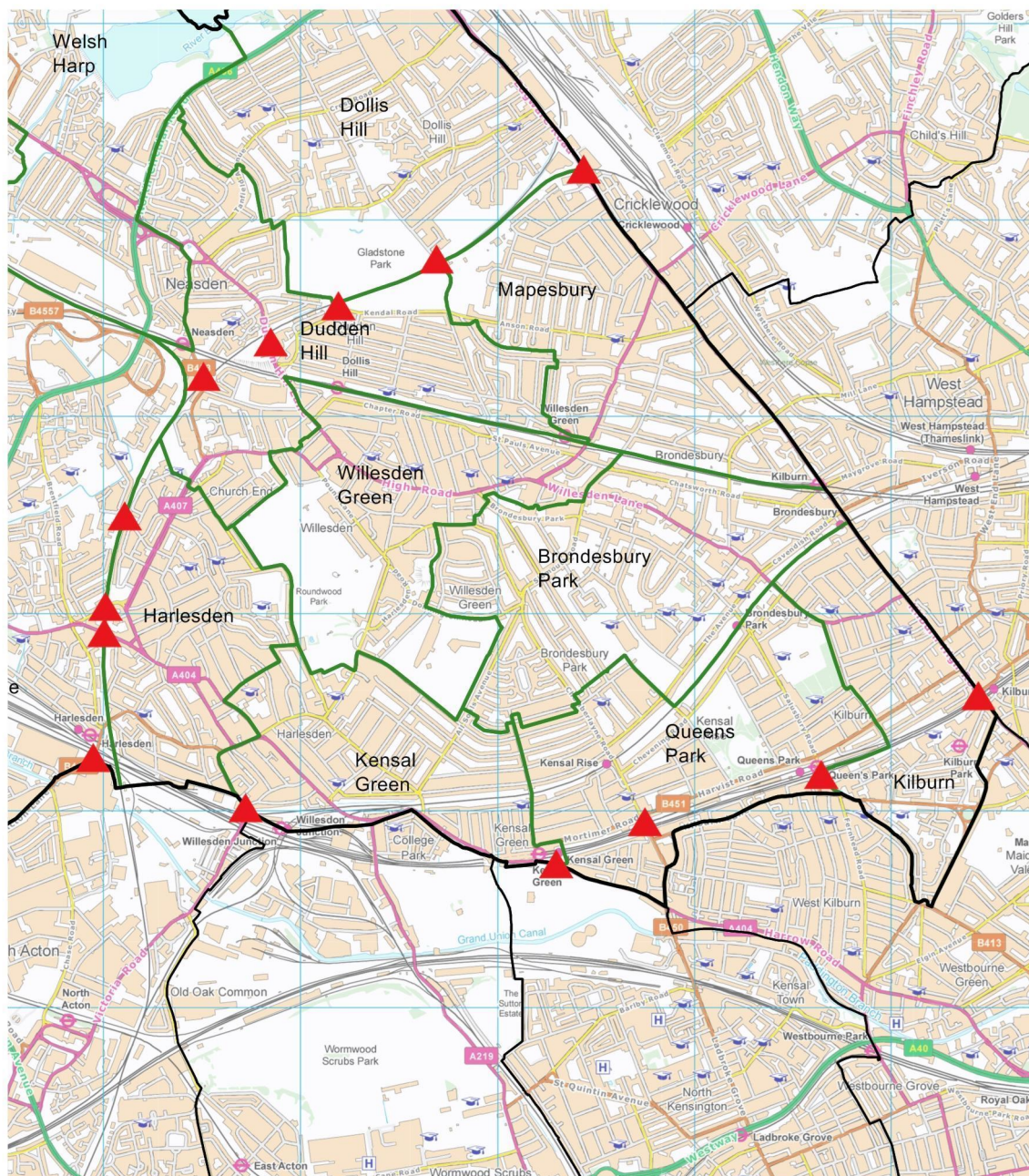




Planning Committee Map

Site address: Pavement on Kilburn High Road, Salisbury Road, Chamberlayne Road, Harrow Road, Station Road, Acton Lane, Craven Park, Bridge Road, Neasden Lane, Dudden Hill Lane, Kendal Road, Parkside & Cricklewood Broadway, London

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This map is indicative only.

RECEIVED: 7 April, 2014

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 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

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

APPLICANT: BRONDESBURY PARK SYNAGOGUE

CONTACT: Rosenfelder Associates

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant Permission, subject to the conditions set out at the end of the report after paragraph 11.

EXISTING

The application site comprises 14 separate locations in the south east of the Borough, as well as 16 other locations in adjoining boroughs, which collectively form the proposed Brondesbury Eruv (the concept of an Eruv discussed in further detail below). These sites generally comprise a series of twinned locations on either side of a road or footpath adjoining an existing boundary wall or fence. Within Brent, the sites form part a broadly circular route which follows the Dudden Hill and Bakerloo LUL railway lines to assist in the provision of a means of enclosure.

PROPOSAL

The proposal relates to the erection of pairs of poles and wire 'gateways' around the Brondesbury area of North West London to form an Eruv. In total there will be 14 separate locations in Brent, although four of these locations include pairs of poles where one of the poles is within an adjoining borough (as set out in table below).

An Eruv is a symbolic boundary designed in accordance with Jewish Law. Jewish Law prohibits Orthodox Jews from carrying or transporting on the Sabbath day, but carrying is permitted within the defined boundary of an Eruv, as is the use of pushchairs and wheelchairs. This means that disabled members and parents of very young children cannot walk within the Orthodox Jewish community and are restricted to their homes on the Sabbath. Although symbolic, an Eruv boundary has to have a physical continuity. It is formed by utilising continuous local features such as fences or walls alongside roads, railways or terraced buildings. However, where this continuity is breached, e.g. by roads or footpaths, then such a gap must be closed by the erection of a notional 'gateway'. A gateway can consist of poles linked on top by a wire crossing the highway usually at a height of 5.5 metres in order to clear all vehicle traffic. Where the wire only crosses a pedestrian footpath the height of the wire is typically 2.5 metres.

The 'gateways' proposed under this application will consist of galvanized mild steel poles with a diameter of 75mm. The majority of the poles would be 5.5m high, however, other poles are 3m and 1m in height and the

height and position of each pole is provided below. The wire will be used to bridge between the poles to form the gateway which will be attached to the top of the pole. The wires in question would be 0.5mm monofilament fishing line which is visually imperceptible.

Maintenance and upkeep of the gateways will be the sole responsibility of the Brondesbury Park Synagogue, who have submitted this application. The applicant would need to approach Brent Council's Transportation Unit to obtain a licence under S181 of the Highways Act 1980 for the installation of apparatus in the public highway and permission under S178 of the Highways Act 1980 for the stringing of a wire across the public highway. The licence will need to address (amongst other things) future on-going maintenance responsibilities and provide a clear undertaking that any costs involved in removing the poles and wires and restoring the highway to its original condition upon the expiry of the licence will be borne by the applicant.

Pole No. (Drawing No 870_001)	Location	Description
4	Kilburn High Road	A 5.5m grey pole adjoining the flank wall of 6/7 Kilburn Bridge (with the wire linking a pole outside Kilburn High Road station on the Camden side of the street).
5	Salisbury Road	Two 5.5m grey poles adjoining and opposite southern flank wall of Queens Park station ticket hall.
6	Chamberlayne Road	Two 5.5m grey poles adjoining the southern flank walls of nos. 37 and 52 Chamberlayne Road.
7	Harrow Road	A 5.5m grey pole on the northern footway of Harrow Road about 35m east of its junction with College Road (with the wire linking to a pole adjacent to Kensal Green cemetery on the Kensington & Chelsea side of the street).
9	Station Road	A 5.5m grey pole on the eastern footway of Station Road about 22m south of its junction with Tubbs Road (with the wire linking to a pole adjacent to the retaining wall to the Metroline bus garage on the Ealing side of the street).
10	Acton Lane	Two 1m black poles adjoining the eastern edge of the Dudding Hill freight line railway bridge between the junctions with Winchelsea Road and Minet Avenue (no wire is proposed at this location).
11	Craven Park	A 5.5m grey pole on the northern side of Craven Park at the boundary of nos. 13 & 15 and a 5.5m high grey pole on the western footway of Park Road, set 6m south of the kerb edge of Craven Park.
12	Craven Park	A 5.5m grey pole on the northern side of Craven Park at the eastern end of the parapet wall for the bridge over the Dudding Hill railway line (with the wire linking to a pole on the eastern side of the privately maintained Craven Park Mews, set 8.5m south of the kerb edge of Craven Park).
13	Taylor's Lane	Two 1m black poles adjoining the eastern edge of the Dudding Hill freight line railway bridge, one on the footway on its north side and one on the kerb line of the carriageway edge (n.b. no wire is proposed at this location, but mention is made of the fixing of a clear Perspex panel to the existing guardrailing at this location)
14	Neasden Lane	Two 1m black poles adjoining the southeastern edge of the Dudding Hill freight line railway bridge (no wire is proposed at this location).
15	Dudden Hill Lane	Two 5.5m grey poles on either side of Dudden Hill Lane, about 30m north of the centre line of the junction with Burnley Road.
16	Kendal Road	two 3m green poles on either side of the foot of the steps to the pedestrian footbridge over the Dudding Hill freight railway line.
17	Parkside	Two 3.5m green poles on either side of the northern side of the pedestrian bridge over the Dudding Hill freight railway line, within Gladstone Park approximately 45m south of the end of the Parkside cul-de-sac.
18	Cricklewood Broadway	A 1m black pole adjoining the southern edge of the Dudding Hill freight line railway bridge (southern spur) on the western footway (a similar pole is proposed in the eastern footway on the Barnet side of the road).

HISTORY

There have been no planning applications for an Eruv in Brent previously. There are a number of established Eruvs elsewhere in North West London, including 3 within Barnet and one at Bushey (within Hertsmere) of which the Council is aware.

The poles in the London Borough of Barnet which form part of this proposal (the Brondesbury Eruv) received planning permission on 6 June 2014 (Barnet Ref: F/01941/14). The poles which are within the London Borough of Camden are still subject to determination. It is not clear whether applications have been made to the London Boroughs of Ealing and Hammersmith & Fulham.

POLICY CONSIDERATIONS

The London Plan

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

Brent Core Strategy 2010

Policy CP23 Protection of existing and provision of new Community and Cultural Facilities

Brent UDP 2004

Policy BE2 Townscape: Local context & Character
Policy BE7 Public Realm: Street scene
Policy BE9 Architectural Quality
Policy TRN3 Environmental Impact of Traffic

CONSULTATION

Neighbour Consultation

A total of 240 letters were sent to neighbouring properties on 2 June 2014 which share a boundary with the application site. In addition site notices were displayed near each of the proposed locations on 16 June 2014 and a notice was advertised in the press on 26 June 2014. The Council's is only statutorily bound to consult those neighbours which adjoin the proposed location of the erection of a pole and wire. Thus, erecting site notices in all 14 locations and issuing a press notice was above and beyond the LPAs statutory duty.

The Council received 62 representations in support and 15 representations in objection to the proposal. It is noted that a number of representations in support of the proposal appear to have been received from addresses outside of the Borough. However, these addresses have North West London post codes and therefore would be relatively local to the application site.

Ward Councillors

Letters were sent to Councillors of Brondesbury Park, Dollis Hill, Dudden Hill, Harlesden, Kilburn, Kensal Green, Mapesbury and Queens Park on 20 June 2014. A response from Cllr Shaw (Brondesbury Park) was received in support of the proposal.

Local Amenity Groups

Queens Park Area Residents Association: No response received.
Kensal Rise Residents Association: Object.
Kensal Triangle Residents Association: Object.
Aylestone Park Residents and Traders Association: No response received.

Adjoining Boroughs

Consultation letters were sent to:
Barnet: No objection.
Camden: No response received.
Ealing: No objection.
Hammersmith & Fulham: No response received.
Kensington & Chelsea: No response received.

Westminster: Objection on the basis of questioning whether religious need is a material planning consideration and if so impact on community cohesion (if this is also a material planning consideration). Further objection on the basis of the proliferation of street clutter.

Internal Consultation

Transportation: Object to location at Taylors Lane Bridge (pole No. 13) and on the basis of the creation of street clutter.

A summary of the proposed comments are as follows:

Comment	Officer Response
Separating multi-cultural society into religious zones with visible markers would be counter-productive to encouraging understanding, harmony and diversity.	Whilst the proposal utilises 75mm poles and 0.5mm nylon wire to physically mark the boundary of the Eruv, in reality the enclosure would not be readily perceptible to members of the public. As such it is not considered that the proposal would be divisive amongst different members of Brent's communities. There is no evidence from other Eruvs resulting racial tensions.
The proposal should use existing landmarks which would avoid the need posts on the street.	Use of existing features within the street has been utilised and it is noted that the proposal follows existing railway lines. However, poles are necessary where the wire crosses a road or footway.
Proposals for development which relate to religious groups should not be approved on the public highway which should remain a secular space.	In absence of any identified harm as a result of the proposal, the policy or legislative context does not preclude development within the public highway for proposal which relate to religious proposals.
The proposal would result in additional street clutter.	The presence of additional street furniture is not considered harmful (see Para 2.1-2.5)
Support has been received from people who do not live close to the application site or within the Borough.	The majority of representations have been made from people that live within the Borough. Representations have been received from neighbouring areas outside of Brent and limited weight is attached to these representations.
Planning permission has been granted for similar proposals elsewhere in London.	Noted, however, each planning application is assessed on its own merits.
Proposal would be of particular benefit to disabled and young members of the Jewish community.	Noted, (see report Para 1.1-1.4).
The proposal would not be readily perceptible because of the slender nature of the poles and type of wire used which is demonstrated through other examples elsewhere in London.	Noted, (see report Para 2.1-2.5).

REMARKS

Key considerations

The key considerations of this proposal are as follows:

- (1) Principle of development
- (2) Impact on townscape
- (3) Impact on highways safety

1. Principle of development

1. As a symbolic boundary which only has spiritual significance, the Eruv itself is not a structure which requires planning permission and therefore the main matters for consideration are considered to be the tangible impacts of the poles and wires on local townscape and highways safety (discussed below). Nevertheless, the creation of an Eruv enclosure would have a definite benefit for one part of the local (Jewish) community, and to that extent support in principle, would be given by the London Plan policies set out above, in particular Policies 3.16 & 7.2 as well as Core Strategy Policy CP23.

2. The potential impact of the proposal on persons with characteristics that are protected by the Equality Act 2010 under Section 149 have been taken into consideration in the determination of the application. It is noted that Section 149 of the Equality Act places a general duty on public bodies to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, religion or belief, gender and sex and to foster good relations between different groups when discharging its functions.

3. It is not considered that any one group would be disadvantaged by the Eruv, however, those Jews who observe Jewish law against carrying on the Sabbath would stand to benefit from the proposal. As such there would be benefits to groups with protected characteristics, including parents and grandparents of young children, the disabled and elderly as well as their families. It is considered that the benefit to these protected groups, would outweigh any potential harm to members of other protected groups outside of the Jewish community. Further weight is added to this in the absence of any evidence to suggest other such proposals elsewhere in London have had an adverse impact on community cohesion. Furthermore, given that the Eruv would not display Jewish or any other religious symbols that would allow them to be identified as being of religious significance the proposal would be a prominent feature within the townscape.

2. Impact of townscape

4. Policy BE7 of the UDP states that a high quality of design will be required for the street environment and the design and provision of all important street elements will be coordinated, wherever possible, to make a positive contribution, avoid unnecessary street clutter, and ensure a safe, informative and attractive environment.

5. Each pole is either 5.5m, 3m or 1m in height. The steel poles would have a diameter of 75mm. This is slimmer than a typical street light and telephone pole/mast, which are key features within the street scene. The wire will be attached to the top of the pole and the wires are less than 0.5mm mono filament fishing line which is visually imperceptible and in most circumstances the wires would not be visible unless one made the point of looking for them.

6. In many locations the poles will be located near to and/or seen against either end of walls of houses and/or hedges and trees. There are also many locations where there is an existing run of other street furniture among which, without creating excessive clutter, the poles would appear entirely in keeping. As a result, in the majority of the proposed locations, the poles will be less intrusive than other street furniture, e.g. telegraph poles and street lampposts.

7. Where the poles are to be sited in relatively more exposed positions and/or where there is little other existing street furniture, the poles could appear more prominent. These locations tend to be in positions where the quality of the existing townscape is poor. Nevertheless, it is considered that the benefit of the proposal to the local orthodox community outweighs the limited potential visual impact of the development.

8. The colour of the poles has been considered by the applicant, with appropriate colours chosen (either grey, black or green) depending on the location. It is noted that none of the poles would be within a conservation area, although it is noted that the Chamberlayne Road poles are within close proximity to the Queens Park conservation area, these poles are not considered to be sufficiently prominent as to affect its setting.

3. Impact on highways safety

9. The Transportation department has been consulted on the proposed and they have confirmed that because each of the poles is to be sited to the rear of the footway, they will not unduly obstruct the highway. Whilst concern was raised in relation to a 1m post on the southern side of the Taylors Lane railway bridge (where there is neither a footway nor a highway margin within which the post can be safely sited), this pole has been re-sited to a location suggested by Transportation.

10. Concern was raised in relation to street clutter, however, for the reasons identified above it is not considered that this would be sufficiently harmful as to warrant refusal of the proposal on this basis. Further comment was made in relation to the finishing of the posts in black, however, whilst this is proposed in some locations, the painting in black in others would result in the poles being overly prominent. The proposed colour, is considered appropriate for each of the proposed locations.

4. Conclusion

11. The proposed Eruv would meet the needs of one of Brent's communities without having any demonstrable harmful impact on other groups. In absence of any demonstrable harm to the built environment, residential amenity or highways safety, the proposal is considered to be acceptable in planning

terms.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework
London Plan 2011
Brent Core Strategy 2010
Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

870_001, 870_51, 870.04, 870.05, 870.06, 870.07, 870.09, 870.10, 870.11, 870.12, 870.13, 870.14, 870.15, 870.16, 870.17, 870.18 and Design & Access Statement.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Any poles or wires erected and any site used for the erection of the poles and wires shall be maintained in a clean, tidy and site condition to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

INFORMATIVES:

- (1) The applicant will need to approach Brent Council's Transportation Unit to obtain a licence under S181 of the Highways Act 1980 for the installation of apparatus in the public highway and permission under S178 of the Highways Act 1980 for the stringing of a wire across the public highway. Any licence that is granted will be subject to annual administration charge. The applicant will need to satisfy Brent Council that any party that is to be employed to undertake the works to install the poles and wires is competent to work within the public highway. Suitable notice will also need to be given to all statutory undertakers of these works prior to entering into the public highway. The licence would also need to provide indemnity for Brent Council in the event of any accident claims relating to the installations and confirm that suitable insurance is in place for the applicant in respect of any such claims. The licence will also need to address future on-going maintenance responsibilities and provide a clear undertaking that any costs involved in removing the poles and wires and restoring the highway to its original condition upon the expiry of the licence will be borne by the applicant.
- (2) The applicant is advised that in the case of Poles 7 and 9 as shown on Drawing 870_001 (Brondesbury Eruv Locations Plan) that these one of poles of these pairs fall within two different Boroughs. In the case of Pole 7, the southernmost pole of this pair lies within the

Royal Borough of Kensington and Chelsea. In the case of Pole 9 the westernmost pole lies within the London Borough of Ealing. Planning applications should be made to these Borough;s for their siting. This decision relates only to the poles within the London Borough of Brent.

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657