



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 20 August 2014 at 7.00 pm

PRESENT: Councillor Marquis (Chair), Councillor Colacicco (Vice-Chair) and Councillors Agha, Chohan (alternate for Councillor Mahmood), S Choudhary, Filson, Hylton and Kansagra

Also present: Councillors McLennan, Pavey and Perrin

An apology for absence was received from Councillor Mahmood

### 1. **Declarations of personal and prejudicial interests**

13-18 Inc and 19-24 Inc Lawns Court, The Avenue, Wembley, HA9 9PN  
Councillor S Choudhary declared that as he had previously expressed a view that prejudged the application, he would withdraw from the meeting room during consideration of the application.

### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 16 July 2014 be approved as an accurate record of the meeting.

### 3. **13-18 Inc and 19-24 Inc Lawns Court, The Avenue, Wembley, HA9 9PN (Ref.14/1168)**

PROPOSAL:

Alterations and replacement of some of the existing windows and erection of a third floor to residential blocks at 13-18 and 19-24 to provide 4 self contained flats (2 x 2 bed at block 13-18 and 2 x 2 bed at block 19-24) (as per revised plans received on 4 July 2014).

RECOMMENDATION:

Grant planning permission subject to conditions.

Rachel Murrell (Area Planning Manager) drew members' attention to the supplementary report that provided further details of responses to queries raised at the site visit. She advised that the applicant has confirmed that the roof extensions accommodating the new flats will be of lightweight construction and built in accordance with Building Regulations. With regard to the cracks in the wall to Flat 13, Lawn Court, the applicant had been advised by the managing agent of the block that this would be dealt with as part of the major improvement and

refurbishment works being carried out to the flat. Rachel Murrell also highlighted an amendment to condition 3 as set out in the supplementary report.

Rasha Mohammed spoke on behalf of Sharon Mazi, a local resident, in objecting to the application. Rasha Mohammed commented that although a number of concerns had been addressed, there were still some outstanding issues, in particular the loss of the skylight in the hallway of Flat 14, Lawns Court. Members heard that the proposed flat above Flat 14 would obscure what had been significant daylight to Flat 14. Rasha Mohammed added that there were other issues that needed further details, such as access arrangements for removing the sky light and the timetable of works. In reply to queries from members, Rasha Mohammed stated that there had been no discussions between the applicant and the resident concerning compensation for loss of the skylight to Flat 14. There was also no suitable alternative location for any kind of window and Rasha Mohammed confirmed that one other flat in the block also had a skylight.

Mr Nazidi, in objecting to the application, sought confirmation as to the total number of parking spaces proposed and whether a condition could be attached with regard to constructing a wall between the proposed car park and Mayfields Close and that there be no exit doors to the car park. He also felt that lighting in the car park needed to be addressed.

During members' discussion, it was queried that if the loss of the skylight had been to a bedroom, bathroom, kitchen or living room, would this have had a more significant impact on the application. Clarification was also sought as to whether there was any possibility that the applicant could replace the skylight with another suitable window. Another member felt that condition 6 (e) adequately covered issues in relation to the car park boundary and in noting that some windows were to be changed to enhance the site as it was in a conservation area, he queried that if other properties also expressed a desire to have their windows changed, would the applicant be compelled to undertake this.

In reply to the issues raised by residents and members, Rachel Murrell advised that although the loss of skylight was a planning consideration, the hallway was not a habitable room so it was considered that the proposal could not be objected to in planning terms. Members noted that the application would have been viewed more rigorously if the loss of skylight had involved a habitable room. Rachel Murrell confirmed that 19 car parking spaces were proposed and condition 6 (c) addressed lighting issues and there would be soft landscaping around the car park. She advised that the existing access to the proposed car parking area would remain, along with an additional access point from the frontage. Members heard that it was possible that the applicant might be amenable to constructing a wall around the car park, although this would be subject to discussions with local residents. Rachel Murrell informed the committee that the applicant could replace windows that were in their control, however if other properties also wished to change their windows, they had been provided with the template as to what the window should look like in order to comply with the conservation area.

Stephen Weeks (Head of Planning) advised that because there was a wide disparity in the appearance of the windows on the site, it was felt that in this instance it was not considered appropriate that all windows comply strictly with the conservation area. He added that although the applicant could offer to change

windows of other properties in addition to the ones in the proposals, they would not be compelled to in planning terms.

DECISION:

Agreed as recommended and an amendment to condition 3 as set out in the supplementary report.

Note: Councillor S Choudhary left the meeting room during consideration of the application and took no part in voting or in the discussion.

**4. Byron Court Primary School, Spencer Road, Wembley, HA0 3SF (Ref.14/2382)**

PROPOSAL:

Erection of a single storey temporary modular unit for use as classroom within the playground adjacent to the main school building.

RECOMMENDATION:

Grant planning permission subject to conditions.

DECISION:

Agreed as recommended.

**5. Woodfield School, Glenwood Avenue, London, NW9 7LY (Ref. 14/2421)**

PROPOSAL:

Retention of the existing temporary classroom and erection of a single storey building comprising new classrooms to provide additional places for pupils with severe learning difficulties (SLD) and Autism Spectrum Disorders (ASD) and associated ancillary spaces and landscaping.

RECOMMENDATION:

Grant planning permission subject to conditions.

Rachel Murrell informed members that the application was to accommodate five new classes and 17 additional members of staff. A condition requiring external cladding had been included as the building would be a permanent structure. Rachel Murrell confirmed that Transportation had raised no concerns regarding the proposal subject to conditions as set out in the report. She advised that as most pupils would arrive at the school by minibus, a condition in relation to dropping off pupils was included. Rachel Murrell then drew members' attention to the detailed plans made available at the meeting.

During members' discussion, it was queried whether there would be more buses to accommodate the increase in pupil numbers and comments were sought in respect of the school's location within a flood zone. Another member enquired whether the consultation had been limited as it had only involved 33 residents. He also asked how it would be possible to ensure construction took place only during school holidays.

In reply to the issues raised, Rachel Murrell advised that the additional pupils and staff would lead to more movement in transport terms, however Transportation

was satisfied the site could accommodate this and the condition relating to drop off/pick up of pupils would also ease any transport concerns. In terms of flooding, the Environment Agency had no raised any objections and there was a condition requiring the applicant to provide details of drainage. Rachel Murrell confirmed that all properties adjoining the site had been consulted and a planning notice had been placed on the site and all statutory consultation requirements had been met. Although she had not been informed of the exact construction period, Rachel Murrell advised that this is a modular unit and it was a question of relocating it to a different area of the site which would limit construction impacts.

DECISION:

Agreed as recommended.

**6. Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6 (Ref. 14/1896)**

PROPOSAL:

Demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.

RECOMMENDATION:

Grant planning permission subject to the conditions and reasons set out after paragraph 56 and completion of a satisfactory Section 106 or other legal agreement in accordance with the Heads of Terms set out below and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

Stephen Weeks introduced the item and began by stating that the application represented a significant element of the South Kilburn Regeneration Masterplan. The proposals were for blocks of generally four to six storey height with some taller elements and included 102 affordable units. Stephen Weeks drew members' attention to the supplementary report that responded to issues raised at the site visit. Members heard that a further drawing with regard to the proposed height of the development in relation to the main roof of the Church of St Augustine and the church's spire had been received. In respect of bell ringing, the applicant had confirmed that the potential impact of this had been considered in the design following acoustic surveys. The applicant had also confirmed their intention to make reference in the developer agreement to the church bells to ensure potential leaseholders were aware of the bell ringing. Stephen Weeks advised that in respect of flood risk to the Church of St Augustine, Sustainable Urban Drainage Solutions had been included in the design proposals. Members also noted the response to concerns raised by Westminster City Council. Members were then shown more detailed plans provided at the meeting.

Father Amos of St Augustine's Vicarage then addressed the committee to raise objections to certain aspects of the application. Father Amos felt that the applicant

had not fully addressed the concerns about the impact the application would have on the Church of St Augustine. Referring to the reference to drainage and flooding in the report, Father Amos stated that there had been two recent occasions where the church had been flooded. In respect of complaints about bell ringing, Father Amos contested the assertion in the report that no complaints had been received, stating that an officer from Environmental Health had confirmed that a complaint had been received. Father Amos asserted that his offer for officers to undertake a noise survey at the church had been declined on the grounds of cost. He also felt that there had not been due engagement and consultation during the process of the application.

Father Amos then responded to a number of queries from the committee. He stated that the church's foundations were 25m from the proposal's tallest building. With regard to a query about his concerns about loss of income for the church, Father Amos informed members that the church was often hired out for filming and recording purposes and that these provided a vital income stream. He stated that the developer had been approached with a view to negotiating arrangements so that only silent works were undertaken during such times the church was being hired out externally. Father Amos acknowledged that the proposed open space in front of the church was a positive aspect of the scheme, however there were still a number of issues to address. From his understanding of the plans, the risk of flooding remained and he would need further information as to how condition 14 would address these concerns.

Matthew Chinery introduced himself as the lay vice chair of the Parochial Church Council of St Augustine and spoke in objection to the application. He stated that the church represented one of the finest examples of Gothic architecture in London. In his opinion, the wrong legal test had been applied in the protection of a Grade I listed building. The application had the potential to affect the building and so the 'strong presumption' test should apply, as had been determined in a recent case judgement. He also felt that the applicant had not engaged properly and in his view the proposals did not represent a sensible development.

In reply to a query from members concerning the bell ringing, Matthew Chinery stated that residents would be coming to the potential noise nuisance. He informed the committee that the Church of England was legally obliged to ring bells to summon people to service under Canon law. Matthew Chinery acknowledged the observation that there been few instances of structural damage to historic buildings from similar developments involving tall buildings, however he felt more engagement was needed over the plans and that in addition to Building Control regulations, other conditions could have addressed this issue. In response to English Heritage supporting the proposals, Matthew Chinery expressed surprise at the speed of their response. He advised that the recent case judgement he had referred to earlier was the Barnwell Manor Wind Farm Court of Appeal case which had determined that even less than possible harm to a Grade I listed building should be taken into consideration and that there should be a strong assumption against acceptance of such an application.

Councillor Prendergast from Westminster Council, speaking in objection to the application, spoke on behalf of residents from her ward which bordered the application site. She felt that there had been a lack of engagement during the application process and although she welcomed efforts to regenerate the area and

provide affordable housing, such an application reflected what she saw as a piecemeal rather than a holistic approach in regenerating the area. Councillor Prendergast felt that there was a lack of information concerning the potential loss of daylight to residents of her ward who would feel the impact of the scheme, as well as the Church of St. Augustine. She concluded by stating that she did not feel the development would leave a suitably proud legacy. In response to a member's query about whether the development represented an improvement in that there would be demolition of an 18 storey building and the tallest building in the proposals was 8 storeys, she asserted that the 18 storey building was a considerable distance to Westminster residents and the church and so did not have such an impact.

Keith Bradley, architect for the applicant, addressed the committee. Responding to the issues raised by the objectors, he advised that consideration of the Church of St Augustine as a Grade I listed building had been pre-eminent since the beginning of the scheme and the proposed new space in front of the church would improve the setting, a view that English Heritage agreed with. He stated that the closest building in the proposals was 42m from the church, whilst the highest building would also be furthest from the church. The application also included an extra 2,000sqm of absorbent surface and would lead to a 50% reduction of flood water. Keith Bradley stated that there had been extensive consultation with the Church of St Augustine and English Heritage.

Members then asked a number of questions about the application. In reply to a query from a member concerning the proposed energy centre, Keith Bradley confirmed that this would be virtually invisible from the outside. In response to a member's query about whether there would be pile drilling during construction and his comments that there should be careful consideration to address or mitigate any effects before applying this method as the church was a Grade I listed building, Keith Bradley stated that as the nearest building was some 42m from the church, he was confident that appropriate measures would be put in place to address any issues. He was not sure at this stage whether construction would involve pile drilling, however the church would be consulted over this matter. In response to a query concerning emissions from the site, Keith Bradley advised that an extensive air quality assessment had been undertaken and members heard that there would be a chimney on the tallest building furthest away from the church. With regard to a question about the heat and power system, although natural gas was currently proposed, consideration of other energy sources may be considered in the future. Members noted that 236 parking spaces in total were proposed. In respect of rain water, there would be some harvesting and recycling with roofs on some buildings to collect rain water. However, the main emphasis was to mitigate flooding and there would be an increase in total green space from 4,000sqm to 5,000sqm to help ensure more water ended up under the surface as this was felt to be the most environmentally sound solution. In response to a query about the location of the six storey building on South Kilburn Road facing the church and overlooking existing homes, Keith Bradley advised that this was a significant part of the site and it was felt that six storeys was appropriate for the location and in line with other schemes in South Kilburn. He added that the building was well set back, creating space and would be landscaped and would represent a significant urban improvement in the area.

Members sought further details with regard to the proposed triangular building on plot 5 of the site and raised concerns about this building on the grounds of intrusion, height, loss of trees, impact on the conservation area, its proximity to the footpath and whether any alternative locations had been considered.

In reply, Keith Bradley advised that the proposed triangular building on plot 5 would comprise of seven flats of one or two bedrooms and was suitable for the scheme. The proposals would restore the historic line where the original terrace was and it was felt that the loss of trees was acceptable in order to reinstate the street line. In addition, the best two trees in that location would be retained and by reinstating a green frontage, this would add to the street scene. The committee was advised that it was not feasible to retain the trees that were to be removed and they had not been categorised as important trees. Members heard that the sports centre did not align with the street line and increasing the set back would not enhance the street scene. Keith Bradley advised that because the proposals would create clear and defined public frontages providing greater clarity between public and private space and an enclosed courtyard garden, this would help reduce anti-social behaviour and represented good urban design. Members noted that English Heritage had since received the adopted Character Appraisal for the conservation area and had considered that it would not change their view. With regard to alternative proposals for the seven flats, Keith Bradley advised that alterations to boundaries or increasing the height of the building were other considerations, however he did not feel there were any better locations on the site than what was proposed. In addition, the proposals provided a generous sized footpath and the frontage, while short, represented a more conventional frontage arrangement.

Noreen Twomey, speaking on behalf of the applicant, advised that a decentralised energy system located in the basements of Durham Court and Gloucester House would provide heating and hot water and the procurement of an energy management provider was currently underway. In response to members' queries concerning parking spaces, Noreen Twomey advised that the site benefitted from excellent public transport links and there were proposals for some blocks to be car free. With regard to plot 5, there had been a thorough trees assessment and each tree lost would be replaced elsewhere on site. The homes on plot 5 would also be enhanced and benefit from an improved street scene.

During members' discussion, it was queried whether plot 5 would be recommended for approval as a stand alone application if had not been part of a larger scheme. A member also asked if monitoring of nanoparticles could be added to conditions 7 and 8. In respect of bell ringing, it was commented that providing they were rung at a reasonable level for the call to service, that this would not be an issue, especially as they would be rung during the daytime. It was also commented that the open space in front of the church would enhance the area and sufficient reassurance had been provided in respect of flooding, however it was queried whether there could be an informative in relation to flooding and also on how any pile drilling should be conducted.

The Chair enquired whether condition 13 could be revised to include potential impacts to the church as well as the sewer and that there be consultation with the church to consider any impact on it during construction. She also sought legal

advice in respect of bell ringing and any implications for this application in respect of the Barnwell Manor Wind Farm Court of Appeal case.

In reply to the issues raised, Stephen Weeks advised that plot 5 was being considered in the context of the whole application that was part of the South Kilburn Regeneration Masterplan. He added that had plot 5 been considered as a separate application, there would have been some aspects of it that would be of greater concern and the possibility of not supporting it would be greater. Stephen Weeks advised that revisions could be made to conditions 7 and 8 to allow for consultation with Environmental Health to determine whether there was a need to incorporate monitoring of nanoparticles. He also advised that condition 13 could be amended to include reference to potential impacts during construction to the Church of St Augustine as well as the sewer and for the applicant to consult with the church about such impacts.

Horatio Chance (Legal Adviser) advised that in respect of bell ringing, whilst the church may well have a statutory right to do this and which may be regarded as a defence in permitted circumstances, residents of the new development could pursue this if the noise generated was considered wholly unreasonable and if appropriate evidence was received. Members were advised that the Council in its capacity as "Environment Authority" could serve an abatement notice under section 79 of the Environment Protection Act 1990 if the bell ringing was considered to be a statutory nuisance. With regard to the possible impact on the decision with regard to the Barnwell Manor Wind Farm Court of Appeal case concerning another Grade I Listed Building, he advised that he would need to research the judgement in greater detail, but during his initial research undertaken during the meeting, members were advised that Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provided that any harm to the heritage asset by the proposed development must be given "considerable weight" in the balance. Horatio Chance advised that members appeared to have taken the special considerations relating to the heritage assets into account in the consideration of the proposal and advised that a resolution could be made pending receipt of legal advice.

Members then discussed whether a decision should be made alone or pending legal advice. The Chair indicated that she would be in favour of making a decision pending legal advice. Councillor Kansagra felt that members had sufficient information already about the application to make a decision without the need for further legal advice. Members then voted by majority to make a decision pending receipt of legal advice. Voting on the substantive application, members then agreed the application pending receipt of legal advice and subject to revisions to conditions 7 and 8 for the Head of Planning to consult with Environmental Health to determine whether to incorporate monitoring of nanoparticles and to condition 13 to include reference to potential impacts to the church as well as the sewer and consultation with St Augustine's Church to consider the impacts during construction on the church.

The Chair added that the concerns of the Church of St Augustine were taken seriously and there was a need for more consultation between the church and the applicant. She also emphasised the importance of Regeneration, Housing and Planning departments to work together to produce cohesive plans for South



Kilburn and to reduce the number of isolated applications as part of the Masterplan.

**DECISION:**

Agreed as recommended subject to an opinion from Legal Services regarding the recent court of appeal decision into the assessment of a Grade I Listed Building with referral back to Planning Committee should advise determine that a further assessment is required; referral to the GLA; revisions to Condition 13 to include reference to potential impacts to the church as well as the sewer and consultation with St Augustine's Church to consider the impacts during construction on the church; and revisions to Condition 7 and 8 reviewed by the Head of Planning in consultation with Environmental Health to determine whether to incorporate monitoring of nanoparticles.

Note: Councillor Agha was not present for the entire time the application was considered and so took no part in the vote.

**7. 36 & 37 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB (Ref. 14/1412)**

**PROPOSAL:**

Extension to roof of existing four storey building to provide additional living space for two third floor flats and installation of proposed south facing roof terraces on third and fourth floor.

**RECOMMENDATION:**

Refuse planning permission.

Rachel Murrell drew members' attention to the supplementary report clarifying a number of points raised at the site visit in relation to height of the proposed screen, impact on amenity of neighbouring residential properties, petition and additional comments from members of the public and a letter from the applicant. She also drew members' attention to comments made by Network Rail in the supplementary report about the application. Rachel Murrell then referred to the detailed plans available at the meeting and advised that the applicant had submitted revised plans on 20 August. She added that the changes to the adjoining building heights on the revised plans had not been verified.

Tom Billings, a local resident, advised the committee that he was speaking on behalf of the 11 properties out of a total of 14 in the block that were in support of the application. He stated that the applicant had consulted the residents throughout the application and the applicant had demonstrated their ability to address any concerns that had been raised. Tom Billings felt that the stepped back nature of the design proposals would be beneficial to the site and he did not think it would have much effect on neighbouring properties' light other than a possible minor loss of daylight. He also felt that the applicant had already undertaken improvements to the block that were enhancing the quality of life for all of its residents.

In reply to queries from members, Tom Billings confirmed that he was a tenant of the block, however he was also representing views of landlords. He felt that the proposals would not lead to loss of privacy and no residents in the block had made

objections to the application. He did not anticipate there being any loss of sunlight to the flats the opposite side of the Noko building.

Jonny Barrett, the applicant, stated that he was looking to increase the size of his property as he was planning to extend his family. He stated whilst there had been engagement between residents and himself during the application, he felt that he had not received sufficient guidance from Planning Services. He asserted that the application complied with planning regulations and loss of sunlight was not an issue. Members heard that the proposed extension was lower than the neighbouring Noko building. Of the 11 out of 14 properties supporting the application, Jonny Barrett stated that all on the lower floor were in support and he had undertaken improvements to the communal areas. He concluded by stating that any concerns raised by planning officers could be addressed by conditions.

In reply to queries from members, Jonny Barrett stated that his proposals were based on the Council's planning policies and he had tried to address concerns that they had raised. However, he felt that he had not received sufficient feedback despite his request for some. In respect of the rejection of an application on the site in 2010, Jonny Barrett advised that the previous one had been a commercial application from the freeholder that was significantly different to his application which did not overlook any properties.

The Chair noted the concerns the applicant had made at the meeting and at the site visit with regard to engagement with Planning Services and she emphasised the need for more engagement in progressing this application in future.

DECISION:

Refused as recommended.

**8. Pavement on Kilburn High Road, Salusbury Road, Chamberlayne Road, Harrow Road, Station Road, Acton Lane, Craven Park, Bridge Road, Neasden Lane, Dudden Hill Lane, Kendal Road, Parkside & Cricklewood Broadway, London (Ref. 14/1252)**

PROPOSAL:

Installation of 0.5mm clear nylon wire spans between poles in 14 locations within the London Borough of Brent (and additional ones in adjacent boroughs) to complete a notional 'enclosure' (as defined in Jewish law) so as to ease Sabbath observance for non-ambulant persons and their carers -- locations in Brent are indicated in the schedule of pole locations and circled in red on the 1:10,000 Brondesbury 'Eruv' site plan 870\_01.

RECOMMENDATION:

Approve planning permission subject to conditions.

Stephen Weeks began by advising that the application for an 'Eruv' was the first as such in the borough, although some already existed in other London boroughs. He drew members' attention to additional comments as set out in the supplementary report which also highlighted an error on the council's website that had mistakenly stated that Councillor Colacicco had commented on the application. He then referred to the detailed plans available at the meeting.

Ruth Ward, speaking on behalf of Kensal Triangle Residents' Association, objected to the application. She felt that the application was an unnecessary use of an already cluttered public space. Members heard that the signage that did already exist was for the benefit of the whole community, whilst the proposals in the application were only for the benefit of a small sector of the community. Ruth Ward contended that the street scene should be secular and that approving such an application could set a precedent for other such applications of a religious nature. She also felt that the application could potentially become a divisive element in the community and she was uncomfortable with what appeared to be the demarcation of one particular faith.

In reply to a query from a member that the application involved only one pole in her area, she stated that her comments were relation to the application as a whole.

Rabbi Baruch Levin, the applicant, then addressed the committee. Rabbi Baruch Levin stated that the proposals to complete a notional closure if the Eruv included a minimum number of poles to minimise physical impact on the environment. The poles and wires were needed to ensure that the perimeter of the Eruv was demarcated. Rabbi Baruch Levin stated that there was no evidence that there had been any adverse effects on community cohesion where Eruvs were already in place.

In reply to queries from members, Rabbi Baruch Levin advised that around 120 families visited the synagogue, with many having young children and elder members. He advised that an application for planning permission was required because of the erection of poles. In response to a query on whether an Eruv could be created for the whole of London, Rabbi Baruch Levin advised that this was not possible as the maximum number of people an Eruv can incorporate was 600,000 people. Members noted that the wires would be checked twice weekly for any breakages and any identified would be repaired immediately and this would apply to wires to all poles. The committee heard that there had been no reported incidents of pigeons or other birds flying into wires where Eruvs already existed.

During discussion, it was queried whether residents would need to apply for planning permission if they had similar proposals to demarcate an area with poles. It was queried what steps could be taken to ensure the wires were not struck by traffic and was the application merely for the poles or also for the creation of an Eruv.

In reply to the issues raised, Stephen Weeks advised that similar proposals to demarcate an area would also need to apply for planning permission and such applications should also not unreasonably obstruct the highway. Members noted that no objections had been received from Transportation in respect of this application. Stephen Weeks advised that the height of the wires would mean the likelihood of impact from vehicles or people was minimal and Transportation did not consider this a risk. He also advised members that the application under consideration was both for the poles and wires and to fulfil religious needs in respect of the Eruv. Due weight in taking into account the Public Sector Equality duty under section 149 of the Equality Act 2010 ("The Act") was also being given.

Horatio Chance then provided clarity to members by reading out section 149 of the Equality Act 2010. He reminded the committee that the Council, when performing its statutory function as a Local Planning Authority, must have regard due regard to the need to eliminate discrimination, inter alia, who share one of the eight protected characteristics (as more defined under section 149 [7]) of the Act, namely religion in this case, during the decision making process.

DECISION:

Agreed as recommended.

**9. Any other urgent business**

None.

The meeting ended at 10:15 pm.

S. MARQUIS  
Chair