

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

Reference: **23/4742/FUL** Received: 3rd November 2023
Accepted: 21st November 2023

Ward: Golders Green Expiry 16th January 2024

Case Officer: **Mansoor Cohen**

Applicant: Mr David Gutwirth

In connection with the establishment of an Eruv, the installation of thirty-one (31) pairs of 5.5m (Sites 14&29 shall be 6.5m) high poles and connecting wires at the following sites (Sites SP4-SP7, SP12-SP15, SP17, SP19, SP21-SP30, SP32, SP33 also include 1no. green cabinet):

- 1:Near Hurstwood Road/Finchley Road junction NW11 0AP
- 2:Near Monkville Aven./Finchley Road NW11 0AH
- 3:Alberon Gardens/Finchley Road junction NW11 0AG
- 4:Near Ashbourne Aven./Finchley Road NW11 0DL
- 5:Near Halleswelle Road/Finchley Road junction NW11 0DL
- 6:Near Hayes Cres./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 Aven./Finchley Road junction NW11 7HB
- 12:Ravenscroft Aven./Finchley Road junction NW11 0SB
- 13:Finchley Road/Hoop Lane/Wentworth Road junction NW11 7EY
- 14:Golders Green Road (o/s No.17)/Golders Green Crescent (adj. to No.8) NW11 8LJ
- 15:Near Rodborough Road/Finchley Road junction NW11 8LX
- 16:Near Helenslea Aven./Finchley Road junction NW11 8AX
- 17:Near Dunstan Road/Finchley Road junction NW11 8AJ
- 18:Near Wycombe Gardens/Finchley Road junction NW11 8DP
- 19: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 Aven./Hendon Way junction NW11 9TU
- 27:Near Heathfield Gardens/North Circular Road junction NW11 9JA
- 28:Near Western Aven./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:

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

LP-L001

LP-L002

LP-L003

LP-L004

LP-L005

LP-L006

LP-L007

LP-L008

LP-M001

SP-001

SP-002

SP-003

SP-004

SP-005

SP-006

SP-007

SP-008

SP-009

SP-010

SP-011

SP-012

SP-013

SP-014

SP-015

SP-016

SP-017

SP-018

SP-019

SP-020

SP-021

SP-022

SP-023

SP-024

SP-025
SP-026
SP-027
SP-028
SP-029
SP-030
SP-031
SP-032
SP-033

Planning Statement

Supporting letter from Kehillas Federation

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. 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

Reference: 22/5916/FUL

Address: Street Record, Finchley Road, London,

Decision: Approved subject to conditions

Decision Date: 14 August 2023

Description: 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

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 along with 1no. green cabinet at selected Sites: SP4, SP5, SP6, SP7, SP12, SP13, SP14, SP15, SP17, SP19, SP21, SP22, SP23, SP24, SP25, SP26, SP27, SP28, SP29, SP30, SP32 and SP33.

Note, Sites SP32 and SP33 are existing poles in situ.

Each pole would be 5.5m high except for Sites 14 and 29 which would be 6.5m high and made up of galvanized steel each with a diameter of 76mm.

Each cabinet would measure 1m in width, 1.08m in height with a depth of 0.3m.

The application follows closely a recent approval under reference 22/5916/FUL (Approved at Strategic Committee on 19 July 2023) for 31 pairs of poles and 4 green boxes with the only differences between the present submission is the inclusion of an additional 18 green cabinets/boxes at selected sites.

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
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Site 24: Near Wessex Gardens/Hendon Way junction NW11 9RR
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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
Site 32 (existing poles, box only) Near Crewys Road and Cricklewood Lane junction
Site 33 (existing poles, box only) Near Mortimer Close and Cricklewood Lane junction

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.

It is understood that the cabinets/boxes and its contents are integral to the eruv with its primary purpose to conceptually show the Eruv is secure and sound.

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 recently approved eruv as is the now proposed eruv would be contained within the existing NWL Eruv.

4. Public Consultation

This application has been the subject of a 42 day consultation period with the local community. Consultation letters were sent to a total of 5872 neighbouring properties. A site notice was also erected at each individual site and publicised in the local press.

Number of Responses

A total of 584 responses were received comprising of 571 responses in support of the proposal and 12 in objection and 1 neutral comment. The comments received broadly reflect those received in the approved scheme 22/5916/FUL.

Summary of Objection/Neutral Comments:

1. Aesthetic and Environmental Concerns:

- Poles and wires will be visually intrusive and add to street clutter.
- Compromises aesthetics of the area
- Concerns about attracting birds, unhygienic droppings and litter in public areas.
- Concerns of hazards to birds and habitats.
- Impact on property values.

2. Safety and Practicality:

- Objections to obstructions and trip hazards, especially for vulnerable pedestrians.
- Traffic and pedestrian safety concerns.
- Concerns about safety of the apparatus and ongoing maintenance
- Concerns of disruption caused by the works
- Insufficient information on purpose of the green boxes

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.
- Loss of public space.
- 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.
- The majority of the eruv has already been approved, this only adds a number more boxes.

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. 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 subject to all conditions being applied as per the approved eruv.

Heritage:

No objection to the application from a heritage perspective, as the revisions to the approved scheme do not affect those parts of the eruv which fall within the Golders Green Conservation Area.

Transport for London:

I've reviewed the detail of the latest application in relation to TfL bus network as well as the Transport for London Road Network (TLRN), and confirm TfL has no objection to make.

Trees:

No objection: Tree officers do not foresee any noteworthy issues with the introduction of the additional boxes.

The proposed boxes would necessitate some modest additional impact to roots at the following sites, however not to an extent that would merit objection on arboricultural grounds or the imposition of additional conditions versus that of the extant approval.

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:

It is positive that the roof of the green cabinet is pitched, as this can help to prevent items from being discarded (eg. cans/bottles of alcohol etc) or persons easily sitting upon them.

No further comments to make from a crime prevention perspective.

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 December 2023. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Governments 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 eruv almost replicates the recently approved eruv application under reference 22/5916/FUL. The only difference between the approved eruv and the current proposal is the inclusion of 18 additional green boxes (total 22). The size, design and siting of the poles remain the same as approved.

In order to avoid duplication and for the purposes of conciseness, the following assessment will focus on the additional elements (i.e. the additional boxes) proposed within this scheme. As such, this report should be read in conjunction with the officer report to 22/5916/FUL.

A supporting letter from the Chief Rabbi of the Federation of Synagogues sets out the reasoning for this application following the recent approval:

"In my opinion the currently approved Eruv is fully compliant with the complex requirements of Jewish law. However, Halachah - that is, Jewish law - in common with other systems of law, incorporates not only a set of undisputed fundamentals, but also a body of peripheral areas that are subject to differences of opinions between the various legal authorities. I have now been approached by a senior Rabbi who has turned to me on behalf of several Orthodox synagogues and their constituent communities that lie within the boundaries of the proposed Eruv. These communities too wish to take advantage of this once-in-a-lifetime opportunity, to establish an Eruv that would benefit their members. However, in order to satisfy their interpretations and rulings of Jewish law, they would require some additions to the current proposals.

The additions that would be required to satisfy these views involve only adding to the already approved scheme, at various other locations, a number of extra boxes of similar dimensions to the ones that appear in the approved plans...

I, and the Eruv Committee, recognise that the establishment of the Eruv will be a one-off event, and there is no intention to revisit the issue on further occasions. For that reason, we are keen that the Eruv should be set up at the outset in such a manner as would satisfy all Rabbinic opinions of those who wish to use it, so that the widest possible sector of the community will enjoy the advantages that the Eruv will bring."

Lastly, 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. This would be of direct benefit to members of the Orthodox Jewish community and in particular the very young, the elderly and disabled members of the community.

Assessment

The principle of the proposed eruv has been established by virtue of the approved scheme under 22/5916/FUL. The following general comments were recorded in the officer report to the approved scheme and remain applicable:

"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."

The following assessment should be read in conjunction with the officer report to 22/5916/FUL - in which save for the materially new elements proposed within this scheme remains fully valid and applicable. Consequently, this assessment considers only those elements in so far as materially new to the approved scheme. The materially new elements relate to the inclusion of 18 green boxes at the following Sites: SP4, SP5, SP6, SP12, SP13, SP15, SP17, SP19, SP21, SP22, SP23, SP24, SP25, SP26, SP27, SP28, SP32 (existing poles) and SP33 (existing poles).

Assessment:

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

The poles as previously approved would be sited adjacent to the rear end of commercial premises on either side of Ashbourne Avenue so as to assimilate acceptably into the street scene. The proposed green box would abut the side wall of no.17A Ashbourne Avenue, thereby ensuring this does not impede pedestrian flow. The green box would be comparable to an existing in situ green box in close proximity and therefore commensurate with local character.

Highways consider the location acceptable.

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

The poles in this siting replicate that approved under the previous scheme. The proposed green box would abut the flank wall of No.1201 Finchley Road and is sited directly adjacent to an existing green cabinet. The proposed box would thus mirror an existing street furniture and therefore integrate acceptably into the vicinity.

Highways have raised no concerns to this location.

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

Similarly at Site 6, the green box would sit directly adjacent to an in situ green box abutting the flank wall of a property. The proposed location is thus deemed to be acceptable and commensurate with local character. The siting also ensures the pedestrian footway is not impeded.

The poles replicate the siting of that previously approved.

Highways raise no objection to the siting of the box or poles.

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

In this location the proposed box would abut an existing hedge and the green toning of the box would ensure its visual appearance is diminished and would acceptably blend into its setting. Highways consider the location of the box appropriate.

The siting of the poles is as previously approved.

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

The proposed box in this location would be set against the backdrop of a boundary fence and tall trees amongst existing street furniture consisting of a bench and black cabinet. Thus the addition would not read out of character. Given the modest dimensions of the box and its discreet location, it is not considered that the additional street furniture would amount to harmful visual clutter. The green toning (despite the existing black cabinet) is considered appropriate given tree screening backdrop.

Pole locations remain as approved.

Highways consider the location acceptable and no objections have been raised from tree officers.

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

The siting of the poles remain as approved - in which - the northern pole resides in the Golders Green Conservation Area. The Councils Heritage officer previously raised no objection to their siting and remains applicable in this application.

The proposed box would be sited against a boundary fence directly comparable to a green box sited some few metres away further along the fence. Whilst the could amount to a spread of street furniture, officers do not consider its existence on a side street would result in demonstrable harm to the character or appearance of the location. As such, on balance and particularly when weighed against the benefits of the scheme, the location is deemed acceptable.

Highways have not raised any objections to its siting.

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

The proposed box would abut an existing boundary fence. Its slimline profile and low level would not adversely impact the character or appearance of the locality. For similar reasons no adverse impact would be sustained to neighbouring residential amenities. The pole location would not alter from that previously approved.

No objections raised from Highway.

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

The proposed box would be camouflaged against the boundary hedge it would abut, thus would acceptably mitigate its modest visual impact. Highways have raised no concerns over its siting.

Pole locations remain as approved.

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

The pole locations which remain as approved were previously not considered to appear visually intrusive. The proposed green box, like Site 19 would be set against an existing boundary hedge and therefore would be largely camflouged so as to minimise its visual impact.

Highways consider the location acceptable.

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

The green box would be sited against a boundary fence which when combined with its slimline profile and low height would have little impact on the character and appearance of the locality, particularly when considered against the multitude of telecommunication apparatus at the Wayside/Hendon Way junction which arguably officers consider is far more impactful.

The siting of the poles remain as approved which in the context of surrounding street furniture and apparatus would be acceptable.

Highways consider the location acceptable.

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

The proposed green box would be sited on the northern side of Ridge Hill against a boundary wall and beyond the vehicular opening so as to not result in an obstruction. The low level box would not demonstrably harm the character of the area.

The poles would remain in the siting as approved and highways have not raised any objections to either to the inclusion of the green box.
Highways consider the location acceptable.

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

The proposed green box would be sited adjacent to the boundary wall of Wessex Gardens Primary School and of a similar height which is deemed appropriate. The take up of the box would be modest and would maintain a sufficiently sized footway for school and pedestrian footfall. Highways have not raised any concerns of pedestrian impediment.

Pole positions would not alter from that previously approved and considered acceptable.

Highways consider the location acceptable.

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

The green box in this location would front Hendon Way and sit against an existing hedge so as to not read overt or dominant. The siting is therefore deemed acceptable.

The Site appears to lie on TFL land as the highway authority which forms part of Transport for London Road Network (TLRN). TFL have raised no additional comments above those provided in the approved scheme. As previously applied a condition for Maintenance and construction details can be secured through a suitable condition in consultation with TFL.

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

The green box in this location would be sited against a neighbouring boundary hedge and so has taken measures to ensure its visual appearance is minimised. Officers raise no objection to the location of the green box.

Highways consider the location acceptable.

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

Similar to Site 26, the green box would abut a boundary hedge and minimising its visual appearance. Officers consider this to be acceptable noting Highways have raised no objections to the location.

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

The green box would be sited against a boundary wall and adjacent to a green verge with shrubbery. The siting of the box in this location is not considered to be visually prominent or sensitive, therefore the addition is considered acceptable. Highways raise no objections.

Site 32 (existing poles) Near Crewys Road and Cricklewood Lane junction:

The site 32 consists of in situ poles presumably forming part of the NW London Eruv. The proposal does not seek to make any alterations to the existing poles but rather add a green box to the western side of Crewys Road. The box would abut a blank return elevation and therefore its siting in this location would be appropriate somewhat breaking up the façade.

Highways raise no concerns in this location.

Site 33 (existing poles) Near Mortimer Close and Cricklewood Lane junction:

Similar to Site 32, no alterations are proposed to the existing eruv poles. Here too the box would be sited against a blank return elevation on the eastern side of Mortimer Close which is considered to be a least sensitive location and therefore acceptable.

Highways have not objected to the siting of the box.

Summary:

As detailed above, in broad terms the proposed additional boxes (of which each one would be visually read individually) would be relatively slimline, low level and modest features which replicate existing street cabinets in both size, toning and appearance. As such, it is considered that, it is considered that the boxes would readily assimilate into the respective street scenes. In respect of the poles, this directly replicate size, height, design and siting of the previously approved scheme in which were considered to have an acceptable impact both in character terms and residential amenity.

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 comments received broadly reflect those received within the approved scheme 22/5916/FUL and have been addressed within the officer report. 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.

-Impact on property values:

This is not a material planning consideration.

-Green boxes:

A detailed account of the green boxes has been provided in the submitted Planning Statement.

-Objections to obstructions and trip hazards, especially for vulnerable pedestrians:

Highways have reviewed the submission and the siting of the proposed apparatus and do not raise any concerns in terms of trip hazards, impediment of the footway or any other traffic concern.

-Concerns about safety of the apparatus and ongoing maintenance:

The existence of several Eruvs have evidenced that the apparatus remains safe and is constructed/maintained in accordance with a Highway licence. Fundamental to the Eruv is its integrity thereby ensuring continuous ongoing maintenance as required solely at the applicants responsibility.

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

A detailed assessment on this section was reported in the officer report to the approved scheme 22/5916/FUL, a summary exert is provided below. It is not considered that the additions within this application would alter the previous assessment which remains valid and fully applicable.

Summary exert:

'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.

