

**Location** Golders Green Eruv, London, NW11

**Reference:** F/05349/14 Received: Graham Robinson  
Accepted: 29th September 2014

**Ward:** Childs Hill Expiry 24th November 2014

**Applicant:** Golders Green Synagogue, 41 Dunstan Road, London, NW11 8AE

**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 8a: Farm Avenue, adjacent to no. 50 to the flank wall of 2 Hocroft Road (2x 5.5 meter high poles)  
Site 8b: Farm Avenue, flank of 13 Farm Avenue to flank wall of 11 Farm Avenue (2x 5.5m high poles and connecting wire)

\*An Eruv is a continuous boundary designated in accordance with Jewish Law. Orthodox Jewish Law prohibits carrying on the Sabbath. However, carrying, which includes pushing wheelchairs and pushchairs, is permitted within an Eruv. The Eruv boundary is formed by utilising continuous local features such as fences or walls alongside roads, railways or terraced buildings. Where this continuity is broken by gaps e.g. roads, 'gateways' are created consisting of poles linked on top by a wire crossing the highway. Where the boundary is broken by a route crossing under it, the boundary is continued by the installation of a leci. Leci are vertical batons, 1m high, usually sited inside bridge arches.

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 869\_08B\_C, 869\_08A, 869\_001\_A, 869\_21.

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.

- 3 The poles hereby approved at the following sites shall be treated upon installation with anti climb paint 2.5m above adjacent ground level;  
Site 8B. Pole adjacent to boundary of 11 Farm Avenue.

The anti-climb paint shall be retained and maintained thereafter.

Reason: In the interest of maintaining the security of the adjacent properties.

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 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

Licenses 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.

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.

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.

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.

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.

The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

## **Officer's Assessment**

### **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.

Golders Green Eruv

F/00171/14 - 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)

#### **Consultations and Views Expressed:**

Neighbours Consulted: 113 Replies: 16

Neighbours Wishing To Speak 0

2 letters and 1 questionnaire of support were received.

13 letters of objection were received. (6 in the form of questionnaire responses)

The objections raised may be summarised as follows:

- o Erection of poles and connecting wire would not be environmentally friendly and would detract from the attractive appearance of the area, unsightly and give the appearance of being within a ghetto.

- o It is inappropriate for a small minority, who live outside the area to seek to impose its will on the majority who live in the area.

- o Unsightly road furniture

Applicant has no interest in including Farm Avenue within the Eruv. Only included because no other way to cross at Cricklewood Lane. Further research should be undertaken to resolve this rather than having poles and wire in Farm Avenue.

#### **Internal /Other Consultations:**

Traffic & Development - No objection

- o RSPB London Office - No comments Received.

- o Natural England - No comments Received.

- o Metropolitan Police Service - No comments Received.

- o Street Lighting - No comments to make.

- o Green Spaces (inc Allotments) - No comments Received.

- o Environment & Transport, Green Spaces - No comments Received.
- o RSPB - North West London Group - No comments Received.
- o London Wildlife Trust (Barnet Group) - No comments Received.
- o The Council of Christians & Jews - No comments Received.
- o Access in Barnet - No comments Received.

Date of Site Notice: 23 October 2014

## 2. PLANNING APPRAISAL

The proposals involve an amendment to the approved Golders Green ERUV application approved at the Finchley & Golders Green Area Planning Committee on 03/09/2014. The proposals involve replacing Site 8 with two further sites.

### Site 8A: Adj 50. Farm Avenue and 2 Hocroft Road

The applicant seeks to add an additional 5.5m high pole in front of the fence post at the west side of the public footpath at its junction with Farm Avenue. An additional pole would be sited adjacent to the flank fence of no.2 Hocroft Road.

#### **Appraisal:**

Whilst the site is located close to a bend in the road, the proposed wire and poles would have no impact on visibility or traffic safety from a highway perspective. In terms of any visual impact, the poles would be located near trees and would not appear as overly intrusive features within the street scene and would not be detrimental to the character and appearance of the area.

### Site 8B Adj 11 and 13 Farm Avenue (replaces previous location 8)

The applicant seeks to amend the location of the previously approved poles and connecting wire between 20/22 Farm Avenue to flank wall of 11 Farm Avenue.

The revised proposal consists of 5.5m high pole adjacent to the end of a stone boundary wall to the flank of 13 Farm Avenue with a wire running across Hocroft Avenue just beyond the grey end brick pier on the flank of 11 Farm Avenue.

#### Neighbour Comments specifically on Site 8B:

- o Erection of poles and connecting wire would not be environmentally friendly and would detract from the attractive appearance of the area, unsightly and give the appearance of being within a ghetto.
- o It is inappropriate for a small minority, who live outside the area to seek to impose its will on the majority who live in the area.

#### Unsightly road furniture

- o There are no orthodox Jews on Farm Avenue and Hocroft Estate
- o Loss of light
- o Use is not appropriate for area
- o Posts would be detrimental to outlook
- o Eruv favours a certain sect of people of a particular religion and will encourage a disproportionate number of people of this religion to come and live there.

It was agreed at the previous meeting to keep to main roads. There are other flank walls that would be more suitable. There is already lots of street furniture and the scale and loss of amenity should be considered.

### **Appraisal:**

The previously approved poles for site 8 were on Farm Avenue, Hedge between 20/22 Farm Avenue to flank wall of 11 Farm Avenue. In that application the poles would span Hocroft Avenue rather than Farm Avenue.

This application would have the wire spanning Farm Avenue.

Following receipt of this application, officers requested that the poles for site 8B be moved slightly, so that the pole outside 11 Farm Avenue was further from the first floor front window of that property.

Further consultation was carried out on the amended plan and any further comments will be reported at the meeting.

The amendment moves the poles further back from the road junction and further down the side elevations of nos. 11 and 13 Farm Avenue. The poles would also be located further from the existing signs on the pavements. In relation to the character and appearance of the locality, it is considered that the poles in the alternative locations would not be overly intrusive features within the street scene and would not be detrimental to character and appearance of the area.

### **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.

In the case of these 2 sites, it is considered that the proposals would not cause harm to the character and appearance of the area and would comply with Development Management Policy DM01

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

The majority of the matters raised have been considered elsewhere in the report. However, the following specific responses can be made:

Erection of poles and connecting wire would not be environmentally friendly and would detract from the attractive appearance of the area, unsightly and give the appearance of being within a ghetto - APPEARANCE OF POLES AND WIRE CONSIDERED ACCEPTABLE

It is inappropriate for a small minority, who live outside the area to seek to impose its will on the majority who live in the area - REASON BEHIND THE ERUV EXPLORED IN REPORT

Unightly road furniture - APPEARANCE OF POLES AND WIRE CONSIDERED ACCEPTABLE

Applicant has no interest in including Farm Avenue within the Eruv. Only included because no other way to cross at Cricklewood Lane. Further research should be undertaken to resolve this rather than having poles and wire in Farm Avenue - APPLICATION MUST BE CONSIDERED AS SUBMITTED.

#### Comments from questionnaires:

There are no orthodox Jews on Farm Avenue and Hocroft Estate - REASON BEHIND THE ERUV EXPLORED IN REPORT

Loss of light - CONSIDERED THE POLE LOCATIONS WILL NOT RESULT IN ANY LOSS OF LIGHT DUE TO SLIM LINE NATURE

Use is not appropriate for area - AS ABOVE

Posts would be detrimental to outlook- THE ONE POLE VISIBLE FROM A FRONT BEDROOM WINDOW HAS BEEN RE-SITED

Eruv favours a certain sect of people of a particular religion and will encourage a disproportionate number of people of this religion to come and live there - REASON BEHIND THE ERUV EXPLORED IN REPORT

It was agreed at the previous meeting to keep to main roads. There are other flank walls that would be more suitable. There is already lots of street furniture and the scale and loss of amenity should be considered - APPEARANCE OF POLES AND WIRE CONSIDERED ACCEPTABLE

#### **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:-

- o eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under this Act;
- o 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-

- o age;
- o disability
- o gender reassignment
- o pregnancy and maternity
- o race
- o religion or belief
- o sex
- o 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:

- o Jews
- o Other faith groups Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
- o Secular Groups - Agnostic, Atheist, Humanist
- o Disabled people
- o Elderly Jews
- o Young children and parents of young children who are Jewish
- o 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 6 questionnaires that were returned completed (or partially completed) 4 (23.5%) were completed by persons within these groups. The faith groups represented within this section were Christian and Jewish, of which one of each objected to the proposal.

Of the 6 questionnaires returned by persons within these groups the main objections/concerns raised by members of these groups were:

- o There are no orthodox Jews on Farm Avenue and Hocroft Estate
- o Loss of light
- o Use is not appropriate for area
- o Posts would be detrimental to outlook
- o Eruv favours a certain sect of people of a particular religion and will encourage a disproportionate number of people of this religion to come and live there.
- o It was agreed at the previous meeting to keep to main roads. There are other flank walls that would be more suitable. There is already lots of street furniture and the scale and loss of amenity should be considered.

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:-

- o 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.
- o 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 1 objected to the proposal. Members of secular groups and non religious persons make up 13% of Barnet's population.

Objectors have 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:

- o 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.
- o 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

No questionnaires 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").

### 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 function 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 1 questionnaire completed by members of the Jewish community, this was completed by an elderly person (65 +) who objected to the proposals.

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 .

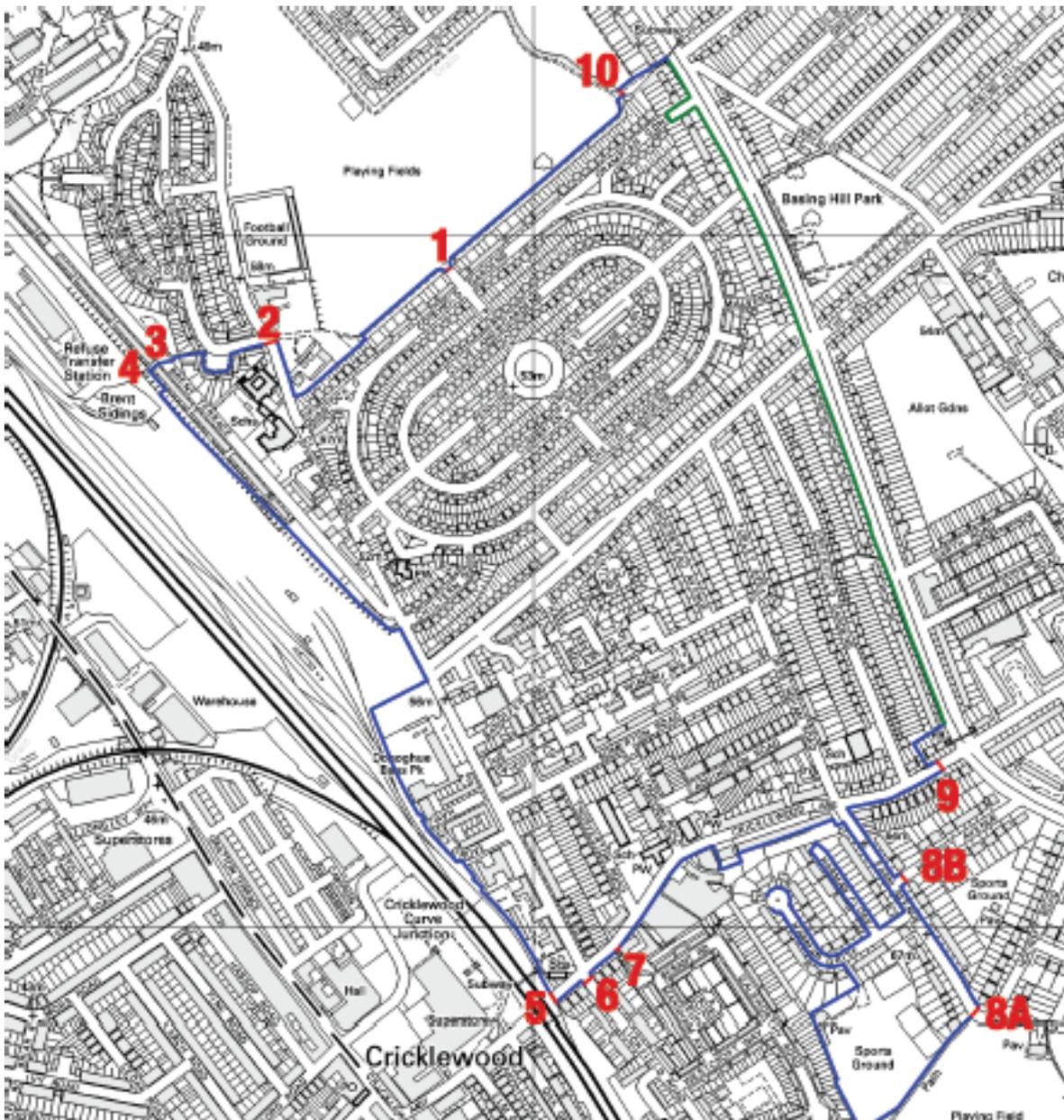
The proposed site and siting of the proposed equipment on the public highway has been carefully considered in respect of highway safety in general and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable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



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