

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS

Reference No: HGY/2022/1906

Ward: Highgate, Stroud Green, Hornsey, Alexandra Park, Bounds Green.

Address: Various locations on the public highway in the London Borough of Haringey

Proposal: Installation of street furniture comprising pairs of 76mm dia steel tubes (poles) linked with 1.6mm clear nylon filament and similar street furniture to delineate a local Jewish Eruv.

List of drawings: Design, Heritage, Social Cohesion and Access Statement by Rosenfelder Associates, Highgate and Muswell Hill Eruv – Haringey locations only (1-2 & 21-33) drawing nos. 858.002, 01/B, 01.1, 02/C, 3.1/A, 3.2/C, 21A/C & 21B/C, 22A/C, 23A/C, 23B/E, 24A, 24B, 25A/B, 25B/B, 25.1/B, 25.2, 25.3, 26, 27/A, 28/C, 29, 30/B, 32/D, 33/C, 33.1/A, 51/A, HMH.858.64/A, Preliminary Ecological Appraisal: Parkland Walk, Stapleton Hall Rd, Haringey ref. R1151.001 by Rosenfelder Associates dated 22th November 2022.

Applicant: Highgate + Muswell Hill (H+MH) 'ERUV' Committee

Ownership: Council and Public Highway

Case Officer Contact: Tania Skelli

Site Visit Date: 24/05/2022

Date received: 26/05/2022

Last amended date: 30/11/2022

1.1 The application is being reported to the Planning Sub-Committee for determination as the application is on Council owned land and significant material planning objections have been received during the consultation process.

1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

1. The eruv creates a large area throughout which carrying of objects and movement of non-ambulant persons is permitted.
2. An eruv is of benefit to Sabbath observant people who are thus able to carry not only personal effects (handkerchiefs, keys, spectacles, etc.), but it also enables non-ambulant persons, i.e. all wheelchair users and non-ambulant

young children to be pushed in the street thus overcoming a restriction on them and also on their carers. Subsequently, this means Shabbat observant people would be able to fully participate in community life within their locality without religious restriction by not being able to carry.

3. The proposal is not considered to result in harm to pedestrian comfort or highway safety. All locations and their revisions were assessed by the Highways Team and found acceptable, subject to the submission of a Highway Licence and a Road Safety Audit.
4. All poles were assessed in relation to impact on adjoining and surrounding heritage assets. The poles and street furniture are not considered to harm listed buildings or the Highgate and Stroud Green Conservation Areas.
5. There would be no adverse impact on neighbouring amenity.
6. The proposal is supported by an Ecological Impact Assessment. The assessment analyses the proposal's impact on birds and bats in their environments. Following the revisions to some of the proposed locations, the proposal is not considered to harm wildlife or biodiversity.

2. RECOMMENDATIONS

- 2.1 That the Committee resolve to GRANT planning permission and that the Head of Development Management is authorised to issue the planning permission and impose conditions and informatives subject to the signing of a section 106 Legal Agreement providing for the obligation set out in the Heads of Terms below.
- 2.2 That delegated authority be granted to the Head of Development Management or the Assistant Director of Planning, Building Standards & Sustainability to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee.
- 2.3 That, following completion of the agreement referred to in (2.1) within the time period provided for in resolution (2.2) above, Planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions.

Conditions (the full text of recommended conditions is contained in Appendix 1 of this report)

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Arboricultural Method Statement
- 4) Location 22 filament with beads
- 6) Bird & bat boxes
- 7) Bat survey
- 8) Pole colours

Informatives

- 1) Co-operation
- 2) Hours of construction
- 3) Network Rail

Section 106 Heads of Terms

- 1) To secure the necessary agreement with the LBH Highway's for the carrying out of works on the public highway via a Section 50 and 105 of the New Road and Streetworks Act 1991 (Road safety audit included).
- 2) A community engagement plan.
- 3) To secure a management agreement that the structures will be regularly inspected and repaired.

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3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Proposed development

- 3.1.1 An eruv is a shortened form of the Hebrew term 'Eruv Chatzeros'; this translates as 'unification of courtyards' and it reduces some of the additional rabbinical rules relating to carrying outside the private domain on the Sabbath (sunset on Friday until nightfall on Saturday). As with all of Orthodox traditional Jewish law it is all contained in the Talmud and Code of Jewish Law. The Eruv is a symbolic boundary consisting of natural and man-made objects. Within the area of an eruv it is possible to carry and push any person or object which is not subject to restriction by one of the other Sabbath Laws. This includes prams, push-chairs, wheel-chairs, food and drink.
- 3.1.2 Under Jewish law the definition of an enclosure includes (in addition to walls or fences at least 1m in height) a structure comprising two poles connected with a thin wire to provide the continuity where the boundary of the eruv crosses a road or footpath. As a notional or symbolic boundary only, the eruv itself does not require planning permission, but the poles and wire required to create the eruv do require planning permission.
- 3.1.3 The areas of the proposed eruv utilise existing walls and fences; however, there remain a number of locations where no natural boundary exists, principally across roads and footpaths. The poles and clear polycarbonate filaments which allow for the boundary of the eruv to cross existing roads where there is a break in existing walls comprising of buildings and fences. Similar planning applications were submitted to the adjoining boroughs of Camden and Islington for the remainder of locations within their land.
- 3.1.4 The Highgate and Muswell Hill (MH) Eruv is located entirely within the borough boundary, but it would join the existing Camden and Northwest London Eruv (which covers Hampstead, Golders Green, Hendon and part of Finchley) and the Brondesbury Eruv (which spans across Camden, Barnet, Brent, Ealing and Kensington and Chelsea). It would also join on to the proposed North Westminster Eruv, which covers St John's Wood and Maida Vale. Each eruv is 'self-contained' but can have a common boundary with any adjacent eruv.

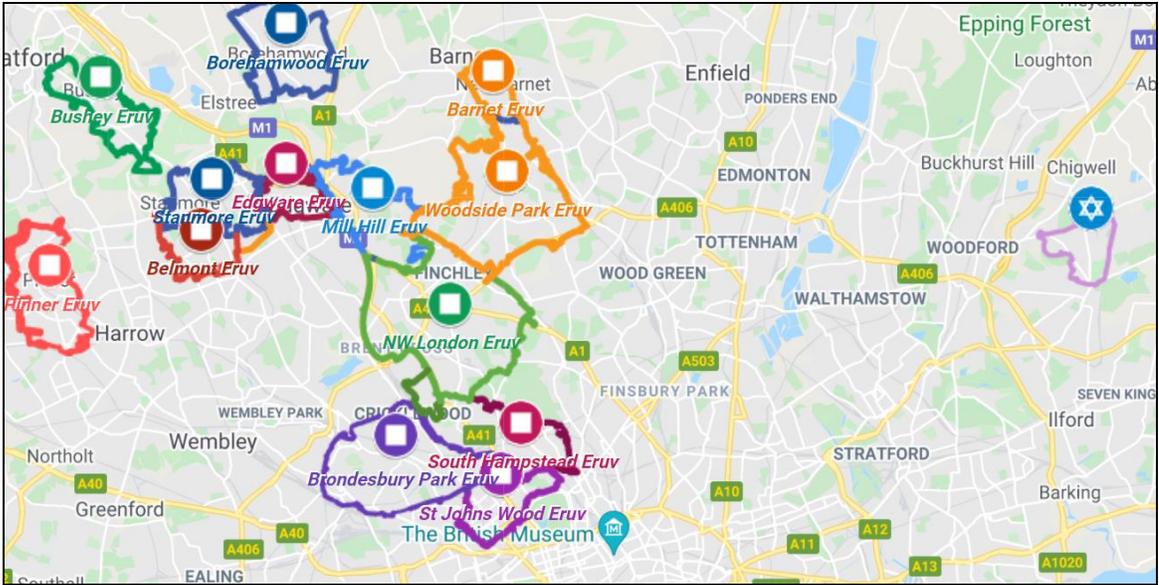


Figure 1: Erufs in NW London - (Source: <https://www.eruv.co.uk>)

3.1.5 Planning permission is sought to create the Highgate and Muswell Hill Eruf by erecting 15 pairs of poles plus 3 single poles, a total of 33 individual poles 2 pairs of low-level poles and 2 metal arches connected with clear polycarbonate filaments also utilising some 6 lamp posts.



Figure 2: Close up of pole and filament at Primrose Hill NW3 location

3.1.6. The proposed poles, measuring either 1.05m, 3.5m or 5.5m in height, would have a concrete base which would be located 1m underground; above ground the pole would be steel with a diameter of 76mm. The height of the poles is 5.5m where they span a road to allow clearance for oversized vehicles. Between the poles would be a clear nylon line akin to a fishing line with a 0.5mm diameter. A lower height would be adopted for public footpaths (3.5m), and the 1.05m poles would be used under a bridge (whereby the roof of the bridge negates the requirement for the nylon line). Most poles would be coloured black to match existing street furniture within Haringey (e.g. location 27A&B are proposed painted light brown to match the adjacent pipes).



Figure 3: Poles within existing Camden Eruv on Elsworth Terrace NW3, entrance to Primrose Hill

3.1.7. Metal arches are proposed where they are located at railway station entrances and sets of polycarbonate panels complement some locations to comply with Eruv enclosure rules, such as at location 23D.

Maintenance

3.1.8. The safety and integrity of the Eruv is required under Jewish law to be checked at least once a week. The local committee that administers it appoints a qualified inspector to view the entire Eruv boundary early in the week and again each Friday to ensure its integrity; they carry appropriate equipment to carry out any

necessary repair or maintenance. The weekly inspections are carried out in the early hours of Friday morning (before 8) and consist of the inspector driving around the route checking that all wires are in situ and all poles in a good state of repair. If any wire is found to be broken, a contractor on standby is notified and the wire replaced before sunset on that day.

- 3.1.9. The pole design enables ‘rewiring’ to be carried out from ground level by means of a telescopic boat hook – thus without any special vehicle or impeding traffic in any way. The applicant advised that, experience over more than 15 years, indicates that wires are very rarely broken (perhaps 2-3 times on any *entire* eruv and usually either on main roads by a vehicle with an exceptional load or after a particularly severe weather event, but even that is very rare owing to the strength of the wire used). All costs, including installation, weekly inspections, maintenance and indemnity insurance are borne by the applicants; the installation is carried out by a New Roads and Street Works Act 1991 (NRSWA)-qualified contractor appointed by the applicants. This is proposed to be secured via Section 50 Highways Licence, which is proposed to be made an obligation (S106) subject to planning permission.

Revisions

- 3.1.10. Following a detailed review of each location, the following amendments were provided:

Location no.	Revisions
21A	Original pole location replaced with a new location, closer to the road traffic sign and away from the gardens entrance. The applicant advised that this revision is similar to the original proposal as the existing CPZ parking poles (considered as a useable option) proved to be too far from the adjacent walls for eruv purposes. [21B retained as originally proposed].
22	This location was agreed subject to a pre-commencement condition for a survey at the appropriate season when bats are active (in this instance during the S106 licence agreement stage that will follow a consent). In addition, the addition of beads to the wire has been accepted as mitigation for the protection of bats and birds.
23A-D	Original Pole A relocated and replaced with B and C to address highway concerns. Original pole B relocated further from the flats where it is screened by a lamp post (and re-labelled as D)
27A&B	This location is revised to include a 50mm diameter post in each gap between an existing 150dia pipe and the wall behind, avoiding

	the need for panels.
32 (A-C)	Original proposed poles and filament re-routed, omitting the pole previously proposed on the corner, with two new poles each adjacent to the return flanks of 44 and 46 Blake Road. This revision contributes towards a less obtrusive addition to street furniture at this location
33	This Hillside Gardens / Tunnel Gardens location was revised in February 2023 to omit the proposed arch over the entrance to the gardens with a 5.5m high matching poles similar to other locations. This revision is proposed to avoid future maintenance issues on the boundary of the gardens.

3.2 Site and Surroundings

- 3.2.1 The Highgate and MH Eruv application relates to 33 locations throughout the borough within the N4, N6, N8, N11 and N22 postcodes. For ease of reference, the table below notes the locations, height of pole proposed, and whether the site is within a conservation area or adjacent to designated/non-designated heritage assets. The pole numbers do not run consecutively as some of the locations were removed for technical reasons.
- 3.2.2 For example, there is no location 31; the applicants' ambition is to minimise the number of poles or other work necessary. On this section minor local rerouting was carried out prior to submission of the application enabling Location 31 to be omitted.
- 3.2.3 The Highgate and MH Eruv joins the existing Northwest London Eruv, Woodside Park and the Camden Eruv. As seen on this map, locations 4-13a are currently proposed within the London Borough of Camden jurisdiction and locations 13b-20 within Islington, to establish a new Eruv (pending approval). This proposed Eruv would be an extension to an existing Eruv within the London Borough of Camden (as shown in figure 1) and link to Haringey and Islington.

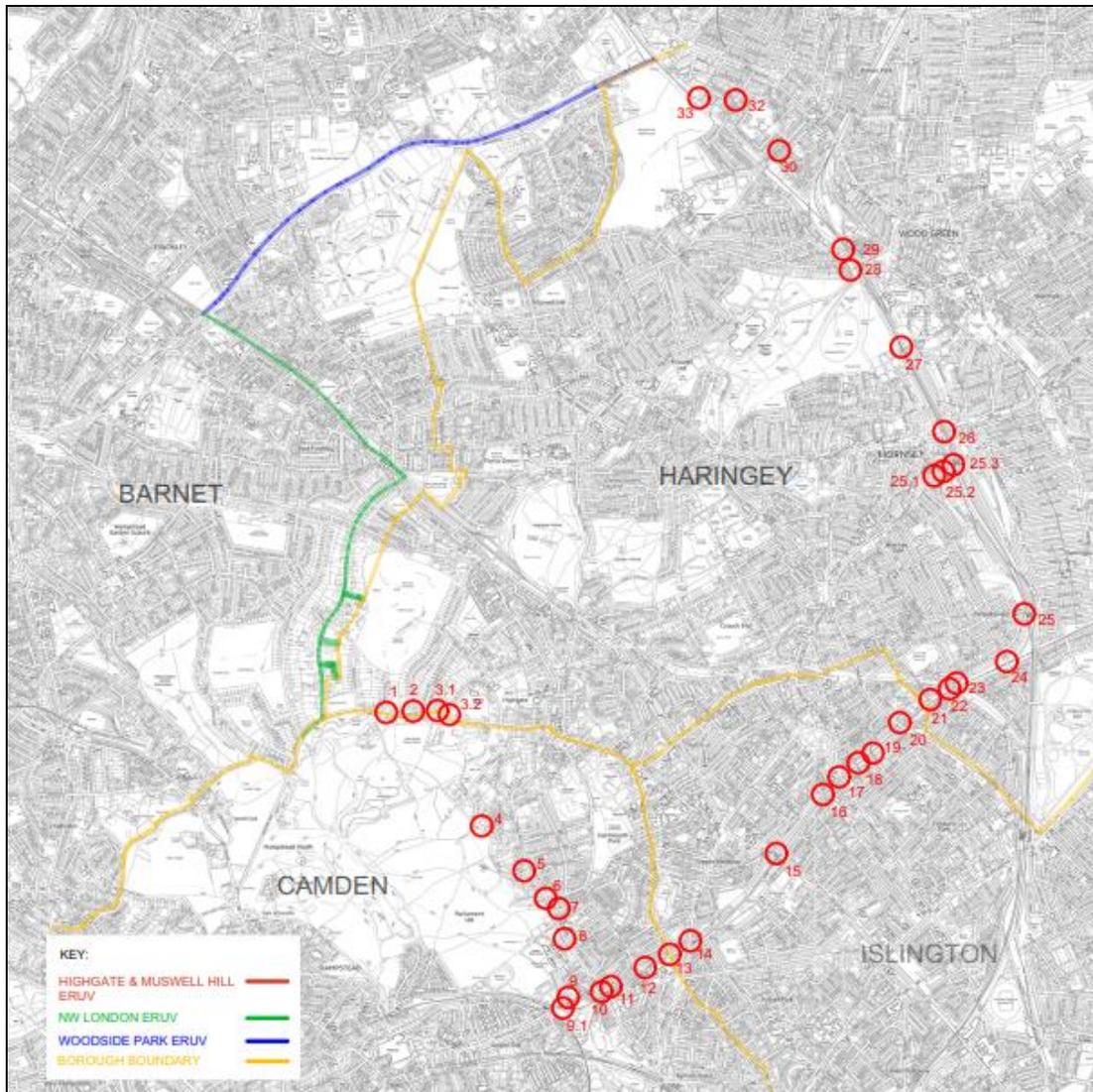


Figure 4: Pole locations in Haringey, Camden and Islington Boroughs (red circles are in Haringey)

Location No. (each location may include between 1-4 poles)	Address	Pole/s height (m)	Conservation Area (CA)/Heritage Asset	Ecological/ open land designation	Haringey ward
1 (A & B)	Hampstead Lane N6	5.5	Not in CA	NA	Highgate
2 (A & B) 1x lamppost used	Hampstead Lane/ Stormont Road N6	5.5	B within Highgate CA	NA	Highgate
3.1 1x	Hampstead	5.5	B within Highgate	NA	Highgate

lamppost used	Lane N6		CA		
3.2 2x lampposts used	Hampstead Lane N6	5.5	All lampposts within Highgate CA	NA	Highgate
21 (A & B)	Mount Pleasant Villas N4	5.5	Stroud Green CA	NA	Stroud Green
22 (A & B)	Stapleton Hall Road / Parkland Walk N4	3.5	Stroud Green CA	Local Nature reserve/ SINC Metropolitan Importance	Stroud Green
23 (A – D)	Lancaster Road/ Stapleton Hall Road N4	5.5	Stroud Green CA	NA	Stroud Green
24 (A & B)	Oakfield Road N4	5.5	Stroud Green CA	NA	Stroud Green
25 (A & B)	Quernmore Road/ Harringay Station N4	2.4 metal arch	Stroud Green CA	NA	Stroud Green
25.1 (A & B)	Tottenham Lane N8	5.5	NA	NA	Hornsey
25.2 (A & B)	Tottenham Lane N8	5.5	NA	NA	Hornsey
25.3 (A & B) 1x lamppost used	Turnpike Lane N8	5.5	NA	NA	Hornsey
26 (A & B)	Turnpike Lane Bridge N8	1	NA	NA	Hornsey
27 (A & B)	Western Road (footpath) N22	1	Outside CA. On boundary with Hornsey Water Works & Filter Beds CA	NA	Alexandra Park
28 (A & B)	Alexandra Park Station / Buckingham Road N22	2.4 metal arch	Bounding with 3 nos. CAs: Alexandra Park and Palace, Wood Green Common and Hornsey Water Works and Filter Beds CA.	NA	Bounds Green

			Opposite listed PH 'Starting Gate'		
29 (A & B)	Buckingham Road Bridge N22	5.5	NA	NA	Alexandra Park
30 (A & B)	Durnsford Road N11	5.5	NA	NA	Bounds Green
32 (A – C) 1x lamppost used	Blake Road N11	5.5	NA	NA	Bounds Green
33 (A & B)	Hillside Gardens/ Cline Road N11 (Tunnel Gardens)	5.5	NA	Ecological corridor/ SINC Grade II	Bounds Green

3.3 Relevant Planning and Enforcement history

Borough	Borough reference	Description/location	Status (as of April 2023)
LB of Islington	P2021/1844/FUL	Erection of pairs of poles with clear wire between the poles at 8 locations across the Borough of Islington comprising the Highgate and Muswell Hill Eruv	March 2023 update: Proposal to be presented to committee with recommendation for approval soon
LB of Camden	2021/3105/P	Erection of poles with clear wire between, in 10 different locations on the highway in N6 and NW5 postcodes (Fitzroy Park/Merton Lane, Millfield Lane, Highgate West Hill/Swain's Lane, St Alban's Road, 2 x Highgate Road, Gordon House Road, Little Green Street/College Lane, Churchill Road,	March 2023: Permission granted subject to signing of S106 legal agreement.

		Dartmouth Park Hill	
LB of Camden	2016/2892/P	Erection of pairs of poles with clear wire between the poles at 12 locations across the LB of Camden forming part of the North Westminster Eruv.	Granted on 30 October 2019 subject to a legal agreement
LB of Camden	2014/2464/P	Erection of pairs of poles with clear wire between the poles at 15 locations across the Borough comprising the Brondesbury Eruv.	Planning permission was granted in 2017
LB Barnet	F/01941/14	Brondesbury Eruv - Part in London Borough of Barnet - erection of 2.1m high posts	Planning permission granted in 2014
LB Barnet	F/00171/14	Golders Green Eruv extension	Planning permission granted in 2014
LB Barnet	B/03772/11	Barnet Eruv	Planning permission granted in 2012
LB Barnet	B/03356/11	Woodside Park Eruv	Planning permission granted in 2011
LB Barnet	H/01834/10	Mill Hill Eruv	Planning permission was granted in 2010 (H/01834/10).
LB Barnet (& Harrow)	H/921/09	Stanmore/ Canons Park Eruv	Planning permission granted in 2009
LB Barnet	W13797/04	Edgware Eruv	Planning permission was granted in 2004
LB Barnet	tbc	North West London Eruv - this related to two separate applications. The eruv	Refused 1994. Appeal allowed by DoE.

		encloses an area of 6.5 square miles including Hendon, Golders Green and Hampstead Garden Suburb	
LB Brent	14/1252	Part in London Borough of Brent - 14 locations in Brent - 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 and Parkside and Cricklewood Broadway.	Planning permission granted in 2014
Royal Borough of Kensington & Chelsea	PP/14/06650	Installation of one 5.5m height 76mm diameter colour coated steel pole with a 0.5mm clear nylon wire spanning to matching pole opposite.	Planning permission was granted in 2014
London Borough of Hammersmith and Fulham	2014/02513/F UL	Installation of a 0.5mm clear nylon wire span between two 5.5m high steel poles to be erected on the public highway on the eastern and western sides of Scrubs Lane to complete a notional enclosure (eruv).	Planning permission was granted in 2017
London Borough of Harrow	P/2650/14	Pinner and Hatch End	Planning permission in 2014
London Borough of Harrow	P/0266/13	Belmont Eruv	Planning permission granted in 2013

Hertsmere Borough Council	TP/13/1281	Bushey Eruv	Planning permission granted in 2013
Hertsmere Borough Council	TP/07/0204	Elstree and Borehamwood Eruv	Planning permission granted in 2007
London Borough of Redbridge	Various planning applications including 1806/13	Chigwell and Hainault Eruv	– planning permission granted in 2013
London Borough of Redbridge	Various planning applications including EPF0561/13	Part in Epping Forest district	Planning permission granted in 2013
City of Manchester, Salford and Bury	097227/FO/20 11/N1	Manchester Eruv	Planning permission granted in 2011

4. CONSULTATION RESPONSE

4.1 Pre-Application Engagement

4.1.1 The applicant has carried out their own local consultation during 23-30th November 2021, with local Councillors, MPs, Metropolitan Police, faith groups and local interest groups such as Conservation Area Advisory Committees (CAACS) and Resident Associations (RAs). No responses were received.

4.1.2 Application Consultation

4.1.3 The following were consulted regarding the application:

Internal:

- 1) LBH Communities / Community Safety: No objections.
- 2) LBH Conservation: No objections.
- 3) LBH Transportation: No objections.
- 4) LBH Highways: Support, subject to condition/s.
- 5) LBH Parks & Nature Conservation: No objections, subject to condition.
- 6) LBH Residential Care: No comment.
- 7) LBH Arboriculturalist: No objections subject to condition.
- 8) LBH Environmental Health/ Lighting: No objection.
- 9) LBH Communities: No objections.
- 10) LBH Communities and Inequalities/ Multi-Faith forum: No objections.

External:

- 11) Network Rail: No objections, subject to recommended informatives.
- 12) TfL: No objections (no sites within TfL relevant highway land).
- 13) Met Police/ Design out Crime officer/ Hate crime coordinator: No objections.
- 14) The Highgate Society: No response.
- 15) Highgate CAAC: No response.
- 16) Stroud Green CAAC: No response.
- 17) Alexandra Palace & Park CAAC: No response.
- 18) Highgate Neighbourhood Forum: No response.
- 19) LB Camden: No objections.
- 20) LB Islington: No comment.

5. LOCAL REPRESENTATIONS

5.1 The following were consulted:

- Resident Associations (by letter)
- 33 site notices were erected close to each location

5.2 The number of representations received from neighbours, local groups, councillors, local amenity groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 197
Objecting: 98
Supporting: 91
No objection/ Comment: 8

5.3 The initial statutory consultation period ran until 1/9/2022 and was then extended until 30/9/2022 and comments received beyond that date are also considered.

5.4 A Press Notice was advertised on 29/07/2022.

5.5 The following local groups/societies made representations:

- Friends of the Parkland Walk: Objection. Harm to wildlife from locations 21, 22 and 23.

5.6 The following Councillor made representations:

- Cllr Jogee: Support

5.7 The following Member of Parliament made representations:

- Catherine West MP: Support

5.8 The issues raised in representations that are material to the determination of the application are set out in Appendix 4 and summarised as follows:

Objection

Design & Appearance

- Street clutter
- Visual eyesore
- Harringay Station proposed arch too prominent (location 25)
- Poles height is imposing
- Railway arch harmful to Conservation Area

Pedestrian and Highway safety

- Location 21A located near narrow pavement
- Reducing pavement width for wheelchair users

Land use

- Encroachment on public land
- Should use existing public furniture
- Location 23 is unclear; leads to no houses

Trees/ Nature conservation

- Threat to wildlife
- Harm to community garden (near Mount Pleasant Villas; at Bridgemount Mews)

Community relations

- Eruv interfering with civil law and creating physical religious presence
- Creating religious symbol in public domain
- Religious zoning
- Proposal could harm community relations
- Benefit to small minority
- Certain religious communities should not be supported in this manner
- Harm to multi-culturalism and diverse relations in borough

Other

- Other demarcation should be used, such as at the Stamford Hill area
- Eruv users should use a digital app instead
- Who will bear the upkeep costs?
- Waste of public resources
- No location 31 – how does location 30 link to no. 32 (across Scout Park)
- Proposal encourages steel production and thereby global warming
- Plastic wire unfriendly to the environment
- Weekly maintenance by car to encourage global warming

- Front gardens should be replanted to mitigate global warming
- Fly tipping near proposed sites
- Loss of privacy during pole inspections

Consultation

- Insufficient consultation time
- Consultation period extended
- Site notice displayed wrongly
- Consultation not wide enough
- Sites should have been consulted on separately
- Consultation during school holidays
- Site notice too small and badly located (location 21A)
- Application hard to find online

Support

Community relations / Other

- Families leaving the house together; reducing isolation
- More people attending services and events
- Inclusion of wheelchair users and frail people
- Eruv allows hospitals visits and carrying of supplies
- Other eruvs established across London
- All maintenance costs are borne by Eruv Committee, not by taxpayer
- The poles and filaments do not display religious symbols
- Areas where eruvs have been installed have shown no change in social cohesion, population trend or community relations
- Promotes diversity, equality and mental and physical health
- Most of surrounding areas already have an eruv, so introducing this one is unlikely to encourage any change in the social or religious mix in any part of Haringey
- Assistance with carrying items such as books and medicines
- Assistance with walking up hills and helping younger children
- No cost to public

Wildlife/ Nature conservation

- No evidence of harm to wildlife

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the proposed development are:

1. Principle of development;
2. Design and conservation;
3. Neighbour Amenity;
4. Public Realm and Impact on Highway Safety;

5. Community Safety, Cohesion, Diversity and Inclusion;
6. Nature conservation & Trees.

6.2 Principle of development

National Planning Policy Framework (NPPF) 2021

- 6.2.1 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Planning is expected to perform a social role – a key component of sustainable development. This social role supports strong vibrant and healthy communities, with accessible local services that reflect a community's needs and support its health, social and cultural well-being. One of 12 core land-use planning principles is that the planning system delivers sufficient community and cultural facilities and services 'to meet local needs'. Chapter 8 of the NPPF seeks to promote healthy communities. Planning is seen as helping to facilitate social interaction and inclusive communities. Planning policies and decisions are expected to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

The London Plan 2021

- 6.2.2 The Mayor's key objectives for London are ensuring the city is made of diverse, strong, secure and accessible neighbourhoods that provide all its residents, workers and visitors - whatever their origin, background, age or status – with equal opportunities. Policy GG1 states that London's growth should be inclusive by providing a 'welcoming environment that everyone can use confidently, independently, and with choice and dignity, avoiding separation or segregation'.

The Haringey Local Plan 2017

- 6.2.3 The local strategic objective (Vision Statement) is for the people to be at the heart of its vision to include safe and inclusive neighbourhoods for all.
- 6.2.4 Haringey Policy SP0 (Presumption in Favour of Sustainable Development) aims to encourage proactive solution finding between the Council and residents so that proposals can be approved wherever possible and secure development that improves the social conditions in Haringey.

Highgate Neighbourhood Plan 2017

- 6.2.5 The core policies of the Highgate Neighbourhood Plan, SC1 (Social and Community Needs), seeks to minimise social deprivation and exclusion and SC3 (Traffic and Transport) promotes the wellbeing of pedestrians. These policies are relevant to some of the locations, e.g. locations within Highgate ward.

Haringey's Equality Objectives

6.2.6 The Equality Act 2010 places a legal obligation on local authorities to publish equality objectives. The Haringey policies were developed to align with this Act. The objectives relate to the wider community and include:-

- Ensuring that the impact of development on the social fabric of communities is considered and taken into account;
- Seeking to reduce social inequalities;
- Addressing accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities;
- Encouraging a variety of services and facilities and their accessibility e.g. recycling facilities;
- Providing, where possible, schools, hospitals, open space, public transport and training facilities, as well as employment and residential accommodation; and
- Taking into account the needs of all the community.

6.2.7 The proposed developments would not change the use of the areas defined by the eruv. The areas would remain as mixed-use areas comprised of residential and commercial uses.

6.2.8 Under planning legislation there is no material change in use. A number of objectors have raised concern that the eruv would create areas with a distinctive religious link. The eruv does not section off part of the borough for only members of the Jewish community. All residents and visitors to the areas would be able to continue to use them as they do at present.

6.2.9 The proposal for an eruv is to allow some members of the Jewish community the ability to carry personal effects such as keys and spectacles, it would also enable wheelchair users and prams/buggies to be pushed in the street within the eruv area. It is not to create a defined area solely for one religion. The poles would not have any obvious visual association with a particular group as they comprise two poles with a thin wire connecting them. The areas would retain their public and private domains.

6.2.10 The eruv areas are vast, spanning across several London Boroughs. Officers consider it highly unlikely that their construction would define such a large area for one single religion. People of many religions currently live within these areas and they will be able to continue to do so as a result of the proposal.

6.2.11 The proposals would not prevent integration of various ethnic groups or communities; they would not prevent certain people from being within the eruv areas. Everyone would be able to move freely around the areas as exists now. They would encourage social cohesion and social integration as they would allow a certain element of the community who had not previously been able to use the

area on the Sabbath the ability to do so. In light of the above, the proposal is considered acceptable in principle.

6.3 Design and Conservation

Statutory Framework and Implications

- 6.3.1 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) are relevant.
- 6.3.2 Section 66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.3.3 Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 6.3.4 The effect of these sections of the Planning Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified (section 16).

Policy review

- 6.3.5 NPPF section 16 paragraphs 194 to 202, London Plan policies D4 (Delivering good design) and HC1 (Heritage conservation and growth), Policies SP0 (Presumption in favour of sustainable development), SP11 (Design), SP12 (Conservation), DM1 (Delivering High Quality Design), DM2 (Accessible and Safe Environments and DM9 (management of the historic environment) of the Haringey Local Plan, Policy DH2 (Development Proposals in Highgate’s Conservation Areas) of the Highgate Neighbourhood Plan.
- 6.3.6 London Plan Policy D4 sets out the requirement for high quality design in all developments, Policy HC1 discusses the protection of heritage assets, Policy SP0 sets out that the Council will always work proactively with applicants to find solutions, which mean that proposals can be approved wherever possible and to secure development that improves the economic social and environmental conditions of communities, Policy SP11 encourages high-quality design solutions

and Policy SP12 discusses the protection of heritage assets in the borough. Policy DM1 sets out the requirement for high-quality design as a priority in the borough, Policy DM12 requires that all development should ensure safe access to all the borough's users, so that so that it improves people's access to social and community infrastructure and protects safe and accessible pedestrian and cycling routes and should not impede pedestrian and cycling permeability. Policy DM9 sets out the management of historic assets in the borough and the Highgate Neighbourhood Plan Policy DH2 expects all developments to preserve or enhance Highgate Conservation Areas and heritage assets within them.

- 6.3.7 The NPPF defines a "heritage asset" as: *"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."*
- 6.3.8 "Significance" is defined within the NPPF as being "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."
- 6.3.9 Paragraph 190 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.3.10 Paragraphs 197 to 203 of the NPPF provide as follows:
197. In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.3.11 *199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

- 6.3.12 200. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*
- 6.3.13 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.3.14 Paragraph 203 deals with non-designated heritage assets as follows:
203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.3.15 The first step is for the decision-maker to consider each of the designated heritage assets (referred to hereafter simply as “heritage assets”) which would be affected by the proposed developments in turn and assess whether the proposed developments would result in any harm to the heritage asset.
- 6.3.16 *The decision of the Court of Appeal in Barnwell Manor confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker.*
- 6.3.17 *However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed developments (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision maker must give considerable importance and weight in carrying out the balancing exercise.*
- 6.3.18 *There is therefore a “strong presumption” against granting planning permission for developments which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one and is therefore not irrefutable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it*

is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

6.3.19 *The case-law also establishes that even where the harm identified is less than substantial (and so falls within paragraph 202 of the NPPF), that harm must still be given considerable importance and weight.*

6.3.20 What follows is an Officer assessment of the extent of harm which would result from the developments to nearby heritage assets. This includes Conservation Areas, Listed Buildings and locally listed buildings. An individual assessment of each pole has been undertaken, including the impact on any nearby heritage assets, as well a cumulative assessment of the overall heritage impact and any public benefits of the proposals.

6.3.21 Officers have taken into account the Conservation and Design Officer's comments, the information provided by the applicant, and the representations made through the consultation process.

Assessment of individual poles

Poles 1A & B / Hampstead Lane N6

6.3.22 A pair of 5.5m poles are proposed, spanning across the entrance to the Hampstead Heath (east to Kenwood House grounds). The eastern pole is located behind the historic traditional phone box. Whilst this bounds the London Borough (LB) of Camden and its Hampstead CA, it sits within Haringey public highway. The Conservation Officer was consulted on this location and considered it acceptable and LB Camden have raised no objections.

Poles 2A & B (Hampstead Lane/ Stormont Road N6)

6.3.23 Pole 2A, 5.5m high, lies similarly to the above on the southern side of Hampstead Lane. It would be sited at the rear of the footpath near the brick wall boundary wall to Kenwood House Estate. It would connect to an existing streetlamp on the northern side of the road. The lamppost lies within the Highgate CA. The Conservation Officer was consulted on this location and considered it acceptable.

Pole 3.1 (Hampstead Lane N6)

6.3.24 Pole 3.1 would be 5.5m high and span from the south side of the road (outside LB Camden's Hampstead CA boundary to an existing lamppost on the north side of the road. The lamppost lies within the Highgate CA. The Conservation Officer was consulted on this location and considered it acceptable.

Pole 3.2 (Hampstead Lane N6)

6.3.24 Pole 3.2 is a 5.5m high pole, east of Bishopswood Road, on the north side of the road. It is proposed to have two filaments spanning in both directions, each to an existing lamppost on the south side of the road. The pole lies within the Highgate CA. The Conservation Officer was consulted on this location and considered it acceptable.

Poles 21 (A & B) Mount Pleasant Villas N4

6.3.25 Location 21A was revised with the pole moved from the Bridgemount Mews Community Gardens. entrance to a location closer to the CPZ road sign to its north to avoid any impact on the existing landscaped areas. The new pole is proposed at the rear of the footpath adjacent to the centre of the chain link fence panel to the right of the gate to the railway embankment with the filament crossing Mount Pleasant Villas to a matching pole on the other side of the road, 20cm beyond the north end of the railway bridge balustrade wall. The applicant confirms that the pole will be installed fully within the public footpath and the excavation is carried out by hand, using a 'post hole digger'. This ensures that the community garden is protected.

6.3.25 The poles would lie within the Stroud Green CA. The Conservation Officer was consulted on this location and considered it acceptable.

Poles 22 (A & B) Stapleton Hall Road / Parkland Walk N4

6.3.26 Poles A & B are 3.5m high and are proposed across the Parkland Walk. Pole B would be supplemented with a small matching section of picket fence to create a nominal enclosure at this section. The Parkland Walk is a nature reserve and lies within the Stroud Green CA. The Conservation Officer was consulted on this location and considered it acceptable.

6.3.27 The ecological impact of this location is assessed in the relevant section below.

Poles 23 (A – D) Lancaster Road/ Stapleton Hall Road N4

6.3.28 Pole A marks the beginning of this section with a 5.5m high pole north-east to the petrol station on the left side of Stapleton Hall Road. It spans across the road to Pole B which connect to Pole C under the Parkland Walk (Stapleton Hall) bridge. From there it connects across Lancaster Road to a relocated Pole D right to an existing lamppost by the paling fence at the rear of the pavement. A 20cm w x 0.3xm this clear polycarbonate panel/s would be fixed to each side of the guard rail between the bottom and top rails.

6.3.29 The locations lie within the Stroud Green CA. The Conservation Officer was consulted on these location and considered them acceptable.

Poles 24 (A & B) Oakfield Road N4

6.3.30 Poles A and B are a pair of 5.5m high poles crossing the road, north of the railway, between Dagmar Road and Stapleton Hall Road. Pole A is proposed in front of the north end of the railway bridge balustrade wall, 1.5m in front of the wire mesh fence crossing Oakfield Road to pole B in front of the north end of the railway bridge balustrade wall, 1.5m in front of the galvanised steel paling fence.

6.3.31 The locations lie within the Stroud Green CA. The Conservation Officer was consulted on this location and considered it acceptable.

Arch 25 (A & B) Quernmore Road/ Haringay Station N4

6.3.32 A 2.4m high tubular metal arch is proposed over the entry point to the station access route on Quernmore Road. The location lies within the Stroud Green CA. The Conservation Officer was consulted on this location and considered it acceptable.

Location 25.1 (A & B) Tottenham Lane N8

6.3.33 The 5.5m high poles span across the access to Cranford Way. Pole A is proposed in front of the low-level brick wall of no. 23 Tottenham Lane crossing to vehicular access to Pole B, which would replace an existing parking sign to minimise street clutter. The site is not in a conservation area.

Location 25.2 (A & B) Turnpike Lane N8

6.3.34 Two 5.5m high poles are proposed across the entrance to the self-storage facility. Pole A is proposed in front of a low level rendered wall outside no. 23 Tottenham Lane, 2m south of the vehicular access opening crossing the vehicular access to a matching pole 2.5m north of the access opening. The site is not in a conservation area.

Location 25.3 (A & B) Turnpike Lane N8

6.3.35 Two 5.5m high poles are proposed on the right side of the road, spanning from the front elevation of no. 11 Tottenham Lane (Jewson) to a matching pole at the rear of the footpath by the frontage of no. 5 Tottenham Lane. The two poles are connected by a filament wire clipped to an existing lamppost by the kerbside of the second pole. The site is not in a conservation area.

Location 26 (A & B) Turnpike Lane Bridge N8

6.3.36 A pair of 1m high poles are proposed under the bridge, on each side, on the western side of the bridge. The locations are not in a CA.

Location 27 (A & B) Western Road (footpath) N22

6.3.37 A pair of 1m high poles are proposed under the bridge, on each side, on the western side of the bridge, on each side of the footpath. The locations are not in a CA.

Location 28 (A & B) Alexandra Park Station / Buckingham Road N22

6.3.38 A 2.4m high tubular metal arch is proposed over the entry point to the station access route on Buckingham Road. The location bounds with three CAs: Alexandra Park and Palace, Wood Green Common and Hornsey Water Works and Filter Beds CA. It is opposite the 'Starting Gate' Public House. The Conservation Officer was consulted on this location and considered it acceptable.

Location 29 (A & B) Buckingham Road Bridge N22

6.3.39 The 5.5m high poles would span across Bedford Road and the flank of no. 2 Palace Gates Road (3m beyond) on the western approach to Buckingham Road, over the railway bridge. The site is not in a CA.

6.3.40 The applicant has advised that the residual width between the kerbside lamp post and pole will be at least 1.92m.

Location 30 (A & B) Durnsford Road N11

6.3.41 A pair of 5.5m high poles would span across Durnsford Road, from the Three Oaks footpath location on the south side to a new pole by 44-46 Durnsford Road to the north side. The locations are not in a CA.

Location 32 (A-C) Blake Road N11

6.3.42 Two new 5.5m poles would span a filament wire from the flank of no. 35 Blake Road to an existing lamppost and terminating at a new pole by no. 46 Blake Road. This location was revised to reduce its prominence against existing flank walls.

Location 33 (A & B) Hillside Gardens/ Cline Road N11 (near Tunnel Gardens)

6.3.43 Following the evaluation of the summited Ecology Report, this location was revised to a pair of 5.5m high poles, on the public footpath, would span a filament wire from the location A at the end of the north side boundary fence of 12 Hillside Gardens to location B at the rear of the footpath adjacent to the post in the colour coated green palisade metal fence on the (north-) west side of the road approx. 11m from its southern end. Whilst the originally proposed metal arch would not

have resulted in risk to wildlife; issues of fence maintenance and replacement led to the standard poles providing a better solution at this location. The location is not in a CA.

Overall assessment of impact on built environment

6.3.44 The overarching aim of Policies SP11 and DM1 are to secure high-quality design that considers the character, setting, context and form of neighbouring buildings. Policy DM9 seeks to ensure development preserves and enhances the character and appearance of conservation areas.

6.3.45 Each pole has been assessed in terms of their impact on the streetscene and heritage assets (including setting) where relevant. Where the poles were considered unacceptable, the applicant has worked with Council Officers to relocate the poles and find alternative locations. Overall, when viewing the poles in their proposed locations it is considered they would not appear overly dominant in the street scene. Similar but slimmer than telecommunications equipment, the poles would be located to the rear of the pavement up against a wall or fence. Notwithstanding, the proposed poles are much smaller than telecommunication poles.

6.3.46 As outlined in section 3.1, a number of revisions were made to pole locations, with several locations being amended so to provide the best solution for each site. It is considered the siting of the poles would not cause harm to the character and appearance of the conservation areas in which they are located.

6.3.47 The poles would be constructed in metal steel and painted black with poles 27 in light brown, to match other existing Haringey street furniture.

Overall, Heritage assessment

6.3.48 It is recognised that the poles and wires represent additional street furniture. As such it must be considered as to whether the public benefits of the proposal outweigh the impact on the conservation areas (heritage assets). It is acknowledged that the impact would be to the locality and the setting of the relevant asset (e.g. the lamp post). However, this has to be weighed against the positive public benefits which the proposal would provide. In this case, the public benefits are to members of the Jewish community, and in particular, those more vulnerable members including the elderly, those with physical disabilities and those with children and which would be invaluable in enabling them to fully participate within the local community during the Sabbath. The proposal would make for an inclusive environment for them regardless of faith, age or disability, making a positive impact on social cohesion. This social infrastructure would also address the needs of a growing and diverse population. As such in this particular case it is considered that the public benefits resultant from the proposal can be considered to outweigh any impact on the heritage assets.

6.4 Neighbour Amenity

- 6.4.1 The London Plan (2021) states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Haringey's Policy (2017) DM1 (Delivering High Quality Design) states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that provide appropriate sunlight, daylight to all parts of the development and adjacent buildings and land and provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents.
- 6.4.2 When considering each individual pole, given their diameter, no pole would have a significant impact on conditions of daylight and sunlight to nearby residential properties, nor would structures be overbearing or impact on outlook and privacy.
- 6.4.3 With regards to eruv location 23D this was initially located in direct view of residential windows. This was not considered acceptable in terms of outlook, and revisions were sought to move the poles further away from residential windows. In conclusion, the proposed developments would not result in any significant adverse impact on residential amenity.

6.5 Public Realm and Impact on Highway Safety

- 6.5.1 Local Plan Policy DM2 seeks to ensure safe and accessible pedestrian routes and for proposals to not impede pedestrian permeability. Policies DM3 and DM8 seeks to ensure development does not cause a hazard to pedestrians or other road users. London Plan policy D8 also relates to pedestrian safety and states that applications which seek to introduce unnecessary street furniture should be refused.

Street Clutter

- 6.5.2 The Local Plan Development Management Policies document includes Policy DM3 on Public Realm. Paragraph 2.15 of the supporting text to that policy states "Public realm and street design are integral parts of the Borough's environment and character. A poorly designed public realm can lead to street clutter and negatively impact on the accessibility and attractiveness of an area. The design of streets... should be of the highest quality and contribute to local distinctiveness, providing safer and accessible spaces for all...".
- 6.5.3 Some of the locations use existing lampposts (e.g. location 2) or parking sign poles (location 25.1) to minimise clutter but in some sites (e.g. 21 and 23) this was not possible and posts are proposed adjacent to existing structures.

- 6.5.4 All of the proposed poles would be situated adjacent to existing walls or buildings and at the rear of the footway. To minimise their impact on the width of the remaining footpath at each location.
- 6.5.5 It is noted that a number of objectors have raised concern in regard to the additional street clutter; however, as noted above the poles would all be located to the 'back' of the pavement area (the outer edge away from the carriageway) and where possible, located adjacent to existing lampposts, railway bridges or buildings to ensure their impact is minimised. Furthermore the poles would only measure 76mm in diameter, and as such, would not be bulky or take up large amount of pavement space. Overall, the siting, scale and appearance of such poles would barely be discernible to the typical pedestrian, in the context of the variety of different street furniture found on a typical street, i.e. utility poles, road signs, street trees as well as the back drop of buildings which frame and enclose streets.

Highway Safety

- 6.5.6 Following detailed discussions with the Highways Team the posts are proposed in locations where there would be no highway safety implications. The wire would be 5.5m in height to allow oversized vehicles to pass beneath them. By way of reference, buses are generally 4.4m high and lorries 4.9m in height. Therefore, no concerns are raised with regards to lorries and buses catching the wire. All pole and other equipment locations have been inspected in person by the Highways Team who are satisfied with their proposed position and that sufficient residual pavement width is retained.
- 6.5.7 The Met Police has requested a Road Safety Audit, which the Council's Highways Team is in support of.

Private Equipment on Public Highway and Maintenance

- 6.5.8 Most private equipment in the public highway belongs to public utilities that have a right to access their plant. The posts and wires would be installed by a NRSWA accredited contractor on behalf of the Eruv Company/Synagogue to ensure that the posts and the footpath surrounding it are installed to the correct Council specification. The initial installation would be undertaken with a joint rabbinical inspection to ensure that it is installed to the correct specification according to Jewish Law as well as to the Highway expected standards.
- 6.5.9 The posts and wires will be owned by the Eruv Company/Synagogue. The Eruv Company/Synagogue will be responsible for inspecting the posts and wires on a weekly basis. In addition to the regular checks, the posts would be checked for structural stability annually, from the date the last post is installed and the report submitted to the Highway Authority. The posts would be maintained by the Eruv Company/ Synagogue. The Eruv company/Synagogue will employ an approved

contractor to undertake this work to a method of working approved by the Highway Authority. The approved contractor would have a public liability insurance of £5 million (during the duration of the works of installation). The applicant must permit the highway authority to use the posts for the erection of signs should an existing sign be obscured by the erection of a new Eruv post.

- 6.5.10 To ensure all of the above issues are secured, it is recommended that a S106 legal agreement is agreed in order to secure the necessary highways obligations to install and maintain the structures.

Traffic

- 6.5.11 The proposed eruv would be unlikely to result in increased numbers of people attending any synagogue or other local community facilities from further distances, but rather would enable parents of young children, the elderly and disabled people to attend the Synagogue when they otherwise would be unable to. The proposed eruv is therefore not considered to result in material increases in traffic or parking.

6.6. Community Safety, Cohesion, Equality, Diversity & Inclusion

- 6.6.1 Policy DM2 seeks to make Haringey a safer place promoting safer streets and public areas states that proposals should ensure that new developments can be used safely, easily and with dignity by all and improve people's access to social and community infrastructure. Officers consider the Eruv would support this. As noted above the eruv would be defined by a series of poles with wires between the pair of poles, they would not define the area as having a particularly Jewish function.
- 6.6.2 Furthermore, it is important to note that there are several existing eruvs which have been in existence for some years. The effect of these eruvs has been analysed in the EqIA and it demonstrates they do not affect the composition of the local population and have not increased racial attacks within other eruv area.
- 6.6.3 The Metropolitan Police's designing out crime officer and hate crime officer were consulted and raised no objections in response to the application.
- 6.6.4 The application raises considerations of equality, inclusion, diversity and community cohesion. As set out in the EqIA, consideration of diversity and cohesion are not necessarily complementary and a balance needs to be reached, as part of any planning decision on the application, between the wider social benefits and any perceived harm arising from the proposed eruv.
- 6.6.5 The Haringey Local Plan states that the Council will ensure that the amenity of communities, occupiers and neighbours is protected and will seek to ensure that development contributes towards strong and successful communities by

balancing the needs of development with the needs and characteristics of local areas and communities.

- 6.6.7 London Plan Policy D11 (Designing out crime) states boroughs should seek to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.
- 6.6.8 The EqlA is thorough in its consideration of the possible impacts on the wider community. These are largely centred around the potential perception of a demarcated or zoned territory in which public space assumes a new identity and becomes associated with a distinct set of values and practices. The EqlA reflects on the fact that representations received in response to the planning application 'demonstrate the concern of some residents that the eruv symbolically confers ownership of the public realm to one community'.
- 6.6.9 Related to this, many of the objections raised in response to the public consultation on the planning applications are concerned with the potentially socially divisive nature of the proposals arising from the imposition of a perceived ownership on the space. Common themes running through the responses received relate to the perception that the land contained within the eruv would belong (or be designated) to a particular community rather than to be used freely by all. Concerns stated that they would represent a clear invitation for one community or religious group to use the land or move to the area at the expense of other groups outside this community or religious group.
- 6.6.9 The eruv would not alter the definition or the use of land within their boundary nor would it directly impose a requirement for changes to the behaviour of people within the eruv who do not observe the Sabbath.
- 6.6.10 The eruv would have no effect on land ownership. The land currently in the public domain would remain in public use with unrestricted access for all. As discussed above the proposed poles and connecting wires would not impede movement or act as physical barriers to movement. Indeed, they are likely to go unnoticed by many, being read as street furniture in the general street scene.
- 6.6.11 The potential perception that public land would belong to one group and would incentivise members of a particular community to move to the area is not something that is anticipated or observed in existing eruvs, as demonstrated in the analysis in the EqlA (Appendix 3). There is likely to be a balance of factors which influence the extent to which members of the Jewish community decide to move to a newly created eruv, which in this case would spread across five neighbouring London boroughs. These include such factors as house prices, proximity to synagogues etc. However the applicant's EqlA sets out that a comparison of Census data for Barnet from 2001 and 2011 suggests that there is no clear data to support the view that any parts of the Jewish community

increase their local proportion of the community through moving into areas denominated as an eruv.

6.6.12 It is identified above that the physical indicators of the eruv through the poles and wires would be low key. Consultation responses identify that the new street furniture would highlight the presence of the eruv to the wider community and would identify their function. It may pass unnoticed to the un-informed resident or visitor, especially on days other than the Sabbath.

6.6.13 Policy at all levels requires consideration of social cohesion and the implications of crime or perception of crime to feature in such decisions. There is evidence from the consultation responses that there is local concern about the principle of the eruv and indications that it would be perceived as an erosion of the plurality of the public realm. However, for the reasons set out above, Officers consider that this is not the case, and the proposal meets the relevant planning policies and the impacts of the proposal on those with protected characteristics have been assessed in the EqIA. On balance, the proposal would enhance safety and community cohesion. It may increase equality, diversity and inclusion and thereby balance the needs of different groups in the community.

6.6.14 In summary, the EqIA demonstrates that there will be a positive impact on protected characteristics of communities and individuals within the borough, such as on the basis of age, disability, maternity, race, religion, and sex.

6.7 Nature conservation and trees

6.7.1 London Plan Policy G6 (Biodiversity and access to nature) indicates the Mayor is committed to supporting the protection and conservation of priority species and habitats.

6.7.2 Policy SP13 of the Haringey Strategic Plan seeks to protect Metropolitan Open Land as well as all other designated open land, such as ecological corridors and nature reserves, whilst supporting accessibility and improvements.

6.7.3 Policy DM19 of the Haringey Local Plan sets out the importance of Local Nature Reserves and that development that has a direct or indirect adverse impact on important ecological assets, will only be permitted (b) if it has been suitably demonstrated that appropriate mitigation can address the harm caused. Policy DM20 resists the loss of open space or development that detracts from any environmental function of the open space. This policy also seeks to protect open space from the detracting to its openness and requires developments to contribute positively to its setting.

6.7.4 Concerns were raised on the grounds of the impact on local wildlife, as birds and bats may fly into obstructions. The applicant has submitted an Ecological Impact Assessment Report prepared by Crossman Associates which concludes that no

harm is anticipated from the introduction of poles and filament lines or metal arches to the proposed locations. The report further suggests bird and bat boxes to enhance the relevant open spaces near locations 22 and 33.

6.75 Its findings were assessed by the Council's Parks and Nature Conservation Officers who advised that location 33 (Tunnel Gardens) should be revised to omit the arch for maintenance reasons and location 22 (Parkland Walk) required the addition of beads to the filament and a pre-commencement condition to carry out a time appropriate bat survey before implementation. This is shown in the revised drawings. The Nature Conservation Officer has advised that the proposed filament would be acceptable with the addition of beads and subject to a pre-commencement condition for the submission of a bat survey in the appropriate season.

6.7.6 The poles and associated wire filament will not result in adverse impacts on local or protected trees. The Council's Tree Officer has raised no objection to the proposal. Location 21B lies adjacent to a tree, however, the pole is at the rear end of the pavement with a brick boundary wall between it and the tree. As such, the tree roots would most likely have grown in another direction, and the proposed pole location fenced off by the wall's foundations. Locations 33A&B lie at the entrance to the Tunnel Gardens nature reserve, however all existing trees are at sufficient distance from the proposed foundations to the proposed poles. As such, the proposed poles are not considered to impact on trees or nature conservation.

6.8 Conclusion

6.8.2 An eruv is of benefit to Sabbath observant people who are thus able to carry not only personal effects (handkerchiefs, keys, spectacles, etc.), but it also enables non-ambulant persons, i.e., all wheelchair users and non-ambulant young children to be pushed in the street thus overcoming a restriction on them and also on their carers. Subsequently, this means Shabbat observant people would be able to fully participate in community life within their locality without religious restriction by not being able to carry.

6.8.3 The proposal is not considered to result in harm to pedestrian comfort or highway safety. All locations and their revisions were assessed by the Highways Team and found acceptable, subject to the submission of a Highway Licence and a Road Safety Audit.

6.8.4 All poles were assessed in relation to impact on adjoining and surrounding heritage assets. The poles and street furniture are not considered to harm listed buildings or the Highgate and Stroud Green Conservation Areas.

6.8.5 There would be no adverse impact on neighbouring amenity.

- 6.8.6 The proposal is submitted with an Ecological Impact Assessment. The assessment analyses the proposal's impact on birds and bats in their environments. Following the revisions to some of the proposed locations, the proposal is not considered to harm wildlife or biodiversity.
- 6.8.7 Overall, the developments would have minimal impact in planning terms in accordance with relevant policy and guidance, in compliance with the development plan. In having due regard to the public sector equality duty as set out at section 149 of the Equality Act, officers believe there will be several material impacts, but overall and on balance the proposals will advance equality of opportunity for those with several protected characteristics within the Jewish community.
- 6.8.8 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission is recommended to be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The development is not liable for CIL as there is no floorspace proposed.

8.0 RECOMMENDATIONS

GRANT PERMISSION subject to conditions in Appendix 1