

Location **Golders Green Eruv - Between North Circular Road, Finchley Road And Hendon Way**

Reference: **22/5916/FUL** Received: 12th December 2022
Accepted: 3rd April 2023

Ward: Golders Green Expiry 29th May 2023

Case Officer: **Mansoor Cohen**

Applicant: Mr Benji Spiegl

In connection with the establishment of an Eruv, the installation of thirty one (31) pairs of 5.5m (two of which (sites 14 & 29) shall be 6.5m) high poles and connecting wires at the following sites (Sites 7,14,29 and 30 also include 1no. green cabinet):

- 1:Near Hurstwood Road/Finchley Road junction NW11 0AP
- 2:Near Monkville Avenue/Finchley Road NW11 0AH
- 3:Near Alberon Gardens/Finchley Road junction NW11 0AG
- 4:Near Ashbourne Avenue/Finchley Road NW11 0DL
- 5:Near Halleswelle Road/Finchley Road junction NW11 0DL
- 6:Near Hayes Crescent/Finchley Road junction NW11 0QS
- 7:Near Bridge Lane/Finchley Road junction NW11 0EA
- 8:Near Hendon Park Row/Finchley Road junction NW11 0PU
- 9:Near St Georges Road/Finchley Road junction NW11 7ES
- 10:Portsmouth Mews near 1033&1035 Finchley Road NW11 7ES
- 11:Near Portsmouth Avenue/Finchley Road junction NW11 7HB
- 12:Near Ravenscroft Avenue/Finchley Road junction NW11 0SB
- 13:Near Finchley Road/Hoop Lane/Wentworth Road junction NW11 7EY
- 14:Golders Green Road (o/s No.17 & adj. to No.8)/Golders Green Crescent NW11 8LJ
- 15:Near Rodborough Road/Finchley Road junction NW11 8LX
- 16:Near Helenslea Avenue/Finchley Road junction NW11 8AX
- 17:Near Dunstan Road/Finchley Road junction NW11 8AJ
- 18:Near Wycombe Gardens/Finchley Road junction NW11 8DP
- 19:Near Hodford Road/Finchley Road junction NW11 8NP
- 20:Near Llanvanor Road/Finchley Road junction NW11 8DN
- 21:Near The Vale/Hendon Way junction NW11 8TJ
- 22:Near Wayside/Hendon Way junction NW11 8QY
- 23:Near Ridge Hill/Hendon Way junction NW11 8PS
- 24:Near Wessex Gardens/Hendon Way junction NW11 9RR
- 25:Near Woodville Gardens/Hendon Way junction NW11 9ED
- 26:Near Highfield Avenue/Hendon Way junction NW11 9TU
- 27:Near Heathfield Gardens/North Circular Road junction NW11 9JA
- 28:Near Western Avenue/North Circular Road junction NW11 9HG
- 29:Near Golders Green Road/Woodlands junction NW11 9QH
- 30:Near Bridge Lane/North Circular Road junction NW11 9JS
- 31:Near The Vale/Wayside/Granville Road junction NW11 8TJ

Proposal: 14:Golders Green Road (o/s No.17 & adj. to No.8)/Golders Green Crescent NW11 8LJ

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Spe-001 Rev D
Spe-002 Rev D
S-001 Rev C
BO-0001 Rev C
SP-001 Rev C
SP-002 Rev C
SP-003 Rev C
SP-004 Rev C
SP-005 Rev C
SP-006 Rev C
SP-007 Rev D
SP-008 Rev C
SP-009 Rev C
SP-010 Rev C
SP-011 Rev C
SP-012 Rev C
SP-013 Rev C
SP-014 Rev D
SP-015 Rev C
SP-016 Rev C
SP-017 Rev C
SP-018 Rev C
SP-019 Rev C
SP-020 Rev C
SP-021 Rev C
SP-022 Rev C
SP-023 Rev C
SP-024 Rev C
SP-025 Rev C
SP-026 Rev C
SP-027 Rev C
SP-028 Rev C
SP-029 Rev D
SP-030 Rev D
SP-031 Rev C
LP-M0001 Rev C

Planning Statement, dated March 2023
Heritage Statement, dated March 2023

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 colour specification of the poles and cabinets hereby approved shall be implemented in full accordance with the details as specified on Drawing no. Spe-002 Rev D and retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 A Construction and Maintenance Strategy, for all works hereby approved on or adjacent the Transport for London Road Network (TLRN) public highway, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Transport for London, prior to the commencement of the development. The Construction and Maintenance Strategy submitted shall include details on how the Eruv structure (foundations, poles and wire) would be constructed and maintained in a manner that would not compromise highway and pedestrian safety or unacceptably impact on movements on the TLRN public highway. The development shall be implemented and in full accordance with the approved Construction and Maintenance Strategy and maintained in accordance with this Strategy in perpetuity.

Reason: In the interests of highway and pedestrian safety and to ensure that disruption to pedestrians and traffic on the TLRN road network arising from the development would be kept to a minimum in accordance with policies CS9 and DM17 of the Barnet Local Plan.

Informative(s):

- 1 In accordance with paragraphs 38-57 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 and the Applicant engaged with this prior to the submissions of this application. 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 the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would 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 and technical specification (including colour of poles and type of wire). 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 The applicant is advised that in the event the proposed eruv poles prevent the delivery and construction of junction improvements in respect of Site 25, relocation will be necessary, and any associated costs will be borne by the applicant.
- 4 The applicant is advised that the area in the vicinity of Site 14 has been earmarked for Town Centre improvements, in the event the eruv pole(s) prevent the delivery of these improvements, relocation will be necessary, and any associated costs will be borne by the applicant.
- 5 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.
- 6 Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of

the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

- 7 The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and other associated structures to be placed on the public highway at all times.
- 8 The applicant is advised that they would be liable for the cost of any rectification work to be undertaken to rectify damages caused to the public highway resulting from construction and maintenance of the proposed Eruv structures.
- 9 The applicant is advised that they would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and other structures to be erected on the public highway.
- 10 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site governs a wide area primarily within the Golders Green and Childs Hill Wards and consists of the erection of a number of poles and connecting wires at a range of locations. The area is bound by the North Circular Road (A406) to the north, the A41 (Hendon Way) to the west, Finchley Road to the east and Cricklewood Lane to the extreme south. Part of the site lies within the Golders Green Conservation Area and one location is in proximity to a Grade II listed building.

2. Site History

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

Eruv 1: Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". Refused in 1993. Allowed at appeal in 1994.

Eruv 2: 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 in 1993. Allowed at appeal in 1994.

Eruvs 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 in 1997 and 1998.

Reference: F/00171/14

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.

Decision: Approved subject to conditions

Decision Date: 04 September 2014

Reference: F/05349/14

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' (an amendment to the previous ERUV approved under reference F/00171/14)

Decision: Approved subject to conditions

Decision Date: 15 December 2014

Reference: 15/01022/FUL

Proposal: In connection with the creation of an Eruv in North West London, as an amendment, four new sites are proposed and changes to three locations are proposed in this variation

Decision: Approved subject to conditions

Decision Date: 03 August 2015

Other relevant Planning History

Woodside Park Eruv

Reference: B/03356/11

Proposal: In connection with the creation of an Eruv in Woodside Park, the construction of pole and wire, or wooden, gateways, or 1m high posts known as 'leci' at a range of locations.

Decision: Approved in 2012

Barnet Eruv

Reference: B/03772/11

Proposal: In connection with the creation of an Eruv* in Barnet, the construction of pole and wire gateways, or 1m high posts known as 'lechi' at a range of locations.

Decision: Approved in 2012

Stanmore/Canons Park Eruv

Reference: H/00921/09:

Proposal 9 sites around the Edgware area to complete the Stanmore/Canons Park Eruv

Decision: Approved in 2009

Mill Hill Eruv

Reference: H/01834/10

Proposal: 19 Sites in the Mill Hill area

Decision: Approved in 2010

Edgware Eruv

Reference: W13797

Proposal: Edgware Area Eruv
Decision: Approved in 2004

3. Proposal

The application seeks planning permission in connection with the establishment of an Eruv, for the installation of 31 pairs of poles and connecting translucent nylon wires at a range of locations as set out below. Each pole would be 5.5m high save for sites 14 and 29 which would be 6.5m high. The pole would be made up of galvanized steel and each would have a diameter of 76mm.

In addition, the proposal includes the erection of 1no. green cabinet at sites 7, 14, 29 and 30. Each cabinet would measure 1m in width, 1.08m in height with a depth of 0.3m.

The sites are as follows:

- Site 1: Near Hurstwood Road/Finchley Road junction NW11 0AP
- Site 2: Near Monkville Avenue/Finchley Road NW11 0AH
- Site 3: Near Alberon Gardens/Finchley Road junction NW11 0AG
- Site 4: Near Ashbourne Avenue/Finchley Road NW11 0DL
- Site 5: Near Halleswelle Road/Finchley Road junction NW11 0DL
- Site 6: Near Hayes Crescent/Finchley Road junction NW11 0QS
- Site 7: Near Bridge Lane/Finchley Road junction NW11 0EA
- Site 8: Near Hendon Park Row/Finchley Road junction NW11 0PU
- Site 9: Near St Georges Road/Finchley Road junction NW11 7ES
- Site 10: Portsdown Mews near 1033&1035 Finchley Road NW11 7ES
- Site 11: Near Portsdown Avenue/Finchley Road junction NW11 7HB
- Site 12: Near Ravenscroft Avenue/Finchley Road junction NW11 0SB
- Site 13: Near Finchley Road/Hoop Lane/Wentworth Road junction NW11 7EY
- Site 14: Golders Green Road (o/s No.17 & adj. to No.8)/Golders Green Crescent NW11 8LJ
- Site 15: Near Rodborough Road/Finchley Road junction NW11 8LX
- Site 16: Near Helenslea Avenue/Finchley Road junction NW11 8AX
- Site 17: Near Dunstan Road/Finchley Road junction NW11 8AJ
- Site 18: Near Wycombe Gardens/Finchley Road junction NW11 8DP
- Site 19: Near Hodford Road/Finchley Road junction NW11 8NP
- Site 20: Near Llanvanor Road/Finchley Road junction NW11 8DN
- Site 21: Near The Vale/Hendon Way junction NW11 8TJ
- Site 22: Near Wayside/Hendon Way junction NW11 8QY
- Site 23: Near Ridge Hill/Hendon Way junction NW11 8PS
- Site 24: Near Wessex Gardens/Hendon Way junction NW11 9RR
- Site 25: Near Woodville Gardens/Hendon Way junction NW11 9ED
- Site 26: Near Highfield Avenue/Hendon Way junction NW11 9TU
- Site 27: Near Heathfield Gardens/North Circular Road junction NW11 9JA
- Site 28: Near Western Avenue/North Circular Road junction NW11 9HG
- Site 29: Near Golders Green Road/Woodlands junction NW11 9QH
- Site 30: Near Bridge Lane/North Circular Road junction NW11 9JS
- Site 31: Near The Vale/Wayside/Granville Road junction NW11 8TJ

An Eruv is a continuous boundary designated in accordance with Jewish Law. Whilst Jewish Law prohibits Orthodox Jews from carrying on the Sabbath, carrying is permitted within the defined boundary of an Eruv, as is the use of other items such as pushchairs and wheelchairs.

The Eruv boundary is formed by utilizing continuous local features, such as fences or walls alongside roads, railways or terraced buildings. However, where this continuity is not possible due to breaks in the boundary, for example roads, then this breach must be integrated by the erection of a notional 'gateway'. Such a gateway consists of poles linked on top by a wire or cross bar.

As set out in the site history, there are several established Eruvs within the borough of Barnet, not least the existing North West London Eruv (NWL Eruv) which governs the areas of Hendon, Finchley and Golders Green. The proposed eruv would be contained within the existing NWL Eruv. This aspect is further considered and detailed within the report.

4. Public Consultation

This application has been the subject of extensive consultation with the local community. Consultation letters were sent to a total of 4559 neighbouring properties. A site notice was also erected at each individual site and publicised in the local press.

Number of Responses

A total of 948 responses were received comprising of 913 responses in support of the proposal and 35 in objection.

Summary of Objection Comments:

1. Aesthetic and Environmental Concerns:

- Poles and wires will be eyesores and add to street clutter.
- Concerns about attracting birds and unhygienic droppings in public areas.

2. Safety and Practicality:

- Objections to obstructions and trip hazards, especially for vulnerable pedestrians.
- Concerns about safety, environmental impact, and invasion of private properties.
- Concerns of disruption caused by the road works

3. Funding of the scheme:

- Uncertainty about public funds being used for maintenance and removal.
- Questions raised about the source of funding for the project.

4. Social and Community Impact:

- Fear of communal tensions and divisions in the neighbourhood.
- Opposition to religious structures imposing on the wider community.
- Perception of discrimination against other faiths.
- Lack of inclusivity and cohesion in the community.
- Disagreement with concentrating a specific religious group in one area.
- Assertion that the eruv is not a necessity and does not benefit the entire community.
- There is an existing North West London Eruv already

Summary of comments in support:

1. Community Support and Benefits:

- The Eruv project has received widespread support from the community.
- It enables observant Jewish individuals to engage in activities on the Sabbath and Jewish holidays.
- The Eruv benefits the community, particularly young, elderly, disabled individuals, and

families.

- Implementation of Eruvs in other Jewish communities has been successful.

2. Inconspicuous Infrastructure:

- The Eruv posts are designed to be inconspicuous and blend into the environment.
- They have a minimal impact on the public and non-users.
- The infrastructure is invisible and funded by supporters.

3. Improved Quality of Life:

- The Eruv enhances the quality of life for residents, especially on Shabbat.
- It improves mental health and family experiences on the Sabbath.
- Orthodox Jewish residents gain freedom of movement and can observe religious precepts.

4. Minimal Negative Impact:

- The Eruv does not inconvenience or disturb non-religious neighbours.
- It has no detrimental effect on the street scene or non-community members.
- The Eruv has minimal impact on the street and benefits hundreds of orthodox Jewish families.

5. Positive Community Impact:

- The Eruv is a service provided by the community for its members.
- It enables families and individuals to go out on the Sabbath.
- The Eruv allows orthodox Jewish residents to practice their faith with dignity.

6. Improved Accessibility and Wellbeing:

- The Eruv provides relief for the elderly and those with mobility issues.
- It benefits mothers and improves the overall quality of life.
- The small change of implementing the Eruv has an enormous positive impact on mental health and wellbeing.

4.1 Other Consultees

Highways:

Highway input was provided as part of an extensive pre-app consultation on the proposals. Highways would raise no objection to the scheme but recommends imposing a condition that to relocate the sign/box on Golders Green Crescent at the applicant's expense, if necessary to facilitate the town centre regeneration scheme.

Heritage:

The installation of the three poles, metal box and connecting nylon wire within the conservation area is, on balance considered acceptable given the limited alternative locations within this area of the town centre and the requirements of the eruv to function.

Although the proposals would add additional items of street furniture to the two locations within the conservation area, their impact would be relatively minimal with various other types of street furniture within close proximity.

The siting of these elements will result in less than substantial harm to the listed building and Golders Green Conservation Area in which they are located. Consequently, the assessment should take into consideration the minor harm to the historic environment and weighed against the benefits the eruv will bring to the local community.

Consideration should, however, be given to the colour of poles. In the CGI images those in Golders Green Road are black and in Rodborough Road they are galvanised. Would a common colour scheme be more appropriate, or a colour most suited to its specific location ie, to accord with neighbouring lamp columns? Either green (to match existing lamp columns) or black would be the most appropriate colours.

Transport for London:

The following Eruv poles proposed (22, 25, 27, and 28) seem to be located on highway which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

Further information regarding the proposed maintenance arrangement is required. The applicant would need to apply for a licence for the proposed Eruv Poles.

No objection to the implementation of thin, non-electrical wires in principle. Further information is required for the foundations of the poles. Technical approval will be required prior to installation.

As part of the Brent Cross Cricklewood regeneration scheme there is a junction improvement scheme which would impact Woodville Gardens and Hendon Way. In the event the proposed Eruv poles prevent the delivery and construction of this junction, the applicant would be required to relocate the Eruv poles. Any costs associated with this should be covered by the applicant and this should be secured by a planning obligation or condition. This is only a precautionary approach; we do not believe the eruv pole would obstruct this highway improvement scheme.

Trees:

There are only four locations that appear to be close to Barnet trees (Sites 12,13,19,23), any impact (incl any post-development pressure) would be acceptable. Foundations for the poles are fairly negligible in terms of impact.

Natural England:

No Objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Metropolitan Police:

No objections: Following the revised plans which altered the cabinets from a flat to a pitched roof, there are no concerns of loitering or utilising the flat surface as climbing aids into secure areas. Regular inspection of the apparatus and maintenance should be carried out.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was updated on 20 July 2021. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS12.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM13, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Draft Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building,

the street scene and the wider locality;

- Whether harm would be caused to heritage assets;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the highway network and pedestrian safety;

5.3 Assessment of proposals

Preamble

As noted above, the proposed 'smaller' Eruv would be contained within the established NWL 'larger' Eruv which includes the areas of Hendon, Finchley and Golders Green. The application has been submitted on behalf of the Federation of Synagogues, a well-established communal organisation which serves orthodox Jews across the UK. The submitted Planning Statement details the need for the proposed additional Eruv. In essence, the applicant estimates that only 22% of the Golders Green community utilise the existing eruv in contrast to some 90% of the Hendon and Finchley community who use the existing Eruv.

The applicant details this is on the basis of religious grounds and the stringency/level of religious observance. The most significant reason, albeit it is understood there are others, relates to the inclusion of the North Circular Road (A406) within the existing Eruv which many Rabbinic Authorities consider cannot be included due to it being a major and busy thoroughfare. It is understood that the proposed Eruv which excludes the A406, has been designed to the most stringent levels of Jewish Law in which the applicant estimates usage percentage would increase from around 22% to 88%. A number of supporting letters from various local communities have accompanied the application in support of this assertion.

It is highlighted that the purpose of an Eruv is to facilitate/permit carrying on the Sabbath day which commences at sunset on Fridays and ends at nightfall on Saturdays of each week. The term 'carrying' is broad and includes the pushing of wheelchairs and prams, using canes/crutches, zimmer frames as well as carrying items inter alia; medication, keys, tissues, bags, glasses etc. A detailed assessment is carried out in later sections.

Assessment

The proposed Eruv equipment is a form of built structure which fulfils a unique religious and Orthodox Jewish communal function. It falls to be considered against the relevant development plan policies.

Policy support for the principle of the proposal is found at policy CS10 of the Barnet Core Strategy. This seeks to ensure that community facilities, including places of worship, are provided for Barnet's communities. 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 that proposals protect the amenity of residential properties. Depending on the location of the proposed Eruv equipment different policies will apply. The policies in respect of character, design and highway matters will apply almost universally. More specific policies, such as those relating to heritage impacts will depend on the precise location of the equipment.

Officers have carried out a site visit to each of the proposed locations and have assessed the impact of the proposal in conjunction with the submitted plans which include photomontages of the existing/proposed streetscene. Each of the proposed locations is dealt with individually and considers all relevant matters, however in general the following comments are applicable to all sites:

- o The proposed poles are slimline being of a modest 76mm diameter.
- o In broad terms, the poles would not be dissimilar to other commonly found street furniture, such as street signs and lamp posts.
- o The connecting 5mm nylon wire is translucent and fine, such that it would not be readily visible to the naked eye (in contrast to telegraph wires).
- o Whilst it is accepted that some locations would be more visible than others and in specific visibility from neighbouring properties, officers consider the slimline nature of the poles are not capable of amounting to demonstrable visual harm to neighbouring amenities.
- o Highways have carried out extensive pre-application consultation to refine the locations of the proposed infrastructure. Consequently, highways having reviewed all locations as submitted, do not consider there would be any adverse impact to highway and pedestrian safety.

Site 1: Near Hurstwood Road/Finchley Road junction NW11 0AP

In this location, the southern side pole would abut a relatively bare flank wall of a commercial premise whilst the northern side would sit adjacent, albeit at a distance from a residential block of flats. The design and siting of the poles being slimline and setback on a side street would not appear visually intrusive or prominent. As a result, the proposal in this location would have an acceptable impact on the character or appearance of the locality.

Sufficient separation distance from neighbouring windows would exist ensuring the amenity of nearby residents is not compromised by way of outlook or visual appearance.

Highways have raised no objection to the siting of the poles at this location. Consequently, it is not considered that this element of the proposal would result in a visual intrusion nor compromise highway/pedestrian safety.

Site 2: Near Monkville Avenue/Finchley Road NW11 0AH

At Site 2, the poles have been considerably recessed within Monkville Avenue to limit their visibility from the main thoroughfares. By siting the poles abutting the rear corner of buildings, their presence appears discreet, with minimal visual intrusion. Consequently, the structures are deemed to have no adverse impact on the character and appearance of the locality.

Highways have reviewed this location and express no concerns regarding the proposed installation.

Site 3: Near Alberon Gardens/Finchley Road junction NW11 0AG

The proposal at Site 3 entails situating the poles adjacent to the return walls of commercial properties off the main Finchley Road. The design and siting of the poles ensure that they blend inconspicuously with the surroundings, resulting in no harm to the character or appearance of the locality.

Highways have evaluated the proposed location and find it acceptable. This confirmation from Highways reinforces the suitability of this site for the installation, confirming that it would not cause any visual intrusion or impede pedestrian or vehicular movement.

Site 4: Near Ashbourne Avenue/Finchley Road NW11 0DL

Similar to Site 3, Site 4 proposes locating the poles adjacent to the rear of commercial

premises and alongside the rear service roads. This arrangement allows the poles to assimilate seamlessly into the streetscape. Considering the commercial surroundings, it is not expected that the proposed installation will cause any harm to neighbouring amenities or significantly alter the character of the area.

Highways consider the location acceptable with sufficient distance from the rear service to ensure unobstructed visibility.

Site 5: Near Halleswelle Road/Finchley Road junction NW11 0DL

In the case of Site 5, the proposed installation would position the southern pole centrally against the flank wall of the property fronting Finchley Road. The northern pole, on the other hand, would abut the rear service road and corner of the property. The careful siting and design of the poles ensure that they do not unduly impact the character and appearance of the surrounding buildings or the locality as a whole.

Considering the distance between the poles and the nearest neighbouring properties, the proposed location is deemed acceptable on neighbouring impact grounds.

Highways have raised no concerns to this location.

Site 6: Near Hayes Crescent/Finchley Road junction NW11 0QS

At Site 6, the proposed installation would position the poles abutting blank return walls, ensuring that they are away from neighbouring windows. The siting is thus not considered to result in harm to the character and appearance of the locality or neighbouring amenity. Moreover, based on feedback received from highways, adjustments have been made to the siting of the pole on the south side of Hayes Crescent. The pole has been shifted away from the existing Sheffield cycle stands, mitigating any potential conflict of movements.

Highways have reviewed the revised location and determined it to be acceptable from a highway perspective.

Site 7: Near Bridge Lane/Finchley Road junction NW11 0EA

At Site 7, the proposal involves a pair of poles and a green cabinet. The northern pole and green cabinet would be sited within a recessed elevation of the corner commercial premises that front Bridge Lane/Finchley Road. This placement necessitates the relocation of the existing 'Bridge Lane' road sign to a slightly more distant position within Bridge Lane. The southern pole would be positioned adjacent to the rear service road.

The dimensions and appearance of the cabinet, coated in green, have been designed to mimic the size and appearance of typical green cabinets found along footways in the vicinity and the borough as a whole. As a result, the cabinet does not appear incongruous and would integrate acceptably into its surroundings. Furthermore, its siting within a recessed area ensures a snug fit that is appropriate and does not harm the character of the locality. Moreover, by positioning the poles away from the highly visible and prominent junction, their presence would be deemed acceptable and not obtrusive.

Initially, highways expressed reluctance regarding the re-siting of the road sign. However, following confirmation from the Highways Construction Manager, it has been determined that the relocation is acceptable, provided the applicant bears the cost of its replacement siting. This arrangement has been agreed between the parties. Additionally, the tucked away

nature of the cabinet ensures that usable pedestrian footway space is not compromised.

Site 8: Near Hendon Park Row/Finchley Road junction NW11 0PU

The poles at this location would be sited within the commercial side of Hendon Park Row outside the Mercedes car showroom to the south and to the flank wall with shutter doors to the north. The placement of the poles has been sited carefully to ensure it does not impede the neighbouring openings and the section of the road compromises various street furniture such that the proposed poles would assimilate acceptably into the streetscene.

Following minor placement amendments, highways raised no objection to the siting of the poles.

Site 9: Near St Georges Road/Finchley Road junction NW11 7ES

The siting of the poles within this side road and amongst commercial premises is not considered to adversely impact the character and appearance of the locality or neighbouring amenities. By comparison, the slimline pole design and translucent wire would be far less discernible than the existing telegraph pole and associated wiring further along St Georges Road.

Highways too have raised no concerns.

Site 10: Portsdown Mews near 1033&1035 Finchley Road NW11 7ES

Similarly, Site 10 comprises of side roads more akin to service roads, therefore the placement of the poles and connecting wires would not read as harmful to the character and appearance of the streetscene or locality. Highways have found the location to be suitable. The siting is thus considered appropriate.

Site 11: Near Portsdown Avenue/Finchley Road junction NW11 7HB

The relating section of Portsdown Avenue consists of numerous other street furniture including cabinets, CPZ signage and lighting columns. The proposal to erect a pair of poles in this location would be consistent with the existing character and is not considered to amount to excessive visual clutter.

Highways have not raised any objections and sufficient open footway would remain to ensure pedestrian flow is not impeded.

Site 12: Near Ravenscroft Avenue/Finchley Road junction NW11 0SB

The pair of poles would be sited in closer proximity to Finchley Road, however existing street trees and hedging would assist in minimising its already modest visual impact and toning of the poles in a greenish colour would further camouflage their appearance. A modest distance from the street tree would be maintained to not result in its harm.

Given their forward siting of residential properties, it is not considered that they would appear visually obtrusive nor demonstrably reduce outlook. Highways consider the location acceptable.

Site 13: Near Finchley Road/Hoop Lane/Wentworth Road junction NW11 7EY

Site 13 sits at a busy junction where Wentworth Road, Hoop Lane and Finchley Road intersect.

The poles would be visible from this busy intersection; however, their appearance is not considered to be harmful particularly given the existing trees/shrubbery/hedging which would soften their visual impact and would not be too dissimilar to the arrangement of the existing lighting column approximately 1m away from the proposed northern pole. The tree officer considers the foundation of southern pole would not result in harm to the third party nearby tree.

Following initial Highway feedback, the south pole was shifted modestly away from the existing street furniture (bench, bin and cabinets) so as to not cause a conflict. Highways considered the revised location acceptable.

Site 14: Golders Green Road (o/s No.17 & adj. to No.8)/Golders Green Crescent NW11 8LJ

Site 14 lies within the Golders Green Conservation Area and is in close proximity to a Grade II listed building, No. 4-8 Golders Green Road (also known as Cheapside) comprising of a corner bank with flats above (C.1921). Further due east is a parade of shops with flats above, nos. 10-90 Golders Green Road also Grade II listed (C.1911).

The listing for the former notes as follows:

'Red brick with some tile-hanging, tiled roof. Three and four storeys. Triangular site. Vernacular revival style... this building completes the Cheapside development, part of the Golders Green shopping centre which developed rapidly in the first decades of the 20th century. The architects, Welch and Hollis, had worked with Parker and Unwin on the design of Hampstead Garden Suburb and this block constitutes a late but highly effective example of the vernacular revival style as applied to this notable suburban development.'

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66(1) of the Act states in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DM06 of the Local plan requires all development to have regard to the local historic context. Proposals affecting heritage assets should demonstrate the significance of the heritage asset; the impact of the proposal on the setting of the heritage assets and how the benefits outweigh any harm caused to the heritage assets.

The north side of the road at the junction with Golders Green Crescent a pole would abut the return low rise brick wall which adjoins the listed building. On the south side of Golders Green Road outside nos.17-19, a pole and green cabinet would be erected. The poles in this location would be 6.5m in height.

The Councils Heritage officer (comments cited in full in Section 4.1) has considered on balance the Eruv apparatus within the Conservation Area would be acceptable. In respect of the listed building the officer concludes the siting of the pole would result in less than substantial harm - in which this minor harm should be weighed against the benefits of the Eruv to the local community.

Having regard to the Heritage officers comments and in unsuccessful exploration of alternative locations, whilst the proposal would result in less than substantial harm to the listed building, this is considered to be on the lower scale of the harm identified due to the slimline nature of the pole, its separation distance from the listed building and its placement against a dwarf wall. The connecting wire as detailed earlier would be largely imperceptible. As such, having regard to the benefits of the scheme (which are discussed in more detail in Section 6 of the report) but broadly include serving the needs of the wider community, it is considered that such benefits would outweigh the less than substantial harm identified.

In respect of pedestrian impediments, whilst the south side is a busy pinch point, the green box would directly abut the property wall with only a 0.3m projection and sufficient footway would remain to ensure pedestrian movement would not be unduly impacted. Highways have carried out an on-site inspection and have agreed the proposed locations to be acceptable on highway grounds. Furthermore, the increased height of the poles to 6.5m are in recognition of the main throughfare that Golders Green Road presents and would facilitate access for emergency vehicles and bus clearance.

Members are advised that the area to north has been earmarked for public realm improvements, however these are at the very early stages of design and do not form part of any adopted policies or guidance. In any event, any proposal would be subject to public consultation. As such, in planning terms, there can be no objection to the scheme on these grounds. Nevertheless, dialogue has been had between the Town Centre team and the applicant/officers with an informal agreement that any future need for the relocation of the pole would be borne at the applicants expense. An informative to this effect will be applied in the event of an approval.

Site 15: Near Rodborough Road/Finchley Road junction NW11 8LX

The heritage comments to Site 15 has been addressed above (Site 14). Only the northern pole lies within the Golders Green Conservation Area. Given its discreet siting to the rear of the building, on balance this is considered acceptable. With respect to the southern pole in line with initial Highway comments the pole has shifted away from the existing utility cabinets.

Site 16: Near Helenslea Avenue/Finchley Road junction NW11 8AX

The poles would be set sufficiently away from neighbouring premises so as to not cause harm. The poles would acceptably integrate with the collection of surrounding street furniture.

Site 17: Near Dunstan Road/Finchley Road junction NW11 8AJ

The pair of poles in this location would not read as visually intrusive or out of character with the location. Suitable toning of the poles would assist in blending in to the surrounding greenery.

Site 18: Near Wycombe Gardens/Finchley Road junction NW11 8DP

The poles in this location have been well into Wycombe Gardens and would abut existing boundary fencing forming enclosures to the rear gardens of the two corner properties. In this location they would not be viewed as visually prominent or intrusive and would thus have an acceptable impact on the streetscene and neighbouring amenity.

Site 19: Near Hodford Road/Finchley Road junction NW11 8NP

At this site subject to suitable pole toning, the existing street tree and shrubbery would reduce its visual impact sufficiently. It is highlighted that the poles would be far less inconspicuous than the existing nearby streetlamp. The Council's tree officer considers its installation would have a negligible impact on the street tree.

Site 20: Near Llanvanor Road/Finchley Road junction NW11 8DN

The poles either side here would be set against tall blank side walls thereby appearing relatively insignificant against this backdrop. As such, the proposed siting would not harm the street scene or neighbouring amenities.

Site 21: Near The Vale/Hendon Way junction NW11 8TJ

On this site, there are a collection of street posts which increases in number on the approach with Hendon Way. In this context, it is considered that the proposed poles would be acceptable and in character with the street scene. The poles would be visible from the front windows of the neighbouring properties however, the poles are set beyond the curtilage of their front forecourts providing a separation distance so they do not appear visually intrusive. In addition, the relationship would be no worse than the existing street columns.

Site 22: Near Wayside/Hendon Way junction NW11 8QY

The location of the poles at Site 22 would be visually read in line with Hendon Way which has a multitude of street furniture including a sizeable telecommunication pole and associated cabinets which have a far greater impact than the proposed poles. As such, it cannot be considered that their siting in this location would amount to any character harm. The poles would also not be prominent from neighbouring windows given the separation distances.

The Site appears to lie on TFL land as the highway authority which forms part of Transport for London Road Network (TLRN). TFL have been consulted and raise no in principle objections subject to further information relating to maintenance, foundation details and technical approval. Maintenance and construction details can be secured through a suitable condition in consultation with TFL. A similar approach has been taken with previous Eruv approvals. Technical approval and licensing will need to be applied for directly with TFL.

Site 23: Near Ridge Hill/Hendon Way junction NW11 8PS

Site 23 would have a similar impact to Site 21, though here the opposing poles would not be parallel but at angles to one another (approx. 45°). Irrespective, the poles would have an acceptable impact on the character and appearance of the streetscene. The pole to the northern side would be placed beyond the vehicular opening so as to not result in obstruction.

The northern pole would be in some proximity to a street tree, however the Council's Street officer has commented that the impact (incl any post-development pressure) would be acceptable so as to not cause harm to the tree.

Site 24: Near Wessex Gardens/Hendon Way junction NW11 9RR

The north pole would site adjacent to the boundary wall of Wessex Gardens Primary School. The south pole would sit adjacent to the front curtilage of a residential dwelling. The latter would be a similar arrangement to some earlier sites which were deemed acceptable. The north pole has been specifically sited so it does not obstruct the schools pedestrian and vehicular gates. Whilst footfall from the school would be high, the minimal footing of the pole and its close adjacency to the boundary wall would not result in demonstrable footway take up so as to raise concerns of safety. Highways too have raised no objection to the poles siting.

Site 25: Near Woodville Gardens/Hendon Way junction NW11 9ED

The poles at this site would front directly onto Hendon Way. There are a multitude of poles and street signs in the immediate proximity, some of which appear disused/serve no purpose. Accordingly, the proposed poles would not alter the existing character nor impact neighbouring amenity.

The Site appears to lie on TFL land as the highway authority which forms part of Transport for London Road Network (TLRN). TFL have been consulted and raise no in principle objections subject to further information relating to maintenance, foundation details and technical approval. Maintenance and construction details can be secured through a suitable condition in consultation with TFL. A similar approach has been taken with previous Eruv approvals. Technical approval and licensing will need to be applied for directly with TFL.

TFL further comment 'As part of the Brent Cross Cricklewood regeneration scheme there is a junction improvement scheme which would impact Woodville Gardens and Hendon Way. In the event the proposed Eruv poles prevent the delivery and construction of this junction, the applicant would be required to relocate the Eruv poles. Any costs associated with this should be covered by the applicant and this should be secured by a planning obligation or condition. This is only a precautionary approach; we do not believe the eruv pole would obstruct this highway improvement scheme.'

To impose such a condition or obligation would not meet the tests set out in Paragraphs 56 and 57 of the NPPF (2021) such as necessity, precise or reasonable. In such an eventuality, this would be a matter for the individual parties to take up. Nevertheless, an informative to this effect will be attached.

Site 26: Near Highfield Avenue/Hendon Way junction NW11 9TU

The poles would be sited adjacent to the front forecourts of neighbouring properties along the party wall lines. They would be less prominent than the existing street columns and CCTV poles, as such it cannot be argued that the proposal would harm the streetscene.

Site 27: Near Heathfield Gardens/North Circular Road junction NW11 9JA

Similar to Site 25, a plethora of varying street furniture are in situ in proximity to the proposed poles. These are visually more prominent given their bulkier appearance. The proposal site also fronts the North Circular Road which is of a different character to a typical residential Road. Officers therefore do not consider the proposal would result in harm to the character or appearance of the locality.

The comments in respect of TFL are fully applicable as detailed in Site 22.

Site 28: Near Western Avenue/North Circular Road junction NW11 9HG

Comments in respect of Site 27 are equally applicable. Refer to comments on Site 22 for TFL matters.

Site 29: Near Golders Green Road/Woodlands junction NW11 9QH

On the Woodlands Junction, the proposal includes a Green Cabinet abutting a short angled wall/fence with surrounding greenery. The cabinet and pole to this side would be masked to an extent by the greenery and would acceptably blend in. Similarly, the southern pole would also be masked by surrounding shrubbery reducing its visibility. Officers therefore consider the location would not give rise to harm in the character and appearance of the locality.

Both poles in this location would have an increased height of 6.5m in recognition of the main throughfare that Golders Green Road presents and would facilitate access for emergency vehicles and bus clearance.

Site 30: Near Bridge Lane/North Circular Road junction NW11 9JS

To the south side of Bridge Lane a green cabinet and pole would be installed within the corner of a low brick wall and overgrowing shrubbery. The siting would thus be discreet and not demonstrably harmful to the streetscene. The north pole has been placed next to some tall hedging which will mask its appearance to an extent and primarily addresses the North Circular Road. For these reasons the proposal on this site is not considered harmful to the streetscene.

Site 31: Near The Vale/Wayside/Granville Road junction NW11 8TJ

One pole would be sited on the corner of The Vale and Granville Road, here it would be set within existing hedging thereby screening some of its visibility. The other pole is to be sited near the junction of Wayside and The Vale and would be placed directly next to an existing cabinet box. Its siting here would likely be associated with the existing cabinet and would thus not be overt or odd.

Summary:

As detailed above, in broad terms the proposed physical structures would be modest, discreet and would not significantly add to street clutter so as to warrant a refusal. It is considered that the equipment would readily assimilate into the respective street scenes. To further subdue the visual appearance of the poles, a pale green colour will be applied to all poles to match existing street light columns with the exception of Site 14 which will be black to mirror the black downpipes on the heritage building as recommended by the heritage officer. The colour specification will be secured through a condition.

Highways Licence

The erection of the 'gateways' on the highway requires a licence under the Highways Act 1980. Depending on the responsible Highway Authority for the specific land in question (either the LPA or TFL), an individual highway license will be required. This would 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 structure and will evaluate potential concerns including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire) matters.

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 these. An annual fee is also charged via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

5.4 Response to Public Consultation

The bulk of comments have been addressed in the report as a whole. Additional responses are as follows:

-Concerns about attracting birds and unhygienic droppings in public areas.

This assertion has not been substantiated in any form and the evidence of existing eruvim demonstrates otherwise.

-Concerns of disruption caused by the road works

This would be for a limited period of time and any disruption would be localised to individual sites. The installation of the Eruv equipment would not be dissimilar to other street furniture installations.

-Uncertainty about public funds being used for maintenance and removal; Questions raised about the source of funding for the project.

The scheme including maintenance costs would be at the sole responsibility of the applicant. No public funding is to be provided as part of this application.

-Obstructions to Parks

No specific park was mentioned it is assumed this is in reference to Basing Hill and Childs Hill Parks with the relevant sites relating to SP31 and SP21, however these are remote from the park entrances so are not capable of impeding access.

6. Equality 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-

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) 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

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

- Jews
- Other faith groups inter alia Buddhist, Christian, Hindu, Muslim, and Sikh Communities
- 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.

Need

Comments have queried the need for another Eruv, given the existence of the North West London Eruv which covers the proposed area. A justification for its need has been set out in the applicants Planning Statement and summarised in the 'Preamble' section above. The significant number of letters in support of the application substantiate to an extent a need. The applicant has attempted to quantify the need, which whilst this figure is not arbitrary it is equally not definitive. Irrespective, officers consider a legitimate need exists, otherwise an application for such would not have arisen. It follows then that the direct benefits of the scheme would apply only to those who would be willing to utilise the proposed Eruv but not the existing Eruv. Nevertheless, a need has been established and it is important to consider the potential positive impact on the groups who would benefit from the proposed Eruv, such as the elderly, disabled, and young children.

The premise therefore of the below groups is on the basis of the net individuals who would otherwise be unable to 'carry'.

Orthodox Jews

In the absence of an Eruv or the acceptance of the existing 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.

The Jewish Community comprises approximately 15% of Barnet's population (Census 2021).

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, relations etc.

In effect this means that children aged two and under may be housebound and unable to attend synagogue or other leisurely walks. 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.

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 a 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 or a nebuliser 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 proposed Eruv would directly benefit these members of the Jewish community who are presently 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.

Other Faith Groups & Secular Groups

Other faith groups in the community, including Buddhists, Christians, Hindus, Muslims, and Sikhs, make up a combined total of approximately 56% of the borough's population (Census 2021). Secular groups, such as atheists, agnostics, and humanists, account for 13% of Barnet's population (Census 2021).

The concerns raised about the impact of the Eruv on the religious beliefs of other faith group members have been taken into consideration. It is important to note that there are already existing Eruvim in Barnet, including the North West London Eruv that covers the proposed area. The operation of these existing Eruvim provides evidence of how the proposed scheme is likely to function and its potential impacts on protected groups.

The proposed Eruv equipment will not display any Jewish or any other religious symbols that would allow them to be readily identified as being of religious significance. The proposed poles would be 5.5/6.5 metres high and 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 will be located at the back edge of the pavement so as not to stand out or draw undue attention in the general street scene. Similarly, the green cabinets mimic the size, design and appearance of commonly encountered street cabinets making them indistinguishable from the existing ones.

The physical impacts of the proposed poles have been considered earlier in this report. Officers therefore consider that the siting of the poles and cabinets 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.

Officers recognise and have had, in the course of assessing the current application, due regard to the views of members of other faith groups about the potential negative impacts of the Eruv on 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/perceived adverse impact of the proposal on these protected groups also needs to be balanced 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.

It is therefore considered that 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

It is recognised that 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.

The proposed location of the poles has been carefully chosen so as to prevent a trip or collision hazard arising. The poles themselves are 76mm in diameter so are relatively thin structures that are sited back from the pavement so as to minimise intrusion onto the footway. They are considerably smaller than many items of street function that can be

erected without the need of any planning permission. The location of the 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. Similarly, the 4no. green cabinets have been strategically sited in tucked away areas or the back of footways to minimise the impact on pedestrian pathways. They have also been specifically designed to mimic existing street furniture.

The council's Highways team and TFL, who are directly responsible for highway and pedestrian safety on the Borough's roads were consulted throughout and have no objections to the proposal.

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

Conversely, 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, it is considered 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, as such this will not be repeated.

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.

Young Children and parents of young children in the Jewish Community

The introduction of the Eruv would enable the use of pushchairs, prams 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.

Fostering Good relations

With regards 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 a deeper 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 the proposal has the potential to generate certain negative impacts on groups with the protected characteristics of age, disability, religion or belief.

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 in the form of 5.5-6.5m high poles connected by a wire. 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.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

