

Address:	Camden Eruv & North Westminster Eruv Various Locations in London NW1, NW3, NW5 & NW8		3&4
Application Numbers:	i) 2016/1436/P ii) 2016/2892/P	Officer: Laura Hazelton	
Wards:	Swiss Cottage Camden Town with Primrose Hill Kentish Town	Haverstock Gospel Oak Hampstead Town Frognaal and Fitzjohns	
Date Received:	i) 15/03/2016 ii) 23/06/2016		
Proposals:			
i) 2016/1436/P - Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the 'Camden Eruv'.			
ii) 2016/2892/P - Erection of pairs of poles with clear wire between the poles at 12 locations across the Borough forming part of the 'North Westminster Eruv'			
Supporting Documents and Drawing Numbers:			
i) 2016/1436/P			
868.001 rev. B, 868.002 rev. B, 868.01 rev. B, 868.02 rev. B, 868.03A rev. C, 868.03B rev. C, 868.04A rev. B, 868.04B rev. B, 868.05A rev. B, 868.05B rev. B, 868.06 rev. B, 868.07 rev. B, 868.08, 868.23 rev. A, 868.24A rev. B, 868.24B rev. B, 868.25A rev. A, 868.25B rev. B, 868.26 rev. C, 868.27A rev. B, 868.27B rev. B, 868.28A&B.1 rev. A, 868.28C&D.1 rev. A, 868.30 rev. C, 868.31A rev. A, 868.31B rev. A, 868.31B rev. A, 868.32A rev. B, 868.32B rev. B, 868.33A rev. B, 868.33B rev. B, 868.34A rev. C, 868.34B rev. D, 868.35A rev. C, 868.35B rev. C, 868.37A rev. D, 868.37B rev. D, 868.38A rev. B, 868.38B rev. B, 868.40A rev. A, 868.40B rev. A, 868.41A rev. B, 868.41B rev. C, 868.42A rev. B, 868.42B rev. B, 868.43A rev. D, 868.43B rev. D, 868.43C rev. D, 868.43D rev. D, 868.47A, 868.47B, 868.48 rev. A, 868.49 rev. B, 868.50 rev. C, 868.51 rev. A, 868.52 rev. A, 868.53 rev. D, 868.54 rev. A, 868.55A rev. D, 868.55B rev. D, 868.55C, 868.56 rev. B, 868.57 rev. A, 868.61B rev. B, 868.SK.53 and Design, Heritage, Social Cohesion and Access Statement ref: C.868.			
ii) 2016/2892/P			
881.001 rev. B, 881.002 rev. B, 881.15 rev. C, 881.15.1, 881.16 rev. A, 881.17A EAST rev. A, 881.17B WEST rev. A, 881.18A WEST, 881.18B EAST, 881.19A NORTH, 881.19B EAST, 881.20 rev. B, 881.21 rev. B, 881.22 rev. A, 881.23 rev. D, 881.24 rev. A, 881.25A rev. A, 881.51A and Design, Heritage and Access Statement ref: NWE.881.			

RECOMMENDATION SUMMARY:

i) 2016/1436/P (Camden Eruv) - Grant conditional planning permission subject to a Section 106 Legal Agreement

ii) 2016/2892/P (North Westminster Eruv) - Grant conditional planning permission subject to a Section 106 Legal Agreement

Applicant:

United Synagogue Trusts Ltd
305 Ballards Lane
London
N12 8GB

Agent:

Rosenfelder Associates
10-12 Perrin's Court
London
NW3 1QS

OFFICERS' REPORT

Reason for Referral to Committee: 4. Consideration of any other application which, in the view of the Director of Regeneration and Planning, should be considered by the Committee. [Clause 4]

1 SITE

- 1.1 The Camden Eruv application (reference 2016/1436/P) relates to 37 locations throughout the borough within the NW1, NW3, NW5 and NW8 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 the Camden Eruv joins the Brondesbury Eruv, the North West London Eruv and the North Westminster Eruv. Twelve of the of the North Westminster Eruv pole locations are located within Camden and are being considered simultaneously under application reference 2016/2892/P). The 26 remaining poles which make up the North Westminster Eruv sited within the London Borough of Westminster have already been granted planning permission on 6 December 2017 (ref: 16/04837/FULL).
- 1.2 Planning permission for the Brondesbury Eruv poles within Camden was granted on 16/02/2017 (under reference 2014/2464/P) and works have recently begun on the installation of the poles. The North West London Eruv is an existing Eruv installed in 2003.
- 1.3 Eight of the North Westminster Eruv pole locations are duplicates of those proposed as part of the Camden Eruv. This is because The United Synagogue has submitted two separate applications on behalf of two constituent synagogues. These are shown shaded grey in the tables below. The reason for the 'overlap' is due to the route for each eruv being prepared at different times some years ago, to include an area designated by the respective proposers. It also allows for each to be completed independently in the event that one or other applicant is unable to proceed or is delayed in doing so. The applicant has confirmed that if both applications are approved and if they are able to proceed in parallel, then only one of the routes in the overlap section will proceed by mutual agreement. As both the Camden Eruv and North Westminster Eruv have used identical pole locations in these instances, it is not considered necessary to impose a condition on any planning approval to prevent the doubling up of poles, because one pole would be able to serve both eruvim (the plural form).

Camden Eruv pole locations

Location No.	Address	Pole height (m)	Conservation Area/Heritage assets
1	Corner of King Henry's Road and Primrose Hill Road (A) and Elsworthy Court (B)	5.5	Elsworthy Court is Locally Listed and the Parish Church of St Mary the Virgin is GII listed
2	Elsworthy Terrace, either side of entrance to Primrose Hill	3.5	Elsworthy CA
3	38 Avenue Road (A), to side of 56 Avenue Road (B)	5.5	Pole A in Elsworthy CA
4	Spanning east end of Queens Grove by 71 (A) and 75 (B) Avenue Road	5.5	N/A
5	Park Lodge, St. John's Wood Park (A) and Boydell Court (B)	5.5	N/A
6	Court Close (A) and south of Regency Lodge (B)	5.5	Regency Lodge is Grade II Listed
7	West of Regency Lodge (A) and Castleden House (B)	5.5	Regency Lodge is Grade II Listed
8	Gillies House, Hilgrove Road (A) and by billboard, Hilgrove Road (B)	5.5	N/A
23	Junction between West Heath Road and Platt's Lane (A) and 23 West Heath Road (B)	5.5	Pole B in Redington Frogнал CA No.23 Grade II listed
24	South east of 13 West Heath Road (A) and 74 Redington Road (B)	5.5	Redington Frogнал CA No. 13 Grade II Listed
25	35 Templewood Avenue (A) and Health Park Gardens, West Heath Road (B)	5.5	Redington Frogнал CA Grade II Listed Schreiber pool in grounds of no.35
26	Spanning the east end of Heysham Lane	5.5	Hampstead CA
27	West side of Branch Hill (A) to east side of Branch Hill by Judge's Walk Steps (B)	5.5	Hampstead CA Branch Hill Woodland behind pole A is locally listed
28	Capo di Monte (A) east along Judges Walk to south side of Summit Lodge (D)	3.5	Hampstead CA Capo di Monte Grade II Listed
30	North side of Summit Lodge (A) to opposite side of Lower Terrace (B)	5.5	Hampstead CA
31	North end of Hampstead Grove	5.5	Hampstead CA
32	Upper Terrace (A) to Northcote Mansions (B)	5.5	Hampstead CA Northcote Mansion boundary wall Grade II Listed
33	Queen Mary's Royal Free Hospital (A) and 5 Holford Road (B)	5.5	Hampstead CA

34	1 Cannon Place (A) to west side of 2 Cannon Place on Christchurch Hill (B)	5.5	Hampstead CA 1 Cannon Place Grade II Listed
35	Providence Corner (A) to 26 Christchurch Hill (B)	5.5	Hampstead CA Both buildings Grade II Listed
37	16 Christchurch Hill (A) to 28 Well Walk (B)	5.5	Hampstead CA 16 Christchurch Hill boundary wall Grade II listed
38	Junction between Willow Road and Christchurch Hill (A) and 25 Willow Road (B)	5.5	Hampstead CA
40	South of 8 Willow Road (A) and west of 7 Willow Road (B)	5.5	Hampstead CA
41	North of Freemason's Pub, Downshire Hill (A) and 107 South End Road (B)	5.5	Hampstead CA 107, boundary wall and street lamp Grade II Listed
42	11 Keats Grove (A) to 65 South End Road (B)	5.5	Hampstead CA
43	2 Heath Hurst Road (A) to 1 Heath Hurst Road (B) to corner of South Hill Park & South End Road (C) to Hampstead Heath Station (D)	5.5	Hampstead CA
47	4 (A) and 10 (B) Savernake Road	4.0	Mansfield CA
48	Gordon House Road bridge	1.05m 'fillet'	North side in Mansfield CA
49	Spring Place bridge	1.05m post	N/A
50	Grafton Road bridge	1.05m high 'fillet'	N/A
51	Athlone Street bridge	1.05m high 'fillet'	N/A
52	Wilkin Street Bridge	1.05m high 'fillet'	N/A
53	Prince of Wales Road bridge	1.05m fillet'	North side in Inkerman CA
54	Clarence Way bridge	1.05m fillet	Harmood CA
55	35 Chalk Farm Road (A) to 36 Chalk Farm Road (B) to pavement by Stables Market (C)	5.5	Pole C in Regent's Canal CA 36 Chalk Farm Road Locally Listed Stables Market Grade II* listed
56	Juniper Crescent bridge	1.05m post	Regent's Canal CA
57	East (A) and West (B) side of Bridge Approach	5.5	N/A

North Westminster Eruv pole locations

Location No.	Address	Pole height (m)	Conservation Area/Heritage assets
15.1	Gillies House, Hilgrove Road (A) and by billboard, Hilgrove Road (B)	5.5	N/A
15	West of Regency Lodge (A) and Castleden House (B)	5.5	Regency Lodge is Grade II Listed
16	South of Regency Lodge (A) and Court Close (B)	5.5	Regency Lodge is Grade II Listed
17	Park Lodge, St. John's Wood Park (A) and Boydell Court (B)	5.5	N/A
18	Bin store adj. to 95 Avenue Road (A) and 80 Avenue Road (B)	5.5	N/A
19	Spanning west end of Elsworthy Road by 56 (A) and 52 (B) Avenue Road	5.5	N/A
20	Elsworthy Terrace, either side of entrance to Primrose Hill	3.5	Elsworthy CA
21	Elsworthy Court (A) and Corner of King Henry's Road and Primrose Hill Road (A)	5.5	Elsworthy Court is Locally Listed Parish Church of St Mary the Virgin is Grade II listed
22	East (A) and West (B) side of Bridge Approach	5.5	N/A
23	44a Gloucester Avenue (A) and 65 Gloucester Avenue, The Engineer Pub (B)	5.5	Primrose Hill CA The Engineer Pub is Grade II Listed
24	Vernon House (A) and 3 St Mark's Square (B)	5.5	Primrose Hill CA Both buildings are Grade II Listed
25A	22 Prince Albert Road. (Pole B is in Westminster)	5.5	Primrose Hill CA No.22 is Grade II Listed

2 THE PROPOSALS

Revisions

2.1 Following site visits to each location, the following amendments were sought:

Camden Eruv

Location No.	Address
1	Pole A moved further right to make it less prominent. Pole B moved back away from the corner of the street junction to make it less prominent.

2	Poles set away from cycle stands.
3	Pole B moved left and combined with parking sign.
4	Poles A and B moved closer to Avenue Road to be less visible from residential windows.
5	Pole A combined with existing parking sign.
6	Pole A moved to provide a straight line with pole B.
7	Both poles moved further south down Finchley Road.
8	New pole.
23	Pole A combined with existing parking sign. Pole B combined with existing camera pole within the curtilage of no.23.
24	Both poles moved and combined with existing parking signs.
25	Both poles moved and combined with existing parking signs.
26	Both poles moved further down Heysham Lane.
27	Pole A combined with existing lamppost.
28	Pole A moved and Pole B moved to combine with existing lamppost. New poles C and D added.
29	Pole removed.
30	Pole A moved to sit behind fence. Pole B relocated into an area of greenery
31	Pole A combined with existing parking sign. Pole B combined with redundant pole.
32	Pole A combined with existing parking sign. Pole B relocated adjacent to tree.
33	Pole A combined with existing parking sign. Pole B moved to other side of brick pier.
34	Pole A combined with existing parking sign. Pole B moved and combined with existing parking sign.
35	Both poles moved further down road. Pole B combined with existing parking sign.
36	Pole removed.
37.1	Pole removed.
38	Poles A and B moved and combined with existing parking signs. Pole C removed.
40	Pole A combined with parking sign and moved to rear of pavement. Pole B moved and combined with parking sign.
41	Pole A moved and combined with parking sign.
42	Pole A moved and combined with parking sign.
43	Pole C combined with parking sign. New pole D introduced.
44	Pole removed.
45	Pole removed.
46	Pole removed.
48	Changed from 1.05m posts to clear polycarbonate fillets attached to bridge.
50	Changed from 1.05m posts to clear polycarbonate fillets attached to bridge.
51	Changed from 1.05m posts to clear polycarbonate fillets attached to bridge.
52	Changed from 1.05m posts to clear polycarbonate fillets attached to bridge.
53	Changed from 1.05m posts to clear polycarbonate fillets attached to bridge.
54	Changed from 1.05m posts to clear polycarbonate fillets attached to bridge.
55	Poles relocated and 3 rd pole introduced.
57	Poles combined with existing parking sign and streetlamp.

North Westminster Eruv

Location No.	Address
15.1	New pole
15	Both poles moved further south down Finchley Road.
16	Pole B moved to provide a straight line with pole A.
17	Pole A combined with existing parking sign.
20	Poles set away from cycle stands.
21	Pole A moved further right to make it less prominent. Pole B moved back away from the corner of the street junction to make it less prominent.
22	Poles combined with existing parking sign and streetlamp.
23	Both poles combined with existing street signs.
24	Both poles moved west along Regent's Park Road so they are not directly in front of residential properties.
25A	Pole A Moved west along Prince Albert Road.
27	Pole removed.
28	Pole removed.

Proposals

- 2.2 Planning permission is sought to erect 30 pairs of poles and 7 sets of clear polycarbonate fillets (used instead of poles where they can be affixed to bridge abutments), to create the Camden Eruv. Planning permission is also sought for 12 pairs of poles known as the North Westminster Eruv; however, eight of these pairs of poles are shared between the two eruvim. The poles would be located at various points within NW1, NW3, NW5 and NW8. Full details of each location are provided within the site description section above.
- 2.3 The Camden Eruv is located entirely within the borough boundary, but it would join the existing North West London Eruv (which covers 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.
- 2.4 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.

- 2.5 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, the eruv itself is not a structure which requires planning permission, but the poles and wire required to create the eruv do require planning permission.
- 2.6 The areas of the proposed erubin 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 fillets which are the subject of these applications allow for the boundary of the erubin to cross existing roads where there is a break in existing walls comprising of buildings and fences.
- 2.7 Two different types of poles are proposed (straight or tapered), measuring either 1.05m, 3.5m, 4m or 5.5m in height. The poles 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. Where poles are located within conservation areas and in the settings of listed buildings, it is proposed to install poles that taper from 101mm at the base to 38mm to further reduce their visibility at upper levels. A lower height would be adopted for public footpaths (3.5m or 4m), and the 1.05m poles would be used under a bridge (whereby the roof of the bridge negates the requirement for the nylon line).
- 2.8 All poles would be coloured black to match existing street furniture within Camden, unless it is considered more appropriate to match the pole to the colour of a nearby building. 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.

3 RELEVANT HISTORY

3.1 North Westminster Eruv

The remaining poles forming the rest of the North Westminster Eruv have been approved by the following Boroughs:

LB Westminster – 16/04837/FULL approved 6 December 2017.

LB Brent – 16/2209 – approved 19 January 2017.

3.2 Brondesbury Eruv

2014/2464/P - Erection of pairs of poles with clear wire between the poles at 15 locations across the Borough comprising the Brondesbury 'ERUV'. Granted subject to S106 Legal Agreement on 16/02/2017.

The remaining poles which formed the rest of the Brondesbury Eruv were approved by the following Boroughs:

LB Barnet – F/01941/14 approved 6 June 2014

LB Brent – 14/1252 approved 21 August 2014

LB Ealing – PP/2014/4946 approved 12 November 2014

LB Kensington and Chelsea – PP/14/06650 approved 10 November 2014

There are a number of Eruvin currently operational in London and other parts of the country and a number which have planning permission but have not yet been implemented. The first Eruv to be granted planning permission in the UK is in the London Borough of Barnet, known as the North West London Eruv covering 6.5 square miles in Finchley, Golders Green and Hendon. This Eruv became operational in 2003 following the grant of planning permission in 1997 and 1998.

Prior to the granting of these permissions in 1997 and 1998, there were two previous submissions to the London Borough of Barnet for two Eruvin in 1993. These were refused. In 1994 the Secretary of State for the Environment allowed the appeal. The key comments from the Inspector's report are summarised below:

- Very unusual nature of the appeal proposals;
- While the proposals would add to the street furniture, there is no location where the overall impact would seriously harm the character and appearance of that particular location;
- No evidence of adverse visual impact on the environment;
- Conservation Area – arguments finely balanced but erection of poles would leave the area substantially unharmed;
- Does not find it necessary to decide whether social harmony is capable of amounting to a material planning consideration because the arguments relating to this matter are not of sufficient weight to amount to a planning objection.

4 CAMDEN ERUV CONSULTATION SUMMARY

Adjoining Boroughs

4.1 **London Borough of Barnet** raised no objection to the proposal.

Local groups/stakeholders

4.2 Hampstead CAAC

- We question the validity of a particular group's seeking to develop a permanent 'infrastructure' however well-meant or unobtrusive, affecting the local street or other area scene.
- All religions have their foci in the form of buildings for celebration of their faiths, open air gatherings and major events as appropriate, and obviously demonstration of their faiths at particular festivals or commemorations. None have permanent installations for the purpose of concessions to the reasonable rigour of observance or similar adjustments.
- HCAAC cannot say whether the proposals equate in any way, in planning terms, to such private or commercial installations as mobile phone masts and gear, phone boxes and the like. Though such comparison may be tenuous, and in any case the schemes require adjustment to eliminate harm to the CAs
- The haphazard locations of many of the proposed poles is unwelcome in the CAs, introducing element of clutter as well as visually damaging in less carefully selected spots.
- We consider the eruv schemes should make use of road junctions as points on the proposed perimeters;
- If wires are required, they should make use of sufficiently tall trees, lamp standards, buildings' walls or roofs where consent can be afforded.
- In relation to the definition of 'work' in Jewish observance, we would hope some other means of declaring erubin could be adopted. We think of maps, mobile or similar technology, or simple periodic declarations, publicising.

4.3 Mansfield CAAC

- Objection on the grounds of extra street clutter.

4.4 Eton CAAC

- Although the erection of the poles which mark out the boundary of the eruv will not occur in the Eton Conservation Area it will result in further "street clutter" in other parts of the Borough which include a number of Conservation Areas, at a time when Camden has been seeking to "de-clutter", for example in Camden High Street.

- South Hampstead Synagogue, which is based in the Eton Conservation Area, has recently been granted permission to develop its site to create a building approaching nearly three times the size of the current one which will include significant space for functions and entertainment. This permission was granted despite opposition from residents living in the immediate locality, many of whom are concerned at the inevitable loss of amenity which will be caused by the increased generation of traffic and associated parking. We would want to be assured that the creation of the Camden eruv would not result in an even greater volume of traffic and parking around the Synagogue building.

4.5 **Belsize CAAC**

- No objection.

4.6 **Downshire Hill Residents' Association**

- Despite the small-diameter poles and the thin fishing-line links selected, the installation would be obtrusive in many, if not most, of the locations identified, and add to the already unsightly clutter that defaces our streets and pavements. Much of this clutter is unfortunately necessary: lampposts, seats, at least some traffic signs, main service junction boxes etc. but we don't have to tolerate more. Their cumulative impact is considerable, and harmful to the character of our Conservation Areas. Some of the more obtrusive examples proposed are in Judges Walk, Lower Terrace, Cannon Place and Well Walk. Several would damage the really historic areas of Hampstead such as Willow Road, Keats Grove and Downshire Hill. They all would impact on the area in a most unwelcome way. This is just the kind of development that Conservation Areas were designed to discourage or prevent.
- Several of the poles would be located virtually on Hampstead Heath, including those planned for Nassington Road and Judges Walk. This would be quite unacceptable.
- The applicants quote sections of the NPPF in support of their proposals, but they also refer to Para 14, supporting a permission "...unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole." It is significantly and demonstrably the case that the adverse impact of this proposal outweighs any public benefit.

4.7 **Heath and Hampstead Society**

- We object strongly to the extra clutter that would ensue in the streets and public spaces of Hampstead if the poles and wires were to be installed. It is not acceptable in Conservation Areas and particularly not if the poles and wires are near to the many Listed Buildings in Hampstead.

Councillors

4.8 Councillor Andrew Mennear objected on the following grounds (Andrew Mennear was a councillor at the time of the application submission):

- Street clutter is a major environmental concern throughout Camden, but in conservation areas in particular. It is not clear to me how the eruv poles can be constructed in tune with local conservation area statements. Nor should any wire or pole be attached to, constructed on or hung over any piece of private property without the express permission of the property/land owner.
- I have no concern with an eruv per se if it can be marked out using existing natural or man-made boundaries such as roads or railways. This would mean that no additional street furniture is required and no visual clutter is added to our conservation areas. People would consequently be free to enjoy the freedoms granted to them by the eruv without any impact on the enjoyment of the conservation area by other residents and visitors.

4.9 Councillor Patricia Callaghan supported the application:

- If this application were accepted it would bring a huge benefit to the Jewish community in Camden, facilitating the carrying of objects on the Jewish Sabbath, the use of children's pushchairs, and for the disabled to use their wheel-chairs on the Sabbath outside their homes, without infringing their religious beliefs. This is something that will add a great deal to the lives of many people.
- I understand that the visual impact has proved to be minimal in other places where there is now an eruv and hope that the application will be successful and all the benefits that will come with it are brought to this community.

4.10 Councillors Lorraine Revah, Theo Blackwell, and Maeve McCormack supported the application (Theo Blackwell and Maeve McCormack were councillors at the time of the application submission):

- The proposed eruv covers several Camden conservation areas and Neighbourhood Planning Forums, including in Gospel Oak. We respect the challenge some might give on these grounds but feel they are best dealt with in consultation with council officers or by condition placed by the Planning Committee - rather than rejected outright in principle.
- An eruv in Camden would positively enhance the lives of those with limited mobility – either due to infirmity/disability or due to having babies and young children. In particular, orthodox Jewish residents who are wheelchair users (and their carers), will finally be given the opportunity to

participate fully in social, community, leisure and religious activities beyond the confines of their homes on the Jewish Sabbath.

- The proposed Camden Eruv would also make a profound and positive difference to those who wish to visit relatives and friends who are patients at the Royal Free Hospital or residents of the Marie Curie Hospice.
- We have a responsibility to assist members of the community - in this case some of the elderly and most vulnerable of the Jewish community - without injuring or discomfoting members of other faiths or those of no faith at all.
- We welcome the plans to establish a Camden eruv on the grounds of social cohesion and inclusivity and I urge you to support this planning application.

Adjoining Occupiers

- 4.11 Site notices were displayed by each pole location from the 19th May 2016 until 9th June 2016. Press adverts were placed on 16th May 2016. Following the receipt of revised drawings, site notices were displayed by the new pole locations on 4th April 2018 and press adverts were placed on 5th April 2018.

Representations summary

Letters of objection

- 4.12 **257 letters of objection** were received, a summary of which is provided below:

Principle

- The benefits would accrue to a few whereas the adverse impacts would affect very many citizens indeed.
- We do not want a Jewish ghetto in NW3.
- The Jewish community has historically always managed without this. I am not persuaded that this is a proportionate response to the issue that is identified. If this application is approved, what other proposals will follow in its wake from other faiths or other groups in our wonderfully plural and inclusive city?
- I object to this as I'm against any group, religious, ethnic or political putting down its markers in the public space.
- What if other groups also demand the construction of new structures in keeping with their traditions? The best way to avoid any further disputes about the appropriation of public space (however symbolic) for private use is to refuse any permanent use of public areas for private purposes, howsoever defined.
- I am totally opposed to the erection of an eruv in Hampstead, despite the fact that I am Jewish. It is an unnecessary and ridiculous intrusion to the

environment. The poles are ugly and the concept should not be imposed on the wider community.

- I also oppose any individual religious group imposing boundaries or wires on a large area of public and residential space in a multi-faith, multi-community city such as London. I wish all communities (including of course the Jewish community) to be able to share equally this city, but that means preventing any one group from seeking to impose special privileges or boundaries on particular areas. The same should apply to Christians, Muslims, Hindus or any group.
- It is likely to have a negative effect on diversity and harmony within the area. I know it is not intended as such, but one group placing large poles in the ground to mark their territory could be seen as an aggressive and threatening act by some other groups.
- It is difficult to accept that the tenets or laws of any faith can be negotiated away, because they happen to be inconvenient to practical 21st century life, by bits of metal and wire and man-made wording – no matter how carefully debated or cleverly constructed.
- It would make me and those of other religions feel unwelcome in our own borough.
- As an established long-term Hampstead resident, I was very sorry when the long-established practice of erecting a crucifix upon Parliament Hill on Good Friday was stopped, so as not to offend those of other religions. With this in mind, it seems an unfair policy, to allow unsightly religious eruv poles to be erected in Camden.
- I object to the reason for their proposed erection: that is, circumventing of a religious taboo. Any imposition on the community of religious or quasi-religious practices is inappropriate and unacceptable.
- The concept of the Eruv reflects the enforcement of a series of cruel and inhumane practices, such as the ban on using wheelchairs and buggies on the Sabbath, or even carrying spectacles and medication in the street.
- Kentish Town does not have a predominantly Jewish population so why is an eruv necessary here?
- This project should not occur because it encroaches upon public land. Understandably, it is only a "symbolic" boundary however it still remains the Land of which is for all people, and not exclusively for those of a certain faith. It is paid for by all residents and therefore should be for the use of all members of the public, no matter the faith, belief or unbelief, creed and colour.
- As an atheist and gay man the daily imposition of these grotesquely outsize religious symbols would be oppressive on a daily basis, reminding me continually of the oppression meted out by religion. Such oppression would be for the benefit of an unspecified number of people one day a week.

- At a time of tensions between Jews and Muslims, the construction would only exacerbate the tension.
- I do not wish to be forced through a religious structure every time I walk in my neighbourhood. I will feel trapped in a religious enclosure and mind-set that I do not subscribe to.

Design/conservation

- Addition of more poles will be visually detrimental to the environment and create an eyesore.
- Although the poles & wires are small, they certainly would stick out in many of the streets in our precious conservation areas. Some appear even to be nearly on the Heath; totally unacceptable.
- You refused planning for several BT Fibre Street Cabinets on Heritage grounds a few years ago. Support for this application should surely be refused.
- Hampstead is a conservation area. There is already far too much street clutter. We should stand firm against further damage to the environment.
- Many houses affected by this application are listed. They acquired this status based upon their historical merit. The proposed eruv undermines the visual contribution and recognition by English Heritage.
- We are particularly upset about the proposals to erect eruv posts in some of Hampstead's most historically significant streets—Willow Road, Keats Grove—and in the narrow streets. For example, Cannon Place, Well Walk, Christchurch Hill, Pilgrims Lane have narrow pavements and any new structures will be both extremely visually disruptive and make parts of pavements completely unusable and thus unsafe for wheelchairs and children's buggies.
- The damage is on a huge scale. Looked at individually, each pole and each wire may appear to have a modest impact. But in aggregate the effect is dramatic.
- If I as an individual were to submit an application to erect 40 eighteen foot poles, connected by wire, across several conservation areas, then I expect my application would be rightly refused.
- Hampstead CA has invested a lot of time and money into funding heritage style lampposts to improve the character of the area, and erecting these large unsightly poles would reverse a lot of the good work that has been done to improve the appearance of our surroundings.
- We object to this totally unnecessary addition to street furniture in our narrow road in a conservation area. Such poles will be obtrusive, unsightly and have nothing in common with the period lampposts which residents paid the Council to re-erect.

Amenity

- There are clearly adverse effects on the residential amenity of neighbours such as disturbance, overlooking, loss of privacy, etc. There is also noise and disturbance arising from the actual execution of the work.
- The poles will dominate the skyline. We would see them out of our front windows.

Transport

- Pose a potential danger to passing lorries and buses as any sag in the wire could snag on a passing tall vehicle.
- Some of the roads this plan will affect are narrow and poles are bound to amount to some sort of obstruction. Branch Hill is mentioned in the list. It has a narrow path, pedestrians often have to step into the road to let others, especially buggies past. Some cars go too fast. Safety and convenience of all residents should take priority over this plan.

Other issues

- There has not been enough consultation regarding the social and religious issues behind this application.
- Could reduce house prices.
- Presents a threat to local wild bird life who will suffer fatal injuries from flying into a hazard that they cannot see, goes against the Wildlife and Countryside Act 1981 and EC Birds Directive.
- Concerns about the foundations impinging on the private properties in the street, given that the poles have to stand close to a building walls.
- While the application shows the poles in pictures, the actual wires and how they will travel from pole to pole is omitted. They will need to be attached at many more points.
- There has been a lack of due process on the part of Camden Council in that they have failed to consult as required to do so.

Safety/security

- To set up these structures, which are wholly useless and of no significance to any parties other than a very small part of the population could only emphasise and draw attention to that community. This must have the result that many others, from outside it, would be likely to use the topic as grounds for otherwise unstated –and even undeveloped- objections and animosity towards that community.
- From a security perspective and the rise in antisemitism I would rather not have my house physically marked in a Jewish area.
- The association with one religious group could make the area within the eruv a target for extremist and terrorist activity.

Comments

4.13 **150 comments** were received, a summary of which is provided below:

- This is a very large number of permanent poles, adding clutter to the streets. Some will be within a conservation area. I do not feel this is justified when it only benefits one specific group within the community.
- The proposed eruv is entirely within three conservation areas. It would be inappropriate to erect poles for a minority benefit when these are unsightly to the majority and not for everyone's benefit, for example for safety. The Jewish community admits this is for their convenience, only relevant one day a week, and not an essential. The protection of the conservation areas takes priority.
- Claims that an eruv would create a "ghetto" are based on ignorance and perhaps prejudice. An eruv will not create a ghetto – observant Jewish people already choose to live in particular areas to be within reasonable walking distance of a synagogue.
- Having previously lived within the Hendon/Golders Green eruv I understand and appreciate its importance for those with young children and elderly and infirm people to get out and about on the Jewish Sabbath. Objections made to Barnet Council when the Hendon/Golders Green eruv was proposed have been totally unfounded. These included the suggestions that the area would become a 'ghetto', the poles and wires would be unsightly and that birds would fly into the wires. That eruv has had no negative impact on the lives of those who live within the boundary of the eruv but do not make use of it.

Letters of support

4.14 **352 letters of support** were received, a summary of which is provided below:

- I consider that the Council has an obligation to comply with section 149 of the Equality Act 2010 and this feature ought to be considered most carefully by the Council which, in my view, ought to adhere to its principles both in spirit and in substance. The advantages for the Orthodox Jewish community are significant and have been commented upon in responses. However, the objections do not appear to address the factors to be considered in a way that provides any real basis for objection.
- It will be a great benefit to the Jewish community with no real adverse effect on the rest of the Borough, the poles are discreet and won't create any additional obstacles.

- Benefits include enabling people to attend synagogue, social functions and leisure activities on the Sabbath.
- Enable disabled people in wheelchairs to leave their homes on the Sabbath.
- Eruvin have already been built throughout London and the UK without adverse effect to the local population (including Mill Hill, Woodside Park, Hampstead Garden Suburb, Edgware and Stanmore)
- When a proposal is submitted that is of benefit to one segment of the community without in any way harming (visually or otherwise) the rest of the community, there is every reason to support it.
- The poles will be hardly noticed due to their design and location.
- We are effectively confined to our homes on a Saturday due to the lack of an eruv.
- The application would further enrich the cultural diversity of Camden and make our lives so much easier.
- The applicants have done all they can to minimise the impact on local residents, using railway lines where possible to minimise the number of boundaries.
- The majority of the area is contained using natural borders however it is necessary to close the parts of the boundary that remain 'open' using some poles joined by almost invisible lines that is very significant.
- It has no pollution impact and no adverse development impact.
- Areas where an eruv has been installed have shown no detriment to social cohesion, population trend or community relations – but have shown considerable benefit in the quality of life of those most concerned.

5 NORTH WESTMINSTER ERUV CONSULTATION SUMMARY

Adjoining Boroughs

5.1 **London Borough of Westminster** provided the following comments in July 2016:

- Westminster City Council seeks to resist the proliferation of street clutter which is of detriment to the character and quality of the existing townscape. You are requested to consider the implications of the proposal in light of this.
- You are advised to consider the issue of whether the religious need of the Orthodox Jewish Community for an eruv is a material consideration or not.

When re-consulted in March 2018, LB Westminster had no objection.

Local groups/stakeholders

5.2 **Belsize CAAC** had no objection.

5.3 **Elsworthy CAAC** had no objection.

5.4 **Primrose Hill CAAC** objected on the following grounds:

- Street clutter
- We understand that it is possible to have wireless eruvim, as in the USA. Absence of the wires would help, especially where they are proposed to cut across the historic street pattern as at location 23 and 24. These lines would be harmful to the character and appearance of the conservation area.
- We are strongly opposed to the locations chosen for location 23, which would be harmful to views of the Listed Building, The Engineer, and the positive contributor no. 44-4A.
- We appreciate the attempt to use an existing pole outside no. 44-44A, but we have understood that the parking zone signs have to be at the edge of the pavement, not moved as proposed.
- We are very strongly opposed to the poles at location 24 which would harm major views, and views of a group of Listed Buildings, including St Mark's Church. We strongly urge the adoption of a wireless eruv, with existing lamp standards or other existing poles designated as part of the boundary system.

Adjoining Occupiers

5.5 Site notices were displayed at each pole location on the 1st July 2016 until the 22nd July 2016. A press advert was placed on 30th June 2016. Following the receipt of revised drawings, site notices were displayed by the new pole locations on 26th January 2018 and a press advert was placed on 1st February 2018.

Representations summary

5.6 10 letters of objection were received, a summary of which is provided below:

Principle

- Only a small minority of Jews are affected (nothing like the 6,000 claimed). Even among the most observant, there is disagreement about the desirability of an eruv with some factions actively opposed to it on Jewish religious grounds
- My main concern is that lack of consistency risks damaging social cohesion. If we Jews are to ask for special favours on behalf of a small

minority within our ranks, we need to be equally mindful of the rights of other groups.

- These kind of physical religious markers are designed very much for the benefit of the few in our area and not the vast majority who live here and come from many different religious and cultural backgrounds, beliefs and faiths.
- The correct place for religion is either in a place of worship or at home. I am very strongly against any outward signs of religious being brought on to the streets.
- We live in a secular society and however unseen or innocuous an eruv may be, it would represent a precedent and the start of a slippery slope towards other religions or ethnicities being allowed to display their outward symbols in the streets.
- The erection of 13 pairs of poles, no matter how small or how thin the wire might be is an abuse of common spaces for private purposes.
- I am Jewish too, but find this proposal outrageous and totally unacceptable. Their community existed for millennia, long before refrigeration, abiding by their interpretation of the religion. It smacks of cheating to concoct now this preposterous way of changing it.
- The religious grounds for erecting an eruv in North London appear to be contentious and I do not think it right that a small sector of one religious group should be allowed to redefine the area, in which we people of many different faiths live, this way.

Design

- Despite the small-diameter poles and the thin fishing-line links selected, the installation would be obtrusive in many, if not most, of the locations identified, and add to the already unsightly clutter that defaces our streets and pavements. Much of this clutter is unfortunately necessary: lampposts, seats, at least some traffic signs, main service junction boxes. Their cumulative impact is considerable, and harmful to the character of our Conservation Areas.
- Regents Park road is part of a conservation area and as such should be protected.
- Primrose Hill is a conservation area and it should not be subject to planning applications such as this which will bring down the quality and tone of the area.

Transport

- There are health and safety concerns for pedestrians, vehicles and wildlife.

5.7 117 Letters of support were received, a summary of which is provided below:

- I think that it's important to promote diversity within our borough. It's important to support our existing religious and community institutions. This does not infringe on anyone else's rights and on the other hand can make the lives of others much easier.
- This will hugely benefit an extremely small minority of people within Camden with absolutely no detriment to anyone else. We need to protect our minorities and promote diversity.
- The existence of an eruv would make the lives of those with small children or elderly members more comfortable.
- The eruv exists in a number of neighbourhoods in the UK and this has not led to any change in the character or cohesion of the neighbourhoods.
- The poles and wire required are thin and would be virtually invisible in the urban landscape and have been chosen to minimise visual impact.
- For observing Jews this is essential, for others it has no impact whatsoever.

5.8 61 comments were received, predominantly supporting the proposals. The comments included the following point:

- If you allow the use of clear nylon filament then I cannot see how you could object to residents running fibre optic cables between buildings and across public highways to transmit data thus negating the need to pay BT and cable companies for their services. Plastic fibre optic cable is effectively the same as proposed.

6 POLICIES & Guidance

6.1 National Planning Policy Framework 2018

6.2 National Planning Practice Guidance (NPPG)

The government has issued draft guidance to accompany the new NPPF. It is a material consideration but of limited weight at this stage.

6.3 The London Plan 2016

The Mayor published a draft of the new London Plan for consultation in November 2017. It is a material consideration but of limited weight at this stage.

6.4 Mayor's Supplementary Planning Guidance

6.5 Camden Local Plan (2017)

G1 - Delivery and location of growth

C5 - Safety and security

C6 - Access for all
D1 - Design
D2 - Heritage
C2 - Community facilities
C3 - Cultural and leisure facilities
C5 - Safety and security
C6 - Access for all
T1 - Prioritising walking, cycling and public transport
T3 - Transport infrastructure
T4 - Sustainable movement of goods and materials
DM1 - Delivery and monitoring

6.6 Supplementary Planning Policies

Camden Planning Guidance

CPG 1 - Design (2015, updated March 2018)
CPG 6 - Amenity (2011, updated March 2018)
CPG – Amenity (2018)
CPG 7 - Transport (2011)
CPG 8 - Planning obligations (2015, updated March 2018)

6.7 Conservation Area Statements

Elsworthy Road Conservation Area Appraisal and Management Plan 2009
Redington and Frognal Conservation Area Statement 2000
Hampstead Conservation Area Statement 2001
Mansfield conservation area appraisal and management strategy 2008
Inkerman conservation area appraisal and management strategy 2001
Harmood Street Conservation Area Statement 2005
Regent's Canal conservation area appraisal and management strategy 2008

6.8 Neighbourhood Plans

Hampstead Neighbourhood Plan
Fortune Green and West Hampstead Neighbourhood Plan

7 ASSESSMENT

Considerations relevant to both applications (2016/1436/P and 2016/2892/P)

- 7.1 Due to the nature of the applications, it is important to set out how the applications sits in the context of the Equality Act 2010.
- 7.2 The Equality Act 2010 (the Act) came into force in April 2011 and requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability and gender and foster good relations between different groups when discharging its functions. The Council's responsibilities under the Act are relevant to all planning applications but because of the special nature of these proposals they are especially relevant here.
- 7.3 The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Local Planning Authority (LPA) to have due regard to certain categories of potential requirements – rather than ensuring for example, a decision will not give rise to any impacts relating to the areas identified in the Act. The following subsections of Section 149 are of particular relevance for these applications:
- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) tackle prejudice, and
- (b) promote understanding

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

7.4 It is considered that the following protected groups could potentially be affected by the proposals:

- The Jewish community (orthodox and non-orthodox)
- Other faith groups (including Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh, Zoroastrian)
- Secular groups (agnostic, atheist, humanist)
- Disabled people
- The elderly
- Young children and parents of young children
- Women
- LGBTQ+ (Lesbian, Gay, Bi-Sexual and Transgender)

7.5 Equalities Impact Assessment (EQIA)

Duty on public bodies (section 149, Part 1)

7.6 Given the unusual and sensitive nature of the proposals a full Equalities Impact Assessment (EQIA) has been carried out, attached at Appendix 1. The EQIA carried out as part of the determination of the Brondesbury Eruv is also attached at Appendix 2, which sets out a detailed assessment of census data for the relevant protected characteristics. **The Brondesbury Eruv EQIA is not the EQIA for the current applications, but is included only for reference.** The EQIAs were undertaken to act as a tool to assist officers in making a recommendation on the applications as a decision maker in fulfilling its duties under the Act. The EQIA considers and assesses the impacts on protected groups/ communities who could be particularly affected by the proposals within Camden and the relevant wards. However, it also considers the potential wider social impact of the proposals. A summary of the possible negative and positive

impacts that have been identified for each protected group in relation to the proposals forms part of the assessment within the EQIA.

- 7.7 It should be acknowledged that monitoring and assessing religious equality or equality between different people with different beliefs can make the assessments difficult. Varying levels of commitment to particular religious beliefs can make it difficult to interpret information gathered. For example, in this case there may be significant differences between someone who loosely identifies themselves as culturally Jewish but does not practice the Jewish faith, and people within certain Jewish communities who refrains from carrying on the Sabbath except within an eruv.

Advancing equality of opportunity (section 149, Part 3)

- 7.8 The EQIA identifies that the installation of an eruv would have a number of direct and positive benefits for members of the Orthodox Jewish community on the Sabbath, particularly for women, young children, older people and people with disabilities.
- 7.9 The EQIA identifies (paragraph 2.16) that 'the eruv is intended to provide positive impacts for a faith community, that it has a religious purpose and there is no intention to constrain or limit the actions of people of other denominations and faiths, or the wider community. It does not prevent other communities from practising their faith'. It goes on to state that no single group would be disadvantaged by an eruv; however, those members of the Jewish community who observe the Jewish Law against carrying on the Sabbath would benefit. There would be benefits to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families and the elderly. A possible effect is that the implementation of the eruv would strengthen community cohesion by acting as an expression of mutual tolerance and recognition of the needs of a faith community (and the difficulties they can sometimes experience through observing tradition).
- 7.10 There are a number of existing eruvin in the country and several that have received planning permission and are yet to be erected. They are generally aimed at supporting existing communities within walking distance of the local synagogues. There is no evidence to suggest that their presence has resulted in harm to members of other protected groups outside the Jewish community or adversely affected social cohesion. However, the limitations of being able to tangibly measure this are acknowledged given the range of complex factors that may affect the potential or perceived impacts.
- 7.11 The EQIA has identified areas where improvements can be made to advance equality and mitigate or minimise any negative impacts that have been identified

(stage 4) as part of the general duties under the Act to ‘tackle prejudice’ and ‘promote understanding’. Recommendations include a robust programme of publicity, engagement and education by the applicant to explain the function of an eruv to the wider community, this could be secured by way of a Section 106 legal agreement. This could minimise community tensions borne out of misunderstanding of the eruv function and the implications for public and private land that would be enclosed as part of the eruv boundary.

- 7.12 Other measures identified in this section of the EQIA include careful design and siting to ensure there are no adverse impacts on the street scene, the character or appearance of the Conservation Area, inclusive access, pedestrian and community safety and highway safety. These detailed matters are fully considered in the design section below.

Planning Context and balance of considerations

- 7.13 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2018 (NPPF) provides guidance for local planning authorities as a material consideration in determining applications. At the heart of the NPPF is a presumption in favour of sustainable development which for decision-takers means approving development proposals that accord with the development plan without delay. Paragraphs 7 and 8 of the NPPF note the social role of sustainable development which requires the planning system to support strong, vibrant and healthy communities with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.
- 7.14 The NPPF also states that where the development plan is absent, silent or relevant policies are out-of-date, decision-takers should grant permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
- 7.15 Paragraph 91 of the NPPF notes that planning can play an important role in facilitating social interaction and creating healthy, inclusive communities. Policies should aim to achieve places which promote opportunities for meeting between members of the community who might not otherwise come into contact with each other, safe and accessible environments and safe and accessible developments.
- 7.16 Policy 7.2 of the London Plan notes that development is required to achieve the highest standards of accessible and inclusive design and seeks to ensure

development can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances.

7.17 In considering the impacts of the proposed developments officers have had regard to the policies and guidance contained within the National Planning Policy Framework, the London Plan and Camden's Local Plan policies contained within the Local Plan 2017. The relevant policies in the consideration of the Eruvin are referred to in section 6.5 above.

7.18 The key planning issues for consideration are as follows:

8	Land use
9	Design and Conservation
10	Transport Impact and Highway Safety
11	Neighbour Amenity
12	Community Safety
13	Inclusivity

8 Land Use

8.1 The proposed developments would not change the use of the areas defined by the erubin. The areas would remain as mixed use areas comprised of residential and commercial uses. Under planning legislation there is no material change in use.

8.2 A number of objectors have raised concern that the erubin would create areas with a distinctive religious link. The erubin do not section off part of the borough for only members of the Orthodox Jewish community. All residents and visitors to the areas would be able to continue to use them as they do at present. The purpose of an eruv is to allow some members of the Orthodox 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.

8.3 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. The erubin areas are vast, spanning across a number of 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 the areas and they will be able to continue to do so as a result of the proposal.

- 8.4 The proposals would not prevent integration of various ethnic groups or communities; they would not prevent certain people from being within the erubin areas. Everyone would be able to move freely around the areas. 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.
- 8.5 In light of the above, it is considered there is no reason to object to the applications on grounds of land use.

9 Conservation and Design

Statutory Framework and Implications

- 9.1 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) are relevant.
- 9.2 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.
- 9.3 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.
- 9.4 The effect of these sections of the Listed Buildings 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

- 9.5 NPPF section 16 paragraphs 184 to 202 in particular, NPPG section 18a, London Plan policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8, Policies D1 and D2 of the Camden Local Plan, Policies DH1 and DH2 of the Hampstead Neighbourhood Plan, Policies 2 and 3 of the Fortune Green & West Hampstead Neighbourhood Plan and CPG1 (Design) are relevant with regards to conservation and design.

9.6 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)."

9.7 "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."

9.8 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.

9.9 Paragraphs 192 to 194 of the NPPF provide as follows:

192. 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.*

193. 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.

194. 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.*

9.10 Paragraph 196 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.

9.11 Paragraph 197 deals with non-designated heritage assets as follows:

197. 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.

9.12 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.

9.13 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.

9.14 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.

9.15 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.

- 9.16 The case-law also establishes that even where the harm identified is less than substantial (and so falls within paragraph 196 of the NPPF), that harm must still be given considerable importance and weight.
- 9.17 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.
- 9.18 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 periods.

Assessment of individual poles

Considerations relevant to application 2016/1436/P (Camden Eruv)

Camden Poles 1A & B - King Henry's Road/Primrose Hill Road (Listed building – no harm)

- 9.19 On King Henry's Road, pole A is located at the rear of the public footpath, in front of the flank wall of flats 6, 8, 10, 12, and joins with Pole B located to the left of the right hand end pier of the Elsworthy Court low level brick wall. Pole A would have a 50 x 50 mesh panel fixed to the rear of the pole to reduce the gap between the pole and the wall. Both poles measure 5.5m high.
- 9.20 The poles are not located in a conservation area, but Elsworthy Court which Pole B sits adjacent to is locally listed as well as the Elsworthy Road street sign. On the opposite side of Elsworthy Road, is the Grade II listed Parish Church of St Mary the Virgin. The Church is an impressive red brick building with stone dressings in the Early French Gothic style, which, together with Elsworthy Court, an imposing 20th century mansion block in the Queen Anne style, creates a well-marked entrance way to the Elsworthy Conservation Area beyond. Given the size and grandeur of these building, their significance does not rely on the adjacent streetscape. Furthermore, following Officer advice, the poles were relocated to push them both further back from the street junctions and reduce their visual prominence.
- 9.21 Considering the existing street furniture in these locations, the imposing size and architectural style of the heritage assets, the proposed poles are not considered to result in any harm to the heritage assets or their settings.

9.22 The poles would be located to the rear edge of the public highway and would retain an acceptable pavement width that wouldn't compromise pedestrian flow. The poles are not located directly in front of neighbouring windows and would not result in any significant adverse impact on neighbouring amenity.

Camden Poles 2A & B – Elsworthy Terrace (Elsworthy Conservation Area – no harm)

9.23 The 3.5m high poles are located either side of the entrance to Primrose Hill within the Elsworthy Conservation Area. They are located in the planting bed in front of the black metal railings, and would be located within an area of existing street furniture along with a street lamp, railings, bike stands and bollards.

9.24 Elsworthy Conservation Area's significance derives from its spacious leafy streets and generously laid out plot sizes, complemented by areas of semi-private communal amenity space. The proposed poles would be set far enough apart so as to not appear to introduce excessive clutter in this location. The poles have also been spaced further apart at Officer's request so that they would benefit from existing tree cover to reduce their visibility. As such, the poles are not considered to harm the significance of this part of the Conservation Area, nor to impact its verdant character.

9.25 Following the relocation of the poles, they would not impact the usability of the existing cycle stands in this location. They would not impact or reduce the width of the footpath. It is not considered that the poles in this location, some distance from residential windows would result in any significant adverse impact on residential amenity.

Camden Poles 3A & B – Avenue Road (Elsworthy Conservation Area – no harm)

9.26 Pole A would be located adjacent to the front boundary walls of 44 and 46 Avenue Road within the Elsworthy Conservation Area, the significance of which is described in the assessment of poles 2A and B above. It would cross Avenue Road to join pole B which would utilise an existing parking sign, extended up to 5.5m high. The existing trees to the front and rear of pole A would help to shield views of the pole from certain angles. It is not considered that the pole would cause harm to the appearance of this part of the Conservation Area nor impact its leafy character which contributes towards its significance.

9.27 The poles would be located to the rear edge of the public highway and would retain an acceptable pavement width.

9.28 The poles would be visible from the windows of 38 and 56 Avenue Road but are not considered to result in any significant adverse impact on residential amenity.

Camden Poles 4A & B - Queen's Grove (no heritage assets)

9.29 These are 5.5m poles spanning east end of Queens Grove. Pole A would be located to the side elevation of 71 Avenue Road to the rear of the pavement and Pole B would be located by the side boundary wall of 75 Avenue Road. The poles are not located in a conservation area.

9.30 The poles would be located to the rear edge of the public highway and would retain an acceptable pavement width that wouldn't compromise pedestrian flow. Direct views of both poles would be partly shielded by existing trees, which would limit any adverse impact on residential amenity.

Camden Poles 5A & B - St Johns Wood Park (no heritage assets)

9.31 Pole A would replace an existing parking sign in front of Park Lodge. It would be positioned to the rear of the pavement which would not introduce any new street clutter or impact the width of the pavement. The wire would cross St Johns Wood Park to pole B in front of Boydell Court. Views of pole B from Boydell Court would be screened by the existing beech trees and hedging within the gardens of the building. Pole A would be visible from Park Lodge, but given the fact that it is combined with an existing parking pole, is not considered to impact neighbouring amenity.

9.32 The poles would be located to the rear of the footpaths and would retain an acceptable pavement width. They are not located in a conservation area and would not introduce an unacceptable level of street clutter.

Camden Poles 6A & B – Adelaide Road (Listed building – no harm)

9.33 The 5.5m poles would span Adelaide Road, with pole A located to the north of Court Close and pole B directly adjacent to the southern boundary of Grade II Listed Regency Lodge. Regency Lodge was first listed in 2006 and includes the flats and parade of shops fronting onto Finchley Road. It is a Moderne style development, constructed of brown and sandy buff bricks, with artificial stone bands and dressings with steel casement windows (many of which have been replaced). The building's significance derives from being a carefully designed scheme of inter-war flats with a parade of shops and underground garage by the notable early 20th Century architect Robert Atkinson. The listing description describes the horizontal emphasis in the building's detailing as being characteristic of the Moderne style that suggests speed on this arterial route. It is well detailed, including bas-relief panels of the building trades, as well as

having planning interest and it is comparable with the best of the commercial flats of its date.

- 9.34 The existing streetlamps on Adelaide Road near to the proposed location of pole B demonstrate the limited impact of street furniture on the setting of Regency Lodge. Given the size and architectural detailing of Regency Lodge which contributes to its significance, pole B would not be highly prominent and would not cause harm to the setting of the building. The poles are not located in a conservation area.
- 9.35 The poles would be located to the rear of the footpath and would retain an acceptable pavement width. Due to the location of pole A, and the screening from existing vegetation, it would not impact neighbouring amenity of occupants of Court Close. Pole B would be visible from some residential windows, but due to its location to the edge of the flank elevation, would not result in any significant adverse impact on residential amenity.

Camden Poles 7A & B - Finchley Road (Listed building – no harm)

- 9.36 Pole A would be located to the north west elevation of Grade II listed Regency Lodge, and would cross Finchley Road to Pole B in front of Castleden House. Neither pole is located in a conservation area. Pole A would be located adjacent to the parade of shops fronting Finchley Road which the listing description describes as being much altered in the 20th century with the introduction of modern shopfronts. Despite this, the planning interest of the building is maintained, with the curved corner and flat single storey roofs. The proposed pole in this location would not impact this significance, nor harm this part of the heritage asset's setting.
- 9.37 Pole B would be located adjacent to an existing street lamp which would limit its visual impact.
- 9.38 The poles would be located to the rear of the footpath and would retain an acceptable pavement width. Pole B would be located adjacent to an existing lamp post and would not result in a significant adverse impact to neighbouring amenity and more than the existing situation.

Camden Poles 8A & B - Hilgrove Road (no heritage assets)

- 9.39 Two 5.5m poles spanning Hilgrove Road, which is not located in a conservation area. Pole A would be located by the flank wall of Gillies House, where views of it from the residential windows would be blocked by the existing tree. Pole B would be located adjacent to an existing billboard.

9.40 The poles would be located to the rear of the footpath and would retain an acceptable pavement width, nor result in a significant adverse impact to neighbouring amenity.

Camden Poles 23A & B - West Heath Road/Platt's Lane (Redington Frogna Conservation area and listed building – no harm)

9.41 Pole A would replace an existing traffic sign pole at the north side of the landscaped bed. It is not located within a conservation area. The wire would cross over Platt's Lane, to utilise an existing camera pole within the grounds of the Grade II Listed 23 West Heath Road, which is also in the Redington Frogna Conservation Area (first designated in June 1985). The significance of the conservation area derives partly from being an exceptional example of consistently distinguished Victorian and Edwardian architecture.

9.42 23 West Heath Road (also known as Sarum Chase) dates from c.1932 and was built for the artist Frank Salisbury. It is part 2/part 3 storeys with an irregular façade in elaborate medieval pastiche. It has been much altered over the years and is bounded by a brick boundary wall with metal railings and tall vegetation to provide privacy screening.

9.43 Due to the use and replacement of existing structures, with only the addition of barely visible wire within the setting of the listed building, there would be no harm to the setting of the listed building or the character of the conservation area.

9.44 The poles would be located within planted beds and shielded by trees so would not impact the public highway or neighbouring amenity.

Camden Poles 24A & B - West Heath Road/Redington Road (Redington Frogna Conservation area and listed building – no harm)

9.45 Pole A would replace an existing parking pole which would be extended up to 5.5m high, located adjacent to the eastern boundary wall of Grade II Listed 13 West Heath Road. It is a 2 storey building with attics, constructed of red and orange brick with tiled, gabled roof and tall, slim Tudor type grouped chimney stacks.

9.46 The wire would cross Redington Road, to pole B, which would also replace an existing parking pole by the southern boundary of 11 West Heath Road. Both poles are located in the Redington Frogna Conservation Area (the significance of which is discussed above). Due to the use and replacement of existing parking poles, with only a marginal increase in height, there would be no harm to the setting of the listed building or the character of the conservation area. The use of

existing parking poles addresses the Hampstead CAACs comments that this location would only be acceptable provided existing infrastructure is used.

- 9.47 The poles would be located in the same position of the existing parking pole to the rear of the kerb so would not reduce the size of the footpath, nor result in a significant adverse impact to neighbouring amenity.

Camden Poles 25A&B - Templewood Avenue/ West Heath Road (Redington Frogna Conservation area and listed building – no harm)

- 9.48 The existing kerbside parking pole to the eastern boundary of 35 Templewood Avenue would be replaced with a 5.5m high pole pushed back to the rear of the kerb adjacent to the boundary wall (pole A). The wire would cross Templewood Avenue to join Pole B, which would replace an existing parking pole to the rear of the kerb adjacent to Health Park Gardens. Neither building is listed, but the Grade II Listed Schreiber swimming pool is located in the grounds of no.35 and both poles are located in the Redington Frogna Conservation Area. The significance of the listed pool does not rely on any setting extending beyond the grounds of number 35, but rather its relationship with the Schreiber House to the west, whose grounds the pool was originally constructed in. Due to the use and replacement of existing parking poles, there would be no harm to the setting of the heritage asset or the character of the conservation area. The use of existing parking poles addresses the Hampstead CAACs comments that this location would only be acceptable provided existing infrastructure is used.

- 9.49 The poles would be located to the rear of the kerb so would not reduce the size of the footpath, nor result in a significant adverse impact to neighbouring amenity.

Camden Poles 26A & B - Heysham Lane (Hampstead Conservation area – no harm)

- 9.50 Both 5.5m poles would span Heysham Lane in the Hampstead Conservation Area. Pole A would be located by a recessed bin store and pole B would be located to the rear of the pavement on the opposite side of the road. The Hampstead CAAC objected to these poles, stating that they would be 'intrusive'. There is limited existing street furniture in this location, and few nearby residential properties. The Hampstead Conservation Area Statement describes a range of factors and attributes as contributing to its special character and significance. These include its topography; the Heath; the range, excellence, and mix of buildings; the street pattern and Hampstead's historical association with clean water and fresh air. Officers do not consider the poles to be intrusive in this location, nor would they cause harm to any of the attributes that contribute towards Hampstead's special character or significance.

9.51 Given the distance of the poles from the nearest residential properties, they would not result in harm to neighbouring amenity. The poles would be located to the rear of the kerb so would not reduce the size of the footpath.

Camden Poles 27A & B - Branch Hill (Hampstead Conservation area – no harm)

9.52 Pole A would utilise an existing lamppost by fixing a clear nylon filament to the top. The wire would cross Branch Hill to join Pole B, a 5.5m pole in the footpath adjacent to the raised bed to the right of Judge's Walk steps. Branch Hill Woodland behind pole A is locally listed, but neither the woodland, nor the wider conservation area, would be harmed due to the use of an existing lamp post. Pole B would be located adjacent to a tall boundary wall of similar height. Hampstead CAAC objected to pole B, simply stating that it is 'not acceptable'. The significance of Hampstead Conservation Area is described in the assessment of poles 26A and B above. Due to the location of pole B by a tall boundary wall, its visual impact would be reduced, and it would not result in harm to the qualities of the conservation area which contribute towards its significance.

9.53 Pole B would be located on a section of narrow pavement, but due to its position adjacent to a raised planter which prevents pedestrian movement, it would not worsen this situation. Given the distance from the nearest residential properties, it is not considered that the poles would have a significant impact on neighbouring amenity.

Camden Poles 28A, B, C & D - Judges Walk (Hampstead Conservation area and listed building – no harm)

9.54 All four poles would be 3.5m high. Pole A would be located immediately adjacent to the northern elevation of Grade II Listed Capo di Monte which the Hampstead CAAC has objected to. Capo di Monte was constructed in the late 18th Century and has been much altered since, including the weatherboard extensions to the rear. The northern elevation of the building is considered less important to its overall significance given the visibility of the more recent extensions and the unsympathetic breezeblock insertions to the boundary wall. The pole would be coloured white to match the colour of the listed building which would reduce its visual impact and prevent harm being caused to the setting of the heritage asset. This would be secured by condition should planning permission be granted (condition 3).

9.55 The poles would extend along the northern side of Judges Walk, with Pole B replacing an existing parking pole, Pole C located adjacent to a heavily vegetated boundary wall and Pole D location adjacent to the wall of Summit Lodge within the overhanging ivy. The poles would not cause harm to the character of the Hampstead Conservation Area, within which they are all located.

9.56 The poles would not impact pavement or footpath widths in these locations, nor be highly visible from residential properties. Pole A is the only pole located near to a dwelling; however, due to its height and position, would not be readily visible from windows.

Camden Poles 30A & B - Lower Terrace (Hampstead Conservation area – no harm)

9.57 Pole A would be 5.5m high set behind a boundary fence and partly shielded by existing trees. The wire would cross to the opposite side of Lower Terrace, where pole B would replace an existing traffic sign. Both poles are located in the Hampstead Conservation Area, and the Hampstead CAAC has stated that they are not acceptable, but have not expanded on why they consider this to be the case. The proposed poles would not impact views of the Heath, interrupt its street patterns or affect its topography, and as such, Officers do not consider them to cause harm to its character, appearance or significance.

9.58 Neither pole would cause harm to pedestrian flow or neighbouring amenity due to their proposed locations.

Camden Poles 31A & B - Hampstead Grove (Hampstead Conservation area – no harm)

9.59 Pole A would replace an existing parking pole located in the middle of the footpath with a new 5.5m high pole to the rear of the pavement. Pole B would replace an existing 2.2m high pole adjacent to the fence and set behind recycling bins. Both poles are located in the Hampstead Conservation Area, and the Hampstead CAAC has stated that they would only be acceptable provided existing poles are used.

9.60 Due to the use and replacement of existing poles in these locations, the proposed poles would not impact views of the Heath, interrupt its street patterns or affect its topography, and as such, Officers do not consider them to cause harm to its character, appearance or significance.

9.61 The poles would not cause harm to the character of the conservation area, neighbouring amenity, and in the case of pole A, would increase the width of the usable footpath.

Camden Poles 32A & B - Upper Terrace/Heath Street (Hampstead Conservation area and listed building – no harm)

- 9.62 Pole A would replace an existing parking pole located in the middle of the footpath with a new 5.5m high pole to the rear of the pavement. Pole B would be located at the rear of the footpath adjacent to the tall brick boundary wall of the care home Northcote Mansions on Heath Street, immediately to the left of the canopy of the non-deciduous tree. The boundary wall, piers and southern gate of Northcote Mansions are Grade II Listed. Hampstead CAAC has objected to pole B, stating that it is unacceptable.
- 9.63 Pole A would not cause harm to the significance of the conservation area for the same reasons outlined in the assessment of poles 31A and B. Likewise, it would not harm neighbouring amenity, and would increase the width of the usable footpath.
- 9.64 The listed boundary wall was formerly attached to the Upper Flask Tavern, summer meeting place of the Kit-Kat Club, and referred to in Richardson's 'Clarissa' (1748). It was also depicted in several topographical prints and referred to in Anna Maxwell's 'Hampstead', c1910. As such, the value of this heritage asset is considered to derive from its historic interest.
- 9.65 Given the length of the listed boundary wall at 150m long, the increased pavement width at the proposed pole location, and its location away from the brick piers and southern gate included in the listing, the pole is not considered cause harm to the setting of the wall nor to its historic significance. Furthermore, it would be located behind an existing streetlamp which would lessen its visual impact and prevent an over-accumulation of street furniture in this location.

Camden Poles 33A & B - Holford Road (Hampstead Conservation area – no harm)

- 9.66 Pole A would replace an existing kerbside parking sign with a new 5.5m pole located to the rear of the pavement by the boundary wall of Queen Mary's House. The wire would extend across Holford Road to pole B at the rear of the footpath just beyond the right (south) side of the brick wall. Both poles are located in Hampstead Conservation Area, the significance of which derives from its topography; the Heath; the range, excellence and mix of buildings, and the street pattern. Hampstead CAAC have objected to both pole locations, stating that they are not considered acceptable.
- 9.67 Pole A would not impact the character of the conservation area or neighbouring amenity due to the relocation and re-use of the existing parking sign, and would increase the width of the usable footpath. The visibility of pole B would be

lessened to an extent by the tall brick façade of 5 Holford Road behind it and the existing vegetation surrounding it. It would not harm the special characteristics of the Hampstead Conservation Area which contribute towards its significance and as such, is not considered to cause harm. It would be visible from some windows at no.5 but would not result in a significant adverse impact to neighbouring amenity.

Camden Poles 34A & B - Cannon Place/Christchurch Hill (Hampstead Conservation area and listed building – no harm)

9.68 Pole A would be located behind an existing street lamp in front of the tall boundary wall of 1 Holford Road, where the wall meets the boundary of grade II listed 1 Cannon Place, prompting an objection from the Hampstead CAAC. The wire would extend across to the south west boundary wall of 2 Cannon Place where pole B would replace an existing parking sign. Both poles are located in the Hampstead Conservation Area.

9.69 1 Cannon Place was constructed in 1879 by Batterbury & Huxley for the artist Walter Stacey. It is a 3 storey building with basement, constructed of yellow stock brick with red brick bands and dressings, and tiled hipped roof with wide coved eaves and tall slab chimney-stacks. Due to the location of pole A between the street lamp and tall boundary wall of 1 Holford Road behind, it would not interrupt views of 1 Cannon Lane, nor its setting. For the same reasons, the pole would not cause harm to the character or significance of the conservation area. Given the use of an existing parking sign, pole B would not impact the character of the conservation area any more than the existing pole does.

9.70 Given the distance from the nearest residential windows, the poles are not considered to harm neighbouring amenity, nor reduce the pavement widths in this location.

Camden Poles 35A & B - Providence Corner/Christchurch Hill (Hampstead Conservation area and listed buildings – no harm)

9.71 Pole A would be located immediately adjacent to the boundary wall of Grade II listed Providence Corner and would extend across Well Road to Pole B which would replace an existing parking pole outside 26 Christchurch Hill which is also Grade II listed. Both poles are located in Hampstead Conservation Area and have prompted an objection from the Hampstead CAAC.

9.72 The visual impact of pole A would be reduced when viewed from the south west along Well Road and from the south east along Christchurch Hill due to the existing, mature trees and greenery behind and in front of it, which themselves block most views of Providence Corner and its neighbour, Cannon Cottage which

is also Grade II Listed. It would be most readily apparent when viewed from the opposite side of Well Road directly in front. However, the pole would not interrupt views of the building which is set further north and mostly shielded by views. Providence Corner and Cannon Cottage are two semi-detached cottages constructed in the early 18th century of brown brick with red brick dressings. Their significance is considered to derive from their historic and architectural interest, which would be preserved, and not harmed as a result of the introduction of the pole within the buildings' setting.

- 9.73 Pole B would relocate the existing parking pole away from the kerb so that it would be adjacent to the boundary wall of no. 26. Given the relocation of an existing parking sign, its location to the north western boundary of no.26 where there are limited views of the heritage asset, and the dense, mature greenery behind it, the pole is not considered to harm the conservation area or the setting of the listed building, the significance of which derives from the architectural detailing of the building itself.
- 9.74 Likewise, the proposed poles would not harm the character and appearance of Hampstead Conservation Area given the limited impact they would have on the characteristics that contribute towards its significance (outlined previously).
- 9.75 Due to the locations of the poles, they would not be readily apparent from any nearby residential windows, nor would they reduce the pavement width.

Camden Poles 37A & B - Christchurch Hill/Well Walk (Hampstead Conservation area and listed buildings – no harm)

- 9.76 Pole A would be a 5.5m pole in the footpath verge adjacent to the eastern boundary wall of 16 Christchurch Hill. It would be located by the first brick pier of the wall to minimise visibility from the property. Pole B would be located diagonally opposite, adjacent to the boundary wall of 28 Christchurch Hill. Both poles are located in the Hampstead Conservation Area and have prompted an objection from the Hampstead CAAC.
- 9.77 The black cast iron railings running along the kerb edge from no.16 northwards up to 19 Well Walk (approximately 82m) are Grade II listed. The listing description states that they were installed in the 19th century, and describes them as 'fluted column standards with 2 round rails'. There are a number of streetlamps and parking signs more closely positioned within the setting of these railings, and the proposed pole, set back away from the kerb edge, would have no more impact on their setting or significance than the existing objects.
- 9.78 Pole A was moved further away from the Christchurch Hill boundary at Officers request to reduce its visibility within the wider streetscene and from the windows

of no.16. It was requested that pole B was combined with an existing one-way street scene, but due to the requirements of both the eruv and the traffic sign the poles could not be combined nor the one-way sign re-located. Nevertheless, the poles are not considered to cause harm to the character of the conservation area, as they would not impact the area's topography; Hampstead Heath; the range, excellence and mix of buildings; nor the street pattern – all elements which are described in the conservation area statement as contributing to the area's significance.

- 9.79 Due to the locations of the poles, they would not harm neighbouring amenity and would retain an adequate pavement width.

Camden Poles 38A & B - Willow Road/Christchurch Hill (Hampstead Conservation area – no harm)

- 9.80 An existing parking pole on the corner of Willow Road and Christchurch Hill would be moved slightly and extended to 5.5m high. Likewise, pole B would replace an existing parking pole which would be extended and relcoated to the rear of the pavement. The Hampstead CAAC have objected to both pole locations. Both poles are located in the Hampstead Conservation Area, on the southern edge of Hampstead Heath. Although the Heath is identified as contributing to the significance of the conservation area, given the use of existing parking signs which would prevent the introduction of additional street furniture, the proposed poles would not harm the character or significance of the conservation area.

- 9.81 Similarly, they would not harm pedestrian safety or neighbouring amenity.

Camden Poles 40A & B - Willow Road (Hampstead Conservation area – no harm)

- 9.82 Both poles would replace an existing parking pole which would be extended and relcoated to the rear of the pavement, and as such, would not harm the character of the Hampstead Conservation Area for the same reasons identified in the assessment of poles 38A and B. Likewise they would not harm pedestrian safety or neighbouring amenity. The Hampstead CAAC have objected, stating that the poles are 'disingenuous'.

Camden Poles 41A & B - Downshire Hill (Hampstead Conservation area and listed buildings – less than substantial harm)

- 9.83 Pole A would replace an existing parking pole which would be extended and relocated to the rear of the pavement and as such would not harm the character

of the Hampstead Conservation Area for the same reasons identified above, nor pedestrian safety and neighbouring amenity.

9.84 The wire would extend across Downshire Hill to pole B which is located to the rear of the pavement by the blank flank wall of 107 Southend Road. No.107, its neighbours nos. 103 and 105, the nearby streetlamp, and the attached railings running along the front boundary and part of the side boundary (fronting Downshire Hill) are all Grade II Listed. The Hampstead CAAC have objected to the location of poles A and B, stating that the poles are 'disingenuous'.

9.85 Pole B would sit adjacent to the rear building line of no.107 by the later 20th century single storey side extension which features a brick built, blank side elevation. The listing description describes the three houses as being built in the early 19th century, with a stucco finish and round-arched doorways with patterned fanlights and panelled doors approached by steps with cast-iron railings. The buildings' significance is considered to derive from their stucco-frontages, architectural detailing, long front gardens and railings and relationship with each other. The introduction of the pole to the rear of the more modern brick finished side extension to no.107 is not considered to harm their setting or significance. The pole would also be located some distance from the point where the railings terminate and join the brick boundary wall and as such would not harm the setting of the listed railings.

9.86 The pole would, however, interrupt the otherwise largely unobstructed views of the street lamp in this location, one of seven along Downshire Hill which are Grade II listed 19th century cast-iron streetlamps, some with original Windsor lanterns. As such, the pole is considered to cause **less than substantial harm** to this heritage asset. It is suggested that pole B is painted brown so that it is more in keeping with the brickwork behind and would be less visible behind the listed street lamp. This would be secured by condition should planning permission be granted (condition 4).

9.87 Due to its location, pole B would not be visible from no.107 nor would it harm pedestrian safety.

Camden Poles 42A & B - Keats Grove/South End Road (Hampstead Conservation area – no harm)

9.88 Pole A would replace an existing parking pole which would be extended and re-coated and as such would not harm the character of the Hampstead Conservation Area for the same reasons identified above, pedestrian safety or neighbouring amenity. The wire would extend across to the opposite site of Keats Grove to Pole B which would be located adjacent to the gas riser pipe to

the side elevation of 65 South End Road. The Hampstead CAAC have objected to Pole B, stating that it is unacceptable.

- 9.89 Pole B would introduce additional street street furniture in this location, but given its location adjacent to existing pipework it's visual impact would be limited and it would not detract from the architectural detailing of the building behind it. Consequently, it is not considered to harm the significance of the Hampstead conservation area. It would not be located directly in front of any residential windows but would be visible from the side windows of no.65. Although visible, it would not result in harm to the amenity of occupants of this building. Due to its location within a small recess, it would not impact the existing pavement width.

Camden Poles 43A, B, C & D - Heath Hurst Road/South Hill Park/South End Road (Hampstead Conservation area – no harm)

- 9.90 Pole A would be located to the south of 2 Heath Hurst Road and the wire would extend directly across the road to pole B adjacent to the north elevation of no.2. Pole C is located on the corner of South Hill Park and South End Road, which would connect to Pole D outside Hampstead Heath Station on the south side of South Hill Park. Pole C would replace an existing parking sign pole but the other three poles would be new 5.5m black poles. All poles are located in the Hampstead Conservation Area. Hampstead CAAC have objected to poles A and B. As stated previously, the significance of Hampstead Conservation Area derives from its topography; the Heath; the range, excellence and mix of buildings; the street pattern and Hampstead's historical association with clean water and fresh air. The proposed poles would not impact any of these characteristics and consequently are not considered to cause harm to the character and appearance of the conservation area.
- 9.91 The poles would not be directly in front of residential windows and due to their locations adjacent to the rear of the footpath, would not unacceptably narrow the public highway.

Camden Poles - 47A & B Savernake Road (Mansfield Conservation area – no harm)

- 9.92 Poles A and B would be 4m high, located adjacent to the railings either side of the pedestrian-only alleyway which leads to Parliament Hill from Savernake Road. Hampstead CAAC has objected on the grounds that they are obtrusive.
- 9.93 The poles are located within Sub Area 2 of the Mansfield Conservation Area. The conservation area statements describes the area's special interest as deriving from its residential character which is laid out on a loose grid pattern with long roads running from east to west and shorter roads running from north to south.

The proposed poles are not considered to harm the character or appearance of the conservation area given their location up a pedestrian alleyway, away from the long east-west thoroughfare of Constantine Road/Savernake Road identified as contributing to the significance of the conservation area.

- 9.94 Neither pole would cause harm to pedestrian flow or neighbouring amenity due to their proposed locations.

Camden location 48A & B - Gordon House Road bridge (Mansfield Conservation area – no harm)

- 9.95 A thin, clear, polycarbonate strip measuring 1.05m high would be fixed to each side of the bridge. A wire would not be needed to span the gap between them as the the bridge arch would perform this function instead.

- 9.96 Due to the location and limited visibility of these strips, they would not cause harm to the character and appearance of the Mansfield Conservation Area (in which fillet A is located), the significance of which is related more to the urban grain and street grid. Likewise, the fillets would not impact pedestrian safety or movement, or neighbouring amenity.

Camden location 49A & B - Spring Place bridge (no heritage assets)

- 9.97 A thin, clear, polycarbonate strip measuring 1.05m high would be fixed to each side of the bridge. A wire would not be needed to span the gap between them as the the bridge arch would perform this function instead.

- 9.98 Due to the location and nature of these strips, they would not cause harm to the character and appearance of the area, pedestrian safety or movement, or neighbouring amenity.

Camden location 50A & B - Grafton Road bridge (no heritage assets)

- 9.99 A thin, clear, polycarbonate strip measuring 1.05m high would be fixed to each side of the bridge. A wire would not be needed to span the gap between them as the the bridge arch would perform this function instead.

- 9.100 Due to the location and nature of these strips, they would not cause harm to the character and appearance of the area, pedestrian safety or movement, or neighbouring amenity.

Camden location 51A & B - Athlone Street bridge (no heritage assets)

9.101 A thin, clear, polycarbonate strip measuring 1.05m high would be fixed to each side of the bridge. A wire would not be needed to span the gap between them as the the bridge arch would perform this function instead.

9.102 Due to the location and nature of these strips, they would not cause harm to the character and appearance of the area, pedestrian safety or movement, or neighbouring amenity.

Camden location 52A & B - Wilkin Street Bridge (no heritage assets)

9.103 A thin, clear, polycarbonate strip measuring 1.05m high would be fixed to each side of the bridge. A wire would not be needed to span the gap between them as the the bridge arch would perform this function instead.

9.104 Due to the location and nature of these strips, they would not cause harm to the character and appearance of the area, pedestrian safety or movement, or neighbouring amenity.

Camden location 53A& B - Prince of Wales Road bridge (Inkerman Conservation area – no harm)

9.105 A thin, clear, polycarbonate strip measuring 1.05m high would be fixed to each side of the bridge. A wire would not be needed to span the gap between them as the the bridge arch would perform this function instead. Fillet A would be located in the Inkerman Conservation Area.

9.106 The Inkerman Conservation Area Statement describes the prevailing character of the area as residential, with incidental corner shops on ground floor level integrated with institutional, educational, light industrial and commercial uses. The majority of the buildings were built in the 1850s and 1860s and they form its core. The later buildings and the mix of uses give the area a lively diversity and mostly they have had a positive impact on the townscape and contribute to the character of the Conservation Area. Although the area has a cohesive overall identity each street within it displays different characteristics. Due to the location and limited visibility of these strips, they would not cause harm to these characteristics which contribute towards the significance of the conservation area, nor would they harm pedestrian safety or movement, or neighbouring amenity.

Camden location 54A& B - Clarence Way bridge (Harmood Street Conservation area – no harm)

9.107 A thin, clear, polycarbonate strip measuring 1.05m high would be fixed to each side of the bridge. A wire would not be needed to span the gap between them as the bridge arch would perform this function instead.

9.108 The Harmood Street Conservation Area Statement describes how the distinct quality of the conservation area is due to the relatively short period of development (1840s to the 1870s), with its terraces of small, well detailed houses, which remain largely unaltered and have a distinct 'cottage' character. Due to the location and nature of the proposed strips, they would not cause harm to these characteristics which contribute towards the significance of the conservation area, nor would they harm pedestrian safety or movement, or neighbouring amenity.

Camden Poles 55A, B & C - Chalk Farm Road (Conservation area and listed building – no harm)

9.109 Pole A would be located on Harmood Street adjacent to the western boundary of 35 Chalk Farm Road by the brick pier of the vehicular access gate by the Lock Tavern pub. The wire would cross Harmood Street to the eastern boundary of no.36 (which is locally listed) to a matching 5.5m pole at the rear of the footpath just beyond the rear wall of no.36. The wire would extend diagonally across Chalk Farm Road to the top of an existing pole fixed to the boundary wall of The Stables. Pole C is located in the Regent's Canal Conservation Area, near the Grade II* Horse Hospital within the Stables Market. As an existing pole would be used for location C, it would not introduce new street furniture in this location and would not harm the setting of the listed building, whose significance derives from its architectural interest and intactness, and historic interest and group value. The pole would not be located near Regent's Canal nor would it be visible from the canal (which is the reason for the designation of the area as a conservation area), and as such would not cause harm to the character and appearance of the conservation area.

9.110 Nos.36-37 Chalk Farm Road are locally listed 19th century commercial buildings, creating a notable corner landmark. Pole B would be located away from the principle elevation fronting Chalk Farm Road adjacent to the rear corner of the building. The pole would not interrupt any architectural features or detailing of the building and as such, is not considered to harm the appearance or character of the heritage asset.

9.111 Neither pole B or C would cause harm to pedestrian flow or neighbouring amenity due to their proposed locations.

Camden Poles 56A& B - Juniper Crescent bridge (Conservation area – no harm)

9.112 Poles A and B would be 1.05m high poles located either side of the bridge beneath the bridge arch overhang. Due to their height, they would be small and discreet and would not harm the appearance of the Regent's Canal Conservation Area given their distance from the canal itself, who's winding waterway and relationship with the buildings alongside it contribute to the significance of the area.

9.113 Due to the distance to the nearest residential property, it is not considered that they would result in any adverse impact on neighbouring amenity.

Camden Poles 57A& B - Bridge Approach (No heritage assets)

9.114 A clear nylon filament would be fixed by a jubilee clip to the top of the existing street lamp to the west side of Bridge Approach. The wire would extend across to pole B which would extend the existing street sign up to 5.5m high. Neither pole is located in a conservation area.

9.115 Due to the use of existing street furniture, they would not harm the character of the area, neighbouring amenity or pedestrian flow in this location.

Camden Eruv - Overall assessment of impact on built and natural environment

9.116 The overarching aim of Policies D1 and D2 are to secure high quality design that considers the character, setting, context and form of neighbouring buildings. Policy D2 seeks to ensure development preserves and enhances the character and appearance of conservation areas. CPG1 also provides detailed advice on acceptable forms of development.

9.117 Each pole has been assessed in terms of their impact on the streetscene and heritage assets (including their 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 to telecommunications equipment, the poles would be located to the rear of the pavement up against a wall or fence. They have been sited so as not to obstruct the pavement for pedestrians, people with buggies or wheelchair users.

9.118 As outlined in section 2.1, a number of revisions were made to the pole locations, with many poles being amended so that existing parking and traffic

poles could be utilised. By doing so, the visual impact of the proposed poles would be no worse than the existing situation. 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.

9.119 The poles would be constructed in metal steel. The applicant has agreed to paint the poles any colour the Council wishes. The Council's design guidance on painting of equipment requires it to be painted green or black depending on the context. Given the location of pole 28A in front of the Grade II listed Capo di Monte, and pole 41B adjacent to the brick wall of 107 South End Road, it is considered appropriate that these poles should be coloured to blend in with the buildings behind (secured by condition). Otherwise, it is considered acceptable for the remaining poles to be coloured black to match Camden's standard street furniture.

9.120 Policy C5 (Safety and Security) states that the design of streets, public areas and the spaces between buildings needs to be accessible, safe and uncluttered. Careful consideration needs to be given to the design and location of any street furniture or equipment in order to ensure that they do not obscure public views or create spaces that would encourage antisocial behaviour. Although the proposed poles would introduce additional street furniture, it is considered that given the scale and siting of the proposed poles they would not impact on the surrounding street scene or conservation areas. As such no objection is raised on grounds of design.

Camden Eruv - Overall Heritage assessment

9.121 It is recognised that the poles and wires represent additional street furniture that, in the case of pole 41B, would result in less than substantial harm to a heritage asset, as detailed in this report. As such it must be considered as to whether the public benefits of the proposal outweigh the significant weight that must be given to this harm. It is acknowledged that the harm identified would be to the locality and the setting of the relevant asset (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 the identified less than substantial harm.

Considerations relevant to application 2016/2892/P (North Westminster Eruv)

NW poles 15.1A &B - Hilgrove Road (no heritage assets)

9.122 Two 5.5m poles spanning Hilgrove Road, which is not located in a conservation area. Pole A would be located by the flank wall of Gillies House, where views of it from the residential windows would be blocked by the existing tree. Pole B would be located adjacent to an existing billboard.

9.123 The poles would be located to the rear of the footpath and would retain an acceptable pavement width, nor result in a significant adverse impact to neighbouring amenity.

NW poles 15A &B - Finchley Road (Listed building – no harm)

9.124 Pole A would be located to the north west elevation of Grade II listed Regency Lodge, and would cross Finchley Road to Pole B in front of Castleden House. Neither pole is located in a conservation area. Pole A would be located adjacent to the parade of shops fronting Finchley Road which the listing description describes as being much altered in the 20th century with the introduction of modern shopfronts. Despite this, the planning interest of the building is maintained, with the curved corner and flat single storey roofs. The proposed pole in this location would not impact this significance, nor harm this part of the heritage asset's setting.

9.125 Pole B would be located adjacent to an existing street lamp which would limit its visual impact.

9.126 The poles would be located to the rear of the footpath and would retain an acceptable pavement width. Pole B would be located adjacent to an existing lamp post and would not result in a significant adverse impact to neighbouring amenity and more than the existing situation.

NW poles 16A &B - Adelaide Road (Listed building – no harm)

9.127 The 5.5m poles would span Adelaide Road, with pole A located to the north of Court Close and pole B directly adjacent to the southern boundary of Grade II Listed Regency Lodge. Regency Lodge was first listed in 2006 and includes the flats and parade of shops fronting onto Finchley Road. It is a Moderne style development, constructed of brown and sandy buff bricks, with artificial stone bands and dressings with steel casement windows (many of which have been replaced). The building's significance derives from being a carefully designed

scheme of inter-war flats with a parade of shops and underground garage by the notable early 20th Century architect Robert Atkinson. The listing description describes the horizontal emphasis in the building's detailing as being characteristic of the Moderne style that suggests speed on this arterial route. It is well detailed, including bas-relief panels of the building trades, as well as having planning interest and it is comparable with the best of the commercial flats of its date.

9.128 The existing streetlamps on Adelaide Road near to the proposed location of pole B demonstrate the limited impact of street furniture on the setting of Regency Lodge. Given the size and architectural detailing of Regency Lodge which contributes to its significance, pole B would not be highly prominent and would not cause harm to the setting of the building. The poles are not located in a conservation area.

9.129 The poles would be located to the rear of the footpath and would retain an acceptable pavement width. Due to the location of pole A, and the screening from existing vegetation, it would not impact neighbouring amenity of occupants of Court Close. Pole B would be visible from some residential windows, but due to its location to the edge of the flank elevation, would not result in any significant adverse impact on residential amenity.

NW poles 17A & B - St Johns Wood Park (No heritage assets)

9.130 Pole A would replace an existing parking sign in front of Park Lodge. It would be positioned to the rear of the pavement which would not introduce any new street clutter or impact the width of the pavement. The wire would cross St Johns Wood Park to pole B in front of Boydell Court. Views of pole B from Boydell Court would be screened by the existing beech trees and hedging within the gardens of the building. Pole A would be visible from Park Lodge, but given the fact that it is combined with an existing parking pole, is not considered to impact neighbouring amenity.

9.131 The poles would be located to the rear of the footpaths and would retain an acceptable pavement width. They are not located in a conservation area and would not introduce an unacceptable level of street clutter.

NW Poles 18A & B – Avenue Road (No heritage assets)

9.132 Pole A would be located to the rear of the footpath adjacent to the right hand side brick pier of the bin enclosure at 95 Avenue Road. Pole B would be located in front of the UCL Academy railings on the north east side of the road, adjacent to a mature sycamore tree. Neither pole would be located in a conservation area, and are not considered to cause harm to the appearance of the surrounding area.

9.133 The poles would both be located on a wide stretch of pavement and would be sufficiently distanced from the nearest residential windows so as to not harm neighbouring amenity.

NW Poles 19A& B – Elsworthy Road/Avenue Road (No heritage assets)

9.134 Pole A would be located to the rear of the footpath adjacent to the landscaped bed to the flank of 56 Avenue Road. The wire would cross to the opposite side of the road to pole B adjacent to the boundary wall of 52 Avenue Road. Neither pole would be located in a conservation area.

9.135 The poles would be surrounded by a number of mature trees which would help to shield views of the poles. The poles would not be located near to any residential windows and would not result in an adverse impact to neighbouring amenity. Both poles would be located to the rear of the pavement retaining an adequate pavement width.

NW poles 20A &B – Elsworthy Terrace (Elsworthy Conservation Area – no harm)

9.136 The 3.5m high poles are located either side of the entrance to Primrose Hill within the Elsworthy Conservation Area. They are located in the planting bed in front of the black metal railings, and would be located within an area of existing street furniture along with a street lamp, railings, bike stands and bollards.

9.137 Elsworthy Conservation Area's significance derives from its spacious leafy streets and generously laid out plot sizes, complemented by areas of semi-private communal amenity space. The proposed poles would be set far enough apart so as to not appear to introduce excessive clutter in this location. The poles have also been spaced further apart at Officer's request so that they would benefit from existing tree cover to reduce their visibility. As such, the poles are not considered to harm the significance of this part of the Conservation Area, nor to impact its verdant character.

9.138 Following the relocation of the poles, they would not impact the usability of the existing cycle stands in this location. They would not impact or reduce the width of the footpath. It is not considered that the poles in this location, some distance from residential windows would result in any significant adverse impact on residential amenity

NW poles 21A &B - King Henry's Road/Primrose Hill Road (Listed building – no harm)

9.139 On King Henry's Road, pole B is located at the rear of the public footpath, in front of the flank wall of flats 6, 8, 10, 12, and joins with Pole A located to the left of the right hand end pier of the Elsworthy Court low level brick wall. Pole B would have a 50 x 50 mesh panel fixed to the rear of the pole to reduce the gap between the pole and the wall. Both poles measure 5.5m high.

9.140 The poles are not located in a conservation area, but Elsworthy Court which Pole A sits adjacent to is locally listed as well as the Elsworthy Road street sign. On the opposite side of Elsworthy Road, is the Grade II listed Parish Church of St Mary the Virgin. The Church is an impressive red brick building with stone dressings in the Early French Gothic style, which, together with Elsworthy Court, an imposing 20th century mansion block in the Queen Anne style, creates a well-marked entrance way to the Elsworthy Conservation Area beyond. Given the size and grandeur of these building, their significance does not rely on the adjacent streetscape. Furthermore, following Officer advice, the poles were relocated to push them both further back from the street junctions and reduce their visual prominence.

9.141 Considering the existing street furniture in these locations, the imposing size and architectural style of the heritage assets, the proposed poles are not considered to result in any harm to the heritage assets or their settings.

9.142 The poles would be located to the rear edge of the public highway and would retain an acceptable pavement width that wouldn't compromise pedestrian flow. The poles are not located directly in front of neighbouring windows and would not result in any significant adverse impact on neighbouring amenity.

NW poles 22A &B - Bridge Approach (No heritage assets)

9.143 A clear nylon filament would be fixed by a jubilee clip to the top of the existing street lamp to the west side of Bridge Approach. The wire would extend across to pole B which would extend the existing street sign up to 5.5m high. Neither pole is located in a conservation area.

9.144 Due to the use of existing street furniture, they would not harm the character of the area, neighbouring amenity or pedestrian flow in this location.

NW Poles 23A& B – Gloucester Avenue (Primrose Hill Conservation area and listed building – no harm)

- 9.145 Pole A would replace an existing parking pole which would be extended to 5.5m high and relocated to the rear of the pavement. The wire would extend across to Princess Road, where Pole B would sit immediately adjacent to the Grade II Listed Engineer Pub prompting an objection from the Primrose Hill CAAC. An existing parking pole would be utilised and relocated to the rear of the pavement and extended to 5.5m high.
- 9.146 The conservation area statement describes the area as being “made up of a series of well laid out Victorian terraces. It is residential in character, although there are a number of local industries, and it has its own shopping centres, a primary school and, because of the vicinity of Primrose Hill, is extremely well provided with open space”. The use and relocation of existing street furniture would not cause harm to these characteristics which contribute towards the overall significance of the conservation area.
- 9.147 The Engineer’s Pub was constructed c.1845-40 of brown stock brick with stucco ground storey and dressings. The listing description notes how the high stuccoed wall to the front elevation continues along Princess Road. Pole B would utilise and relocate an existing parking pole and would be set away from this stucco detailing, and as such is not considered to harm the setting or significance of the listed building.
- 9.148 The poles would not be positioned directly in front of any residential windows and would maintain an acceptable pavement width.

NW Poles 24A& B – St Mark’s Square (Conservation area and listed buildings – no harm)

- 9.149 Pole A would be located adjacent to the boundary wall and railings on the south side of Grade II Listed Vernon House (on the north east corner of the junction between St Mark’s Square, Princess Road and Regent’s Park Road). The wire would extend diagonally across the road to pole B adjacent to the north boundary wall of 4 St Mark’s Square which is also Grade II Listed (on the south west side of the junction). St Mark’s Church to the south east side of the junction is also Grade II Listed. The Primrose Hill CAAC objected to the location of these poles as they would harm major views, and views of a group of Listed Buildings, including St Mark’s Church.
- 9.150 All three corners of this junction feature large, mature trees which block significant views of each of the heritage assets, particularly so in summer with full leaf cover. The heritage assets’ urban setting is not considered to contribute

to their significance, but rather their individual architectural detailing (and relationship with the adjoining buildings in the case of 4 St Mark's Square and Vernon House). Furthermore, given the existing street furniture in this location (including telecoms cabinets, street lamps, signage and parking poles), the proposed poles are not considered to worsen this situation or cause harm to the setting of the listed buildings or their significance.

9.151 Pole A would be located forward of the front elevation of Vernon House, so may be visible in oblique views from these windows, but would not cause harm to their outlook. Pole B would be sufficiently distanced from the nearest residential windows so as to not impact their amenity.

NW Poles 25A – Prince Albert Road (Primrose Hill Conservation area and listed building – no harm)

9.152 Pole A would be located to the rear of the pavement adjacent to the boundary wall between 22 Prince Albert Road which is Grade II Listed and 23 Prince Albert Road in the Primrose Hill Conservation Area. The wire would extend across the road to pole B which is located in the London Borough of Westminster.

9.153 22 Albert Road forms a group of 3 semi-detached pairs of villas all of which are grade II listed. Their symmetrical facades and side porticoes with half round columns carrying a modified entablature are described in their listing description and are considered to contribute to their significance. The existing tree within the front garden of no.22 would sit behind pole A and reduce its visual impact. It is not considered that the pole would impact views of the listed building or an appreciation of its special characteristics which contribute to its significance. Likewise, the proposed pole location would not harm the spatial layout of these properties (identified as a special characteristic of the Primrose Hill Conservation Area, and as such, is not considered to harm the significance of the conservation area.

9.154 Pole A would be visible from the front windows of no.23, but would not cause harm to their outlook, nor would it reduce the width of the public highway.

North Westminster Eruv - Overall assessment of impact on built and natural environment

9.155 The overarching aim of Policies D1 and D2 are to secure high quality design that considers the character, setting, context and form of neighbouring buildings. Policy D2 seeks to ensure development preserves and enhances the character and appearance of conservation areas. CPG1 also provides detailed advice on acceptable forms of development.

9.156 Each pole has been assessed in terms of their impact on the streetscene and heritage assets (including their 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 to telecommunications equipment, the poles would be located to the rear of the pavement up against a wall or fence. They have been sited so as not to obstruct the pavement for pedestrians, people with buggies or wheelchair users.

9.157 As outlined in section 2.1, a number of revisions were made to the pole locations, with many poles being amended so that existing parking and traffic poles could be utilised. By doing so, the visual impact of the proposed poles would be no worse than the existing situation. 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.

9.158 The poles would be constructed in metal steel. The applicant has agreed to paint the poles any colour the Council wishes. The Council's design guidance on painting of equipment requires it to be painted green or black depending on the context. It is therefore considered appropriate for all poles to be coloured black to match Camden's standard street furniture.

9.159 Policy C5 (Safety and Security) states that the design of streets, public areas and the spaces between buildings needs to be accessible, safe and uncluttered. Careful consideration needs to be given to the design and location of any street furniture or equipment in order to ensure that they do not obscure public views or create spaces that would encourage antisocial behaviour. Although the proposed poles would introduce additional street furniture, it is considered that given the scale and siting of the proposed poles they would not impact on the surrounding street scene or conservation areas. As such no objection is raised on grounds of design.

North Westminster Eruv - Overall Heritage assessment

9.160 It is recognised that the poles and wires would result in the creation of additional street furniture. An assessment has been made for each pole location to determine the impact of this on nearby designated and non-designated heritage assets and their settings. When considering the impact of the proposed development on the significance of each heritage asset, great weight has been given to the assets' conservation. For the reasons outlined above, it is not considered that the proposed poles would cause any harm to the character and appearance or significance of the heritage assets in question.

Other Considerations relevant to both applications (2016/1436/P and 2016/2892/P)

10 Transport Impact

Street clutter

- 10.1 All of the proposed poles would be situated adjacent to existing walls or buildings and at the rear of the footway. This would serve to reduce their visual impact and lessen their impact on the width of the footpath than if they were located towards the kerb. The effect is also minimised as the posts are distributed in different streets as opposed to clustered in a single street. When reviewing each of the individual sites, it is considered the proposed poles would not create an overly cluttered street.
- 10.2 It is noted that a number of objectors have raised concern in regard to the additional street clutter; however, the poles would all be located to the back of the pavement area and where possible, located adjacent to existing lampposts, shop fronts, 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 overly bulky or take up large amount of pavement space.
- 10.3 It is therefore considered that the proposed developments would not add visual clutter that would be detrimental to the surrounding street scene or conservation area where applicable.

Highway Safety

- 10.4 The posts are proposed in locations where there would be no highway safety implications and no objection is raised in this regard. Objection has been received with regard to lorries and buses snagging the wire; however, 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.

Private Equipment on Public Highway and Maintenance

- 10.5 Most private equipment in the public highway belongs to public utilities that have a right to access their plant. The posts and wires should be installed by the Highway Authority 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 should 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 Authority's specification.

10.6 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 should be checked for structural stability annually, from the date the last post is installed and the report submitted to the Highway Authority. The posts should be maintained by the Highway Authority on behalf of the Eruv Company/ Synagogue who should pay the Authority based on the rates charged to it by its contractor plus an officer's time charged at 11%. The Eruv Company/Synagogue is to employ an approved contractor to undertake this work to a method of working approved by the Highway Authority. The Eruv Company/Synagogue needs to provide conformation to the highway authority that it has public liability insurance of 5 million pounds. The applicant should 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.

10.7 To ensure all of the above issues are secured, it is recommended that management plans are secured via Section 106 legal agreements.

Traffic

10.8 The Eton CAAC objected to the Camden Eruv on the grounds that the eruv may cause increased generation of traffic and associated parking around the Synagogue building. The EQIA has identified that eruvim are generally aimed at supporting existing communities within walking distance of the local synagogues. The proposed eruvim would be unlikely to result in increased numbers of people attending the synagogue from further distances, but rather, enable parents of young children, the elderly and disabled people to attend the Synagogue when they otherwise would be unable to. The proposed eruvim are therefore not considered to result in material increases in traffic or parking.

Highways Contribution

10.9 Given the development would involve works on the highway to install the poles, it is likely there would be some damage to the surrounding highway. As such financial contributions would be secured via Section 106 legal agreements for any repair works that may be required as a result of the developments. The total cost for implementing the eruvim would be £56,175.85 for the Camden Eruv and £19,581.56 for the North Westminster Eruv. This includes contingency and officer time.

11 Neighbour Amenity

11.1 Policies A1, A4 and CPG6 (Amenity) are relevant with regards to the impact on the amenity of residential properties in the area. Policy A1 seeks to protect the

amenity of Camden's residents by ensuring the impact of development is fully considered and that development protects the quality of life of occupiers and neighbours. This includes privacy, overlooking, outlook, implications on daylight and sunlight and noise disturbance.

11.2 When considering each individual pole, given their diameter no pole would impact on the daylight and sunlight enjoyed by residents living nearby to each pole. Nor would the proposals impact on the privacy enjoyed by neighbouring residents.

11.3 With regard to outlook, when initially proposed, Camden Eruv location 4 and North Westminster Eruv location 24 were located directly to the front of residential properties. These were not considered acceptable in terms of outlook, and revisions were sought to move the poles to an area where they would not be directly in front of a property.

11.4 In conclusion, the proposed developments would not result in any significant adverse impact on residential amenity.

12 Community Safety

12.1 Policy C5 seeks to make Camden a safer place promoting safer streets and public areas.

12.2 Some objectors have raised concern that the erubin would result in more racial attacks on Jewish people and anti-Semitic behaviour.

12.3 Officers do not consider that the developments would lead to an increase in racial attacks or anti-Semitic behaviour. As noted above the erubin 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.

12.4 Furthermore, it is important to note that there are five existing erubin which have been in existence for some years. The effect of these erubin has been analysed in the EQIA prepared during the determination of the Brondesbury Eruv (ref: 2014/2464/P, attached as Appendix 2) and that analysis demonstrates they do not affect the composition of the local population and have not increased racial attacks within the eruv area. It is important to remember that the erubin would not be advertised as such so their appearance would be subtle.

12.5 The Metropolitan Police's Designing out crime officer was consulted and raised no objections or comments in response to the applications.

13 Inclusivity

- 13.1 The applications raise considerations of equality, inclusion, diversity and community cohesion. Camden is experiencing increased diversity as the population increases and the demographics of the population changes, for example as households get smaller and people live longer. These changes increase the challenges to securing mixed, balanced areas with a sense of community, to reducing polarisation and to promoting equality of opportunity, all of which are Local Plan and Camden Plan strategic objectives.
- 13.2 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 applications, between the wider social benefits and any perceived harm arising from the eruv.
- 13.3 Policy A1 of the Camden Local Plan states that the Council will seek to ensure that the amenity of communities, occupiers and neighbours is protected (part a); 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 (part b)
- 13.4 London Plan Policy 7.3 (Designing out crime) states 'Boroughs and others 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' and (d) that 'places should be designed to promote an appropriate sense of ownership over communal space'.
- 13.5 The EQIA is thorough in its consideration of the possible impacts on the wider community. These are largely centred (para 2.18) around the 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 EQIA reflects (2.19) on the fact that representations received in response to the planning applications "demonstrate the concern of some residents that the eruv symbolically confers ownership of the public realm to one community". 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 ownership on the space. Common themes running through the responses received related 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.

- 13.6 At its most extreme it was stated in consultation responses that the clear association with one religious group could make the area contained within the erubin a target for extremist and terrorist activity.
- 13.7 Planning permission for the erubin 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 erubin who do not observe the Sabbath.
- 13.8 The applicant has confirmed that there has been an agreement in existence for over ten years between the United Synagogue, of which the applicant is a constituent member, and the London civic authority, for the installation of erubin. It is a requirement specified under Jewish law that there is an agreement with the civic authority for a community forming an eruv. This agreement is subject to planning permission. There is no further requirement for ceremonial/governmental proclamation leasing the enclosed public and private property to the Jewish community. The erubin would have no effect on land ownership. Notwithstanding any notional agreement, 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.
- 13.9 The 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 Eruvin, as demonstrated in the analysis in the Brondesbury Eruv EQIA (Appendix 2, page 11). There is likely to be a balance of factors which influence the extent to which members of the Orthodox community decide to move to a newly created Eruv, which in this case would spread across four neighbouring London boroughs. These include such factors as house prices, proximity to synagogues etc. However the Brondesbury Eruv EQIA sets out (para. 3.20) that a comparison of Census data for Barnet from 2001 and 2011 suggests that there is no clear data to support the view that the Orthodox Jewish community increase their local proportion of the community through moving into areas denominated as Eruvin.
- 13.10 The EQIA identifies (2.24) that “the erubin have the potential to alter the way other faith communities or people with no belief perceive public space, in particular the universal values it embodies. This could affect public attachment and commitment to the space, potentially undermining its future potential. This impact would arise where people perceive an open space as being closely associated with an individual group or community.”
- 13.11 It is identified above that the physical indicators of the erubin through the poles and wires would be low key. Consultation responses identify that the new street

furniture would highlight the presence of the erubin 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. However, on the Sabbath the presence of a greater proportion of the Orthodox community on the streets would increase the opportunity for changing perceptions about the role of the erubin in enabling their increased visibility.

13.12 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 erubin and indications that they would be perceived as an erosion of the plurality of the public realm. However the EQIA identifies that there is no specific evidence to indicate a direct link between erubin and an increase in anti-Semitic behaviour or violence.

14 Other considerations

14.1 Objection has been raised on grounds of the impact on local wildlife, as birds may fly into a hazard they can't see. However, there is no evidence to support this objection.

14.2 Concern has been raised by some residents that this would set a precedent for other religious groups to apply for similar developments. Should any other religious groups require a similar structure, this would likely be subject to planning permission which would be assessed on its own merits.

14.3 Some objectors have raised concern with regard to the impact on house prices within the area that would be included within the erubin. House price is not a material planning consideration and as such has no impact on the determination of the application.

14.4 Objections have also been received with regard to whether the Council has the legal or any other authority to grant the Eruv. In planning terms, the Council has the authority to grant planning permission for the structures of the poles and the wire. The highways department would have the authority to grant licences for the applicant to construct the poles on the public highway which is subject to a separate process.

14.5 Objections were raised following the re-consultation of the revised pole locations that the Council failed to consult as they are required to do so. Site notices were displayed by all proposed pole locations when the applications were originally registered in 2016. Following lengthy discussions between the applicant and Council, revised drawings were received in February and May 2018. Each revised pole location was re-consulted and new site notices were displayed

adjacent to the new pole locations. Poles which had not changed since the initial consultation exercise were not re-consulted.

15 Conclusion

- 15.1 Due to the nature of the proposed development and the public sector equality duty as set out at section 149 of the Equality Act, an Equalities Impact Assessment (EQIA) has been undertaken which is appended to this report. The EQIA considers the impact on protected groups and recommends measures to minimise the likelihood of community tensions and misunderstanding of the religious context and the applicant should be encouraged to undertake a robust programme of publicity and engagement to explain the function of an eruv to the wider community. To ensure this happens Community Engagement Plans be secured via Section 106 legal agreement for each development. In completing the EQIA it has been identified that the material planning considerations are that of land use, design, transport impact, neighbour amenity, community safety and inclusivity.
- 15.2 In land use terms the proposed developments would not materially change the use of the land. The public and privately owned land would continue to accommodate a mixture of uses.
- 15.3 All poles have been sited in such a manner as to minimise the impact on the surrounding street scene and would either not cause harm, or where harm is identified, this would be less than substantial, to the character of Conservation Areas or the setting of designated heritage assets. Where less than substantial harm has been identified, it is considered that this would be outweighed by the public benefits of the proposals to the Orthodox Jewish community.
- 15.4 Nor would the developments impact on the highway network. With poles located to the rear of the pavement and of an appropriate height they would not interrupt pedestrian or traffic flow. To ensure the works in the highway are suitably maintained without cost to the Council, Section 106 legal agreements would secure a highways contribution for any damage incurred to the pavement area as a result of the developments, and management plans for long term maintenance.
- 15.5 Following revisions to some locations, there would be no impact on neighbour amenity and, given the physical nature of the proposed poles/wires, the developments would not harm levels of light, outlook or privacy enjoyed by existing residents.
- 15.6 In respect of community safety and inclusivity, officers consider there is no evidence to suggest that eruv result in a rise in racial attacks or anti-Semitic

behaviour. There is also no evidence to suggest that they would alter the balance of the community by attracting or alienating a particular racial or religious group.

15.7 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 Orthodox Jewish community. It is accordingly recommended that planning permission be granted for both applications subject to conditions and S106 Legal Agreements covering the following Heads of Terms:-

- Highways contribution (£56,175.85 for the Camden Eruv and £19,581.56 for the North Westminster Eruv).
- Management Plan
- Community Engagement Plan

16 LEGAL COMMENTS

16.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

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

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

16.2 Members are also referred to the note from the Legal Division at the start of the Agenda.

17 Conditions – Camden Eruv – 2016/1436/P

1	<p>This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>868.001 rev. B, 868.002 rev. B, 868.01 rev. B, 868.02 rev. B, 868.03A rev. C, 868.03B rev. C, 868.04A rev. B, 868.04B rev. B, 868.05A rev. B, 868.05B rev. B, 868.06 rev. B, 868.07 rev. B, 868.08, 868.23 rev. A, 868.24A rev. B, 868.24B rev. B, 868.25A rev. A, 868.25B rev. B, 868.26 rev. C, 868.27A rev. B, 868.27B rev. B, 868.28A&B.1 rev. A, 868.28C&D.1 rev. A, 868.30 rev. C, 868.31A rev. A, 868.31B rev. A, 868.31B rev. A, 868.32A rev. B, 868.32B rev. B, 868.33A rev. B, 868.33B rev. B, 868.34A rev. C, 868.34B rev. D, 868.35A rev. C, 868.35B rev. C, 868.37A rev. D, 868.37B rev. D, 868.38A rev. B, 868.38B rev. B, 868.40A rev. A, 868.40B rev. A, 868.41A rev. B, 868.41B rev. C, 868.42A rev. B, 868.42B rev. B, 868.43A rev. D, 868.43B rev. D, 868.43C rev. D, 868.43D rev. D, 868.47A, 868.47B, 868.48 rev. A, 868.49 rev. B, 868.50 rev. C, 868.51 rev. A, 868.52 rev. A, 868.53 rev. D, 868.54 rev. A, 868.55A rev. D, 868.55B rev. D, 868.55C, 868.56 rev. B, 868.57 rev. A, 868.61B rev. B, 868.SK.53 and Design, Heritage, Social Cohesion and Access Statement ref: C.868.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Pole 28A hereby approved must be painted white to match the side elevation of Capo di Monte.</p> <p>Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.</p>
4	<p>Details (including RAL number) and a sample of the paint colour for Pole 41B demonstrating a suitable match to the brick side wall of 107 South End Road shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun.</p> <p>Reason: In order to safeguard the special architectural and historic interest of the building and streetlamp in accordance with the requirements of policy D2 of the Camden Local Plan 2017.</p>

18 Informatives - Camden Eruv – 2016/1436/P

1	Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
2	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
3	Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

19 Conditions – North Westminster Eruv – 2016/2892/P

1	<p>This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>881.001 rev. B, 881.002 rev. B, 881.15 rev. C, 881.15.1, 881.16 rev. A, 881.17A EAST rev. A, 881.17B WEST rev. A, 881.18A WEST, 881.18B EAST, 881.19A NORTH, 881.19B EAST, 881.20 rev. B, 881.21 rev. B, 881.22 rev. A, 881.23 rev. D, 881.24 rev. A, 881.25A rev. A, 881.51A and Design, Heritage and Access Statement ref: NWE.881.</p>

	Reason: For the avoidance of doubt and in the interest of proper planning.
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20 Informatives - North Westminster Eruv – 2016/2892/P

1	Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
2	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
3	Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

APPENDIX 1 – Equalities Impact Assessment

Equalities Impact Assessment

Camden Council

What is an Equality Impact Assessment?

An Equality Impact Assessment (“EIA”) is a way of analysing a proposed organisational policy or decision to assess its effect on people with protected characteristics covered by the Equality Act 2010*. To meet the Council’s statutory duty the EIA should also address issues of advancing opportunities and fostering good relations between different groups in the community.

The Council has a strong tradition of ensuring equality both in terms of service delivery and within its workforce. To help us maintain this tradition it is essential that you start to think about the EIA process before you develop any new activity or make changes to an existing activity. This is because the EIA needs to be integral to service improvement rather than an ‘add-on’. If equality analysis is done at the end of a process it will often be too late for changes to be made.

The courts place significant weight on the existence of some form of documentary evidence of compliance with the Public Sector Equality Duty* when determining judicial review cases. Having an EIA as part of the report which goes to the decision makers and making reference to the EIA within that report helps to demonstrate that we have considered our public sector equality duty and given “due regard” to the effects the decision will have on different groups.

The EIA must be considered at an early stage of the formation of a policy/decision and inform its development, rather than being added on at the end of the process. The EIA form should be completed and updated as the policy / decision progresses and reviewed after the policy or change has been implemented.

If a staff restructure of organisational change is identified as necessary following the review of an activity then an EIA needs to be completed for both stages of the process, i.e. one when the activity is reviewed and one when the restructure or organisational change is undertaken.

Please note all sections must be completed. However the obligation is to have due regard and it may be that while an issue requires the completion of an EIA, the matters at hand may not lend themselves to some of the obligations, for example fostering good relations. As long as this has been properly considered it is legitimate to conclude that this cannot be applied in a particular case.

*Please read the notes at the end of this document.

Name of proposed decision/policy being reviewed:

Erection of pairs of poles with clear wire between them to form the Camden and N Westminster Eruvin

Question 1

What is changing and why?

If the issue is going for decision, e.g. at Cabinet meeting, what are the decision makers being asked to decide? If you are reviewing a policy what are its main aims? How will these changes affect people?

1.1 Proposed changes – The Equality Impact Assessment (EIA) considers the impacts of an eruv on individuals or groups with protected characteristics. An eruv is a symbolic boundary consisting of natural and manmade objects within which members of the Orthodox Jewish community can carry or push objects on the Sabbath and certain holy days that would otherwise be forbidden by Torah law (Halakha). The eruv is a symbolic demarcation extending the private domain/home into the surrounding public realm.

1.2 It is a totally continuous boundary without a break. Gaps in the boundary are required to be “closed”. In these applications this is achieved through poles with a wire lintel placed over the top of the poles. This forms the doorposts of a ‘gateway’, however there is no requirement for any gates to be fitted. Utility poles are often not able to substitute for the eruv as the connecting wire is not supported directly above the top of the posts (this is a requirement for the eruv ‘crossbeam’).

1.3 The EIA will be used to inform the preparation of the officer’s report and the decision making process.

1.4 The Camden Eruv is located entirely within the borough boundary, but it would join the existing North West London Eruv (which covers 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.

1.5 Two different types of poles are proposed, measuring either 1.05m, 3.5m, 4m or 5.5m in height. The poles 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. Where poles are located within conservation areas and in the settings of listed buildings, it is proposed to install poles that taper from 101mm at the base to 38mm. A lower height would be adopted for public footpaths (3.5m or 4m), and 1.05m poles would be used under a bridge (whereby the roof of the bridge negates the requirement for the nylon line).

1.6 The key planning issues for consideration relate to land use, design and conservation, transport impact and highway safety, neighbour amenity, community safety, and inclusivity.

Notes to Question 1

- Summarise briefly and precisely just what the decision is about. In particular what changes will happen if this decision is agreed and put into effect? What happens now and what will happen in the future? What will be different?
- **Do not cut and paste the report or policy** but concisely restate it, considering equalities issues directly against the facts
- **Focus on the impacts on people** e.g. the users of any facility or service.

Question 2

Who will be affected by this decision and how?

In particular do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

2.1 Groups likely to be affected – the Jewish community (Orthodox and non-Orthodox Jews), other faith groups (Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh, Zoroastrian); secular groups (agnostic, atheist and humanist), disabled people, the elderly, young children and parents of young children, women and LGBTQ+ (Lesbian, Gay, Bi-Sexual, Transgender, and anyone who doesn't identify as straight or cisgender).

2.2 The purpose of the EIA is to consider how the proposed changes could impact on protected groups, taking into account the needs and rights of different members of the community. The potential positive and negative impacts on each protected group is assessed below.

Age

2.3 For the Orthodox Jewish community there would be a positive impact for pre-ambulant children who would be able to take a full part in the social and spiritual life of their community. The obligation for carers to remain at home to look after their children would be removed. Older residents reliant on mobility aids would be able to walk to the Synagogue to observe their faith. They would also be able to walk to friends' and families' homes. Users of medication would be able to carry their medication. This would potentially strengthen family bonds and community cohesion within the Orthodox Jewish community. Without the erubin (plural) all these groups would be unable to leave their home and mix with others on their primary holy day.

Disability

2.4 Disabled people and people with reduced mobility (users of mobility aids) in the Orthodox Jewish community are affected by the prohibition on carrying. This includes wheelchair users. The erubin would allow some of the most vulnerable people in the Orthodox Jewish community to be able to fully participate in the social and spiritual life of their community. The erubin would also remove the reliance on carers where they are needed to support people in the home.

2.5 A common concern regarding the installation of street furniture/objects in the public realm is that they can cause an obstruction or safety hazard for disabled people. While this is a potential negative impact, this concern can normally be overcome through consideration of the siting of poles through the development management and highways licensing processes.

Gender reassignment

2.6 Acceptance of transgender persons in the Orthodox community is a source of controversy. The transgender population – including transgender Orthodox Jews – may be concerned about the apparent symbolic appropriation of the public realm as a private domain, particularly if this would promote less lenient or traditional attitudes towards their community.

2.7 There is the possibility that the presence of an eruv will cause harm or distress to people who

are proposing to undergo, undergoing or have undergone the process of changing their sex. This is because it may potentially be read as a symbol of Jewish Orthodoxy which is generally opposed to gender reassignment. Recognition and acceptance is a huge concern for all transgender people.

2.8 The erubin would help overcome the disadvantage being experienced by some of the Orthodox Jewish population with protected characteristics but it is unlikely to be able to substantively address the issues around the inclusion of transgender residents.

Marriage and civil partnership

2.9 Confirmation of same-sex unions remains controversial (as in most other faith communities). The adherence of Orthodox Judaism to traditional values may not accord with the wider community. People in civil partnerships or married to a same-sex partner may be concerned about the apparent symbolic appropriation of the public realm as a private domain, particularly if this would promote less lenient or traditional attitudes towards their community. It is considered there may be particular anxiety as same sex marriage in England has only very recently gained legal recognition despite continuing resistance from faith leaders to officiating and/or recognising the legitimacy of gay marriage.

2.10 The erubin would not confer any particular benefit for wedding ceremonies: Jewish weddings can occur any day of the week except the Sabbath and particular mourning periods in the Jewish calendar.

2.11 The erubin would help overcome the disadvantage being experienced by some of the Orthodox Jewish population with protected characteristics but recognition of same-sex marriages would be unchanged.

Pregnancy and maternity

2.12 There would be a benefit for young Orthodox Jewish mothers who would be free to leave the home on the Sabbath. Parents would be able to use a pram or pushchair to carry a young child. Young mothers would be able to take a more active role in the social and spiritual life of their community.

Race

2.13 The benefits of the erubin would principally fall to the Jewish population. There is a complex relationship between ethnicity and religion - the vast majority of impacts which are likely to relate to colour, race, nationality, or ethnic or national origins are considered under the protected characteristic of religion. It is recognised that many minority ethnic communities in London have relatively large populations which are religiously observant and there are now a far greater number of faiths represented in the capital. Accommodation of the erubin in the public realm may be seen more broadly as an acceptance of the needs of distinct communities.

Religion or belief

2.14 There would be benefits for the Orthodox Jewish community in accessing their place of worship and support networks (as described under other protected characteristics for women, young children, older people and people with disabilities). Respect for and submission to Jewish law is a central and indispensable feature to traditionalist Jewish life and there would be a benefit

from the community being more cohesive as families would be able to attend the Synagogue together. The precise degree of benefit for any individual or family will, however, vary according to levels of observance.

2.15 It is acknowledged that for many Orthodox Jews (and people of all faiths) their religious life is a very important part of their identity. Faith can become indivisible from one's personality. Its associational aspect provides a source of empowerment, belonging and connection and helps to bond together the community. This more generally contributes to social stability and it is recognised that Camden's success and prosperity is built on its very high level of diversity with a complex mix of faith communities. The presence of multiple faith communities is part and parcel of Camden's sense of pluralism. Many of these communities provide a range of social support functions supplementing provision by the Council and other public sector bodies.

2.16 It is clear that the eruvim are intended to provide positive impacts for a faith community, that they have a religious purpose and there is no intention to constrain or limit the actions of people of other denominations and faiths, or the wider community. It does not prevent other communities from practicing their faith or accessing any areas of the public realm.

2.17 The proposal deals very specifically with the installation of equipment in the public domain which would allow members of the Orthodox Jewish community to attend the Synagogue arising from a very specific element of Jewish law. It is not relevant for the EIA to consider other practices of the Orthodox Jewish community as these are unaffected by the proposal. However, it is possible, with the presence of other eruvim in North London, that it will be harder for the Synagogue to sustain attendance when other facilities provide the opportunity for family members to attend a synagogue collectively.

2.18 For the wider community – people from other Jewish denominations, other faiths, or with no faith – the presence of an eruv can be problematic as the identity and character of the area can be perceived to have changed in a material way. A pre-requisite of the eruv is its enclosure of secular, public space (e.g. the public highway) with the intention that this space is 'contracted' for as long as it is required. The eruv boundary symbolically forms a 'wall' with gaps in this wall becoming 'gateways'. This contributes to the sense of demarcated or zoned territory in which public space assumes a new identity and becomes associated with a distinct set of values and practices. The enclosed space is a private domain separate from the extant public areas outside. Where an eruv includes residents who are not Jewish or not observant the enlargement of the private domain is contingent on the symbolic 'rental' of public space ('sechiras reshus') from a landlord/public body.

2.19 Representations to the planning application demonstrate the concern of some residents that the eruvim symbolically confer ownership of the public realm to one community (which the Census data analysed as part of the Equality Impact Assessment prepared for the Brondesbury Eruv planning application suggests is a very small minority of the overall population). The public space could be seen as belonging symbolically to a single denomination of one faith community. A particular grounds of objection to the proposal is that the prohibited activity is one which is permitted under UK law – this argument seems to question the Orthodox Jewish community's treatment of laws applicable to the whole community. It is also queried that the eruv is being used as a device to circumvent Jewish laws and tradition. If such flexibilities can be applied to the prohibition on carrying, an argument can be made why further leniency cannot be applied obviating the need for an eruv at all. A wider concern is the perceived ascendancy of more traditional and strict forms of religious practice into public life. This view is highly based upon the idea of common bonds uniting Camden residents which may, at times, justify a constraint upon religious freedom. The London

Plan (and Camden Local Plan) acknowledges that tensions can exist between meeting the needs of a faith community and sustaining a cohesive community with shared values - the decision maker on a planning application (the committee in this case) has to establish where the appropriate balance lies.

2.20 It is also clear from the representations that some residents (significantly non-Orthodox Jews) consider their lives will be unaffected by the installation of the erubin. This neutral or supportive view points to the applicant's acceptance of liability and the cost of installing and maintaining the eruv and the legal protections for the Council (e.g. the ability to require the removal of the equipment to facilitate highways works).

2.21 Central to this proposal is whether public space would assume any religious function, or could be perceived to, and whether this is appropriate. Outdoor public spaces (including Camden's parks, amenity land and town / neighbourhood centres) are where the whole community can gather and undertake a wide range of activities. Public space is cherished because it enables this chance for people from all backgrounds to interact. Historically, in some instances access to public open spaces has been hard won as people from disadvantaged backgrounds have sought to enjoy the recreational and leisure benefits which were once the preserve of elites. Part of the character of public spaces (large and small; designated or undesignated) is their availability and accessibility to all with no individual or group exercising pre-eminence in this space. It is this inclusive quality and the links between public space and levels of social capital which underpins the concepts of a 'liveable city' or 'lifetime neighbourhood'.

2.22 The Council's policy statement on memorials and public works of art is not directly applicable to the erubin. However, it is instructive how this statement has sought to embody the norm that public space is a shared resource belonging to all. Various criteria must be met before a memorial or public work of art can become a permanent fixture in a public space. The policy takes into account an overconcentration/ the saturation of these structures in individual locations. Public works of art should contribute to the 'look and feel' of the area and should be "unique to the site" and "accessible to all". Memorials are expected to provide a 'direct link' to the local area through celebrating or honouring the memory of a person or event relating to Camden's past. The suitability of a proposal is, in part, tested against evidence of public support and consensus. Further, in the case of memorials, there is a specific protection to allow the Council and community time to reflect upon and adjust to the full ramifications of a scheme ('the 20 year principle'). This approach to installing artwork and memorials is indicative of the high degree of care which is taken to ensure changes to the public realm can appropriately balance the interests of the whole community.

2.23 Similarly the way public bodies (including the Council) issue permits or licenses to facilitate the use of public space (e.g. for a street party or sports event) illustrates the balance between a space's primary purpose and the needs of individual groups. An event can very substantially change the way a space is used (and who might use it) and how it is perceived for a time but this is considered acceptable as the wider public would be able to use the space for its intended purpose at most other times. Another circumstance is when the Council installs street furniture in the public realm such as benches and rails. Quite often this will help in reducing a disadvantage experienced by people with protected characteristics of age (children and older people), pregnant women and/or the disabled. Such renewal or improvement works benefit people with these protected characteristics from any background and indirectly may provide a benefit for the whole community (e.g. seating for the elderly can be used by people of all ages and provide surveillance and security). The erubin would become a permanent feature but would only benefit one denomination (albeit the largest) of a single faith community.

2.24 The eruv have the potential to alter the way other faith communities or people with no belief perceive public space, in particular the universal values it embodies. This could affect public attachment and commitment to the space, potentially undermining its future potential. This impact would arise where people perceive an open space as being closely associated with an individual group or community. This would be particularly detrimental if local people felt they did not have a sufficient say in whether such a symbolic entity is created. The proposal would require the installation of the eruv equipment near to private homes and notionally relies on the boundary of private properties becoming part of the symbolic 'wall'. This means the physical and perceptual impacts may be experienced from the vantage point of private residences, potentially in streets with no Jewish population. However, it is also likely that for some residents the manifestation of religion in the public domain (regardless of its form, location, or the faith it is intended to serve) would be resisted because religious practice is generally viewed as problematic or inconsistent with the ideals and values of a modern and largely secular society. This is likely to affect acceptance of any mitigation measures, such as changes to the colour or design of the poles to make them less visible, for example.

2.25 The eruv raise an issue of personal choice and freedom for the wider community – once an eruv has been established there is no easy mechanism by which residents can simply opt out from being part of a private domain. But there is also a case for arguing that the eruv would be an expression of tolerance and solidarity between communities – if sufficiently viewed in this way it could help bind the local community together. From this perspective, the eruv could facilitate a culture of reciprocity across communities, although this benefit is perhaps most likely to arise between different faith communities.

2.26 A concern sometimes cited about eruv is that they might incentivise changes in the population within the enclosure. It is argued an eruv might encourage Orthodox Jews to move into the area progressively leading to the population of this community becoming proportionately larger. An extension to this argument is people from other Jewish denominations, faiths or holding secular views start to leave the area as its character (e.g. range of facilities and services) starts to change. However, a comparison of data from the 2001 and 2011 Census (see appendix B) suggests the potential of these trends has not been borne out in practice in the Barnet example (it is not possible to analyse other eruv in England over this time frame as they have become operational much more recently. With far more eruv, either operational or planned in Jewish communities in London (and surrounding areas) the need for Orthodox Jews to move residence doesn't appear to exist. The presence of eruv internationally in countries with significant Jewish populations suggests it is also unlikely that the eruv would promote inward migration from abroad.

2.27 In summary, there would be a benefit for the Orthodox Jewish community to observe their faith together on the Sabbath. For some members of other denominations, faiths, and the wider community – based upon the representations to the planning application – there would be a negative impact in the way the area within the eruv is perceived and the pre-eminence this is seen as conferring on a single community. For all residents in the eruv and in other potential eruv in Camden, the proposal raises difficult questions about the function and meaning of public space and whether Camden's essence and unity would be impacted by the public realm assuming a religious role at least in some locations (and partly facilitated in doing this by the Council). This proposal simultaneously raises questions about the scope of universal values shared across the whole of Camden's population and the weight that must be attached to these. There is no evidence relating to the population impacts arising from an eruv being refused planning permission- the longest operational eruv in the London Borough of Barnet (North West London Eruv) has not

resulted in a significant change in the area's population profile.

Sex

2.28 As women tend to undertake caring responsibilities within the Orthodox Jewish community, there would be positive impacts for them. Families with young children would be able to attend the Synagogue together providing a social benefit and reducing isolation.

2.29 Women of other faiths and denominations, or women with no faith, may experience distress or offence caused by the installation of the erubin. This is because it may be read an expression of traditional values. This includes the need for women to dress modestly, the prevalence of arranged marriages within Hasidic culture and the preference for women to sit apart from men in the Synagogue. While there is a benefit relating to the inclusion of Orthodox Jewish women, their role in their faith community will continue to be more limited compared to the levels of participation and recognition experienced by women of some other denominations and faiths. Consent for the erubin is unlikely to change this situation in any material way.

Sexual orientation

2.30 Acceptance of LGBTQ+ people and their rights varies across faith communities and denominations. There is no evidence that the erubin would lead to any discriminatory effects in the public domain as the rights of LGBTQ+ people are protected under UK law and there is no evidence linking Orthodox Jews with hate crime.

2.31 There may be benefits for observant LGBTQ+ Jews in being able to follow their faith when they were otherwise unable to, e.g. where they are unable to leave their home to attend the Synagogue because of infirmity.

2.32 LGBTQ+ communities may regard the erubin as a symbol of discrimination owing to the adherence in Orthodox Judaism to traditional instruction and practices. The Torah law specifically forbids homosexual intercourse and considers it to be sinful. This clearly creates a dilemma for LGBTQ+ Orthodox Jews in being able to reconcile their sexual identity with their spiritual faith. While LGBTQ+ Jews may be welcome to join the congregation at a synagogue, their status remains a source of controversy (as in other faith communities). There is particular opposition in Orthodox Judaism to same-sex marriages and the ordination of homosexual rabbis and cantors.

2.33 Some rabbis discourage gay Jews from being open about their sexuality. Outside the UK, there is evidence that traditional/conservative views can sometimes be accompanied by strident rhetoric condemning gay lifestyles and immorality. This has included ideas that heterosexuality can be 'restored' through intensive support, therapy or treatment. This is clearly deeply offensive to many in the LGBTQ+ community.

2.34 Consent for an eruv (however discreet it may appear in the streetscene) may lead LGBTQ+ people to read the public realm as a less congenial environment in which they are able to conduct their day-to-day lives, particularly on the Sabbath. In particular, LGBTQ+ residents may be inhibited from expressing themselves freely by the increasing visibility of Orthodox Jews. This is a significant perceptual impact and closely linked to the potential for the wider community's perceptions and use of public spaces to be transformed by this proposal – discussed above.

2.35 However, it is accepted that some LGBTQ+ people will simply be unaware of the erubin or

choose to ignore their presence. They will not be distressed by it, even if they reject aspects of Orthodox Jewish teaching. This reaction will be shared by a cross section of the local community although it is hard to measure. It is also noted that LGBTQ+ people are likely to already be aware of Orthodox Jews attending the Synagogue in the proposed eruv areas – this will continue to be the case. LGBTQ+ communities enjoy protections under UK law: the eruv does not confer any powers on Orthodox Jews to control other communities from going about their everyday lives. There is no evidence that Orthodox Jews seek to restrict or directly discourage LGBTQ+ people from using the public realm in which the eruv incorporates. There is also no evidence linking the perpetration of hate crimes to Orthodox Jews.

2.36 Note: in the case of all the protected characteristics, any effect arising from a particular impact will vary depending on an individual's level of observance. A particular reaction may be very personal to the individual and is not necessarily shaped or shared with any organised religion to which they may belong.

2.37 The EIA deliberately focusses on commonalities drawing on the representations made to date on the proposal and desk-based analysis. The protected characteristics are themselves broad constructs. It is accepted this emphasis towards potential impacts shared by significant numbers of people could mask the true diversity of impacts.

Notes to Question 2

- Here use data to show who could be affected by the decision. Consider who uses the service now and might use it in the future. Think about the social mix of the borough and of our workforce.
- If available use profile of service users and potential users / staff by protected groups: (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation). You could consider the following:
 - Take up of services, by protected group if available;
 - Recommendations from previous inspections or audits;
 - Comparisons with similar activities in other departments, councils or public bodies;
 - Results of any consultation and engagement activities broken down by protected groups (if available) - sources could include, complaints, mystery shopping, survey results, focus groups, meetings with residents;
 - Potential barriers to participation for the different protected groups;
 - National, regional and local sources of research or data – including statutory consultations;
 - Workforce equality data will be provided by your HR change adviser for organisational change / restructure EIAs and
 - For organisational change / restructure EIAs include the results of any consultation or meetings with staff or trade unions.
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible.
- If there are gaps in equality information for some protected groups identify these in this section of the form and outline any steps you plan to take to fill these gaps. Consider:
 - Any relevant groups who have not yet been consulted or engaged;
 - Whether it is possible to breakdown existing data or consultation results by different protected groups;
 - If you are conducting an organisational change / restructure EIA and there are data gaps consider asking affected staff to update their details on Oracle.
- We are under a legal duty to be properly informed before making a decision. If the relevant data is not available we are under a duty to obtain it and this will often mean some consultation with appropriate groups is required.
- Is there a particular impact on one or more of the protected groups? Who are the groups and what is the impact?
- Consider indirect discrimination (which is a practice, policy or rule which applies to everyone in the same way, but has a worse effect on some groups and causes disadvantage) - for example not allowing part-time work will disadvantage some groups or making people produce a driver's licence for ID purposes.

Question 3

Does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, promote equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

3.1 The proposals would not reduce or impact key services currently being delivered by the Council.

3.2 The proposals would result in a positive impact on the Council's duty to advance equality of opportunity, namely, the need to remove or minimise disadvantages suffered by persons who share a protected characteristic and encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low; in this instance, those members of the Jewish community who observe the Jewish Law against carrying on the Sabbath would benefit. There would be benefits to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

3.3 No single group would be disadvantaged by the eruv and there is no evidence to suggest that the presence on an eruv has resulted in harm to members of other protected groups outside the Jewish community or adversely affected social cohesion. However, the limitations of being able to tangibly measure this are acknowledged given the range of complex factors that may affect the potential or perceived impacts.

Notes to Question 3

- Here, think about our other duties (see the notes at the end) and do the proposals impact (positive and or negative) upon those wider duties and aspirations?
- What might say a reduction in the hours of a facility that mainly serves a particular group have on our wider duties?
- Examples of eliminating discrimination: Taking action to ensure that services are open to all groups – e.g. targeting help at particular deprived sections of the community or funding services who work to prevent discrimination
- Does take up of the activity differ between people from different protected groups?
- Have the outcomes of your consultation and engagement results identified potentially negative or positive impacts?
- Are some groups less satisfied than others with the activity as it currently stands?
- Is there a greater impact on one protected group, is this consistent with the aims of the activity?
- For organisational change / restructures analyse the outcomes of consultation with staff and trade unions and analyse the staff data provided by your change adviser
- If you have identified negative impacts include details of who these findings have been discussed with (e.g. Legal, HR) and their views
- Are there any further changes that could be made to deliver service improvements or make the activity more responsive?

Question 4

If there is an adverse impact, can it be avoided?

If it can't be avoided, what are we doing to mitigate the impact?

4.1 Visibility and awareness of an eruv may be mitigated by careful design (including the placement of poles, the tapering of poles, the use of fine, translucent wire and the colour matching of poles to the standard black of Camden's street furniture, or to its setting if more appropriate). Likewise, existing pieces of street furniture can be utilised and extended where possible.

4.2 This reduces the presence of the eruv to a level akin to items of street furniture such as lighting columns or communications poles. Where the poles are located at the back of the pavement, they would be seen against existing buildings, hedges or trees. However, awareness of the eruv equipment is likely to be accentuated where it is close to people's homes (due to the greater time spent in this location). At any site, even with mitigation it is acknowledged the equipment would remain perceptible to a limited degree. The perceptual impacts of the eruv will be harder to address.

4.3 A pre-requisite of an eruv is the incorporation of public space as part of a private domain, with the intention that this space is 'contracted' for as long as it is required. This would alter the ethos behind shared, public space giving it a symbolic religious function, potentially lending it a close association with a single faith community. If the proposal obtained the necessary consents, the Council may need to undertake a programme of outreach to ensure the attachment of other denominations and communities to public space is not affected. This may, however, be insufficient to satisfy some of the objections being made to this proposal. If the planning application was refused, the Council would potentially need to re-engage with the Orthodox Jewish Community demonstrating that their needs are fully understood.

4.4 To minimise the likelihood of community tensions and misunderstanding, the applicant should be encouraged to undertake a robust programme of publicity, engagement and education explaining the eruv's function to the wider community. If the eruv were implemented, it would also reduce the likelihood of residents objecting to its presence because they were unaware of its function.

4.5 Security issues can arise when structures are erected adjoining private property. In particular, criminals may be able to access gardens or upper-storey windows by climbing up poles. This risk can usually be overcome through the use of anti-climb paint.

Notes to Question 4

- Assuming there is an impact, what are we going to do about it? We need to make sure the **decision makers understand the impacts**
- All our policies and decisions should be designed to eliminate discrimination and contribute to our other obligations such as promoting good relations.
- If it can't be avoided can it be mitigated in some other way?
- There might be decisions elsewhere or perhaps additional spending on other services which could reduce the impact. Beware of simply saying that we will direct service users to other services or resources without considering the feasibility of doing so or the knock-on effect for those services
- We don't have to completely eliminate a negative impact, but we must identify it and try to mitigate it and the **decision makers must be in a position to fully understand the implications of their decision and balance off the competing interests** – e.g. the impact against the need to make savings and balance our budget

Question 5

Could any part of the proposed activity discriminate unlawfully?
Can we advance equality of opportunity via this decision/policy?
Can we foster good relations via this decision/policy?

5.1 The proposals are not considered to cause unlawful discrimination of any protected group.

5.2 Planning permission was previously granted on 17/02/2017 for the erection of pairs of poles with clear wire between the poles at 15 locations across the Borough comprising the Brondesbury Eruv. The Brondesbury Eruv spanned parts of the London Boroughs of Barnet, Brent, Camden, Hammersmith and Fulham and Kensington and Chelsea.

5.3 Highways Officers have confirmed that most of the posts have now been installed. The only issues or difficulties encountered so far have been in relation to whether there has been adequate depth for pole foundations. Highways and Transport Officers have confirmed that there have been no complaints or difficulties with local residents, anti-social behavior or hate crimes following the installation of the poles.

Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Explain this briefly in the box above. The important point is that it is carefully considered.**
- Suggest positive steps that can be achieved towards our statutory obligations to remove or minimise disadvantages suffered because of protected characteristics, e.g. taking steps to meet the needs of people from the different backgrounds when they are different to the needs of others, encouraging participation from groups when participation is disproportionately low
- Advancing equality of opportunity - (NB this does not apply to marriage and civil partnership). **This is a “positive duty”** which requires public authorities to consider taking proactive steps to root out discrimination and harassment and advance equality of opportunity in relation to their functions—from the design and delivery of policies and services to their capacity as employers. The duties require us to give consideration to taking positive steps to dismantle barriers. Advancing equality of opportunity might require treating some groups differently e.g. targeting training at disabled people to stand as councillors.
- **The legislation requires when we have due regard in terms of advancing equality of opportunity to:**
 - a. **Remove/minimises disadvantage suffered by those who share a characteristic and is connected to it**
 - b. **Take steps to meet the different needs of those who share a characteristic**
 - c. **Encourage those who share a characteristic to participate in public life or any other activity when participation is disproportionately low.**
- Advancing opportunity includes the fact that the steps needed to meet the needs of disabled persons take into account the disabled persons’ disabilities
- We are required to have “due regard” to the need to foster good relations between people who share a relevant protected characteristic and people who do not share it. This involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Examples

- An employer to provide staff with education and guidance, with the aim of fostering good relations between its trans staff and its non-trans staff.
- A school to review its anti-bullying strategy to ensure that it addresses the issue of homophobic bullying, with the aim of fostering good relations, and in particular tackling prejudice against gay and lesbian people.
- Local authority (Not Camden) to introduce measures to facilitate understanding and conciliation between Sunni and Shi’a Muslims living in a particular area, with the aim of fostering relations between people of different religious beliefs.
- Our work to encourage Bangladeshi tenants involvement in TA’s.

EIA prepared by: _____

Date: _____

EIA checked by: _____

Date: _____

EIA approved by: _____

Date: _____

(Relevant Director Sponsor)

What to do upon approval

For organizational change: If your EIA relates to internal staff, please send to your HR Business Adviser.

For all other EIAs: Please upload onto Sharepoint via this link:
<http://teams.lbcamden.net/projects/equality/Pages/Home.aspx>

Explanatory Notes

What is our Public Sector Equality Duty (PSED)?

Under section 149 all public authorities must, in the exercise of their functions, have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act; EqA 2010 (section 149(1)(a)).
2. To advance equality of opportunity between people who share a relevant protected characteristic and those who don't; This involves having due regard to the need to:
 - o remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - o take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
 - o encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Section 149(6) makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8))).

(Section 149(3), EqA 2010.)

3. Foster good relations between people who share a relevant protected characteristic and those who don't (section 149(1)(c)) (which involves having due regard to the need to tackle prejudice and promoting understanding) (section 149(5), EqA 2010)..

Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation.

- In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.
- In meeting the needs of disabled people we have a duty to take account of their disability and make reasonable adjustments to our services and policies where appropriate.
- We must be able to demonstrate that we have considered and had due regard to all three parts of this duty. We must also look for anything that directly or indirectly discriminates.

What do we mean by “due regard”?

- This is not a question of ticking boxes, but should be at the heart of the decision-making process.
- decision-makers must be made aware of their duty to have due regard – so understand the legal requirements on them;
- There should be an analysis of the data – who is this going to affect and how will it put against the legal requirements
- We need to have thought about these duties both before and during consideration of a particular policy and we need to be able to demonstrate that we have done so
- The Duty is “non-delegable” so it is for the decision maker themselves to consider with assistance from the report and officer analysis. What matters is what he or she took into account and what he or she knew so it is important to have the relevant papers accompanying the report. The report should make explicit reference to the EIA. the duty is continuing so while this guide is aimed at the point of decision we should at appropriate points review our duties against the decision/policy
- The decision maker must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy or decision has been taken
- Officers reporting to or advising decision makers must not merely tell the decision maker what he/she wants to hear but need to be “rigorous in both enquiring and reporting to them”
- The duty should be reconsidered if new information comes to light

“

What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged ... group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing”

Lord Justice Dyson

”

We need to take a sensible and proportionate approach to this based on the nature of the decision or policy being reviewed

APPENDIX 2 – Equalities Impact Assessment prepared for Brondesbury Eruv
2014/2464/P

Equality Impact Assessments - equality through public services



Our approach

Equality impact assessments (EIAs) are our chosen way for working out the effect our policies, practices or activities (the word activity will be used throughout this form as an umbrella term) might have on different groups before we reach any decisions or take action. They are an important service improvement tool, making sure that our services are as effective as they can be for everyone Camden serves. They also help to prevent us from taking action that might have outcomes we did not intend.

It is essential that you start to think about the EIA process before you develop any new activity or make changes to an existing activity. This is because the EIA needs to be integral to service improvement rather than an 'add-on'. If equality analysis is done at the end of a process it will often be too late for changes to be made.

If a staff restructure or organisational change is identified as necessary following the review of an activity then an EIA needs to be completed for **both** stages of the process, i.e. one when the activity is reviewed and one when the restructure or organisational change is undertaken.

Please read the council's EIA guidance, ['Equality impact assessments – equality through public services, a step-by-step guide'](#), before beginning the EIA process.

Stage one - what is being analysed and who is responsible for the equality impact assessment?

Name of the activity being analysed	Erection of free standing, wire linked pairs of poles at 15 locations across the Borough – comprising part of the Brondesbury Eruv (wards affected – Fortune Green, Kilburn, Swiss Cottage and West Hampstead).
Service and directorate responsible	Planning and Regeneration, Culture and Environment
Names and posts of staff undertaking the assessment	Andrew Triggs, Principal Planning Officer, Strategic Planning and Implementation team (Place shaping)
Date assessment completed	June 2015
Name of person responsible for sign off of the EIA	Ed Watson, Assistant Director Planning and Regeneration

Stage two - planning your equality analysis

Outline the activity being assessed

Proposed changes The Impact Assessment (EIA) considers the impacts of an eruv on individuals or groups with protected characteristics. An eruv is a symbolic boundary consisting of natural and manmade objects within which members of the Orthodox Jewish community can carry or push objects on the Sabbath and certain holy days that would otherwise be forbidden by Torah law (Halakha). The eruv is a symbolic demarcation extending the private domain/home into the surrounding public realm.

It is a totally continuous boundary without a break. Gaps in the boundary are required to be closed. In this application this is achieved through poles with a wire lintel placed over the top of the poles. This forms the doorposts of a 'gateway', however there is no requirement for any gates to be fitted. Utility poles are often not able to substitute for the eruv as the connecting wire is not supported directly above the top of the posts (this is a requirement for the eruv 'crossbeam').

The EIA will be used to inform the preparation of the officer's report and the decision making process. The EIA will also consider the impact of similar proposals implemented elsewhere and any recorded impacts on groups with protected characteristics.

Only part of the Brondesbury Eruv is in the London Borough of Camden. The entire area encloses parts of the London Boroughs of Barnet, Brent, Camden, Hammersmith and Fulham and Kensington and Chelsea.

Groups likely to be affected – the Jewish community (Orthodox and non Orthodox Jews), other faith groups (Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh, Zoroastrian); secular groups (agnostic, atheist and humanist), disabled people, the elderly, young children and parents of young children, women and LGBT (Lesbian, Gay, Bi-Sexual and Transgender).

The purpose of the EIA is to consider how the proposed changes could impact on protected groups, taking into account the needs and rights of different members of the community.

Desired outcomes Equalities outcomes are not adversely impacted by the implementation of the proposal. If possible, they should be improved, i.e. inequalities experienced by one or more protected characteristic are reduced.

Relations between people with a protected characteristic should be improved, or at least not be adversely impacted.

The Equalities Act requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability and gender and foster good relations between different groups when discharging its functions.

Specifically the duty (section 149) provides:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of

persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) tackle prejudice, and
- (b) promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Gather relevant equality data and information

We have referred to relevant planning decisions and associated officer reports in other areas.

Brondesbury Eruv Part in London Borough of Barnet - erection of 2.1m high posts ('leci') – planning permission granted in 2014 (F/01941/14).

Part in London Borough of Brent - 14 locations in Brent- 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 and Parkside and Cricklewood Broadway. Planning permission granted in 2014 (14/1252) – planning permission granted in 2014.

Part in Royal Borough of Kensington and Chelsea - 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 (PP/14/06650).

Part in London Borough of Hammersmith and Fulham – 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). Pending consideration. (2014/02513).

Golders Green Eruv extension (London Borough of Barnet) – planning permission granted in 2014 (F/00171/14)

Pinner and Hatch End Eruv (London Borough of Harrow) – planning permission granted in 2014 (P/2650/14). Not yet operational.

Bushey Eruv (Hertsmere Borough) – planning permission granted in 2013 (TP/13/1281). Not yet operational.

Belmont Eruv (London Borough of Harrow) – planning permission granted in 2013 (P/0266/13), became operational in 2013.

Chigwell and Hainault Eruv (London Borough of Redbridge) – planning permission granted in 2013 (various planning applications including 1806/13). Part in Epping Forest district – planning permission granted in 2013 (various planning applications including EPF0561/13). Not yet operational.

Barnet Eruv (London Borough of Barnet) – planning permission granted in 2012 (B/03772/11). Not yet operational.

Woodside Park Eruv (London Borough of Barnet) – planning permission granted in 2011 (B/03356/11). Partially constructed.

Manchester Eruv (City of Manchester, Salford and Bury) – planning permission granted in 2011 (097227/FO/2011/N1: Manchester ref.). Became operational in 2014.

Mill Hill Eruv (London Borough of Barnet) – planning permission was granted in 2010 (H/01834/10). As of May 2015, the eruv is under construction and cannot be used.

Stanmore / Canons Park Eruv (LB Barnet & Harrow) – planning permission granted in 2009 (H/921/09); became operational in 2011.

Elstree and Borehamwood Eruv (Hertsmere Borough) – planning permission granted in 2007 (TP/07/0204). The eruv has been operational since 2010.

Edgware Eruv (London Borough of Barnet) - planning permission was granted in 2004 (W13797/04). This eruv was established in 2006.

North West London Eruv (London Borough of Barnet) - There is only one known appeal decision: this was allowed by DOE (LB Barnet, 1994). This related to two separate applications. The eruv encloses an area of 6.5 square miles including Hendon, Golders Green and Hampstead Garden Suburb. This eruv became operational in 2003.

DOE decision 1994 key comments:

- Very unusual nature of the appeal proposals
- While the proposals would add to the street furniture, there is no location where the overall impact would seriously harm the character and appearance of that particular location.
- No evidence of adverse visual impact on the environment.
- Conservation area – arguments finely balanced but erection of poles would leave the area substantially unharmed.
- Does not find it necessary to decide whether social harmony is capable of amounting to a material consideration because the arguments relating to this matter are not of sufficient weight to amount to a planning objection.

Planning policy context

National Planning Policy Framework

This 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.

Statutory development plan – parts of the London Plan and policies set out in Camden's Local Development Framework are considered to be relevant to this proposal.

London Plan (consolidated with alterations since 2011) – March 2015

Key objectives of the London Plan are ensuring London is:

"a city of diverse, strong, secure and accessible neighbourhoods to which Londoners feel attached, which provide all of its residents, workers, visitors and students – whatever their origin, background, age or status – with opportunities to realise and express their potential and a high quality environment for individuals to enjoy, live together and thrive.

"a city that delights the senses and takes care over its buildings and streets, having the best of modern architecture while also making the most of London's built heritage, and which makes the most of and extends its wealth of open and green spaces, natural environments and waterways, realising their potential for improving Londoners' health, welfare and development.

Chapter 3 – London's People

Sets out policies addressing issues including the provision of social infrastructure and ensuring equal life chances are available to all.

Policy 3.1 – Ensuring equal life chances for all

The strategic statement refers to meeting the needs of and expanding opportunities for Londoners and where it is appropriate to do so, addressing “barriers” which might hinder this approach. Planning decisions should include protecting and enhancing facilities that meet the needs of “particular groups and communities”. London Boroughs may wish to identify clusters of specific groups which experience disadvantage and “consider whether appropriate provision should be made to meet their particular needs such as cultural facilities, meeting places or places of worship”.

The supporting text to the policy recognises the ‘balances’ between securing a more inclusive London based upon shared values as well as meeting the “distinct needs of the capital’s different groups and communities, particularly the most vulnerable and disabled”. Paragraph 3.4 appears to acknowledge that meeting the needs of individual groups or communities can sometimes be contested: it advises “consensual strategies and common grounds...to create a united vision and a sense of belonging” to sustain cohesive communities “built on the bonds that unite rather than the differences which separate”.

Chapter 7 – London’s Living Spaces and Places

Sets out policies on a range of matters about the places and spaces in which Londoners live, work and visit. In particular it deals with the way people ‘perceive’ and ‘use’ buildings and space.

Policy 7.1 - Lifetime Neighbourhoods

These are well-connected and walkable environments with a range of accessible and adaptable services and infrastructure (including housing) and provide a cohesive community fostering diversity, social interaction and social capital. The policy states that developments should maximise the opportunity for community diversity, inclusion and cohesion; and should contribute to people’s sense of place, safety and security. Paragraph 7.4 states that “people should be able to live and work in a safe, healthy, supportive and inclusive neighbourhood which they are proud to identify”.

Policy 7.2 – An Inclusive Environment

The policy states that the Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design. Whether developments achieve the highest standards will be determined having regard to principles of inclusive design including:

- (a) can be used safely, easily and with dignity by all regardless of the disability, age, gender, ethnicity or economic circumstances;
- (b) are convenient or welcoming with no disabling barriers, so everyone can use them independently without undue separation or special treatment;
- (c) are flexible and responsive taking account of what different people want, so people can use them in different ways;
- (d) are realistic, offering more than one solution to help balance everyone’s needs, recognising that one solution may not work for all.”

Paragraph 7.7 describes inclusive design as a process which ensures “the diverse needs of all Londoners are integrated into development proposals from the outset”. Paragraph 7.8 states the outcome of delivering the policy will be places “where people want to live and feel they belong, which are accessible and welcoming to everyone”.

Policy 7.5 – Public Realm

The strategic statement for this policy says that public spaces “should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces”

Paragraph 7.16 underlines the relationship between the public realm and quality of life “because it affects people’s sense of place, security and belonging, as well as having an influence on a range of health and social factors”.

Camden Local Development Framework – Core Strategy and Development Policies (adopted 2010)

Relevant policies include CS10. Supporting community facilities and services and DP15. Community and leisure uses.

CS10. The Council will seek to ensure that a wide range of services and facilities are provided to meet community needs, including amongst others education and childcare, health facilities, community halls and meeting rooms, places of worship and youth facilities. Camden's community facilities are considered to enable people opportunities to meet, learn, socialise and develop skills and interests and, by doing so, improve their quality of life. The policy proposes:

- Provision of a range of other community facilities to support Camden's growing population.
- The efficient use of community facilities and the provision of multi-purpose community facilities that can provide a range of services to the community at a single, accessible location.

The Council will seek to support community organisations and religious groups to meet their need for faith facilities.

Policy DP15 helps to deliver the Core Strategy by providing further detail on policy relating to the provision of new facilities. It states:

- New community uses must be: close or accessible to the community they serve; accessible to a range of transport modes, in particular walking, cycling and public transport; located in the Central London Area or in the Town Centres of Camden Town, Swiss Cottage/Finchley Road, Kilburn, West Hampstead or Kentish Town if they are expected to attract larger numbers of visitors.
- New community facilities must be provided in buildings which are flexible and sited to maximise the shared use of premises.

The area covered by the eruv is likely to raise other issues of planning concern which will be addressed by the planning officer's report in due course. Policy relating to the following is likely to be relevant:-

- Impact on trees / tree preservation orders
- Impact on wildlife, including protected species
- Contaminated sites potential
- Archaeological priority areas
- Affect on town centre businesses, e.g. servicing and access to premises
- Affect on the function of public open space, e.g. visual impacts, impact on access
- Presence of Conservation Areas, e.g. Priory Road and South Hampstead
- Impact on the setting of locally listed buildings (non-designated heritage assets)

Policy DP29 is intended to deliver the Core Strategy policy (CS14) which promotes high quality places and seeks the highest standards of access in all buildings and places. In line with equalities objectives, DP29 seeks to promote fair access and remove the barriers that prevent people from accessing facilities and opportunities. It is expected that all buildings and places should meet the highest practicable standards of access and inclusion. Paragraph 29.4 of Camden's Development Policies states new buildings and spaces need to be fully accessible to promote equality of opportunity while paragraph 16.4 of the Core Strategy confirms that accessibility is influenced by perceptions as well as physical factors. Buildings and spaces should be designed to *appear*, as well as be accessible.

Camden Council strategies

Camden Plan

The Camden Plan was published in 2012. It sets out a five year vision for the Borough and aims to ensure that people from all walks of life identify Camden as 'home'. There is a particular emphasis on building resilience and self-reliance amongst individuals, communities and businesses. Strategic objective 4 relates to the delivery of ambitions and outcomes pertaining to community facilities and the sustainable provision

of services. The Council's immediate and long-term plans include the following:-

- Engaging communities in designing services to tackle the issues that most affect them;
- Working with communities and the voluntary and community sector to establish self-sustaining community outcomes;

There is a vision that facilities “meet many different needs that are sustainable, highly valued and well used” and “bring the community together” (page 44).

Camden's Equality Objectives

The Equality Act 2010 placed a legal obligation on local authorities to publish equality objectives. In Camden, these were developed to align with the Camden Plan. The objectives related to the wider community (not to the Council itself) are:-

- Protect the social mix of the borough, supporting our communities to get on well together;
- Improve the economic chances for Camden's most disadvantaged groups;
- Prioritise support to those most in need, informed by a greater understanding of our communities;
- Ensure all residents have access to the help they need to resolve their problem;
- Increase the opportunity for all residents to fulfil their potential and participate in the renewal of the borough.

Artworks and memorials in parks, open spaces and the public realm in Camden.

This is a guidance note adopted by the Council. It provides some useful background considers other forms of installation (in some cases funded by or celebrating faith leaders or prominent figures in faith communities). The requirements are:

- ✓ The identification of areas where the addition of public works of art or memorial would have a negative impact on the public realm ('saturation zones')
- ✓ Proposals have a 'direct link' to the site in which they are being placed (Scientific, historical, literary and artistic connections / dedications to local people / commemoration e.g. events / positive Visual Impacts/placemaking credentials).
- ✓ Proposals respect and enhance existing landscapes and streetscapes
- ✓ Proposals enrich the vibrant and diverse appeal for which Camden is known.
- ✓ The quality and suitability of materials used should be assessed – e.g. sympathetic to the local area, appropriate for their location and durable and straightforward to maintain.
- ✓ Artworks and memorials should recognise the variety of experiences and cultures.
- ✓ A 20 year principle for memorials – to ensure they stand the test of time to allow time for reflection and gain support for a proposal.
- ✓ Consideration of safety and the likelihood of crime and anti-social behaviour the installation may attract.
- ✓ Support – proof of landowner support required for installation on their land. Engagement with local people and organisations should be undertaken in an inclusive and open manner.

Camden Residents' Survey 2012

Camden Council undertakes a regular residents' survey tracking people's perceptions and views on a variety of issues. This includes levels of satisfaction with the local area, how safe people feel and pride in one's surroundings. It shows that overall, Camden's residents were very satisfied with their local area as a place to live (50%) with a further 41% being fairly satisfied. This can in part be explained by a further question in the survey on the subject of social cohesion. When asked whether their local area was a place where people of different backgrounds get on well together, the majority of residents supported this statement (51%). A further third of residents tended to agree with the statement even if they didn't strongly support it. This data suggests that community relations are a strength for Camden. However, it should be noted this survey was limited to 1,000 respondents.

When the survey was collated the number of hate crimes in the Borough was showing a downward trend. There were 90 recorded incidents in Q4 (2012). The count by ward was as follows:

Fortune Green 1

Kilburn 7

Swiss Cottage 4

West Hampstead 3

By far the highest number of incidents was recorded in Holborn and Covent Garden (17).

Of these hate crime incidents, hate crime relating to race formed the overwhelming majority of cases – 86% of all incidents. Homophobic incidents related to 6% of hate crime, faith incidents 4% and 2.4% of incidents were antisemitic in nature. The Council is aware there has recently been a number of incidents relating to low level antisemitism and racism; this has mainly involved offensive graffiti.

Population of LB Camden, Greater London and England – by religion

	LB Camden	%	Greater London	%	England	%
Christian (persons)	74,821	34.0	3,957,984	48.4	31,479,876	59.4
Religion not stated (persons)	45,276	20.5	692,739	8.5	3,804,104	7.2
Muslim (persons)	26,643	12.1	1,012,823	12.7	2,660,116	5.0
Jewish (persons)	9,823	4.5	148,602	1.8	261,282	0.5
Hindu (persons)	3,141	1.4	411,291	5.0	806,199	1.5
Buddhist (persons)	2,789	1.3	82,826	1.0	238,626	0.5
Other religion (persons)	1,267	0.6	47,970	0.6	227,825	0.4
Sikh (persons)	465	0.2	126,134	1.5	420,196	0.8
No religion (persons)	56,113	25.5	1,694,372	20.7	13,114,232	24.7
All usual residents	220,338	100.0	8,173,941	100.0	53,012,456	100.0

Jewish population in LB Camden, various boroughs and Greater London

Local authority area	All usual residents	Jewish (persons)	%	Jewish (persons) in England	% local authority area Jewish (persons) of England population
Barnet	356,386	54,084	15.2	261,282	20.7
Hertsmere	100,031	14,293	14.3		5.5
Harrow	239,056	10,538	4.4		4.0
Redbridge	278,970	10,213	3.7		3.9
Camden	220,338	9,823	4.5		3.8
Westminster	219,396	7,237	3.3		2.8

Haringey	254,926	7,643	3.0		2.9
Enfield	312,466	4,412	1.4		1.7
Brent	311,215	4,357	1.4		1.7
Islington	206,125	1,915	0.9		1.3
Greater London	8,173,941	148,602	1.8		56.9

Lower layer Super Output Areas for eruv area – usual residents by religion

LSOA	Christian (persons)	%	Religion not stated (persons)	%	Muslim (persons)	%	Jewish (persons)	%	Hindu (persons)	%
005B	749	39.4	429	22.6	148	7.8	27	1.4	25	1.3
010E	694	36.8	377	20.0	226	12.0	76	4.0	28	1.5
013A	560	33.7	401	24.1	158	9.5	57	3.4	32	1.9
013B	670	38.3	369	21.1	325	18.6	44	2.5	16	0.9
013C	735	38.5	420	22.0	353	18.5	36	1.9	23	1.2
013D	679	36.9	437	23.8	107	5.8	53	2.9	40	2.2
013E	587	34.3	395	23.1	245	14.3	38	2.2	15	0.9
016A	547	34.5	260	16.4	63	4.0	152	9.6	52	3.3
016B	554	35.2	238	15.1	167	10.6	131	8.3	33	2.1
016D	571	37.8	202	13.4	35	2.3	196	13.0	51	3.4
016E	481	31.9	323	21.4	140	9.3	115	7.6	20	1.3
017B	487	30.7	229	14.4	354	22.3	127	8.0	52	3.3
020C	576	34.4	347	20.7	184	11	102	6.1	29	1.7
020E	560	39.6	231	16.3	341	24.1	14	1.0	17	1.2
total	8,449	35.9	4,657	19.8	2,846	12.1	1,167	5.0	433	1.8

LSOA	Buddhist (persons)	%	Other religion (persons)	%	Sikh (persons)	%	No religion (persons)	%	Usual residents (total)
005B	30	1.6	8	0.4	6	0.3	477	25.1	1,898
010E	23	1.2	15	0.8	8	0.4	440	23.3	1,887
013A	30	1.8	13	0.8	2	0.1	411	24.7	1,662
013B	7	0.4	11	0.6	9	0.5	299	17.1	1,748
013C	10	0.5	6	0.3	2	0.1	325	17.0	1,909
013D	7	0.4	9	0.5	6	0.3	498	27.1	1,836
013E	22	1.3	17	1.0	3	0.2	390	22.8	1,712
016A	22	1.4	6	0.4	5	0.3	476	30.0	1,583
016B	25	1.6	13	0.8	2	0.1	413	26.2	1,575
016D	20	1.3	5	0.3	0	0	432	28.6	1,512
016E	11	0.7	8	0.5	2	0.5	407	27.0	1,504
017B	25	1.6	6	0.4	16	1.0	292	18.4	1,589
020C	15	0.9	7	0.4	3	0.2	414	24.7	1,677
020E	13	0.9	1	0.1	4	0.3	234	16.5	1,415
total	260	1.1	124	0.5	66	0.3	5,505	23.4	23,506

At the time of the 2011 Census, just over half of the population identified themselves with a particular faith or religion. This is much lower than in Greater London or England, where around two-thirds of the population identified their religion. A far greater proportion of Camden's population than elsewhere said they had a religion but didn't give any further detail.

The proportion of the population in Camden identifying Judaism as a religion is much higher than London and England. In fact, considerably more than half of England's Jewish population is resident in London. The number of people identifying themselves as Jewish within the borough of Camden in absolute terms and as a proportion of the population is quite low. The number of people stating they were Christian is about eight times larger; the number saying they are Muslim as about two and a half times larger.

In relative terms, the Jewish population is far more strongly represented in Camden's population than the populations of Greater London and England. About 3.8% of Jewish residents in England live in Camden. This is one of the highest Jewish populations in a London borough and similar in absolute and relative terms to London Borough of Harrow and in absolute number to London Borough of Redbridge. Camden has larger Jewish populations than adjoining boroughs of Westminster, Haringey and Brent (considerably larger in the case of the latter). Two boroughs have substantially larger Jewish populations than Camden – Barnet and Hertsmere (outside but on the boundary of Greater London). Barnet has the highest percentage of population of any district in England identifying Judaism as their religion. Nearly one-third of all Jews resident in England live in Barnet.

Census data has been extracted to show the religion of residents at lower layer super output area level. Lower layer Super Output Areas (LSOA) are geographies for the collection of small area data by the Office for National Statistics. Lower layer Super Output Areas, as the table shows, typically have between 1,500 and 2,000 residents. The LSOA do not correspond neatly with the proposed eruv boundary. Therefore, a 'rule of thumb' was used which included an LSOA if more than half of its geographical area was within the eruv. This introduces a degree of error by incorporating some residents who do not live within the eruv area and likewise some who do are not counted. However, this is as close as it is possible within the limitations of the data to analyse the religions of the resident population within the eruv (14 LSOA are captured). It shows around 5% of the resident population in the eruv is Jewish – this is slightly higher than the overall level in the borough of Camden as a whole (4.5%). It is also clear the concentration of the Jewish population varies quite considerably within the part of the eruv within Camden. The highest proportion of Jewish residents are in Swiss Cottage (10.9% of the ward population), particularly focused on the South Hampstead area (this accounts for all of the LSOA where the Jewish population is more than double the borough average). It is also clear that the proportion of Jewish residents tends to be lower in Fortune Green and West Hampstead wards – slightly above the borough average. The Jewish population is relatively much smaller in Kilburn – only 2.6% of the ward population.

By far the most common recorded religion was Christianity – 36% of the population at the time of the census. The Christian population does not fall beneath 30% of the total population in any of the LSOA. The second most common response to the Census was "no religion" – this accounted for 23% of residents closely followed by the large cohort of residents which stated that they identified with a religion but didn't provide any further details. It can be concluded that the majority of the resident population have some faith or belief. 12% of the population within the eruv is Muslim – this is in line with the Muslim population of the borough as a whole. The Muslim population tends to display the greatest variation in distribution – the population is much larger in Kilburn (18% of residents) compared to the other wards crossed by the eruv. There were much lower numbers of residents identifying their religion as Hinduism and Buddhism – in Swiss Cottage the proportion of Buddhists is close to double the average in the Borough though the absolute population is still small. The Hindu population in Swiss Cottage was proportionately twice as great as in Camden. The Sikh population was particularly low. A very small number of people, never more than 1% of residents, identified another religion which is not specifically captured by the census.

	Fortune Green	%	Kilburn	%	Swiss Cottage	%	West Hampstead	%	LB Camden	%
All usual residents	12,060		12,038		12,900		11,740		220,338	
Christian	4,197	34.8	4,526	37.6	4,236	32.8	4,241	36.1	74,821	34.0
Buddhist	153	1.3	106	0.9	280	2.2	122	1.0	2,789	1.3
Hindu	171	1.4	168	1.4	409	3.2	183	1.6	3,141	1.4
Jewish	698	5.8	313	2.6	1,410	10.9	775	6.6	9,823	4.5
Muslim	1,088	9.0	2,201	18.3	1,280	9.9	1,031	8.8	26,643	12.1
Sikh	33	0.3	22	0.2	43	0.3	25	0.2	465	0.2
Other religion	91	0.8	52	0.4	73	0.6	69	0.6	1,267	0.6
No religion	3,034	25.2	2,252	18.7	3,085	23.9	2,808	23.9	56,113	25.5
Religion not stated	2,595	21.5	2,398	19.9	2,084	16.2	2,486	21.2	45,276	20.5

Changes in Jewish population between 2001 and 2011 census

Only one eruv has been operational for a sufficient time-span to assess whether there has been any impact on the population of the area (North West London eruv). In this case, there would not appear to have been any significant change in the area.

The eruv closely fits with three Lower layer Super Output Areas. Here are the demographic changes in the area over 10 years

- Jewish community in eruv area 2001 – 21,784 (30.8% of wider community)
- Jewish community in eruv area 2011 – 23,750 (29.5% of wider community)
- % increase in the size of Jewish community from 2001-2011 – 9%
- (% increase in the size of wider community from 2001-2011 – 13.8%).

These figures suggest that an influx of Orthodox Jewish families into the area enclosed by an eruv does not necessarily happen.

More widely, the Jewish population within Camden fell in both absolute and relative terms between the 2001 and 2011. The Jewish population fell by 12% while Camden's population increased by 11% over this period. By contrast, a slight rise in the Jewish population was recorded in Greater London and England. The increase in the Jewish population in London and England was much smaller proportionately than the growth in all residents. London's population grew by nearly 14% but the Jewish population only increased by less than 1%.

Year of census	LB Camden Jewish (persons)	LB Camden all usual residents	London Jewish (persons)	London all usual residents	England Jewish (persons)	England all usual residents
2001	11,153	198,020	148,602	7,172,091	257,671	49,138,831
2011	9,823	220,338	149,789	8,173,941	261,282	53,012,456
% change	-11.9	11.2	0.8	14.0	1.4	7.9

Other background data relating to protected characteristics

Age

The age structure of Camden is relatively young, although there is a lower population of children under the age of 4 compared to Greater London. The wards crossed by the eruv have higher proportions of the youngest age group (Fortune Green 5.1%; Kilburn 5.3%, West Hampstead 5.5% and Swiss Cottage 5.9%).

The borough has similar proportions of older people aged over 65 years (10.9%) when compared to Greater London, but smaller than the national average for England and Wales. The 2011 Census estimated there were 10,000 one person households where the person was aged 65+. This represents 10.3% of all household types and a high proportion of persons aged 65 and over (42%). Kilburn and Swiss Cottage wards both have a higher proportion of the older age groups than the Camden average (Kilburn – 3.9% 75-84 years and 1.6% 85+ years and Swiss Cottage – 3.8% 75-84 years and 2.4% 85+ years) but Fortune Green and West Hampstead have a lower proportion of its population than the Camden average in these age categories.

Swiss Cottage and Fortune Green have above average life expectancy in Camden whereas life expectancy in Kilburn is significantly below the average and the lowest for men and women in the Borough. Life expectancy for men in West Hampstead is around the borough average but below average for women (Camden Health and Wellbeing profiles 2013).

Age	LB Camden %	Greater London %	England and Wales %
0-3	4.9	5.9	5.0
4-10	7.0	8.4	7.9
11-15	4.2	5.6	5.9
16-18	2.9	3.4	3.8
19-24	11.9	8.9	8.1

25-49	44.8	42.3	34.7
50-64	13.4	14.4	18.1
65-74	5.9	5.8	8.7
75-84	3.6	3.8	5.6
85+	1.4	1.5	2.2

Disability

During 2011, 14.4% of Camden residents stated that their day-to-day activities were limited due to a health problem or disability which has lasted, or will last at least 12 months. This figure is above the inner London average of 14.2%, but lower than that in England and Wales: 17.9% (Census data 2011). At ward level Fortune Green, Swiss Cottage and West Hampstead had a smaller proportion of their residents experiencing a limiting long-term illness. Kilburn was, however, higher (18.5%).

Camden's 2008 Housing Needs Survey Update (based on 2004 data) looked at households that had special needs in terms of their housing requirements. Across the borough, the survey indicates that 6.4% of households contained a person with a physical disability, 0.4% with a severe sensory disability, and 0.6% with a learning disability. A significant number of households (2.4%) contained people with more than one special need, or more than one person with a special need.

Gender reassignment

No data is available on gender reassignment.

Marriage and civil partnership

The 2011 Census indicated that Camden had a lower proportion of married couples (29.5%) compared with Greater London (39.8%) but a higher proportion of same sex civil partnership (0.9%) than Greater London. Swiss Cottage has a significantly higher proportion of married couples (37.7%) than the Camden average. Fortune Green was also above the average but Kilburn and West Hampstead were slightly below the average proportion of married couples.

Pregnancy and maternity

The conception rate per 1,000 women in Camden during 2012 stood at 62.3, this is relatively low compared with Greater London and nationally and has been slowly declining since 2009.

Race

Camden's population is ethnically diverse. In 2011, 34% of residents were from black or minority ethnic groups. A further 22% are non-British White residents including Irish and others originating mainly from English speaking countries in the new world, as well as from Eastern Europe and beyond.

Camden's largest communities with a distinctive cultural identity are the Bangladeshi, Black African and Irish communities, followed by Chinese and Indian. There are small but growing communities of migrants who are refugees or seeking asylum.

At ward level the five largest ethnic groups were:- Fortune Green – White British, White Other, White Irish, Other Asian and Black Caribbean. Kilburn – White British, White Other, Black Caribbean, White Irish, Other Asian. Swiss Cottage – White British, White Other, Other Asian, Indian and Black Caribbean. West Hampstead – White British, Other White, Black African, Other Asian and White Irish.

There are larger Indian communities in West Hampstead and especially in Swiss Cottage (5.1% vs 2.8% in the borough). 'White groups' are above the Camden average in Fortune Green, Swiss Cottage and West Hampstead are lower than the average in Kilburn (60% compared to 66% for Camden). Kilburn has high populations within the White Irish, Black (13.7% vs 8.2 % in the borough and Arab groups (4.2% vs 1.6% in the borough).

LSOA	All usual residents	White British	% of LSOA	White Irish	%	White Gypsy & Traveller	%	Other White	%
005B	1,902	717	37.7	125	6.6	0	0	431	22.7
010E	1,885	769	40.8	83	4.4	1	0.1	339	18.0
013A	1,654	661	40.0	59	3.6	2	0.1	395	23.9
013B	1,748	625	35.8	120	6.9	5	0.3	270	15.4
013C	1,910	640	33.5	110	5.8	1	0.1	375	19.6
013D	1,838	789	42.9	110	6.0	1	0.1	382	20.8
013E	1,707	673	39.4	116	6.8	1	0.1	252	14.8

016A	1,592	666	41.8	42	2.6	1	0.1	480	30.2
016B	1,577	740	46.9	70	4.4	5	0.3	362	23.0
016D	1,512	739	48.9	41	2.7	0	0	488	32.3
016E	1,505	732	48.6	57	3.8	2	0.1	331	22.0
017B	1,591	518	32.6	24	1.5	1	0.1	311	19.5
020C	1,671	740	44.3	92	5.5	2	0.1	386	23.1
020E	1,415	437	30.9	61	4.3	5	0.4	237	16.7
Eruv area	23,507	9,446	40.2	1,110	4.7	27	0.1	5,039	21.4
LB Camden	220,338	96,937	44.0	7,053	3.2	167	0.1	41,898	19.0

LSOA	Mixed White/Black Caribbean	% of LSOA	Mixed White/Black African	%	Mixed White/Asian	%	Mixed Other Mixed	%
005B	31	1.6	12	0.6	45	2.4	46	2.4
010E	30	1.6	16	0.8	32	1.7	40	2.1
013A	33	2.0	13	0.8	24	1.5	35	2.1
013B	44	2.5	26	1.5	29	1.7	28	1.6
013C	34	1.8	14	0.7	22	1.2	45	2.4
013D	20	1.1	9	0.5	20	1.1	42	2.3
013E	25	1.5	34	2.0	28	1.6	29	1.7
016A	9	0.6	5	0.3	24	1.5	29	1.8
016B	11	0.7	11	0.7	22	1.4	23	1.5
016D	6	0.4	6	0.4	27	1.8	13	0.9
016E	12	0.8	18	1.2	26	1.7	26	1.7
017B	19	1.2	6	0.4	27	1.7	16	1.0
020C	15	0.9	13	0.8	31	1.9	26	1.6
020E	18	1.3	14	1.0	14	1	33	2.3
Eruv area	307	1.3	197	0.8	371	1.6	431	1.8
LB Camden	2,494	1.1	1,800	0.8	3,880	1.8	4,148	1.9

LSOA	Asian/Asian British; Indian	% of LSOA	Asian/Asian British; Pakistani	%	Asian/Asian British Bangladeshi	%	Asian/Asian British Chinese	%	Asian/Asian British Other	%
005B	81	4.3	4	0.2	15	0.8	49	2.6	126	6.6
010E	75	4.0	33	1.8	92	4.9	43	2.3	68	3.6
013A	64	3.9	20	1.2	32	1.9	28	1.7	77	4.7
013B	42	2.4	14	0.8	78	4.5	25	1.4	65	3.7
013C	38	2.0	11	0.6	73	3.8	17	0.9	84	4.4
013D	69	3.8	9	0.5	37	2.0	37	2.0	79	4.3
013E	40	2.3	3	0.2	75	4.4	41	2.4	43	2.5
016A	85	5.3	14	0.9	11	0.7	67	4.2	64	4.0
016B	56	3.6	11	0.7	38	2.4	19	1.2	75	4.8
016D	68	4.5	3	0.2	10	0.7	32	2.1	33	2.2
016E	47	3.1	21	1.4	14	0.9	40	2.7	67	4.5
017B	88	5.5	34	2.1	89	5.6	48	3.0	130	8.2
020C	48	2.9	13	0.8	46	2.8	20	1.2	46	2.8
020E	28	2.0	1	0.1	72	5.1	11	0.8	73	5.2
Eruv area	829	3.5	191	0.8	682	2.9	477	2.0	1,030	4.4
LB Camden	6,068	2.8	1,489	0.7	12,503	5.7	6,493	2.9	8,878	4.0

LSOA	Black/ Black British; African	% of LSOA	Black/ Black British; Caribbean	%	Black/ Black British; Other Black	%	Other Ethnic Group; Arab	%	Any Other Ethnic Group	%
005B	81	4.3	39	2.1	21	1.1	46	2.4	33	1.7
010E	151	8.0	35	1.9	13	0.7	22	1.2	43	2.3
013A	54	3.3	56	3.4	32	1.9	39	2.4	30	1.8
013B	185	10.6	32	1.8	57	3.3	51	2.9	52	3.0
013C	162	8.5	55	2.9	77	4.0	76	4.0	76	4.0
013D	98	5.3	39	2.1	16	0.9	37	2.0	44	2.4
013E	129	7.6	45	2.6	85	5.0	43	2.5	45	2.6
016A	32	2.0	12	0.8	5	0.3	16	1.0	30	1.9
016B	53	3.4	19	1.2	11	0.7	13	0.8	38	2.4
016D	4	0.3	6	0.4	3	0.2	11	0.7	22	1.5
016E	28	1.9	27	1.8	15	1.0	10	0.7	32	2.1
017B	121	7.6	24	1.5	35	2.2	65	4.1	35	2.2
020C	42	2.5	26	1.6	23	1.4	52	3.1	50	3.0
020E	202	14.3	58	4.1	63	4.5	47	3.3	41	2.9
Eruv area	1,342	5.7	473	2.0	456	1.9	528	2.2	571	2.4
LB Camden	10,802	4.9	3,496	1.6	3,762	1.7	3,432	1.6	5,023	2.3

The above tables show that the ethnic composition within the eruv is similar to the profile for the borough's population. The White British population is proportionately smaller in the eruv, although there are relatively greater White Irish and White Other populations. There is a notably larger Asian – Indian proportion of Indian residents but Asian – Bangladeshi and Asian – Chinese populations are less represented than in the borough overall. The percentage of Bangladeshi residents is much smaller (2.9% in eruv area vs 5.7% in Camden). There is a slightly higher representation of Black residents within the eruv, especially in the African group. The demographics of mixed groups almost mirrors the borough.

Sex/gender

The resident population in Camden is 220,338 of which 51% are female and 49% male.

Sexual orientation

On the basis of the Integrated Household Survey, the Office for National Statistics (ONS) data (2011-2012) suggests that in London, 91% of those surveyed identified themselves as heterosexual/ straight, 2.5% as gay, lesbian or bisexual, 0.4% have an alternative sexual identity and 5.7% do not know or did not respond. The ONS emphasises that the Integrated Household Survey is an experimental data source undergoing evaluation for inclusion in new official statistics.

Consultation and engagement

A planning application (2014/2464/P) was submitted to the Council in 2014. This only seeks approval of structures where planning consent is required, e.g. erection of poles and wires. It does not relate to the principle of using pre-existing structures, such as fences and walls, as part of the enclosure. The application was subject to eight weeks public consultation ending in February 2015.

The Council received 157 representations. 92 supported the application and 39 objected. 26 representations made comments without specifically expressing whether they supported the application.

A summary of comments made is follows:

FOR –

It will change our life

Has been proven with the success of similar scheme in Barnet

Will not disrupt the streetscape as will merge into surroundings

No impact on road safety or traffic flow

The locations are chosen to minimise any residual impact – they are placed in the most inconspicuous places

There is no harm to wildlife

Will make it considerably easier for a section of the resident population who wish to observe Sabbath rules to leave their home

The lives of other residents will not be inconvenienced or disrupted in any way

Camden has a proud multicultural history

We improve our family life and will allow two children to attend children's service at Synagogue

Allows mothers and young children to perform their religious duties

Will make it easier for the elderly and the infirm who cannot use sticks and other mobility aids. People who rely on the most support will gain the greatest benefit

Will enable the visiting of elderly family members over the Sabbath

Young children can be carried by buggy or pram

Will allow wheelchair bound people of all ages to leave their home and pursue social and leisure activities

Will bring families together; will be able to see family and friends on the Sabbath and go to the park

Would reduce social isolation and loneliness

Would encompass some hospitals that have high numbers of Jewish visitors and users

Parents have to stay at home to care for children

The poles are unobtrusive compared to other street furniture; the clear wire will make the eruv so inconspicuous as to be hardly noticeable. They can be designed to match existing street furniture. Pictures on the website suggest they will have no material impact. Will be almost invisible. They have to be positively sought out to be noticed.

Once in place people are not normally aware (of the eruv)

Will hugely improve life for Orthodox Jews without changing anything for anyone else

Will allow fuller use of the existing social, religious and community facilities provided by the Synagogue

There is no cost financially to the rest of the community

The liberties of everyone else would not be affected

Eruvin currently erected in Barnet and Borehamwood are having only positive impacts on the community

Allow additional growth, cohesion and participation of young families

London allows everyone to live their life in accordance with their faith and belief, in harmony and respect with their neighbours

It will create a positive spiral from the Jewish community back to the overall Camden community

Considering moving into eruv to take advantage of benefit (taking young children to the Synagogue)

Will allow Jewish population to live Jewish identity to the full

The net benefit to the community and society is large

AGAINST –

Street clutter. Camden should be making strenuous efforts to de-clutter and not add to the amount of unnecessary street furniture

Visual nightmare

The factory made, environmentally unfriendly materials are wholly inconsistent with what underlies the concept of eruv – natural simplicity

Impact on trees

Wildlife would be injured – in California there have been cases of eruv killing birds

Wires will get tangled with passing cranes and construction plant

It is not vital for services, such as electricity or water

Imposes religious beliefs on rest of community

Synagogue denies support / human rights of members of congregation by refusing to allow them to walk to services without artificial support

Could lead to segregation

Misinterpretation of the Bible

By English law everyone has the right to pass freely along streets without restriction. Proposal appears to place Jewish law and authority above UK law

Will block thoroughfare

Public realm should be neutral and unbiased – it should be secular

Will impose religious views over a large physical landscape

Impact on character of Conservation Area (South Hampstead)

Not all Jewish people in the area support the proposal – would be divisive within the Jewish community

An archaic concept

A small minority would be imposing its views on the majority

The Jewish community has thrived in the UK for centuries without these manifestations of assertiveness

South Hampstead has a diverse multi-faith community but largely secular community – respect should be afforded to the majority who take a secular outlook

The beneficiaries of the proposal do not form a representative cross section of the local community

While I am in favour of freedom of religion, there must be the corollary of freedom from religion

Would favour a particular religious community

Proposals fail to promote the well-being, inclusivity and social cohesion of the vast majority of the community

Physical presence is unnecessary – territory can be communicated using modern technology, e.g. smartphone apps

It is puzzling as to why it should be necessary for such an inordinately wide area

Would be excessive, exclusive and divisive

The proposal is disproportionate. There are other Synagogues in or closer to the area

Jewish families choose to be housebound

London is a mixed community and the official religion in the UK is Church of England

Religious symbols should not be installed on public property. It is a symbolic transfer of everything in the eruv boundary into Orthodox Jewish ownership

Would be a symbol of a sect which denies itself the right to walk outside the wire

If one follows a particular religion then one should abide by its tenets and not seek to circumvent them

If approved will open the floodgates to other applications. Other religious or social groups would expect

planning approval to use the public realm in a similar way

What happens if the poles need to be moved – e.g. redevelopment schemes. Could lead to tensions between the Orthodox Jewish community and other residents. Similarly tensions may arise where access is required to maintain the boundary. If a pole or wire is down the eruv will not be intact

Does not consent to property becoming part of the eruv

OTHER -

For the eruv to be valid, a secular official must issue a ceremonial council / governmental proclamation leasing the enclosed public and private property to the Jewish community

The Council should investigate the legal and constitutional issues

An alternative to the eruv would be for congregations periodically to process around the boundary of the notional territory

More engagement, particularly with groups with protected characteristics, by the applicant is recommended as a mitigation measure in Stage 4 (of EIA). This should utilise best-practice approaches to community engagement, such as a variety of consultation methods. The applicant would also require the consent of landowners for any equipment which is located on their land (for the public highway the applicant would need to seek a license from Camden Council under the Highways Act).

Members of the Council have also been briefed on this application.

Have you identified any information gaps?

One of the main deficiencies in the data is it is not possible to differentiate between different Jewish denominations. This information cannot be obtained from the census as no questions are asked about the nature of religious practice. However, it is noted that the applicant's (Brondesbury Synagogue) supporting documents refer to the Synagogue having a membership of 600 people. Brondesbury Synagogue is one of at least six synagogues within Camden (three of these belong to United Synagogues of which Brondesbury Synagogue forms a part). This suggests the Orthodox Jewish population forms a significant number, and perhaps the majority, of Camden's Jewish population.

There is no data 'cut' to the eruv boundary. Instead the EIA refers to Lower layer Super Output Area and ward data.

There is much more limited information on some protected characteristics, e.g. the transgender population and LGBT communities. This to some degree reflects the preference for members of these communities to protect their privacy.

Stage three - analysing your equality information and assessing the impact

Analysing the evidence outlined above, could the activity have a negative or positive impact on protected groups?

Age

3.1 For the Orthodox Jewish community there would be a positive impact for pre-ambulant children who would be able to take a full part in the social and spiritual life of their community. The obligation for carers to remain at home to look after their children would be removed. Older residents reliant on mobility aids would be able to walk to the Synagogue to observe their faith. They would also be able to walk to friends and families homes. Users of medication would be able to carry their medication. This would potentially strengthen family bonds and community cohesion within the Orthodox Jewish community. Without the eruv all these groups would be unable to leave their home and mix with others on their primary holy day.

Disability –

3.2 Disabled people and people with reduced mobility (users of mobility aids) in the Orthodox Jewish community are affected by the prohibition on carrying. This includes wheelchair users. The eruv would allow some of the most vulnerable people in the Orthodox Jewish community to be able to fully participate in the social and spiritual life of their community. The eruv would also remove the reliance on carers where they are needed to support people in the home.

3.3 A common concern regarding the installation of street furniture/objects in the public realm is that they can cause an obstruction or safety hazard for disabled people. While this is a potential negative impact, this concern can normally be overcome through consideration of the siting of poles through the development management and licensing processes.

Gender reassignment –

3.4 Acceptance of transgender persons in the Orthodox community is a source of controversy. The transgender population – including transgender Orthodox Jews may be concerned about the symbolic appropriation of the public realm as a private domain, particularly if this would promote less lenient or traditional attitudes towards their community.

Marriage and civil partnership –

3.5 Confirmation of same-sex unions remains controversial (as in most other faith communities). The adherence of Orthodox Judaism to traditional values may not accord with the wider community. People in civil partnerships or married to a same-sex partner may be concerned about the symbolic appropriation of the public realm as a private domain, particularly if this would promote less lenient or traditional attitudes towards their community. It is considered there may be particular anxiety as same sex marriage in England has only very recently gained legal recognition despite continuing resistance from faith leaders to officiating and/or recognising the legitimacy of gay marriage.

Pregnancy and maternity –

3.6 there would be a benefit for young Orthodox Jewish mothers who would be free to leave the home on the Sabbath. Parents would be able to use a pram or pushchair to carry a young child. Young mothers would be able to take a more active role in the social and spiritual life of their community.

Race –

3.7 The benefits of the eruv would principally fall to the Jewish population. There is a complex relationship between ethnicity and religion - the vast majority of impacts which are likely to relate to colour, race, nationality, or ethnic or national origins are considered under the protected characteristic of religion. It is recognised that many minority ethnic communities in London have relatively large populations which are religiously observant and there are now a far greater number of faiths represented in the capital. Accommodation of the eruv in the public realm may be seen more broadly as an acceptance of the needs of distinct communities.

Religion or belief –

3.8 There would be benefits for the Orthodox Jewish community in accessing their place of worship and support networks (as described under other protected characteristics for women, young children, older people and people with disabilities). Respect for and submission to Jewish law is a central and indispensable feature to traditionalist Jewish life and there would be a benefit from the community being more cohesive as families would be able to attend the Synagogue together. The precise degree of benefit for any individual or family will, however, vary according to levels of observance.

3.9 It is acknowledged that for many Orthodox Jews (and people of all faiths) that their religious life is a very important part of their identity. Faith can become indivisible from one's personality. Its associational aspect provides a source of empowerment, belonging and connection and helps to bond together the community. This more generally contributes to social stability and it is recognised that Camden's success and prosperity is built on its very high level of diversity with a complex mix of faith communities. The presence of multiple faith communities is part and parcel of Camden's sense of pluralism. Many of these communities provide a range of social support functions supplementing provision by the Council and other public sector bodies.

3.10 It is clear that the eruv is intended to provide positive impacts for a faith community, that it has a religious purpose and there is no intention to constrain or limit the actions of people of other denominations and faiths, or the wider community. It does not prevent other communities from practising their faith.

3.11 The proposal deals very specifically with the installation of equipment in the public domain which would allow members of the Orthodox Jewish community to attend the Synagogue arising from a very specific element of Jewish law. It is not relevant for the EIA to consider other practices of the Orthodox Jewish community as these are unaffected by the proposal. However, it is possible, with the presence of other eruvin in North London, that it will be harder for the Synagogue to sustain attendance when other facilities provide the opportunity for family members to attend a synagogue collectively.

3.12 For the wider community – people from other Jewish denominations, other faiths or with no faith the presence of an eruv can be problematic as the identity and character of the area can be perceived to have changed in a material way. A pre-requisite of the eruv is its enclosure of secular, public space (e.g. the public highway) with the intention that this space is 'contracted' for as long as it is required. The eruv boundary symbolically forms a 'wall' with gaps in this wall becoming 'gateways'. This contributes to the sense of demarcated or zoned territory in which public space assumes a new identity and becomes associated with a distinct set of values and practices. The enclosed space is a private domain separate from the extant public areas outside. Where an eruv includes residents who are not Jewish or not observant the enlargement of the private domain is contingent on the symbolic 'rental' of public space ('sechiras reshus') from a landlord/public body.

3.13 Representations to the planning application demonstrate the concern of some residents that the eruv symbolically confers ownership of the public realm to one community (which the Census data suggests is a very small minority of the overall population – approximately 5% of residents living within the eruv identify themselves as Jewish). The public space would symbolically be seen as belonging to a single denomination of one faith community. A particular grounds of objection to the proposal is that the prohibited activity is one which is permitted under UK law – this argument seems to question the Orthodox Jewish community's treatment of laws applicable to the whole community. It is also queried that the eruv is being used as a device to circumvent Jewish laws and tradition. If such flexibilities can be applied to the prohibition on carrying, an argument can be made why further leniency cannot be applied obviating the need for an eruv at all. A wider concern is the perceived ascendancy of more traditional and strict forms of religious practice into public life. This view is highly based upon the idea of common bonds uniting Camden residents which may, at times, justify a constraint upon religious freedom. The London Plan (and Camden

Development Policies) acknowledges that tensions can exist between meeting the needs of a faith community and sustaining a cohesive community with shared values - the decision maker on a planning application has to establish where the appropriate *balance* lies.

3.14 It is also clear from the representations that some residents (significantly non Orthodox Jews) consider their lives will be unaffected by the installation of the eruv. This neutral or supportive view points to the applicant's acceptance of liability and the cost of installing and maintaining the eruv and the legal protections for the Council (e.g. the ability to require the removal of the equipment to facilitate highways works).

3.15 Central to this proposal is whether public space would assume any religious function, even on perceptual terms and whether this is appropriate. Outdoor public spaces (including Camden's parks, amenity land and town / neighbourhood centres) are where the whole community can gather and undertake a wide range of activities. Public space is cherished because it enables this chance for people from all backgrounds to interact. Historically, in some instances access to public open spaces has been hard won as people from disadvantaged backgrounds have sought to enjoy the recreational and leisure benefits which were once the preserve of elites. Part of the character of public spaces (large and small; designated or undesignated) is their availability and accessibility to all with no individual or group exercising pre-eminence in this space. It is this inclusive quality and the links between public space and levels of social capital which underpins the concepts of a 'liveable city' or 'lifetime neighbourhood'.

3.16 The Council's policy statement on memorials and public works of art is not directly applicable to the eruv. However, it is instructive how this statement has sought to embody the norm that public space is a shared resource belonging to all. Various criteria must be met before a memorial or public work of art can become a permanent fixture in a public space. The policy takes into account an overconcentration/ the saturation of these structures in individual locations. Public works of art should contribute to the 'look and feel' of the area and should be "unique to the site" and "accessible to all". Memorials are expected to provide a 'direct link' to the local area through celebrating or honouring the memory of a person or event relating to Camden's past. The suitability of a proposal is, in part, tested against evidence of public support and consensus. Further in the case of memorials, there is a specific protection to allow the Council and community time to reflect upon and adjust to the full ramifications of a scheme ('the 20 year principle'). This approach to installing artwork and memorials is indicative of the high degree of care which is taken to ensure changes to the public realm can appropriately balance the interests of the whole community.

3.17 Similarly the way public bodies (including the Council) issue permits or licenses to facilitate the use of public space (e.g. for a street party or sports event) illustrates the balances between a space's primary purpose and the needs of individual groups. An event can very substantially change the way a space is used (and who might use it) and how it is perceived for a time but this is considered acceptable as the wider public would be able to use the space for its intended purpose at most other times. Another circumstance is when the Council installs street furniture in the public realm such as benches and rails. Quite often this will help in reducing a disadvantage experienced by people with protected characteristics of age (children and older people), pregnant women and/or the disabled. Such renewal or improvement works benefit people with these protected characteristics from any background and indirectly may provide a benefit for the whole community (e.g. seating for the elderly can be used by people of all ages and provide surveillance and security). The eruv would become a permanent feature but its benefit would only be experienced by one denomination (albeit the largest) of a single faith community.

3.18 The eruv has the potential to alter the way other faith communities or people with no belief perceive public space, in particular the universal values it embodies. This could affect public attachment and commitment to the space, potentially undermining its future potential. This impact would arise where people perceive that an open space as being closely associated with an individual group or community. This would be particularly detrimental if local people felt they did not have a sufficient say in whether such a symbolic entity is created. The proposal would require the installation of the eruv equipment near to private homes and notionally relies on the boundary of private properties becoming part of the symbolic 'wall'. This means the physical and perceptual impacts may be experienced from the vantage point of private residences, potentially in streets with no Jewish population. However, it is also likely that for some residents the manifestation of religion in the public domain (regardless of its form, location or the faith it is intended to serve) would be resisted because religious practice is generally viewed as problematic or inconsistent with the ideals and values of a modern and largely secular society. This is likely to affect acceptance of any mitigation measures.

3.19 The eruv raises an issue of personal choice and freedom for the wider community – once an eruv has been established there is no easy mechanism by which residents can simply opt out from being part of a private domain. But there is also a case for arguing that the eruv would be an expression of tolerance and solidarity between communities – if sufficiently viewed in this way it could help bind the local community together. From this perspective, the eruv could facilitate a culture of reciprocity across communities, although this benefit is perhaps most likely to arise between different faith communities.

3.20 A concern sometimes cited about eruvim is that they might incentivise changes in the population within the enclosure. It is argued an eruv might encourage Orthodox Jews to move into the area progressively leading to the population of this community becoming proportionately larger. An extension to this argument is people from other Jewish denominations, faiths or holding secular views start to leave the area as its character (e.g. range of facilities and services) starts to change. However, a comparison of data from the 2001 and 2011 Census suggests the potential of these trends has not been borne out in practice in the Barnet example (it is not possible to analyse other eruvim in England over this time frame as they have become operational only much more recently). With far more eruvim, either operational or planned in Jewish communities in London (and surrounding areas) the need for Orthodox Jews to move residence doesn't appear to exist. The presence of eruvim internationally in countries with significant Jewish populations suggests it is also unlikely that the eruv would promote inward migration from abroad.

3.21 In summary, there would be a benefit for the Orthodox Jewish community to observe their faith together on the Sabbath. For some members of other denominations, faiths and the wider community – based upon the representations to the planning application – there would be a negative impact in the way the area within the eruv is perceived and the pre-eminence this is seen as conferring on a single community. For all residents in the eruv and in other potential eruvim in Camden, the proposal raises difficult questions about the function and meaning of public space and whether Camden's essence and unity would be impacted by the public realm assuming a religious role at least in some locations (and partly facilitated in doing this by the Council). This proposal simultaneously raises questions about the scope of universal values shared across the whole of Camden's population and the weight that must be attached to these. There is no evidence relating to the population impacts arising from an eruv being refused planning permission- the longest operational eruv in the London Borough of Barnet (North West London Eruv) has not resulted in a significant change in the area's population profile.

Sex –

3,22 As women tend to undertake caring responsibilities within the Orthodox Jewish community, there would be positive impacts for them. Families would be able to attend the Synagogue together providing a social benefit and reducing isolation.

Sexual orientation –

3,23 Acceptance of LGBT people and their rights varies across faith communities and denominations. There is no evidence that the eruv would lead to any discriminatory effects in the public domain as the rights of LGBT people are protected under UK law. There is no evidence linking Orthodox Jews with hate crime. There may be benefits where LGBT people are unable to leave their home to attend the Synagogue, e.g. because of infirmity.

3.24 Note: in the case of all the protected characteristics any effect arising from a particular impact will vary depending on an individual's level of observance. A particular reaction may be very personal to the individual and is not necessarily shaped or shared with any organised religion to which they may belong. The EIA deliberately focusses on commonalities drawing on the representations made to date on the proposal and desk-based analysis. The protected characteristics are themselves broad constructs. It is accepted this emphasis towards potential impacts shared by significant numbers of people could mask the true diversity of impacts.

Equality impact summary

Protected group	Summarise any possible negative impacts that have been identified for each protected group and the impact of this for the development of the activity	Summarise any positive impacts or potential opportunities to advance equality or foster good relations for each protected group
4.1 Age	<p>a. There may be a continuation of negative impacts for Orthodox Jews if the eruv cannot be successfully established. This is because traditional Jewish law and ethics are considered to be binding. Without an eruv, young children and older members of the Orthodox Jewish community will still be unable to leave their home on the Sabbath.</p> <p>b. This also affects their carers, reducing their ability to take part in spiritual and social activities and the choice and control they can exercise over their lives.</p> <p>c. For families, this situation would persist until all the children are capable of walking independently to the synagogue.</p> <p>d. An eruv does not, however, overcome the prohibition of other everyday activities such as the carrying of an umbrella, driving, the use of electronic equipment including telephones or the handling of money/credit cards. It also does not permit observers to enter any business establishment, shop, library or place of entertainment.</p>	<p>e. With an eruv, elderly Orthodox Jews with reduced mobility and children who have not reached walking age (or only capable of only walking short distances) would be able to leave their home, attend the synagogue and visit friends and relatives within the eruv perimeter as well as between eruvim on the Sabbath (referred to as the Shabbat in Hebrew). This brings the advantages to personal wellbeing which would be expected from increased social contact, such as access to advice.</p> <p>f. The eruv allows babies or small children to be carried in their parents' arms or transported in a pram or buggy. It also enables the use of nappies. Older people or those with limited mobility would be able to use wheelchairs and walking aids, such as sticks and zimmer frames.</p> <p>g. The eruv also overcomes the prohibition on the carrying of medication (which otherwise is only permitted in an emergency) and reading glasses which would benefit people of all ages.</p> <p>h. The benefits would not only apply to the immediate family group but would extend to grandchildren or elderly parents staying over for the weekend.</p> <p>i. These positive effects would be realised every Sabbath (late Friday to late Saturday) – 52 occasions each year. Carrying would also be permitted on certain holy days which would otherwise be forbidden. The whole family may also come together for refreshments following prayers at the Synagogue. The carrying of food may similarly make it possible for</p>

		families to enjoy picnics in a park.
4.2 Disability	<p>a. With no eruv, observance of Jewish law and teachings compounds the difficulties of Orthodox Jews who already experience disadvantage caused by their disability. They would need to remain at home on the Sabbath. This can cause disabled people to be more vulnerable and isolated. They would be excluded from the social and spiritual life of the wider community.</p> <p>b. A common concern relating to the creation of eruv is that they might pose a safety hazard for wheelchair users, the elderly or blind people using mobility aids. This occurs if the eruv equipment was poorly sited on the public highway. (Mitigation is available - if acceptable in all other respects, the Council will require any eruv equipment to be located where it does not obstruct the free movement of pedestrians and wheelchair users. This issue has to be scrutinized by Highways Officers before a highways license can be issued for the installation of the equipment. The Council would enter into a maintenance agreement to ensure that regular inspections of the equipment are undertaken and health and safety is fully taken into account - this is in the self-interest of the Orthodox community because otherwise the eruv would be unable to effectively carry out its role).</p>	<p>c. The eruv would have benefits for disabled people who would not be able to make use of a walking stick or wheelchairs without transgressing Jewish law. It would enable disabled people to act independently, attend worship and socialize as part of their faith community.</p>
4.3 Gender reassignment	<p>a. There is the possibility that the presence of an eruv will cause harm or distress to people who are proposing to undergo, undergoing or have undergone the process of changing their sex. This is because it may potentially be read as a symbol of Jewish Orthodoxy which is generally opposed to gender reassignment. Recognition and acceptance is a huge concern for all transgender people.</p> <p>b. Orthodox practice views sex/gender as an innate and eternal</p>	

	<p>category. Sex change operations based on the removal of genital organs are forbidden. Cross-dressing and the alteration of sexual characteristics is not normally permitted. Consequently, transgender Orthodox Jews can feel alienated by their community.</p> <p>c. The eruv would help overcome the disadvantage being experienced by some of the Orthodox Jewish population with protected characteristics but it is unlikely to be able to substantively address the issues around the inclusion of transgender residents.</p>	
4.4 Marriage and civil partnership	<p>a. As with other faith communities, acceptance of same-sex marriages varies between Jewish denominations. Orthodox Jewish rabbis will generally be unwilling to officiate at a same-sex wedding or affirm same-sex relationships. The eruv may be read symbolically by other groups in the community, including LGBT people, as an expression of traditional values which query the legitimacy or need for same-sex marriages.</p> <p>b. The eruv would help overcome the disadvantage being experienced by some of the Orthodox Jewish population with protected characteristics but recognition of same-sex marriages would be unchanged.</p>	<p>c. The eruv would not confer any particular benefit for wedding ceremonies: Jewish weddings can occur any day of the week except the Sabbath and particular mourning periods in the Jewish calendar.</p>
4.5 Pregnancy and maternity		<p>a. With an eruv, Orthodox Jewish families can come together in the synagogue and fully participate in Jewish life on the Sabbath. Mothers would not be housebound and be able to freely visit friends and relatives. Parents can use a pram or pushchair to carry their child or baby.</p>
4.6 Race	<p>a. There is a complex relationship between ethnicity and religion. It is considered that the impacts assessed</p>	<p>b. The benefits described under other protected characteristics would primarily benefit Jewish residents.</p>

	<p>under the protected characteristic of religion may also apply to race.</p>	
<p>4.7 Religion or belief</p>	<p>a. The proposal highlights the conflicting interests of a Jewish denomination with an evolving and highly diverse society which emphasizes liberal or simply secular values, including equality.</p> <p>b. This incompatibility has been raised by objectors to the proposal. The main issues are:</p> <ul style="list-style-type: none"> • The appropriation of secular or public space which is shared by people of different faiths, beliefs and backgrounds, arising from it be incorporated into a private domain • The role of religion in public spaces • The potential risk to ‘belonging’ or ‘attachment’ to public space • Greater separation of communities / ‘cultural relativism’ / impact on inclusion • Public bodies (such as Camden Council) symbolically conferring authority of one denomination over public space which is needed by residents and workers from all backgrounds to perform a wide variety of functions • Adherence to traditional Jewish law and interpretation overlooks or actively ignores the social problems experienced in a modern society, e.g. assimilation of LGBT people. • Approval of the eruv would legitimize or help bolster traditional teaching and attitudes within the Jewish community • UK law already provides the protections which the eruv would overcome for observant 	<p>m. The eruv would enable all members of the Jewish community to access support networks and their place of worship. The eruv would therefore support social interaction and inclusion within the Orthodox Jewish community. For Orthodox Jews an eruv maintains the integrity of the halakhic (Jewish legal) system while ensuring that the law is livable. Respect for and submission to this legal system is a central and indispensable feature to traditionalist Jewish life.</p> <p>m. The degree of benefit will, however, vary according to the levels of observance within the Orthodox Jewish community.</p> <p>n. The installation of the eruv could be a demonstration of inter-faith and community engagement and understanding. There is a degree of support amongst non Orthodox Jewish residents who say their lives would not be affected.</p> <p>o. There will be no requirement for the wider community to undertake upkeep of the eruv. The Orthodox Jewish community is normally invited (by the synagogue) to contribute to the upkeep of the eruv. All costs associated with liability and maintenance would be incurred by the applicant. The applicant would be required to hold indemnity insurance. In order to ensure its validity under Jewish law, Synagogues are obliged to undertake weekly inspections to ensure the eruv remains intact.</p> <p>p. The established level of good community relations in Camden would help in minimizing any negative impacts.</p>

Jews

- The population profile within the eruv and character of the area will change as Orthodox Jewish homeowners displace the existing population
- The eruv would unduly draw attention to the presence of a Jewish community. This may attract antisemitic crime and the interest of far right groups undermining community cohesion. (At present, there are a limited number of antisemitic incidents being recorded, usually graffiti).
- Secular Jews may see an eruv as a sign that they may be under pressure to change their lifestyle and become more observant.
- It may be seen as artificially containing or restricting the Jewish population to a particular area (the specific effect of the eruv may be negligible because of the prohibition on driving referred to earlier).

c. There is also evidence that planning proposals for and installation of an eruv can strain community cohesion, although the ability to make inferences based on experiences in other boroughs to Camden is limited by differences in social character and composition. However, very strong levels of opposition to an eruv have been apparent in some areas, e.g. Bushey in Hertfordshire (now operational) and Hale, Greater Manchester.

d. The negative impacts of the eruv may be constrained by the following factors:-

e. No one of other faiths or of no faith living within the eruv would be expected to assume any religious belief or identity. No behaviour or codes are imposed on the wider population. They would be protected by rights established in UK law.

f. The legal right for owners of fences and walls which form the enclosure to remove or make alterations to the structures remains. The eruv is a notional boundary – it does not affect private property rights under UK law.

g. The symbolic ‘rental’ of public space and its inclusion in a private domain does not reduce the scope of the Council to manage this space in the same way as elsewhere in the Borough (if the eruv became operational, it would be controlled subject to a legal agreement between the Council and the applicant).

h. Some residents may be willing to support the eruv because other faith communities have historically used features in the natural and built environment to demarcate boundaries, e.g. trees and hedges to signify the extent of an English parish.

i. There are non-Orthodox Jewish residents who will be unaware of the eruv or attach no meaning to it (this is confirmed by the representations).

j. Antisemitic behaviour and rallies by far right groups may occur in areas with Jewish populations with or without an eruv. There is no evidence to suggest there would be an even greater prevalence of such activities where there is an eruv (While there has been a significant increase in eruv in recent years, there have only been small numbers of isolated incidents of poles or wire being unlawfully removed or damaged. This is no different to recorded vandalism of other items of street furniture).

k. In assessing the potential effects, it is noted that Orthodox Jewish practice is likely to be sustained within the eruv area regardless of whether the proposal receives consent from the Council. A potential negative impact is the ability of the Synagogue to sustain its congregation could be threatened because of the established operation of eruv elsewhere.

l. (Note: The ability to

	<p>comprehensively assess the likelihood of changes in population patterns is limited by the small number of eruv which have been operational for any length of time. There were only 3 established eruv prior to 2010 (two in the London Borough of Barnet). These were established in areas with already very high Jewish populations – Golders Green/Hendon, Edgware and Elstree and Borehamwood. However, experience in these locations is still relevant.</p> <p>Data for the North West London eruv in Golders Green/Hendon (see Stage 2 of the EIA) does not support the argument that the demography of the area is affected by an eruv. In this case, the proportion of the Jewish community in the eruv area fell. Further, with many Orthodox Jews living in an operational eruv, or where one is planned, there is less likely to be the need to move elsewhere. It is also noted that in other countries with high Jewish populations there are already operational eruv.)</p>	
Sex	<p>Without an eruv, women are particularly disadvantaged (as they primarily undertake caring responsibilities within Orthodox Jewish communities) on the Sabbath and would be most impacted by the prohibition on carrying.</p> <p>Women of other faiths and denominations, or women with no faith, experience distress or offence caused by the installation of the eruv. This is because it may be read an expression of traditional values. This includes the need for women to dress modestly, the prevalence of arranged marriages within Hasidic culture and the preference for women to sit apart from men in the Synagogue.</p> <p>While there is a benefit relating to the inclusion of Orthodox Jewish women, their role in their faith community will continue to be more limited compared to the levels of participation and recognition experienced by women of some other denominations and faiths.</p>	<p>An eruv would largely benefit Orthodox Jewish women in being able to freely move around the eruv on the Sabbath, undertake caring activities and take part in spiritual life.</p>

	<p>Consent for the eruv is unlikely to change this situation in any material way.</p>	
<p>Sexual orientation</p>	<p>LGBT communities may regard the eruv as a symbol of discrimination owing to the adherence in Orthodox Judaism to traditional instruction and practices.</p> <p>The Torah law specifically forbids homosexual intercourse and considers it to be sinful. This clearly creates a dilemma for LGBT Orthodox Jews in being able to reconcile their sexual identity with their spiritual faith.</p> <p>While LGBT Jews may be welcome to join the congregation at a synagogue, their status remains a source of controversy (as in other faith communities). There is particular opposition in Orthodox Judaism to same-sex marriages and the ordination of homosexual rabbis and cantors.</p> <p>Some rabbis discourage gay Jews from being open about their sexuality. Outside the UK, there is evidence that traditional/conservative views can sometimes be accompanied by strident rhetoric condemning gay lifestyles and immorality. This has included ideas that heterosexuality can be 'restored' through intensive support, therapy or treatment. This is clearly deeply offensive to many in the LGBT community.</p> <p>Consent for an eruv (however discreet it may appear in the streetscene) may lead LGBT people to read the public realm as a less congenial environment in which they are able to conduct their day-to-day lives, particularly on the Sabbath. In particular, LGBT residents may be inhibited from expressing themselves freely by the increasing visibility of Orthodox Jews. This is a significant perceptual impact and closely linked to the potential for the wider community's perceptions and usage of public spaces to be transformed by this proposal – discussed above.</p> <p>However, it is accepted that some</p>	<p>The eruv would provide a direct benefit to observant LGBT Jews in being able to follow their faith.</p>

LGBT people will simply be unaware of the eruv or choose to ignore its presence. They will not be distressed by it, even if they reject aspects of Orthodox Jewish teaching. This reaction will be shared by a cross-section of the local community although it is hard to measure.

It is also noted that LGBT people will be likely to already be aware of Orthodox Jews attending the Synagogue in the proposed eruv area – this will continue to be the case. LGBT communities enjoy protections under UK law: the eruv does not confer any powers on Orthodox Jews to control other communities from going about their everyday lives.

There is no evidence that Orthodox Jews seek to restrict or directly discourage LGBT people from using the public realm which the eruv incorporates. There is also no evidence linking the perpetration of hate crimes to Orthodox Jews.

Stage four - planning for improvement

What actions have been identified:

- to mitigate against or minimise any negative impacts?
- to advance equality, and therefore improve the activity?

Visibility and awareness of an eruv may be mitigated by careful design (including the placement of poles, the tapering of poles, the use of fine, translucent wire and the colour matching of equipment to its setting). This reduces the presence of the eruv to a level akin to items of street furniture such as lighting columns or communications poles. Where the poles are located at the back of the pavement, they would be seen against existing buildings, hedges or trees. However, awareness of the eruv equipment is likely to be accentuated where it is close to people's homes (due to the greater time spent in this location). At any site, even with mitigation it is acknowledged the equipment would remain perceptible to a limited degree.

The perceptual impacts of the eruv will be harder to address. A pre-requisite of an eruv is the incorporation of public space as part of a private domain, with the intention that this space is 'contracted' for as long as it is required. This would alter the ethos behind shared, public space giving it a symbolic religious function, potentially lending it a close association with a single faith community. If the proposal obtained the necessary consents, the Council may need to undertake a programme of outreach to ensure the attachment of other denominations and communities to public space is not affected. This may, however, be insufficient to satisfy some of the objections being made to this proposal. If the planning application was refused, the Council would potentially need to re-engage with the Orthodox Jewish Community demonstrating that their needs are fully understood.

To minimise the likelihood of community tensions and misunderstanding, the applicant should be encouraged to undertake a robust programme of publicity, engagement and education explaining the eruv's function to the wider community. If the eruv was implemented, it would also reduce the likelihood of residents objecting to its presence because they were unaware of its function.

Security issues can arise when structures are erected adjoining private property. In particular, criminals may be able to access gardens or upper storey windows by climbing up poles. This risk can usually be overcome through the use of anti-climb paint.

Stage five - outcome of the EIA

Outcome of analysis	Description	Select as applicable
Continue the activity	The EIA shows no potential for discrimination and all appropriate opportunities to advance equality and foster good relations have been taken	
Change the activity	The EIA identified the need to make changes to the activity to ensure it does not discriminate and/ or that all appropriate opportunities to advance equality and /or foster good relations have been taken. These changes are included in the planning for improvement section of this form.	Y
Justify and continue the activity without changes	The EIA has identified discrimination and / or missed opportunities to advance equality and / or foster good relations but it is still reasonable to continue the activity. Outline the reasons for this and the information used to reach this decision in the box below.	

Stop the activity	The EIA shows unlawful discrimination.	

Stage six - review, sign off and publication

Review

Your EIA will have helped you to anticipate and address the activity's likely effect on different protected groups. However the actual effect will only be known once it is introduced. You may find you need to revise the activity if negative effects do occur. Equality analysis is an ongoing process that does not end once an activity has been agreed or implemented.

Please state here when the activity will be reviewed, and how this will be done, for example through the service planning process, when the service is next procured etc. This will help you to determine whether or not it is having its intended effects. You do not necessarily need to repeat the equality analysis, but you should review the findings of the EIA, consider the mitigating steps and identify additional actions if necessary.

For restructures or organisational change a review should take place once the restructure has been completed. In addition to the areas identified above your review should include an evaluation of how the staff profile after the organisational change compares to Camden's profile, the division profile and the staff profile prior to the change. Your HR change adviser will provide you with the necessary data.

Date when EIA will be reviewed: _____

Sign off

The EIA must be quality assured within the directorate before sign-off by the service head /AD.

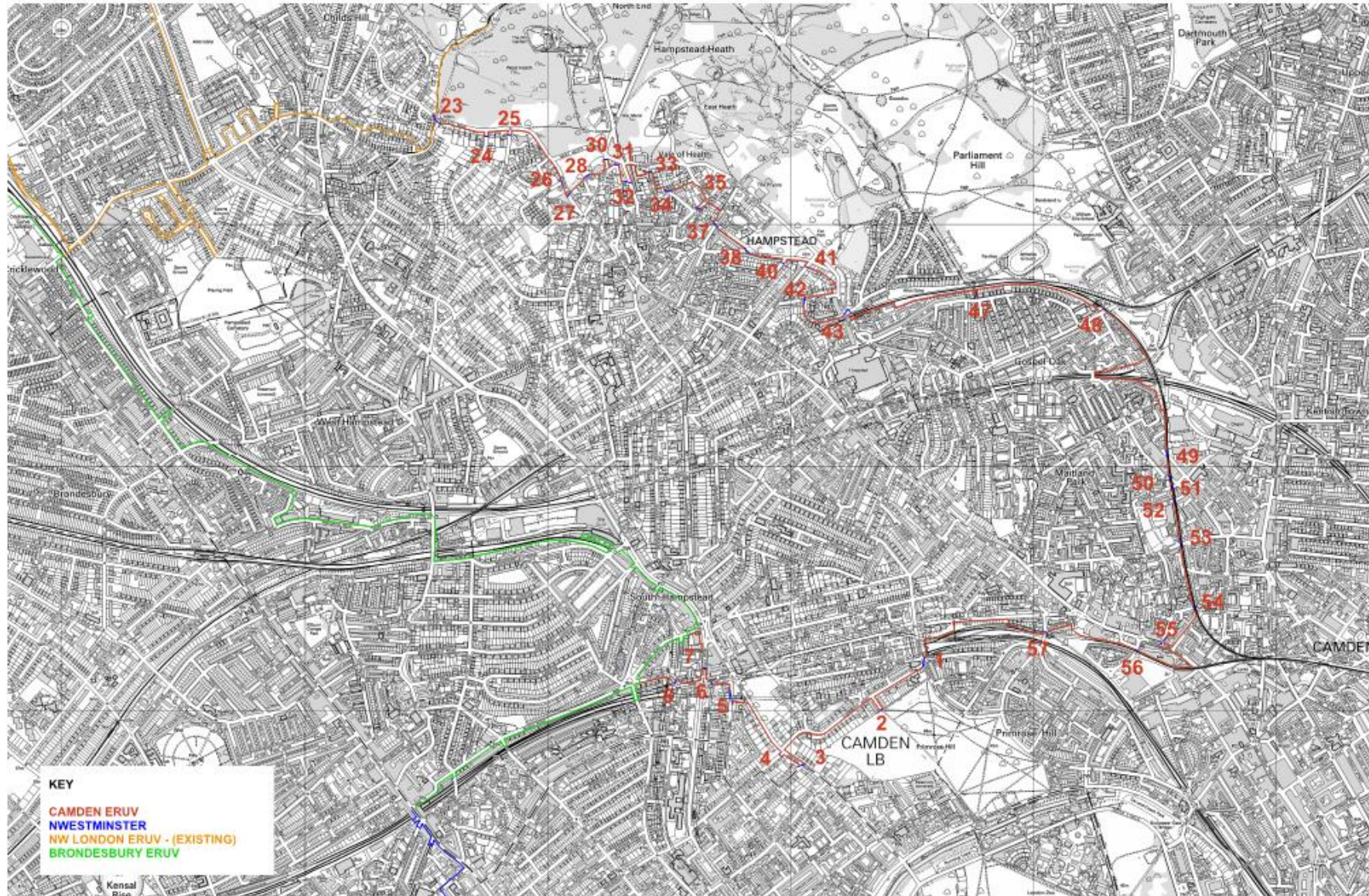
Quality assured by:	
Quality assured by OD for organisational change / restructures:	
Signed off by:	
Date:	
Comments (If any)	

Publication

If the activity will be subject to a Cabinet decision, the EIA must be submitted to committee services along with the relevant Cabinet report. Your EIA should also be published on Camden Data. All EIAs should now be uploaded to the [SharePoint site](#).

Camden Eruv

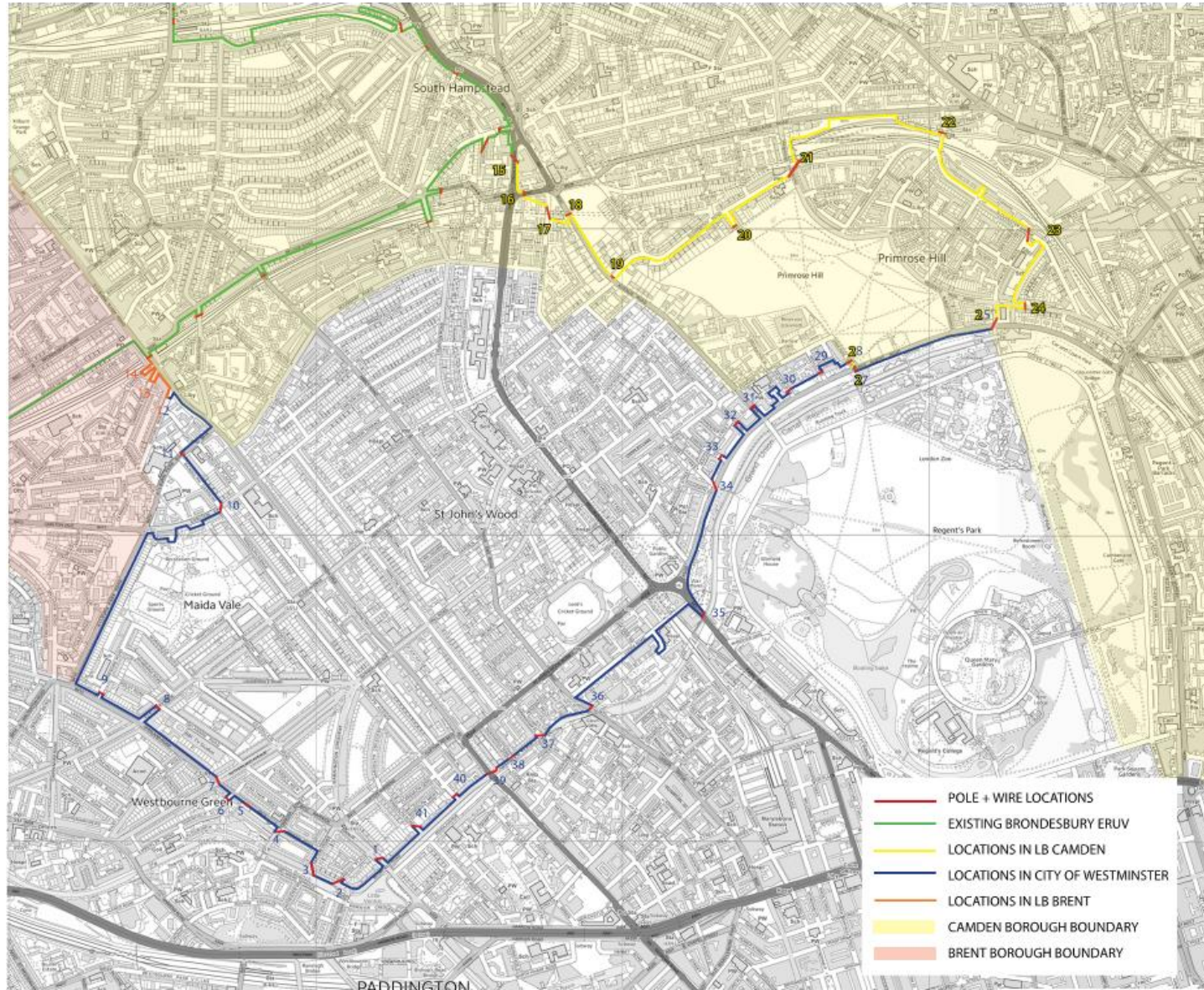
Various locations in NW1, NW3, NW5 & NW8



Site plan showing Camden Eruv pole locations and boundary, and adjoining eruvs

North Westminster Eruv

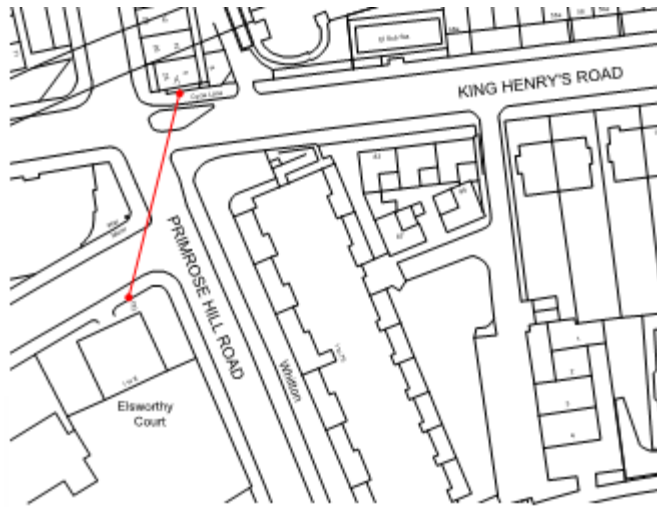
Various locations in NW1, NW3, NW5 & NW8



Site plan showing North Westminster Eruv pole locations and boundary, and adjoining eruvs

Camden Eruv - OS maps for each location

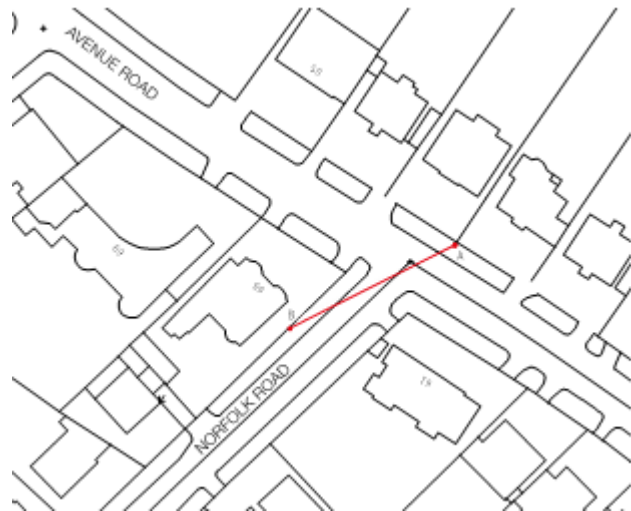
Location 01 (NW location 21)



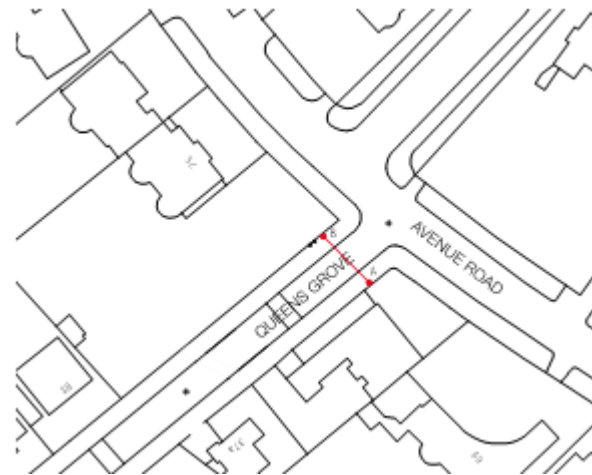
Location 02 (NW location 20)



Location 03

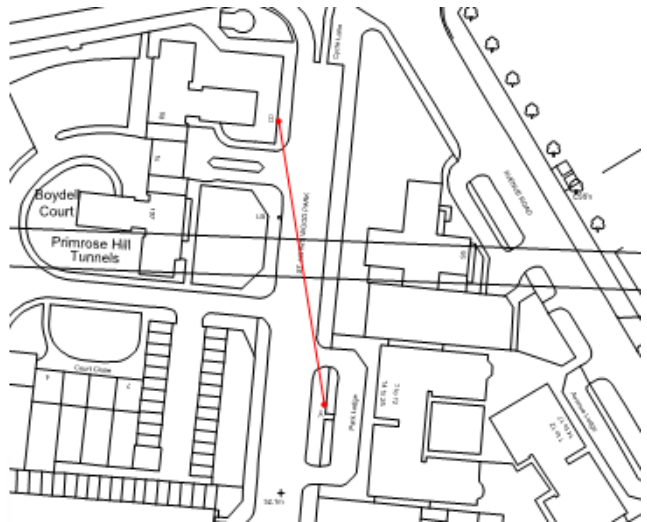


Location 04

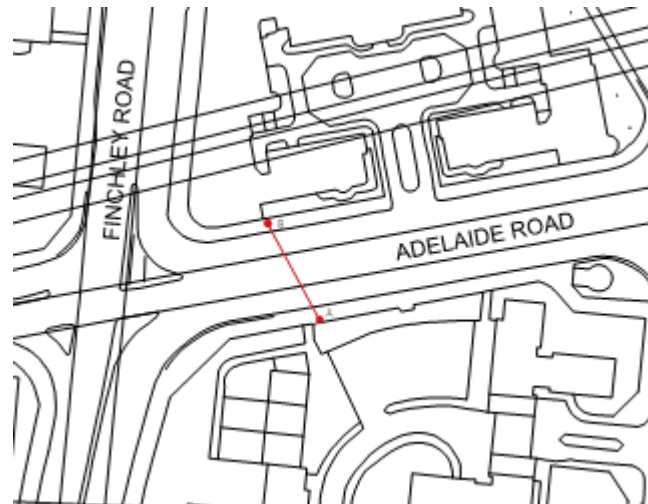


Camden Eruv - OS maps for each location

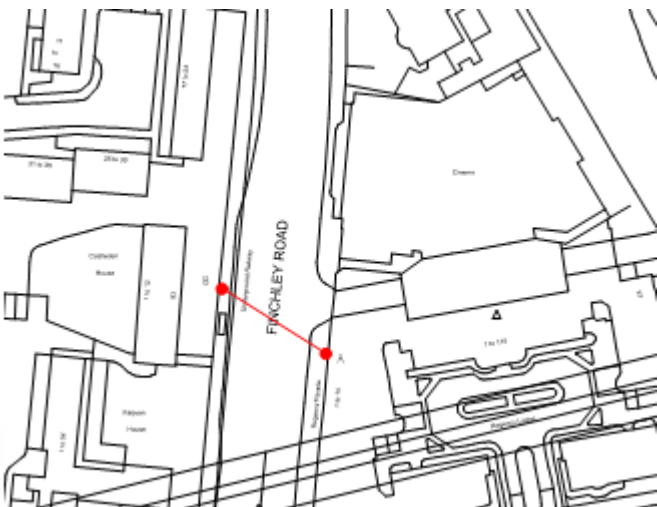
Location 05 (NW location 17)



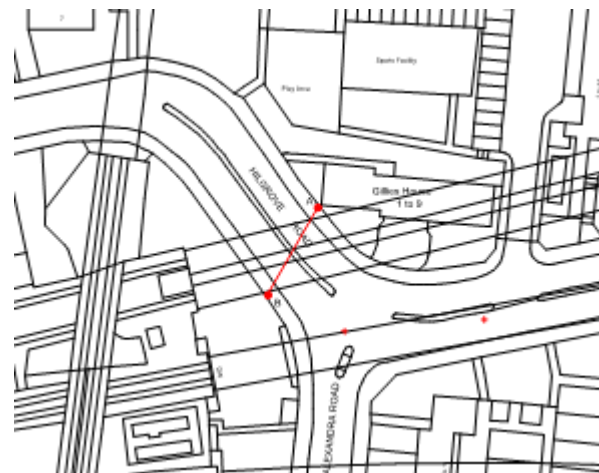
Location 06 (NW location 16)



Location 07 (NW location 15)



Location 08 (NW location 15.1)

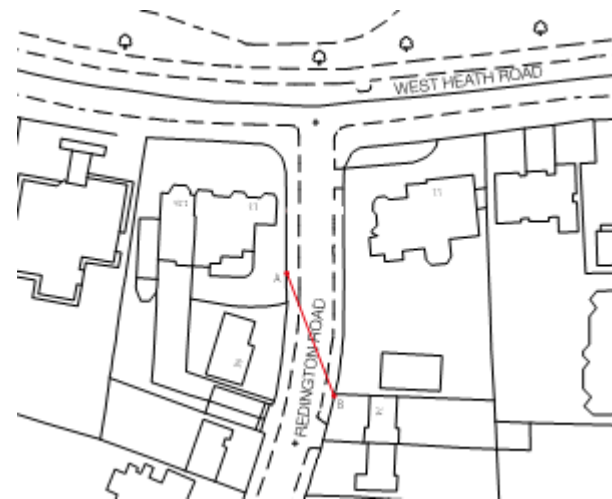


Camden Eruv - OS maps for each location

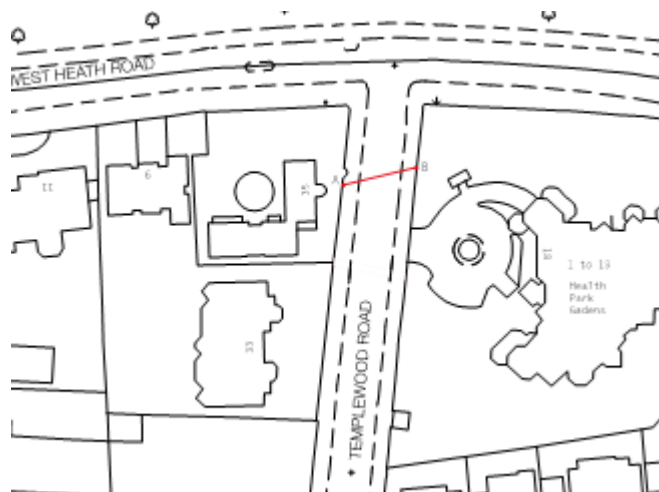
Location 23



Location 24



Location 25



Location 26



Camden Eruv - OS maps for each location

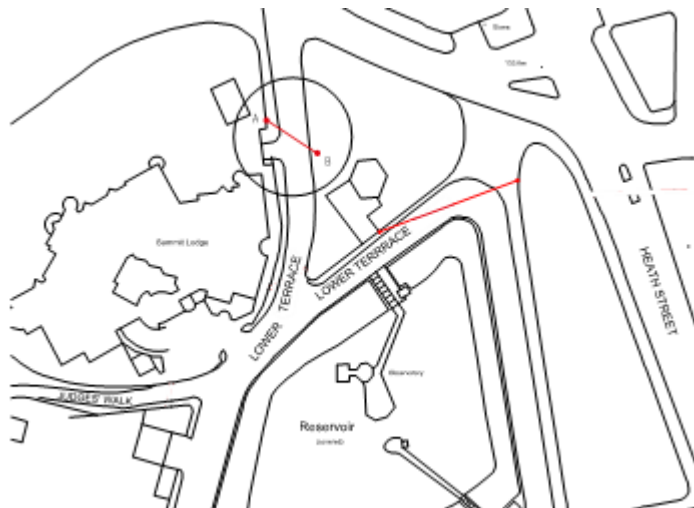
Location 27



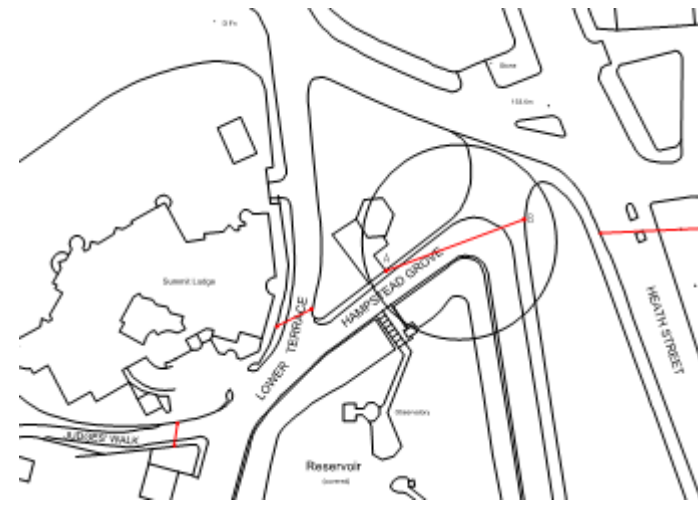
Location 28



Location 30

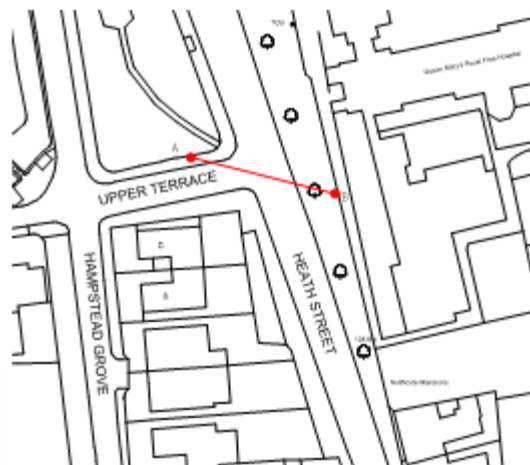


Location 31

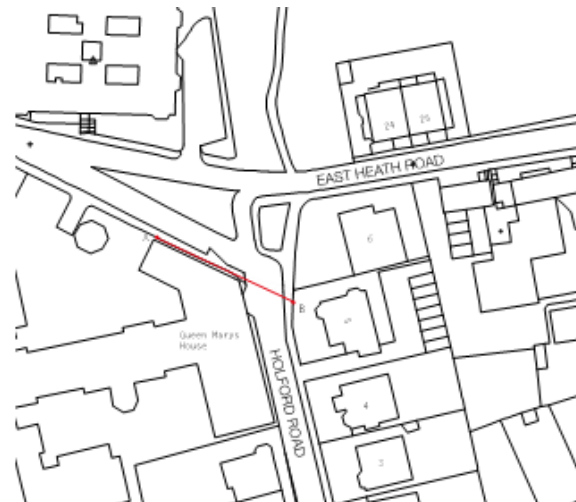


Camden Eruv - OS maps for each location

Location 32



Location 33



Location 34



Location 35



Camden Eruv - OS maps for each location

Location 37



Location 38



Location 40

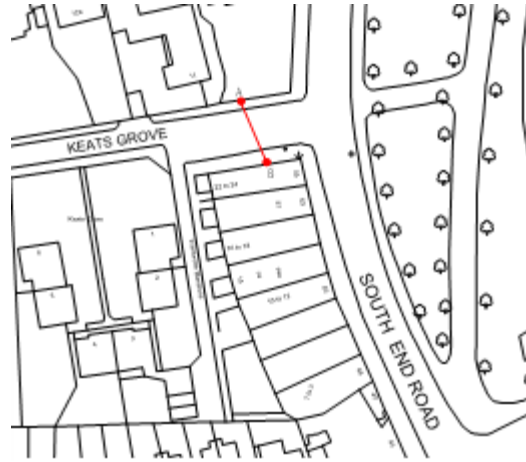


Location 41

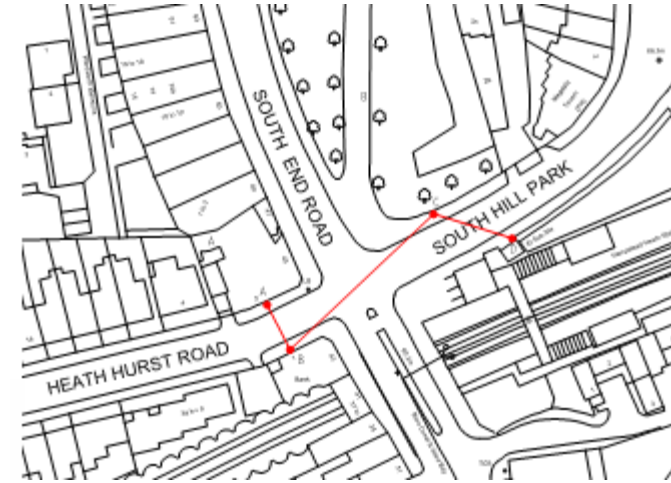


Camden Eruv - OS maps for each location

Location 42



Location 43



Location 47



Location 48

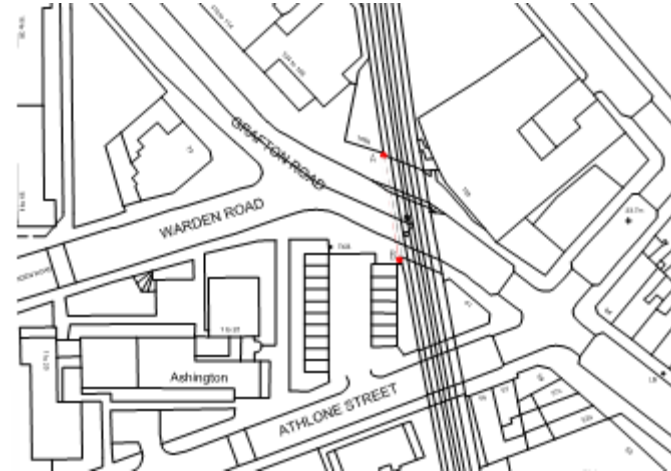


Camden Eruv - OS maps for each location

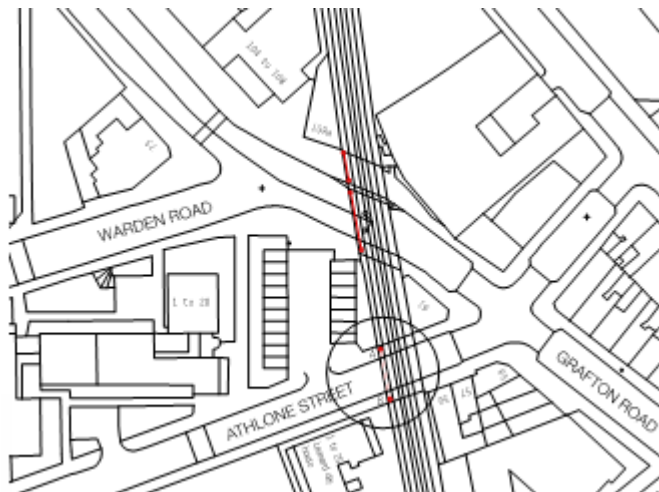
Location 49



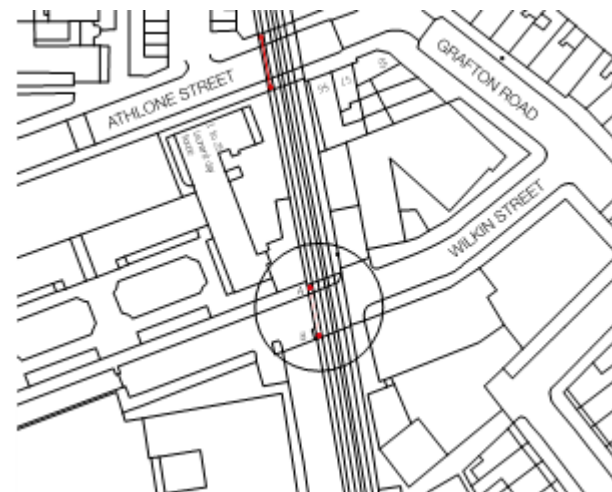
Location 50



Location 51



Location 52



Camden Eruv - OS maps for each location

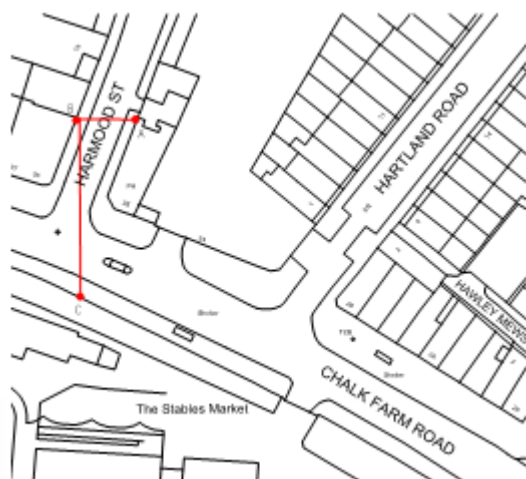
Location 53



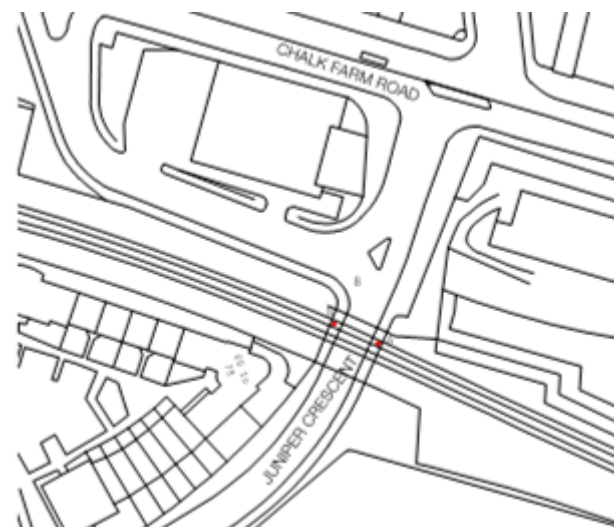
Location 54



Location 55

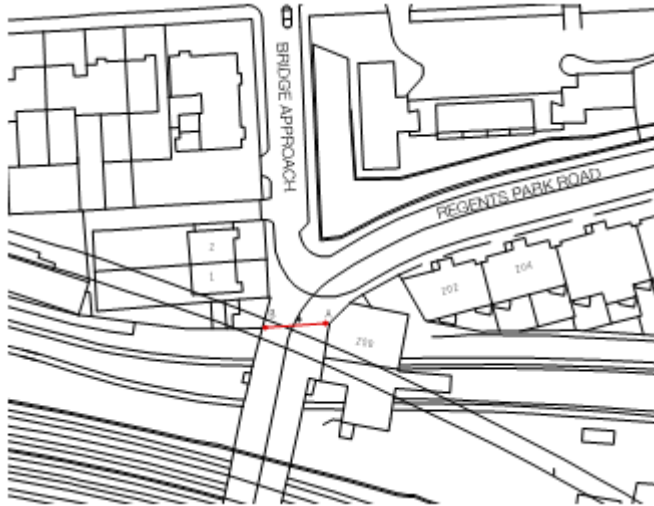


Location 56



Camden Eruv - OS maps for each location

Location 57 (NW location 22)

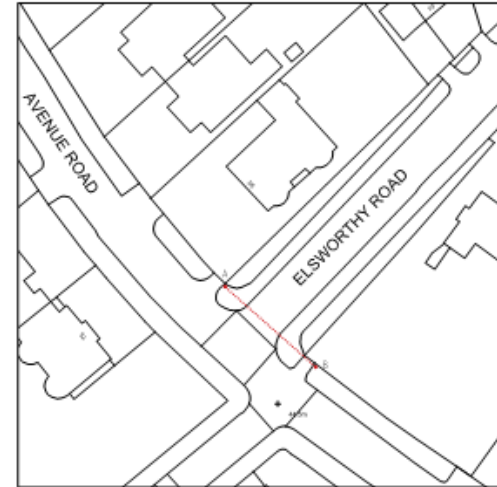


North Westminster Eruv - OS maps for each location

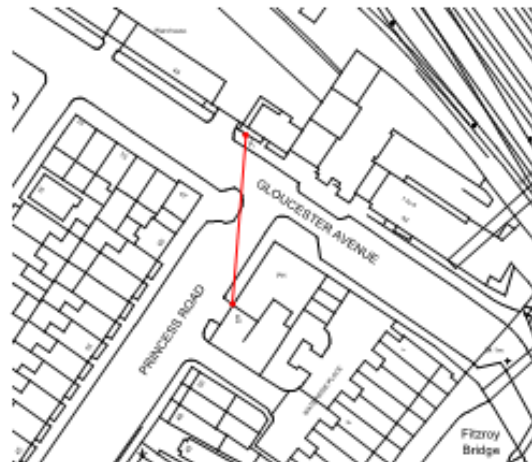
Location 18



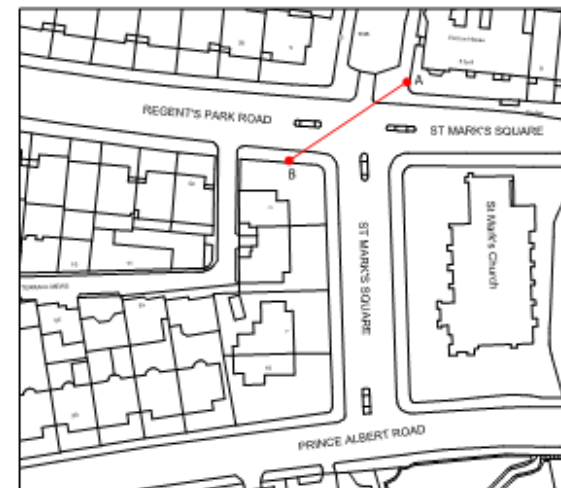
Location 19



Location 23

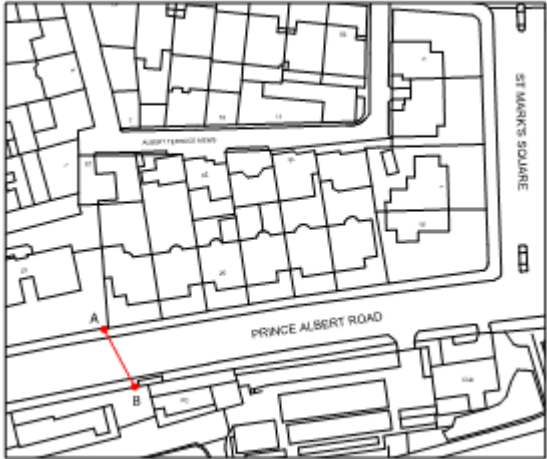


Location 24

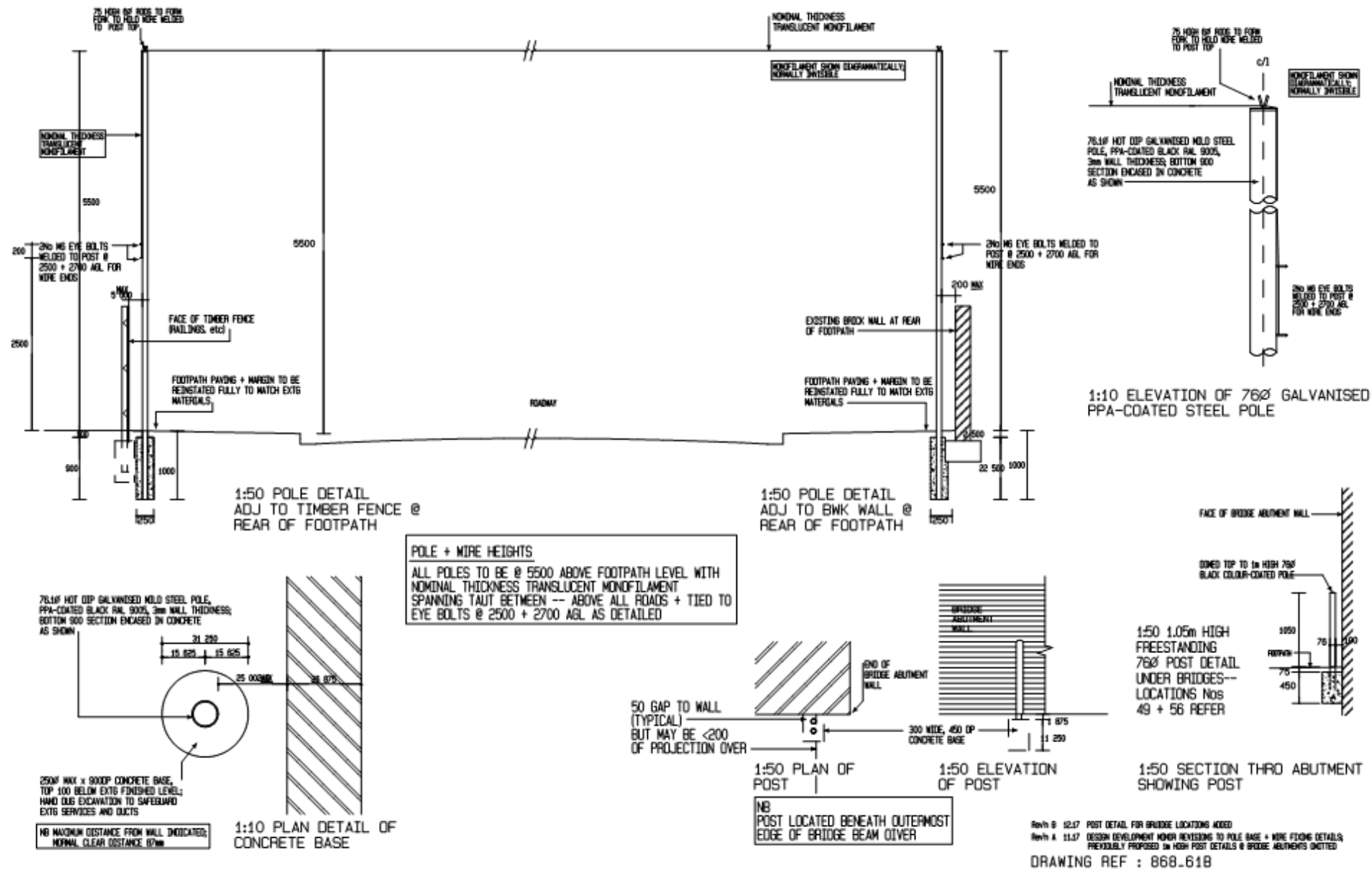


North Westminster Eruv - OS maps for each location

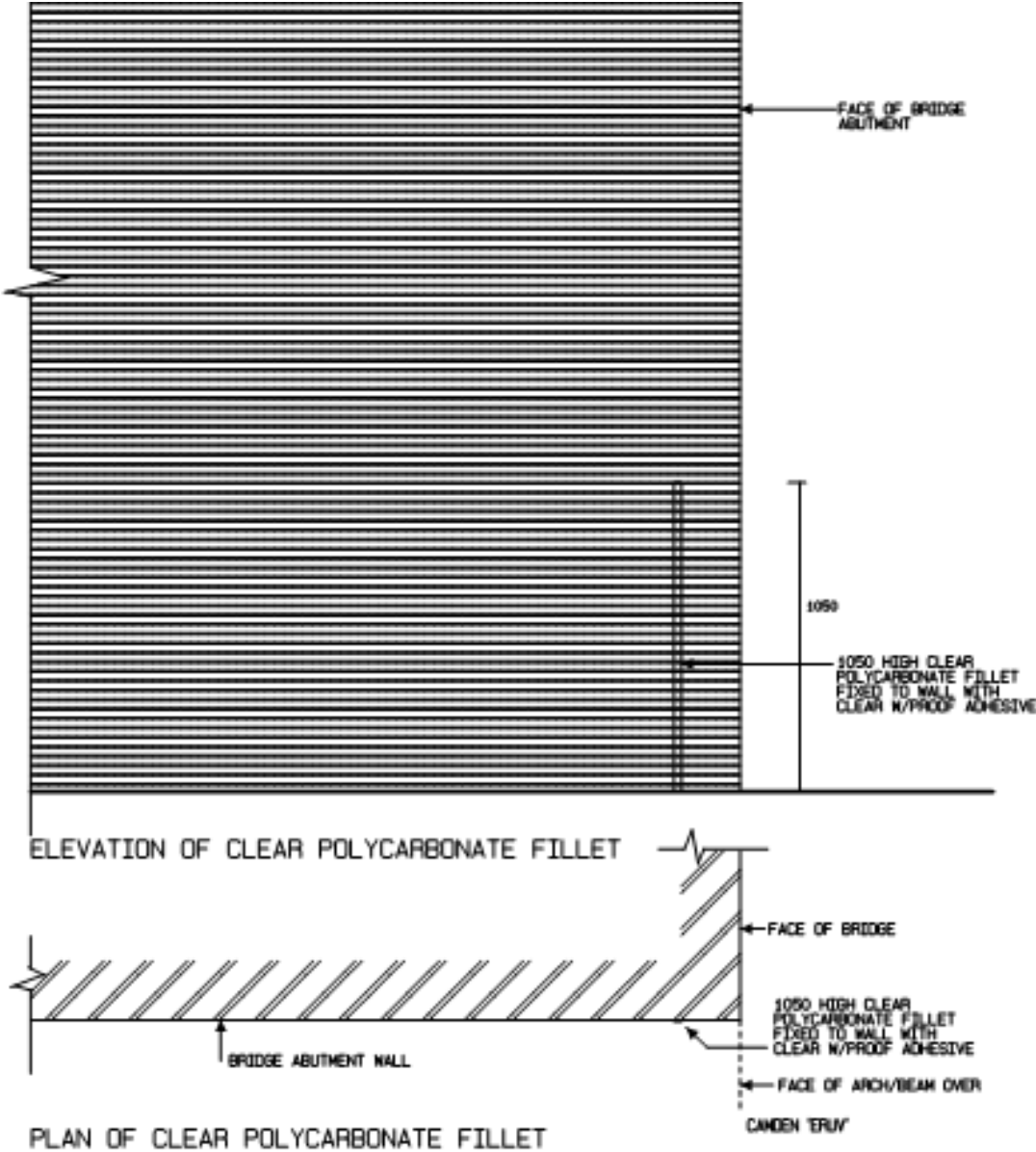
Location 25A



Typical Pole and Wire Details



Typical polycarbonate fillet details



Camden Eruv - existing and proposed location 1 (NW location 21)



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 2 (NW location 20)



LOCATION A&B WITHOUT POLE



LOCATION A&B WITH POLE

Camden Eruv - existing and proposed location 3



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 4



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 5 (NW location 17)



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 6 (NW location 16)



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 7 (NW location 15)



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 8 (NW location 15.1)



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 23



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 24



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 25



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 26



LOCATION A WITHOUT POLES



LOCATION A WITH POLES



LOCATION B WITHOUT POLES



LOCATION B WITH POLES

Camden Eruv - existing and proposed location 27



LOCATION A (LAMP POST)



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 28



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 28



LOCATION C WITHOUT POLE



LOCATION C WITH POLE



LOCATION D WITHOUT POLE



LOCATION D WITH POLE

Camden Eruv - existing and proposed location 30



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 31



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 32



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 33



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 34



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 35



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 37



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 38



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 40



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITHOUT POLE

Camden Eruv - existing and proposed location 41



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 42



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 43



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 43



LOCATION C WITHOUT POLE



LOCATION C WITH POLE



LOCATION D WITHOUT POLE



LOCATION D WITH POLE

Camden Eruv - existing and proposed location 47



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

Camden Eruv - existing and proposed location 48



LOCATION A



LOCATION B

Camden Eruv - existing and proposed location 49



LOCATION A WITHOUT POST



LOCATION A WITH POST



LOCATION B WITHOUT POST



LOCATION B WITH POST

Existing and proposed location 50



LOCATION A

Existing and proposed location 51



LOCATION A

Existing and proposed location 52



LOCATION A

Existing and proposed location 53



LOCATION A

Existing and proposed location 54



LOCATION A



LOCATION B



LOCATION B



LOCATION B



LOCATION B

Camden Eruv - existing and proposed location 55



LOCATION A WITHOUT POLE



LOCATION B WITHOUT POLE



LOCATION C WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITH POLE



LOCATION C WITH POLE

Camden Eruv - existing and proposed location 56



LOCATION A WITHOUT POST



LOCATION A WITH POST



LOCATION B WITHOUT POST



LOCATION B WITH POST

Camden Eruv - existing and proposed location 57 (NW location 22)



LOCATION A&B WITHOUT POLES



LOCATION A&B WITH POLES

North Westminster Eruv - existing and proposed location 18



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

North Westminster Eruv - existing and proposed location 19



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

North Westminster Eruv - existing and proposed location 23



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

North Westminster Eruv - existing and proposed location 24



LOCATION A WITHOUT POLE



LOCATION A WITH POLE



LOCATION B WITHOUT POLE



LOCATION B WITH POLE

North Westminster Eruv - existing and proposed location 25a



LOCATION A WITHOUT POLE



LOCATION A WITH POLE