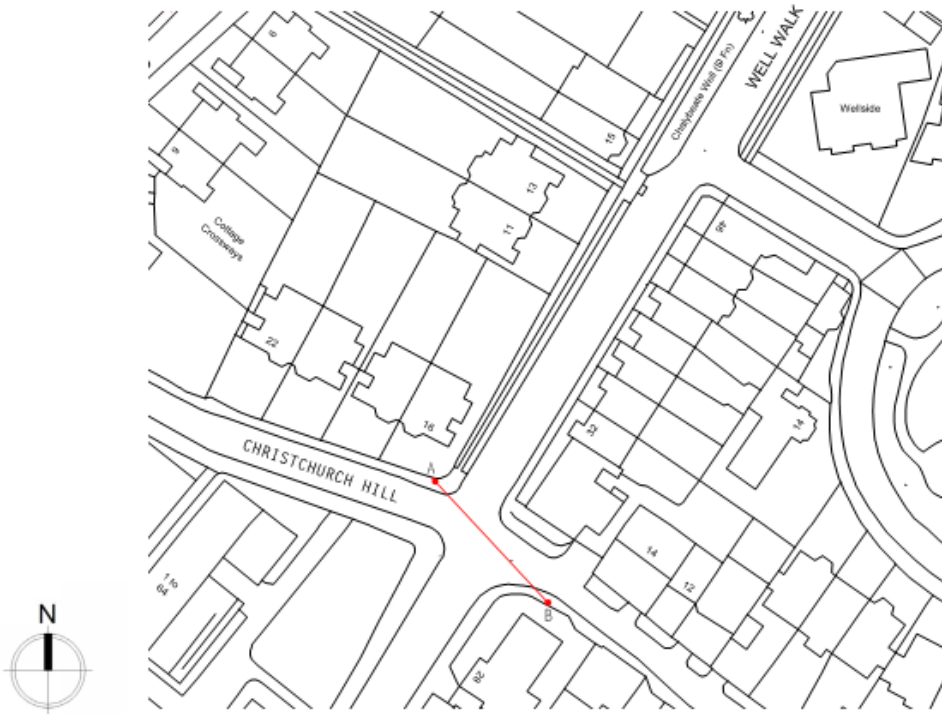


Camden Eruv 2020/2947/P

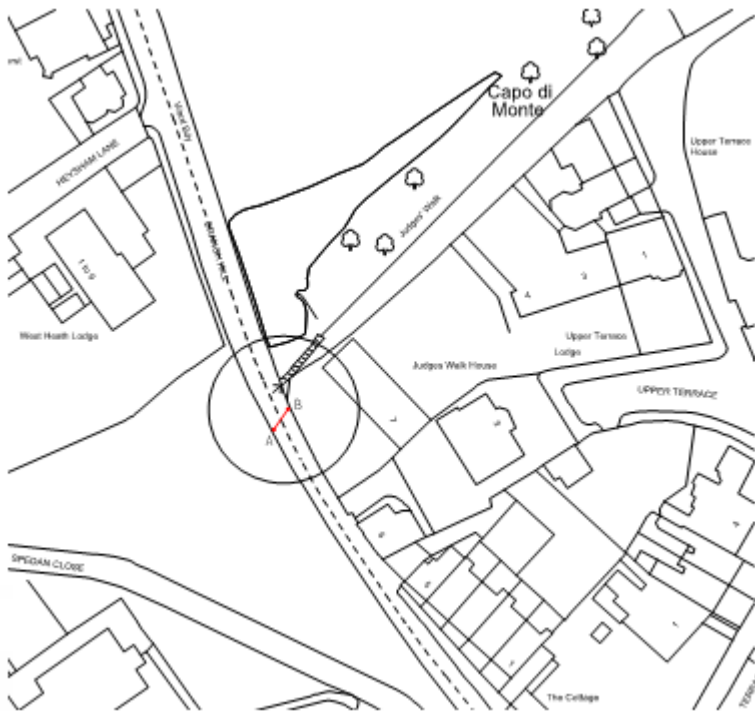


LOCATION PLAN SCALE 1:1250



LOCATION PLAN SCALE 1:1250

Previously approved location 27



LOCATION A (LAMP POST)



LOCATION B WITH POLE

Revised location 27

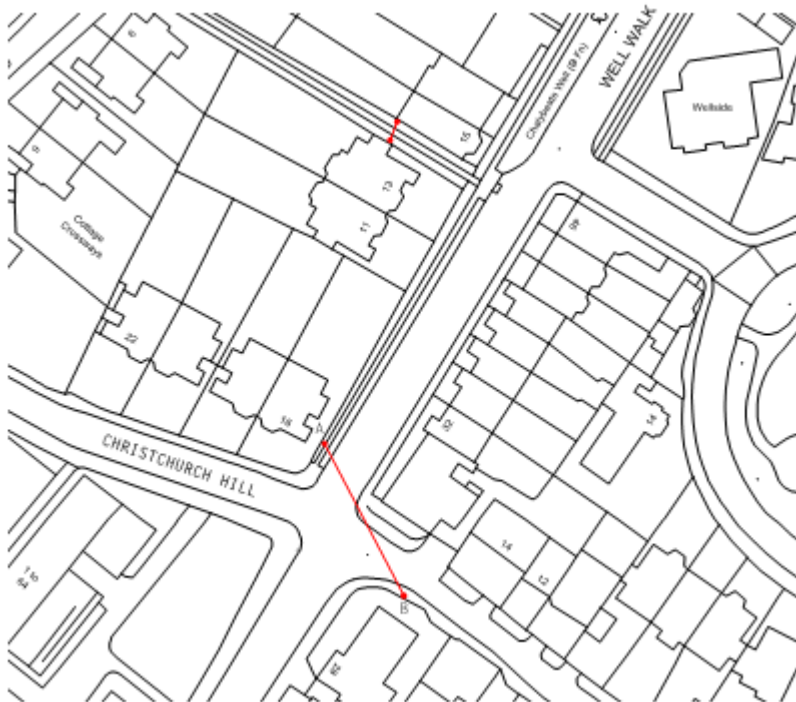


LOCATION A (LAMP POST)



LOCATION B WITH POLE

Previously approved Location 37 pole A



LOCATION A WITH POLE

Revised Location 37 pole A



LOCATION A WITH POLE

Delegated Report		Analysis sheet		Expiry Date:	27/08/2020
(Members Briefing)		N/A / attached		Consultation Expiry Date:	09/08/2020
Officer			Application Number(s)		
Laura Hazelton			2020/2947/P		
Application Address			Drawing Numbers		
Various locations in London NW1, NW3, NW5, NW8			Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Variation of condition 2 (approved drawings) of planning permission reference 2016/1436/P dated 26/11/2019 (as amended by 2019/6076/P dated 15/01/2020 and 2020/1674/P dated 19/06/2020) for the 'Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden Eruv'; namely, temporary relocation of location 27 poles A & B (Branch Hill) and temporary relocation of location 37 pole A (Christchurch Hill).					
Recommendation(s):		Grant planning permission			
Application Type:		Variation or Removal of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	05	No. of objections	05
Summary of consultation responses:	<p>Site notices were displayed on 10/07/2020 and a press advert was placed on 16/07/2020, which expired on 09/08/2020.</p> <p>5 letters of objection were received from the owners/occupiers of 16A, 16B, 16C, 16D and 18 Christchurch Hill in response to the revised location for pole 37 A. Their objections are summarised as follows:</p> <p>Design</p> <ul style="list-style-type: none"> • This is aesthetically unacceptable in a conservation area. It ruins the view and looks completely incongruous. Once the wall is restored it could be put adjacent to the wall on well walk, but not in front of the house. • The most obvious option would be the parking sign pole on Well Walk. • Occupants in Hampstead are restricted in terms of acceptable development to maintain the character of the conservation area. It is therefore extraordinary that these poles are being put up. • Not only will the poles and wires be unsightly, but birds will settle on the wires to leave their droppings on parked cars and possibly even unlucky pedestrians. • Surely Location 37 can be moved to somewhere less obtrusive. I know it's supposed to be temporary, but two to three years is a very long time and once established, things often remain where they are. <p><i>Officer response</i></p> <ul style="list-style-type: none"> • <i>Please see paragraphs 3.6 and 3.7. Temporary permission is sought to relocate the pole while the subsiding wall where it was originally proposed to be constructed is repaired. Once the wall has been repaired, the temporary pole would be removed and the originally approved location on Well Walk would be used. This would be secured by condition.</i> • <i>The existing parking signs would not be suitable as they are located too far away from the boundary walls, and as such would not meet the requirements of the Eruv.</i> • <i>The poles and wires are not considered to be any more unsightly than existing street furniture and electricity wires.</i> • <i>A planning condition would ensure the pole was removed before one year.</i> <p>Amenity</p> <ul style="list-style-type: none"> • The pole will block the view from my window. <p><i>Officer response</i></p> <ul style="list-style-type: none"> • <i>Please see paragraph 4.2 below.</i> 					

	<p>Other</p> <ul style="list-style-type: none"> • It is not right that we allow minority interests to plant hardware in the public space based on their personal belief. This sets a very dangerous precedent and on this basis I object - I would object whatever religion, sect, or other belief system had requested to make use of this public space in the conservation area. • There was no major consultation that I was aware of. <p>Officer response</p> <ul style="list-style-type: none"> • <i>The Equality Impact Assessment (EQIA) prepared prior to the determination of the original application is thorough in its consideration of the possible impacts on the wider community. Planning permission for the eruv would not alter the definition or the use of land within its boundary nor would it directly impose a requirement for changes to the behaviour of people within the eruv who do not observe the Sabbath. The eruv 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. 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. The perception that public land would belong to one group is not something that is anticipated or observed in existing Eruvin, as demonstrated in the analysis in the Brondesbury Eruv EQIA.</i> • <i>The application for the Camden Eruv (ref: 2016/1436/P) was advertised by site notices 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. The current S73 amendment application was advertised by press notice on 16/07/2020 and site notice displayed by the new temporary pole locations on 10/07/2020.</i>
<p>CAAC/Local groups comments:</p>	<p>Both locations 27 and 37 are located within the Hampstead Conservation Area and Hampstead Neighbourhood Plan Area.</p> <p>No response was received from Hampstead CAAC or Hampstead Neighbourhood Forum.</p>

Site Description

The originally approved Camden Eruv application (reference 2016/1436/P) relates to 37 locations throughout the borough within the NW1, NW3, NW5 and NW8 postcodes. The current application seeks to temporarily amend the location of the poles in locations 27 and 37. Location 27 is on Branch Hill close to the junction with Spedan Close, and location 37 is adjacent to 16 Christchurch Hill. Both are located in predominantly residential areas within the Hampstead Conservation Area and within the Hampstead Neighbourhood Plan area.

Relevant History

Original application

2016/1436/P - Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden 'ERUV'. Granted subject to S106 agreement 26/11/2019.

Non-material amendments

2019/4666/P – Amendments (including re-siting of poles on St John's Wood Park, Adelaide Road, Windmill Hill, Lower Terrace and Keats Grove) to planning permission reference 2016/1436/P dated 26/11/2019 for the 'Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden Eruv'. Granted 07/01/2019.

2020/1281/P – Amendments (including re-siting of poles on Hampstead Grove and South Hill Park) to planning permission reference 2016/1436/P dated 26/11/2019, (as amended by 2019/4666/P dated 07/01/2020 and 2019/6076/P dated 15/01/2020) for the 'Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden Eruv'. Granted 24/04/2020.

S73 Minor material amendments

2019/6076/P – Variation of condition 2 (approved drawings) of planning permission reference 2016/1436/P dated 26/11/2019 for the 'Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden Eruv'; namely, to re-locate pole 5B (St John's Wood Park). Granted 15/01/2020.

2020/1674/P – Variation of condition 2 (approved drawings) of planning permission reference 2016/1436/P dated 26/11/2019 (as amended by 2019/6076/P dated 15/01/2020) for the 'Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden Eruv'; namely, the omission of location 55 pole C (Chalk Farm Road) and installation of 2 poles adjacent to 77 and 100 Chalk Farm Road), changes to location 56 (omit posts under Juniper Crescent railway bridge and installation of new poles adjacent to flank wall of 48 Chalk Farm Road and 1 Ferdinand Street) and addition of 6 x 1.05m posts to railway arches on Hartland Road, Hawley Road, Castlehaven Road, Chalk Farm Road and Hawley Wharf. Granted 19/06/2020.

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2016)

Intend to Publish London Plan (2019)

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

Hampstead Neighbourhood Plan (2018)

DH1 Design
DH2 Conservation areas and listed buildings

Camden Planning Guidance

CPG Design 2018
CPG Amenity 2018
CPG Transport 2019

Hampstead Conservation Area Statement (2001)

Assessment

1.0 Proposal and Background

- 1.1 Planning permission was previously granted on 26 November 2019 (ref: 2016/1436/P) for the erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden 'Eruv'.
- 1.2 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.
- 1.3 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.
- 1.4 The area of the proposed eruv utilises existing walls and fences; however, there remain a number of locations where no natural boundary exists, principally across roads and footpaths. The poles which are the subject of the application allow for the boundary of the eruv to cross existing roads where there is a break in existing walls comprising of buildings and fences.
- 1.5 The approved planning permission has been implemented, and works are nearing completion. Permission is now sought by way of a variation of condition 2 (approved drawings) of planning permission ref: 2016/1436/P for the re-siting of two previously approved pole locations, at location 27 (Branch Hill) and 37 (Christchurch Hill). Permission is sought for their temporary installation in alternative locations due to installation problems with the previously approved locations (discussed further below).

- 1.6 Poles A and B at location 27 were previously approved on Branch Hill, at the bottom of Judges Walk. Pole B cannot be installed where it was previously approved due to the 7 Branch Hill redevelopment site hoarding blocking the footpath, and piling on the site boundary. It is now proposed to move them approximately 65m further south along Branch Hill so that pole A would be located on the junction between Spedan Close and Branch Hill and pole B would be located adjacent to the south west boundary wall of 1 Lower Terrace. Pole A would utilise an existing lamp post, whereas pole B would be a standard 5.5m black eruv pole. The applicant has confirmed that once the 7 Branch Hill development is complete, the previously approved pole locations would be installed, and the temporary poles removed.
- 1.7 Pole A at location 37 was previously proposed to be installed in front of the east elevation of 16 Christchurch Hill on Well Walk. It is now proposed to temporarily install it in front of the south (front elevation). Pole B would remain as approved. The previously approved location for pole A is no longer feasible as the adjacent wall has suffered subsidence due to tree root action. Permission is sought to temporarily relocate it until the wall has been rebuilt by LB Camden. The existing parking zone sign adjacent to the front boundary wall would be used and extended upwards in the same location rather than installing a new pole. Once the wall has been repaired, the temporary pole would be removed and the parking sign reinstated as existing, and the pole installed on Well Walk as per the original consent.

2.0 Assessment

2.1 The principle considerations in the determination of this application are as follows:

- Design (the impact of the proposal on the character and appearance of the Hampstead Conservation Area),
- Amenity (impact on neighbouring amenity in terms of daylight/sunlight, outlook, noise and privacy).

3.0 Design and Heritage

- 3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Likewise, policies DH1 and DH2 of the Hampstead Neighbourhood Plan expect development to respect and enhance the character and local context, and have regard to the guidelines in the relevant Conservation Area Appraisal(s) and Management Strategies.
- 3.2 Camden's Development Policies Document is supported by CPG document 'Design' and the Hampstead Conservation Area Statement.
- 3.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant which states 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.
- 3.4 At temporary location 27, pole A would utilise an existing lamppost on the junction between Spedan Close and Branch Hill by fixing a clear nylon filament to the top, and as such, would have no impact on the character and appearance of this part of the conservation area. The nylon wire would cross Branch Hill to Pole B which would be a 5.5m high pole in the footpath adjacent to the boundary wall of 1 Lower Terrace, in a grassy verge.
- 3.5 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 pole to be intrusive in this location, nor would it cause harm to any of the attributes that contribute towards Hampstead's special character or significance, especially given it is proposed only temporarily. Permission would be granted subject to the condition that the temporary poles are removed after one year. The property at 1 Lower Cottage is Grade II Listed and is a semi-detached house constructed in late C18 of yellow stock brick and stucco. The new pole would be 26m from the house itself, and shielded from views by large trees along the boundary. The significance of the building is considered to derive from its architectural interest, and the temporary pole would not cause harm to this, or its setting.

- 3.6 Location 37 Pole A would be a 5.5m high tapered pole to replace the existing parking pole in this position at the rear of the footpath. Pole B would be located diagonally opposite, adjacent to the boundary wall of 28 Christchurch Hill and would remain as previously approved. The black cast iron railings running along the kerb edge from no.16 northwards up to 19 Well Wall (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, would have no more impact on their setting or significance than the existing objects or the previously approved pole, and their significance would be preserved.
- 3.7 During the determination of the original application, 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. Although the proposed relocation would reposition the pole to the front of no.16, given the temporary period sought and the fact that it would now utilise an existing parking pole, this is considered acceptable and would not cause harm to the character and appearance of the conservation area. Furthermore, permission would be granted subject to the condition that the temporary poles are removed after one year, and the parking sign pole reinstated as existing.

4.0 Amenity

- 4.1 Given the distance between Pole B at location 27 and the nearest residential properties, it is not considered that it would have a significant impact on neighbouring amenity. Pole A would utilise an existing lamp post and as such, would have no impact.
- 4.2 Location 37 pole A would be located approximately 6m in front of the nearest front elevation windows of 16 Christchurch Hill. The pole would undoubtedly be visible from these windows, but the pole would not cause harm to the outlook to such an extent as to warrant refusal on this ground. The pole would be similar in appearance to existing street furniture and streetlamps, and would utilise the existing parking sign in this location which would be extended upwards. Likewise, the pole would not cause harm to neighbouring amenity by way of loss of daylight/sunlight.

5.0 Transport

- 5.1 The proposed pole locations would either utilise existing street poles / lamp posts or would be located within a grassy verge to the side of the highway. As such, the proposals would not hinder pedestrian movement or impact local transport infrastructure.

6.0 Recommendation

- 6.1 The proposed temporary amendments would be in accordance with policies A1, D1, D2 and T1 of the Camden Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan. As such it is recommended planning permission is granted subject to the attached conditions.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 17th August 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2020/2947/P
Contact: Laura Hazelton
Tel: 020 7974 1017
Email: laura.hazelton@camden.gov.uk
Date: 12 August 2020

Development Management
Regeneration and Planning
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www.camden.gov.uk

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

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**Various locations in London
NW1, NW3, NW5, NW8**

Proposal: Variation of condition 2 (approved drawings) of planning permission reference 2016/1436/P dated 26/11/2019 (as amended by 2019/6076/P dated 15/01/2020 and 2020/1674/P dated 19/06/2020) for the 'Erection of pairs of poles with clear wire between the poles at 37 locations across the Borough comprising the Camden Eruv'; namely, temporary relocation of location 27 poles A & B (Branch Hill) and relocation of location 37 pole A (Christchurch Hill).

Drawing Nos: 868.27A rev. C, 868.27B rev. C, 868.37A rev. F

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original permission (reference 2016/1436/P approved 26/11/2019).

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 For the purposes of this decision, condition no.2 of planning permission 2016/1436/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

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. C, 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, 868.54.1, 868.54.2, 868.54.3, 868.54.4, 868.54.5, 868.54.6, 868.55A rev. D, 868.55B rev. D, 868.55.1 rev. A, 868.55.2, 868.57 rev. A, 868.61B rev. B, 868.SK.53; 868.27A rev. C, 868.27B rev. C, 868.37A rev. F and Design, Heritage, Social Cohesion and Access Statement ref: C.868.

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

- 3 Pole 28A must be painted white to match the side elevation of Capo di Monte.

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.

- 4 Pole 41B shall be painted in accordance with details approved under reference 2019/5978/P dated 03/03/2020 or other such details as submitted to and approved in writing by the local planning authority.

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.

- 5 The heritage poles shall be erected in accordance with the final technical details and schedule approved under reference 2019/5978/P dated 03/03/2020 or other such details submitted to and approved in writing by the local planning authority before the relevant part of the work is begun.

Reason: In order to safeguard the special significance of the heritage assets in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 6 The temporary poles shown on drawing reference numbers 868.27A rev. C, 868.27B rev. C, 868.37A rev. F hereby approved shall be removed on or before one year from the date of this decision, the parking sign in front of 16 Christchurch Hill shall be reinstated as per the existing condition, and all sites made good.

Reason: The structures are not such as the local planning authority is prepared to approve, other than for a limited period, in view of their location and appearance. The permanent retention of the structures would be contrary to the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Economy, Regeneration and Investment