.

The application is also supported by the London Plan, in particular policy 3.16 which seeks the protection and enhancement of social infrastructure.

In addition the application has the support of the Council's development plan policies.

Each individual Eruv equipment site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the visual amenities of the area and the amenities of neighbouring residents. In conservation terms the application would be neutral and would therefore preserve the character and appearance of the conservation area. The objections / concerns which have been raised in respect of the potential impact on birds and bats are not supported by substantial evidence and do not justify the refusal of the permission sought.

The proposed site and siting of the proposed equipment on the public highway has been carefully considered in respect of highway safety in general and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in this regard.

The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken into account in the consideration of this application. No one group would be directly disadvantaged by the Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups, outside of the Jewish community as

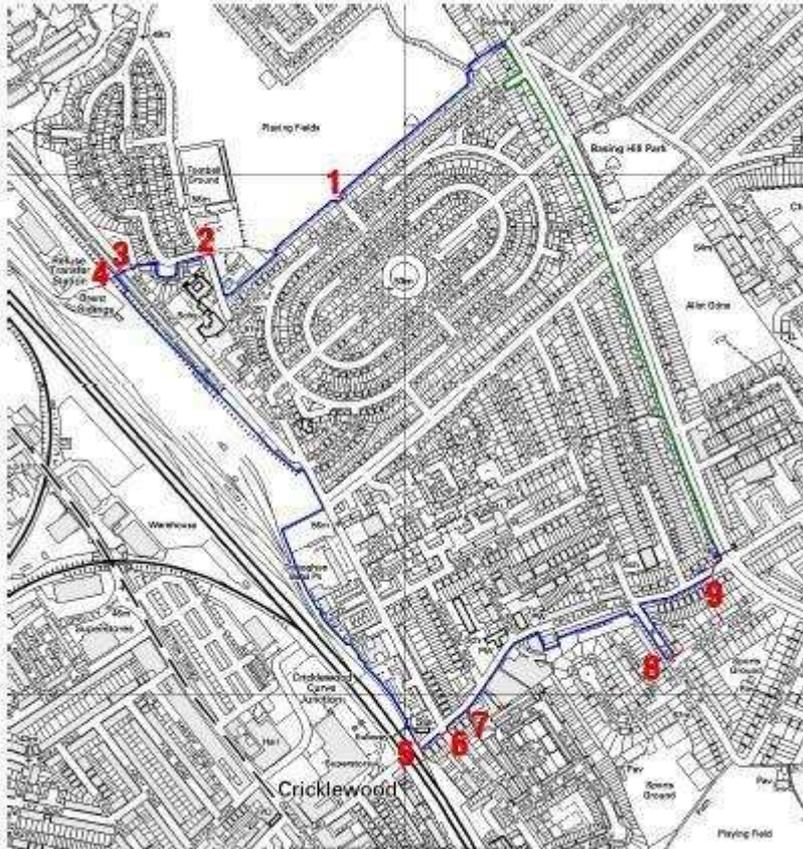
previously addressed.

Eruvim already exist elsewhere in the borough and officers have visited these to assess the impact that the equipment has on the character and appearance of those areas. Officers consider that the Eruv equipment has no adverse impact and readily assimilates into the street scene. Similarly there is no evidence that the concerns raised in respect of the potential adverse impacts of the proposal on protected groups have materialised.

The proposals are considered to be acceptable and approval is recommended subject to conditions.

**SITE LOCATION PLAN: Golders Green Eruv, London, NW11**

**REFERENCE: F/001711/14**



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