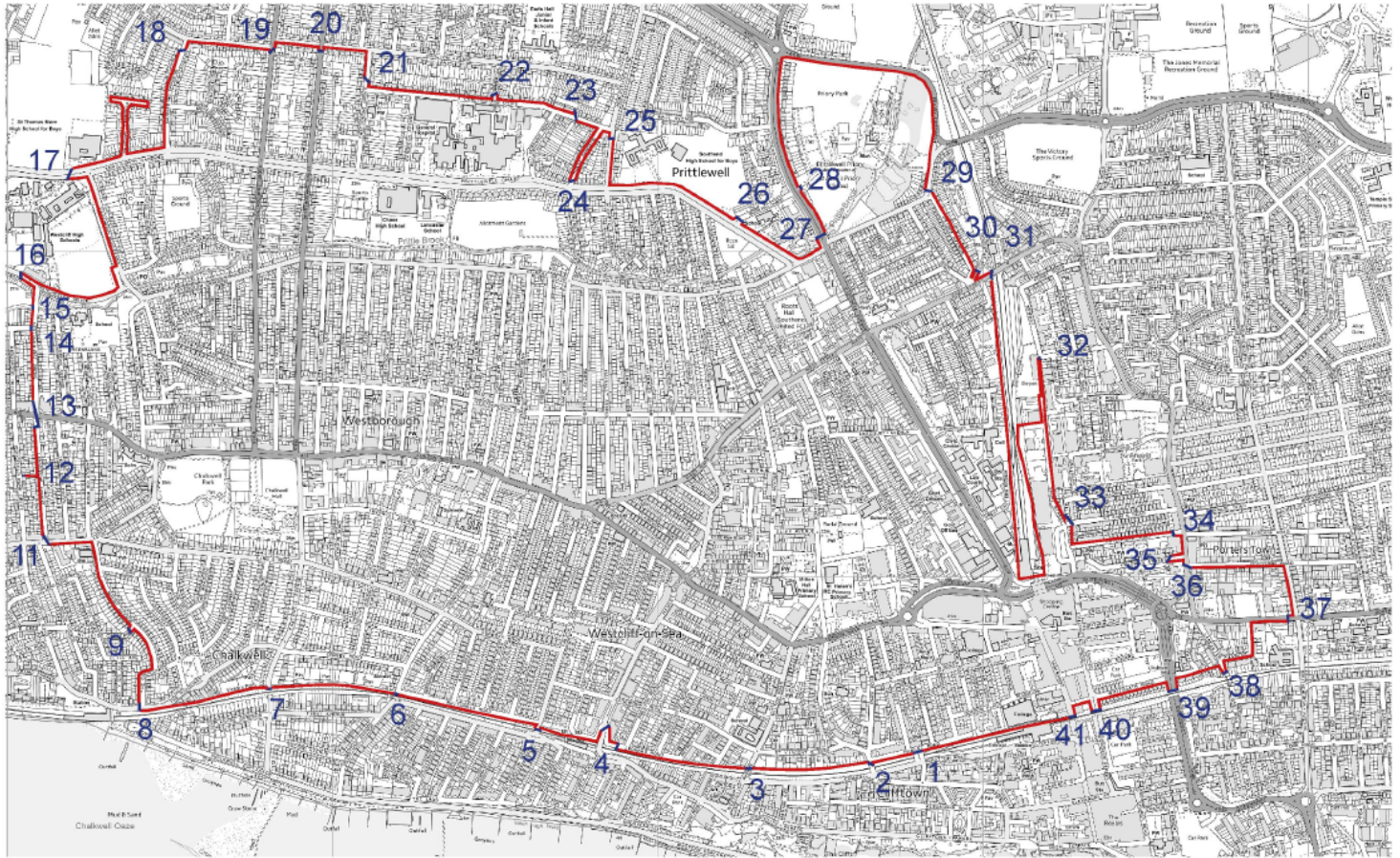


Reference:	17/01263/FUL	
Ward:	Chalkwell	
Proposal:	Erect street furniture comprising groups of poles (usually two) between which is suspended, at high level, a wire to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at various locations around the borough	
Address:	Westcliff Eruv, Finchley Road, Westcliff-On-Sea, Essex	
Applicant:	Westcliff Jewish Association	
Agent:	Rosenfelder Associates	
Consultation Expiry:	31.10.2017	
Expiry Date:	10.11.2017	
Case Officer:	Patrick Keyes	
Plan numbers:	911.001 (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23; 911.24; 911.25; 911.26; 911.27;911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D; 911.41	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to erect street furniture at various locations in the Borough comprising groups of poles (usually two) between which is suspended, at high level, a nylon monofilament wire to designate the perimeter of a nominated Eruv. An Eruv is a continuous boundary designated in accordance with Jewish Law.
- 1.2 The proposed Eruv would include such street furniture at 40 location points (the applicant has confirmed whilst the location plan shows 41 there are only 40 locations as no. 10 has been omitted). It is only this physical street furniture that requires planning permission (as opposed to for example the concept and purpose of the Eruv). The location points for proposed street furniture are listed below. In each case, unless otherwise stated, the poles are 89mm in diameter. The wire itself is very thin (0.5mm) and translucent such that it is designed not to be materially visible to the eye but set at a height to permit safe passage of vehicles beneath. No markings or religious iconography are proposed to be fixed to the street furniture in association with the Eruv.

The applicant has been formally amended to Westcliff Jewish Association.

The proposed development comprises structures at the following locations:

- 1) Footpath crossing Bridge at Hamlet Road (2 no. 5.5 m high poles with connecting wire)

- 2) Footpath next to the railway embankment crossing to the footpath to the south end of 1 Avenue Road (2 no. 5.5m high poles with connecting wire)
- 3) Footpath next to Milton Road Gardens crossing to footpath next to Sea Cadet Headquarters (2 no. 5.5m high poles with connecting wire)
- 4) Footpath next to railway cutting next to Leonard Road crossing to footpath next to 2 Hamlet Court Road and footpath next to 20 and 22 Hamlet Court Road crossing to ramped approach to Hamlet Court Rd railway bridge (3 no. 5.5m poles with connecting wire) plus use of the existing lamp post on corner of Hamlet Court Road and Ditton Court Road
- 5) Valkyrie Road crossing at the railway bridge (2no. 5.5 m high poles with connecting wire)
- 6) Footpath in Britannia Road (2no. 3.5m high poles with connecting wire) and a 2.6m high segmental arch next to the access to bridge over railway and footpath adjacent to 131-137 Crowstone Road
- 7) Chalkwell Avenue next to abutment walls under Railway Bridge (2no. 1.05m high poles)
- 8) Footpath next to railway cutting along The Ridgeway crossing to the footpath next to 1 The Crossways (2no. 5.5m high poles with connecting wire)
- 9) Footpath next to 110 Hillside Crescent crossing to footpath next to 51 Mount Avenue (2 no. 5.5m high with connecting wire)

[Note : Site 10 omitted]

- 11) Relocate parking sign post next to Hadleigh Garage Leigh Road crossing to 89 Leigh Road next to Lansdowne Avenue (2no.5.5m high poles with connecting wire)
- 12) In alleyway between 56 and 60 Woodfield Park Road (2.4m high 50mm diameter ornamental arch)
- 13) Footpath next to 101 Lansdowne Avenue crossing to footpath next to 794 London Road and then crossing to footpath next to 959 London Road at Darlington Grove (3no. 5.5 poles with connecting wire)
- 14) Footpath next to 4 Glenbervie Drive in Darlington Grove crossing to footpath next to 61 Darlington Grove (2no. 5.5m high poles with connecting wire)
- 15) Footpath next to 69 Darlington Grove crossing to footpath next to 73 Darlington Grove (2 no. 3.5m high poles with connecting wire)

- 16) Footpath outside 34 and 36 Manchester Drive crossing to footpath opposite at Admiral Court Manchester Drive (2 no. 5.5m high poles with connecting wire)
- 17) Footpath next to Westcliff High School for Boys crossing to footpath opposite St Thomas More High School (2no. 5.5m high poles with connecting wire)
- 18) Footpath next to 61 Mannering Gardens crossing to footpath next to 56 Mannering Gardens and rear of 60 Bridgwater Drive (2no. 3.5m high poles with connecting wire)
- 19) Footpath next to Southbourne Grove Surgery, Bridgwater Drive crossing to footpath next to 313 Southbourne Grove (2no.5.5m high poles with connecting wire)
- 20) Footpath next to 361 Westbourne Grove crossing to footpath next to 350 Westbourne Grove (2 no. 5.5m high poles with connecting wire)
- 21) Footpath next to 204 Carlton Avenue crossing to footpath outside 70 and 72 Eastbourne Grove (2no. 5.5m high poles with connecting wire)
- 22) Footpath next to 151 Carlingford Drive crossing to the footpath to the rear of 149 Carlingford Drive (2no. 5.5m high poles with connecting wire)
- 23) Footpath next to 18a and 20 Carlingford Drive crossing to footpath next to 35 and 37 Carlingford Drive (2no 5.5m high poles with connecting wire)
- 24) Footpath next to 159 Prittlewell Chase crossing to footpath next to 157 Prittlewell Chase (2no. 5.5m poles with connecting wire)
- 25) Footpath outside 33 and 35 Hobblythick Lane crossing to footpath next to Southend High School for Boys (2no 5.5m high poles with connecting wire)
- 26) Footpath next to 26 to 36 Hardwick Court crossing to footpath next to Priory School (2no 5.5m high poles with connecting wire)
- 27) Footpath outside 15-17 Stephen McAdden House crossing to footpath on opposite side of Victoria Avenue – (2no 5.5m high poles with connecting wire)
- 28) Footpath next to Priory Lodge crossing to land alongside access road of Priory Park Entrance (2no 5.5m high poles with connecting wire)
- 29) Footpath outside 25 and 27 Priory Crescent crossing to footpath next to 92 Priory Crescent (2no 5.5m high poles with connecting wire)

- 30) Footpath on west side of Station Approach crossing to footpath on opposite side of Station Approach (2no 5.5m high poles with connecting wire)
- 31) Footpath next to East Street Railway Bridge crossing opposite to the footpath on north of East Street (2no 5.5m high poles with connecting wire)
- 32) A 2.6m segmental arch proposed at the Vale Avenue/Kenway end across the footpath between the rear of Arriva Bus depot and rear of 18 Bircham Road
- 33) Footpath next to 97 Milton Street crossing to footpath next to 88 Milton Street and St Ann's Road (2no 5.5m high poles with connecting wire)
- 34) Footpath next to rear of 95-97 Sutton Road and Guildford Road crossing to footpath next to 53-55 Sutton Road and Guildford Road (2no 5.5m high poles with connecting wire)
- 35) Footpath next to 43 Sutton Road crossing to the footpath next to Malvern Flats in Coleman Street (2no 5.5m high poles with connecting wire)
- 36) Footpath to front of Malvern Sutton Road to the footpath adjacent 44 Sutton Road and Boscombe Road - 2no 5.5m high poles with connecting wire
- 37) Footpath outside 339 and 341 and 343 Southchurch Road crossing to the footpath next to 7 – 12 Glenhurst Mansions (2no 5.5m high poles with connecting wire)
- 38) Crossing between each side of the footpath to Lancaster Crescent under the Railway Bridge (2 no. 1.05m high poles)
- 39) Footpath next to the east and west sides of Queensway Bridge (2no. 1.05m high poles)
- 40) To the east, west and north side of Chichester Road Bridge (4 no. 1.05m high poles)
- 41) To the east and west of under the High Street Railway Bridge (4 no. 1.05m high poles)

2 Background to and definition of an 'Eruv'

- 2.1 An Eruv is a continuous boundary designated in accordance with Jewish Law. Jewish Law prohibits Orthodox Jews from carrying items on the Sabbath but carrying is permitted within the defined boundary of an Eruv, as is the use of other items such as pushchairs and wheelchairs.

- 2.2 The Eruv boundary is formed by using continuous local features, such as fences or walls alongside roads, railways or buildings. However, where this continuity is not possible due to breaks in the boundary, for example roads, then this breach must be integrated within the Eruv by the erection of a notional 'gateway'. Such a gateway consists of posts or poles linked on top by a wire or cross bar crossing the highway. Where the boundary is broken by a route crossing under it, the boundary is continued by the installation of *Ieci*. These are vertical batons, 1m high, usually sited inside features such as bridge arches.
- 2.3 The Design and Access Statement accompanying this application provides further background to the definition and purpose of an 'Eruv':

"The applicant community subscribes to traditional Orthodox Jewish practice, the laws of which are derived from those set out in the first five books of the Bible, known as the Pentateuch. These laws were subsequently interpreted in detail by subsequent generations of rabbis and codified in the Talmud, completed in the 6th century. Further interpretation and derivation has continued throughout the intervening period including in modern times, to confront differing circumstances in living conditions and including those of the modern technological era.

One of the fundamentals of Judaism is the observance of the Sabbath from sunset on Friday until nightfall on Saturday.

Among the basic rules defining this observance is prohibition of the use of any form of transport and, in addition, the carrying or moving of any object from a private into any other domain is prohibited other than in a nominally 'enclosed area'.

This is a basic 'relevant protected characteristic' (as defined in S149 of the Equality Act 2010) of Jewish religious law, which also permits it to be addressed – and it is that which is the impetus for the provision of an 'Eruv'-- which is the Hebrew term for this relaxation.

It assists the creation of an 'eruv' that the qualifying definition of an 'enclosure' under Jewish law includes, in addition to walls or fences at least 1 metre high, a 'structure' comprising two poles connected with a thin filament to provide the necessary continuity where the boundary crosses a road or public footpath. The generally agreed height of the poles is 5.5 metres so as to be safely above any high vehicles. Further, the integrity and safety of the 'eruv' is required under Jewish law to be checked at least once a week.

Thus it is possible to achieve a notional 'enclosure' as defined in Jewish law encompassing a large area throughout which carrying of objects and movement of non-ambulant persons is permitted.

This is of great benefit to Sabbath observant people who are thus able to carry not only personal effects (handkerchiefs, keys, spectacles, etc) but, most importantly, it enables non-ambulant persons, i.e. all wheelchair users and babies to be pushed in the street thus overcoming a very limiting restriction on them and also on their carers who are otherwise unable to leave their home on the Sabbath

The qualifying definition of a nominal 'enclosure' under Jewish law includes, in addition to walls or fences at least 1 metre in height, a structure comprising no more than a thin wire spanning between the tops of two poles.

It is the street furniture comprising these pairs of poles and the filament between them to complete the notional 'enclosure', which form the subject of this application".

- 2.4 The applicant cites a number of examples where Eruvs have been approved such as Edgware, Stanmore, Mill Hill, Belmont, Borehamwood, Bushey, Woodside Park, Barnet, Chigwell and North Manchester/Salford, Westminster, Brondesbury and Pinner.

3 Sites and Surroundings

- 3.1 The area bounded by the proposed succession of individual placements of street furniture is predominantly focused on Westcliff but extends beyond into parts of Chalkwell, Leigh and Southend. The individual street furniture locations are discussed in further detail in subsequent sections of this report. The locations are predominately within or bordering residential areas but take in sections of, for example, commercial areas such as London Rd and Leigh Rd and Location 41 is in High Street Southend. Some of the locations concern conservation areas: location 1 is near, but not within, Clifftown Conservation Area; locations 2 and 3 are within Milton Conservation Area, and locations 30 and 31 are close to, but not within, Prittlewell Conservation Area.

Highways Licence

- 3.2 The erection of the 'gateways' on the highway requires a licence under the Highways Act 1980. This would be subject to a number of conditions such as, use of an approved council contractor, indemnity insurance/bond and a section 278 agreement which also will cover future maintenance carried out by the council approved contractor. Failure to comply with any of these matters the licence would result in the license not being granted..
- 3.3 The Highway Licence covers the proposal in terms of the positions of each structure and will evaluate potential concerns including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire) matters.

The terms of the Licence would require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions to be taken by the approved council contractor to resolve these. An annual fee is also charged via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

4 Planning Considerations

- 4.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, access, traffic and highways and impact on residential amenity, highways licence and equalities and diversity matters.

5 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2, KP3, CP3, CP4, CP6 and CP7; Development Management Document (2015) Policies DM1, DM3, DM5, and DM15 and the Design and Townscape Guide (2009), Southend Central Area Action Plan (SCAAP) (2018)

- 5.1 The proposed Eruv equipment is a form of built structure which fulfils a unique religious and Orthodox Jewish communal function. It falls to be considered against the relevant development plan policies.
- 5.2 One of the Core Planning Principles in paragraph 17 of the NPPF requires that Planning should *“take account of and support local strategies to improvecultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.”*
- 5.3 Core Strategy strategic objective SO13 is to *“Secure the social and physical infrastructure related to improving the health, education, lifelong learning and well-being of all sectors of the community”*.
- 5.4 Policy CP6 of the Core Strategy states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected not jeopardising the Borough’s ability to improve the education attainment, health and well-being of local residents and visitors to Southend. This will be achieved by ensuring the needs of all residents and visitors, including disabled and other vulnerable groups, are met and ensuring access and safety concerns are resolved within all new development.
- 5.5 Accordingly there is policy support for the principle of the development associated with the formation of an Eruv. The proposal’s impact in terms of policies covering character (including Conservation Areas), design, amenity access and highway matters are considered below on a site by site basis.

Design and Impact on the Streetscene and Conservation Areas, Access, Traffic and Highways and Impact on Residential Amenity

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, CP3, CP4; Development Management Document (2015) Policies DM1, DM3, DM5 and the Design and Townscape Guide (2009), Southend Central Area Action Plan (2018)

- 5.6 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 5.7 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 5.8 Policy DM3 of the Development Management Document states:
- “The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”.*
- 5.9 Policy DM5 of the Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value. In relation to development within Conservation Areas in particular, policy DM5 (Historic Buildings) states that:
- “Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal and will be resisted where there is no clear and convincing justification for this.”*
- 5.10 In relation to development with conservation areas paragraph 302 of the Design and Townscape Guide states that:
- ‘New buildings, extensions and alterations visible from public places should positively enhance the character and appearance of the Conservation Area.’*

- 5.11 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council pays 'special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering planning applications.' Impacts on the settings of such heritage assets must also be carefully considered under this legislation.

Amenity, Access and Highways Considerations related to location points of street furniture for the Eruv

Site 1 - Footpath crossing Bridge at Hamlet Road/Scratton Road (2 no. 5.5 m high poles with connecting wire)

- 5.12 The proposed poles and wire would be situated on the existing pavement to the north of the railway bridge close to an existing lamppost to the east and against the mesh fence to the railway embankment with a wire crossing the bridge to the Scratton Road site at the rear of the footpath. The boundary of Clifftown Conservation Area starts on the other side of this road bridge over the railway cutting.
- 5.13 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Clifftown Conservation Area.

Site 2 - Footpath crossing to 1 Avenue Road (2 no. 5.5m high poles with connecting wire)

- 5.14 The proposed poles are to be located on the boundary next to no. 1 Avenue Road to the west and to the south east at the start of the railway bridge next to the mesh fencing to the railway embankment.
- 5.15 The poles are to be located within the Milton Conservation Area. It is not considered that the siting of the poles would affect the character and townscape value or the setting of the conservation area taking into account similar equipment in the form of prevailing lampposts and telegraph poles within the street scene and the simple and discrete design and scale of the proposal. The poles will not materially impact on the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 3 - Milton Road Gardens to Sea Cadet Headquarters (2 no. 5.5m high poles with connecting wire)

- 5.16 The poles are to be located to the south of the play area on the eastern side in Milton Road Gardens and south of the Sea Cadet Headquarters to the west.

- 5.17 The poles are to be located within the Milton Conservation Area. It is not considered that the siting of the poles would affect the character and townscape value or the setting of the conservation area taking into account similar equipment in the form of prevailing lampposts and telegraph poles within the street scene and the simple and discrete design and scale of the proposal. The poles will not materially impact on the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Further details can be dealt with by condition to ensure location 'A' to the south of the play area would not interfere with the bridge deck.

Site 4 - Leonard Road crossing to 2 Hamlet Court Road to 20 and 22 Hamlet Court Road (3 no. 5.5m poles with connecting wire and polycarbonate strip) including the existing Lamp post corner of Hamlet Court Road and Ditton Court Road

- 5.18 A 5.5m high pole is proposed next to the 2m high wire mesh fence on the north side of the railway with a wire crossing Leonard Road to a matching pole adjacent to the south flank of 2 Hamlet Court Road. A 5.5m high pole is to be erected at the rear of the footpath next to the site boundary line between 20 and 22 Hamlet Court Road with a wire fixed to the top of the existing lamppost located at the north end of the balustrade wall to the west side of the ramp. A clear polycarbonate strip will be fixed with clear adhesive to the face of the brick pier beneath the coping, under the line of the wire over.
- 5.19 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Details of the polycarbonate strip can be controlled by condition. Connecting the wire to an existing lamp post to the north of the bridge on the west side of Hamlet Court Road, will reduce street clutter and can be dealt with under a Section 278 Highways agreement.

Site 5 - Valkyrie Road crossing Bridge (2no. 5.5 m high poles with connecting wire)

- 5.20 The proposed poles and wire would be situated on the existing pavement to the north of the crossing bridge close on the east side and close to an existing lamppost to the west. The pole would be set 250mm to the south of the existing pier on the east side and 900mm to the south of the existing lamp post.
- 5.21 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 6 - Britannia Road Footpath (2no. 3.5m high poles with connecting wire) and a 2.6m high segmental arch to access to bridge over railway footpath adjacent to 131-137 Crowstone Road

- 5.22 A 3.5m high pole is proposed at the rear of the Britannia Road footpath next to the corner post of the galvanised steel paling fence to the east of the access path to the railway bridge stairs with a wire crossing the path to a matching pole adjacent to the corner post of the galvanised steel paling fence on the west site, opposite with a galvanised tube arch above.
- 5.23 The design and siting of the proposed poles and galvanised tube arch is found to be acceptable. The poles and archway would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 7- Chalkwell Avenue under Railway Bridge (2no. 1.05m high poles)

- 5.24 Two 1.05m poles ('leci') would be located next to the bridge abutment walls on the east and west side of Chalkwell Avenue below the outer edge beam of the bridge.
- 5.25 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 8 - The Ridgeway to 1 The Crossways (2no. 5.5m high poles with connecting wire)

- 5.26 A 5.5m high pole is to be located in the footpath in front of the chain link fence to the south side of The Ridgeway set 250mm to the left of the concrete fence. The pole to the south would link with a wire to a pole situated on the west side of The Crossways in front of the brick boundary wall to 1 The Crossway set approximately 900mm from the south end of the wall.
- 5.27 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 9 - Adjacent to 110 Hillside Crescent to adjacent 51 Mount Avenue (2 no. 5.5m high with connecting wire)

- 5.28 The proposed poles would be situated on Hillside Crescent next to 51 Mount Avenue to the north and 110 Hillside Crescent to the south to the rear of the side flanks of the properties.

- 5.29 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Note – there is no Site 10

Site 11 - Relocate Parking Sign adjacent to Hadleigh Garage Leigh Road to 89 Leigh Road adjacent Lansdowne Avenue (2no.5.5m high poles with connecting wire)

- 5.30 The existing kerbside parking pole on the south side of Leigh Road will be replaced and re-sited with a new 5.5m high pole with wire connecting to a pole next to the flank elevation of no. 89 Leigh Road fronting Lansdowne Avenue.
- 5.31 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 12 - Between 56 and 60 Woodfield Park Road (2.4m high ornamental arch)

- 5.32 A 2.4m high black colour-coated ornamental arch with 50mm diameter posts and wrought iron scrollwork above is proposed to the flank elevations of numbers 56 and 60 Woodfield Park Drive.
- 5.33 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 13 - 101 Lansdowne Avenue, to adjacent 794 London Road, to adjacent to 959 in Darlington Grove (3no.5.5 poles with connecting wire)

- 5.34 A 5.5m pole is to be located to the north of the garage to 101 Lansdowne Avenue on the west side linking to a new pole on the east side adjacent to the flank elevation of 794 London Road with the wire spanning across London Road to the side of no. 959 London Road fronting Darlington Grove.
- 5.35 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 14 - Adjacent 4 Glenbervie Drive in Darlinghurst Grove to adjacent to 61 Darlinghurst Grove (2no. 5.5m high poles with connecting wire)

- 5.36 A 5.5m pole is located to the flank elevation of no. 4 Glenbervie Drive (location 'A') and one adjacent to no 61 Darlinghurst Grove to the east of the garage.
- 5.37 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting next to 61 Darlinghurst Grove in close proximity to the vehicle access serving the existing garage would not be so harmful as to warrant a refusal on access or highways grounds. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 15 - 69 Darlinghurst Grove to Land adjacent 73 Darlinghurst Grove (2 no. 3.5m high poles with connecting wire)

- 5.38 Two 3.5m poles are to be located to the south and north of the Prittlebrook Greenway on the western side of Darlinghurst Grove with connecting wire.
- 5.39 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 16 - Between 34 and 36 Manchester Drive to opposite at Admiral Court Manchester Drive (2 no. 5.5m high poles with connecting wire)

- 5.40 Two 5.5m high poles are to be located to the south adjacent to no. 36 Manchester Drive joining diagonally to a matching pole outside of Admiral Court to the north.
- 5.41 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 17- Westcliff High School for Boys to opposite St Thomas Moore High School (2no. 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

- 5.42 Two 5.5m high poles are to be erected to the south of St Thomas More High School and north of Westcliff High School for Boys with a connecting wire between. A 150mm wide x 600mm high x 9mm thick clear polycarbonate panel is to be fixed by cable ties to the north carriageway kerbside and central reservation colour coated railings. A 400mm x 800mm high steel sheet is also proposed to match railings within the central reservation pedestrian guard rails under the line of wire.

- 5.43 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles, structures and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet fixings are not objected to on the grounds of character, amenity of the area, highway or the amenity of residents further details are required of their installation and maintenance and this can be controlled by condition.

Site 18 - Adjacent 61 Mannering Gardens to adjacent 56 Mannering Gardens and rear of 60 Bridgewater Drive (2no. 3.5m high poles with connecting wire)

- 5.44 3.5m high poles would be situated on either side of the road to the rear of the Spa shop on the eastern side adjacent to 56 Mannering Gardens and an informal access road to the west north of 61 Mannering Gardens.
- 5.45 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area taking into account the existing street furniture or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 19 - Adjacent to Southbourne Grove Surgery, Bridgewater Drive to opposite 313 Southbourne Grove (2no.5.5m high poles with connecting wire)

- 5.46 The proposed 5.5m poles would be situated on the junction of Bridgewater Drive to the side of Southbourne Surgery and to the east next to 313 Southbourne Grove.
- 5.47 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 20 - Adjacent to 361 Westbourne Grove to adjacent to 350 Westbourne Grove (2 no. 5.5m high poles with connecting wire)

- 5.48 A 5.5m pole is to be erected to the east end of the rendered flank boundary wall of 361 Westbourne Grove with a wire crossing Westbourne Grove to a second pole (5.5m) adjacent to a fence enclosing the rear garden of 350 Westbourne Grove.
- 5.49 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 21 - Adjacent to 204 Carlton Avenue to between 70 and 72 Eastbourne Grove (2no. 5.5m high poles with connecting wire)

- 5.50 The proposed poles would be situated on either side of Eastbourne Grove, between the boundary of 70 and 72 Eastbourne Grove to the east and the rear garden of 204 Carlton Avenue to the west.
- 5.51 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting of the pole on the eastern side of Eastbourne Grove on the boundary between nos. 70 and 72 would not be so harmful as to warrant a refusal even when account is taken of the proximity to the driveways. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 22 - Adjacent to 151 Carlingford Drive to the rear of 149 Carlingford Drive (2no. 5.5m high poles with connecting wire)

- 5.52 The proposed poles are to be located to the rear of 149 Carlingford Drive next to the rear garden on the eastern side of Commercial Road and to the side elevation of 151 Carlingford Drive to the west in Commercial Road.
- 5.53 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The poles would not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. The impact of the proposal on the adjacent tree is found to be acceptable and this matter is assessed further below.

Site 23 - Between 18a and 20 Carlingford Drive to adjacent 35 and 37 Carlingford Drive (2no 5.5m high poles with connecting wire)

- 5.54 The proposed poles would be situated adjacent to the eastern side elevation of 35 and 37 Carlingford Drive to the north in Lavender Grove with wire connecting to a pole to the southeast in Carlingford Drive between the boundary of nos. 18a and 20.
- 5.55 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. The siting of the pole on the southern side of Carlingford Drive on the boundary between nos. 18a and 20 given the close proximity of the driveways serving each of the properties would not be so harmful to warrant a refusal. The poles would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 24 - Adjacent 159 Prittlewell Chase to adjacent to 157 Prittlewell Chase
(2no. 5.5m poles with connecting wire)

- 5.56 The poles would be situated to the rear of 157 Prittlewell Chase on the east side of Chase Gardens with wire crossing to a pole on the western side of Chase Road to the side elevation of 159 Prittlewell Chase.
- 5.57 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 25 - Adjacent 33 and 35 Hobleythick Lane to Southend High School for Boys (2no 5.5m high poles with connecting wire)

- 5.58 A pole would be situated on the eastern side of Hobleythick Lane south of the pedestrian access serving Southend High School for Boys with a wire crossing to a pole in front of 33 and 35 Hobleythick Lane to the west.
- 5.59 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 26 - Land adjacent to 26 to 36 Hardwick Court to opposite adjacent to Priory School (2no 5.5m high poles with connecting wire)

- 5.60 A pole would be situated to the rear of the footpath directly behind the existing lamp post on the north side of the Burr Hill Chase junction with a wire crossing the end of Burr Hill Chase to a matching pole adjacent to the corner post of the colour-coated steel paling fence to Priory School.
- 5.61 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 27 - Front of 15-17 Stephen McAdden House to Opposite Victoria Avenue – (2no 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

- 5.62 A pole would be located to the rear of the footpath immediately to the right of the brick pier and south of the existing telegraph pole (location 'A') in front of Stephen McAdden House with a wire crossing Victoria Avenue to a matching pole at the rear of the footpath behind the existing lamppost. A polycarbonate panel is to be fixed by cable ties to the galvanised railings on the central reservation.

A 400mm x 800mm high steel sheet is also proposed to match railings fixed to each side of the pedestrian guard rail over the baluster post, under the line of wire.

- 5.63 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet fixings are not objected to on the grounds of character, amenity of the area or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 28 - Front of Priory Lodge to the access Road of Priory Park Entrance (2no 5.5m high poles with connecting wire)

- 5.64 A 5.5m pole is to be located at the rear of the footpath adjacent to the low brick wall in front of Priory Lodge with a wire crossing the Priory Park access road to a matching pole next to the first post from the end of the railings leading into Priory Park.
- 5.65 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 29 - Between 25 and 27 Priory Crescent to land adjacent 92 Priory Crescent (2no 5.5m high poles with connecting wire)

- 5.66 A 5.5m high pole is to be located between the boundary of 25 and 27 Priory Crescent with a wire crossing the road to a matching pole next to the end post to the north side of the fence between the vehicular access of 82 and 92 Priory Avenue leading to Priory Works.
- 5.67 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 30 - West side of Station Approach to opposite Station Approach (2no 5.5m high poles with connecting wire and a polycarbonate panel)

- 5.68 The poles are to be situated on the west and east side of Station Approach next to the existing chain link fencing. On the east side of Station Approach a 150mm wide, 600mm high and 9mm deep clear polycarbonate panel is to be fixed by means of cable ties to the road side of the kerbside galvanised

railings. The site is near but not within Prittlewell Conservation Area.

- 5.69 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Prittlewell Conservation Area. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel is not objected to on the grounds of character, amenity of the area, heritage impacts or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 31 - East Street Railway Bridge opposite to the North of East Street (2no 5.5m high poles with connecting wire with polycarbonate panel and galvanised steel sheet)

- 5.70 One pole is situated to the western end of the railway bridge on the north side with a wire crossing East Street to a matching pole at the rear of the footpath to the south side (western end). A 150m wide x 600m high x 9mm deep clear polycarbonate panel is to be located to the kerbside galvanised railings to each side. A 400mm x 800mm high galvanised steel sheet to match the railings, fixed to each other to each side of the guard rail is also proposed under the line of the wire over.
- 5.71 The design and siting of the proposed poles, associated structures and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. Given the nature of existing street furniture and the scale and design of the proposal, it is not considered that any harm would be caused to the character and appearance of the Prittlewell Conservation Area. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Whilst the polycarbonate panel and galvanised steel sheet is not objected to on the grounds of character, amenity of the area heritage impacts or the amenity of residents further details are required of their installation and this can be controlled by condition.

Site 32- Rear of Arriva Bus Depot Prittlewell Footpath to rear of 18 Bircham Road. A 2.4m segmental arch proposed at the Vale Avenue/Kenway end across the footpath between the rear of Arriva Bus depot and rear of 18 Bircham Road

- 5.72 A 2.4m high segmental arch spanning the north end of the access path between the west side of the steel palisade fence at the northwest corner of 18 Bircham Road.
- 5.73 The design and siting of the proposed arch is found to be acceptable. The archway would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on

the public highway.

Site 33 - Adjacent to 97 Milton Street to adjacent 88 Milton Street and St Ann's Road (2no 5.5m high poles with connecting wire)

- 5.74 The proposed poles would be situated to the south flank wall of 97 Milton Street with a wire crossing Milton Street diagonally to a matching pole adjacent to the flank wall of 88 Milton Street in St Ann's Road approximately 1m from the front corner.
- 5.75 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 34 - Rear of 95-97 Sutton Road and Guildford Road to adjacent to 53-55 Sutton Road and Guildford Road (2no 5.5m high poles with connecting wire)

- 5.76 The poles are situated to the rear of the vehicle access of 95 Sutton Road with a wire crossing Guildford Road to a matching pole 300mm away from the brickwork pier to the right of the doors in the flank elevation of the Co-op building at 53-55 Sutton Road.
- 5.77 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 35 - Adjacent to 43 Sutton Road to the footpath adjacent to Malvern Coleman Street (2no 5.5m high poles with connecting wire)

- 5.78 The poles are situated to the flank elevation of 43 Sutton Road in Coleman Street with a wire crossing Coleman Street diagonally to a matching pole adjacent to a post in the railings in Coleman Street.
- 5.79 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 36 - Footpath to front of Malvern Sutton Road to the footpath adjacent 44 Sutton Road and Boscombe Road - 2no 5.5m high poles with connecting wire

- 5.80 One pole is to be situated to the rear of the footpath adjacent to the north of the vehicular access to the flats on Sutton Road to a matching pole at the rear of the footpath next to the end corner fence post of the close boarded timber fence to the flank elevation of 44 Sutton Road.

- 5.81 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 37- Between 339 and 341 Southchurch Road to the footpath adjacent to 7 – 12 Glenhurst Mansions (2no 5.5m high poles with connecting wire)

- 5.82 A 5.5m pole is proposed to the rear of the footpath in front of the end of the fence wall between 339-341 and 343 Southchurch Road with wire crossing Southchurch Road diagonally to a matching pole at the rear of the footpath next to the corner post of the railings to the east end of 7-12 Glenhurst Mansions.

- 5.83 The design and siting of the proposed poles and wire is found to be acceptable. The poles and wire would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 38 - Each side of the footpath to Lancaster Crescent under Railway Bridge (2 no. 1.05m high poles)

- 5.84 Two 1.05m poles 'leci' located next to the bridge abutment wall on the each side of the footpath to Lancaster Crescent below the outer edge beam of the bridge.

- 5.85 The design and siting of the proposed poles 'beneath the railway bridge is found to be acceptable. The two poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 39 - To the east of Queensway Bridge to the west of Queensway Bridge (2no. 1.05m high poles and a galvanised steel sheet)

- 5.86 Two 1.05m poles 'leci' located adjacent to the east and west of the abutment directly below the outer edge beam of the Queensway Bridge. A 400mm wide galvanised steel sheet to match the railings would be fixed to each side of the pedestrian guard rail over the baluster posts under the edge of the bridge.

- 5.87 The design and siting of the proposed poles and associated structures beneath the railway bridge is found to be acceptable. The two poles and sheet would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway. Details of the sheet would be secured through the conditions recommended.

Site 40 - To the east, west and north side of Chichester Road Bridge (4 no. 1.05m high poles)

- 5.88 Four 1.05m poles ('leci') are proposed to be located on the north side of the railway bridge over Chichester Road. These would be located east to west adjacent to the central walls and abutment walls.
- 5.89 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Site 41 - To the east and west of under the High Street Railway Bridge (4 no. 1.05m high poles)

- 5.90 Two 1.05m poles ('leci') located on the north side of railway bridge over the High Street adjacent to the east abutment and a matching post adjacent to the west abutment, directly beneath the outer edge of the beam over.
- 5.91 The design and siting of the proposed poles beneath the railway bridge is found to be acceptable. The two poles would not impact adversely on the character, appearance and amenity of the area or the amenity of residents. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Conclusions of design, character, access, highways and amenity considerations

- 5.92 In summary it is found that the street furniture proposed in each of the 40 separate locations would not cause material harm by reason of their design, or impact on character and that the proposals would preserve the character and setting of the relevant conservation areas. Nor would the proposals cause material harm to the safety and amenity of highway users, residents or businesses. Subject to appropriate conditions the proposals are therefore acceptable and policy compliant in the above regards.

Ecology and Biodiversity

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4 and Development Management Document (2015) Policies DM1, DM2 and DM3.

- 5.93 The National Planning Policy Framework (section 11) states that local authorities should aim to conserve and enhance biodiversity appropriately. Planning decisions must prevent unacceptable harm to bio-diversity and should require adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process.

Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. The locations proposed for the Eruv street furniture have no ecological designations. Taking into account the siting of the poles on the rear edge of footpaths and street furniture in the form of lamp posts, telegraph poles it is considered the impact on ecology is negligible. None of the locations are sited within statutory nature conservation sites, sites of special scientific interest, local wildlife site nor sites known to be containing protected species.

Impact on trees

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 DM2 and DM3 and the Design and Townscape Guide (2009)

- 5.94 No trees are proposed for removal as part of the proposals and no trees potentially affected by the Eruv street furniture are protected by tree preservation orders or located within a conservation area. To ensure trees within the highway or close proximity to the proposed Eruv street furniture are safeguarded a suitable condition can be imposed to ensure works are carried out in accordance with a tree protection plan and arboricultural report which complies with Clause 7 of British Standard BS5837 - Trees in Relation to Construction – Recommendations. This would be secured through the use of a condition.

6 Equality and Diversity matters

- 6.1 Section 149 of The Equality Act 2010 sets out a general duty on public bodies. This duty 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, including gender reassignment, religion or belief, sex, pregnancy or maternity, and to foster good relations between different groups when discharging its functions.

- 6.2 Equality duties require public authorities to demonstrate that any decision they make is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups. Section 149 provides that:

(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 this 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.

(6) The relevant protected characteristics are:

- age;
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

6.3 This Council delivers that Public Sector Equality Duty through its Corporate Equality Objectives which include:

- The council continues to improve outcomes for all (including vulnerable people and marginalised) communities by ensuring services are fully accessible and responsive to differing needs of service users; and
- The diversity of Southend is celebrated and the Borough is an increasingly cohesive place where people from all communities get on well.

- 6.4 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to the provisions of the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.
- 6.5 Officers consider that the proposal has the potential to generate a number of negative and positive impacts on groups with the protected characteristics of age, disability, religion or belief.
- 6.6 Based upon the Census 2011 publication faith groups within Southend Borough are characterised as follows:
- Christian- 55.7%
No religion- 31.6%
Religion not stated- 7.8%
Muslim-1.9%
Hindu- 0.7%
Sikh- 0.1%
Buddhist- 0.5%
Jewish- 1.2%
Other religion- 0.5%
- 6.7 It is considered that the following protected groups could potentially be affected by the proposal:
- Those of Jewish faith
 - People from other Faith groups including Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
 - People from Secular Groups including Agnostic, Atheist, Humanist
 - Disabled people
 - Elderly people
 - Young children and parents of young children who are Jewish
 - Jewish women (on the assumption that these have greater childcare responsibility)
- Orthodox Jews*
- 6.8 As referred to elsewhere in the report, in the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws. The prohibition identified above has the following adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath:
- Parents cannot use a pram or pushchair to take their baby/young child with them to the synagogue or other places such as to visit friends or relations.

In effect this means that children aged two and under may be housebound as will at least one of their parents, a situation that would continue to exist until all the children in a family are able to walk the distances required.

-The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

-Disability takes various forms and those who require an appliance such as a wheelchair, walking stick, Zimmer frame to get out and about cannot make use of such equipment in a public thoroughfare without transgressing Jewish Law on the Sabbath.

-The prohibition also applies to the carrying of medication such as pills and nebulisers unless the absence of such medication were life threatening. Less obviously Jewish Law also prevents the carrying of reading glasses whilst walking.

- 6.9 The introduction of the Eruv enabled by the proposed street furniture subject of this planning application would directly benefit these members of the Jewish community who are adversely affected as outlined above. Indirectly other members of the Jewish community would benefit from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

Other faith groups

- 6.10 The proposal could have a potential adverse impact on those of other non-Jewish faith groups who feel it impinges on their beliefs. Officers nevertheless consider the potential adverse impact of the proposal in these protected groups is outweighed by the positive outcomes that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to carry out a range of activities on the Sabbath and the Day of Atonement. In reaching this conclusion officers have given weight to the impact that the proposals would have on the identified protected groups, however the harm is outweighed by the other considerations identified. In reaching this conclusion it is relevant to consider that the proposed eruv equipment does not display or carry any Jewish or other overtly religious symbolism that would allow it to be distinguished from other items of street furniture. The equipment is designed and located so as to be readily assimilated into the street scene.

Secular groups

- 6.11 This group includes Atheists, Agnostics and Humanists, a protected category under the Equality Act 2010. The proposal could be perceived as potentially raising secular tensions, promoting inequality and imposing religious beliefs on other persons. However it is considered that these potential perceived adverse impacts are mitigated by the Eruv street furniture not carrying any Jewish symbolism and that it would be usually seen as part and parcel of the normally expected street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Orthodox Jewish Community.

Disabled people

- 6.12 Whilst the proposal would benefit disabled members of the Jewish community it is a reasonable potential concern that the proposed street furniture could create a hazard to disabled persons using the highway. Officers consider however that the design of the structures and the sites for the equipment have been carefully chosen so as to prevent such situations arising to any significant degree. The poles are 89mm in diameter so are relatively thin structures that can often be sited at the back edge of the pavement, so as to minimise intrusion onto the footway. Such poles are considerably smaller than many items of street furniture that can be erected without the need for any planning permission. The location of the poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.
- 6.13 Highways have been consulted throughout the process and have no objections to the proposal.
- 6.14 In addition to planning permission being necessary, the street furniture also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued. Officers also find that having visited the individual sites and having considered the proposed siting of the Eruv equipment, that any concerns in respect of the safety of disabled members of the community would be mitigated by the combination of the size and design of the equipment and its location.
- 6.15 Given the above and the careful consideration given to the siting of the individual poles, officers consider that the health and safety of disabled persons would not be prejudiced by the proposal in the normal course of events. Officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Orthodox Jewish community.

Elderly People

- 6.16 There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled. Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals.

Where they are members of the Orthodox Jewish community without the introduction of an Eruv they would be prohibited from carrying these items on the Sabbath and as such would be housebound and unable to take part in various activities. The introduction of the eruv would remove this prohibition and similar benefits would accrue to the elderly as for the disabled. The location of the poles has had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to the accessibility and safety of movement of elderly and/or disabled people.

The proposal would have clear and significant benefits for elderly member of the Orthodox Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

Young Children and parents of young children in the Orthodox Jewish Community

- 6.17 Without the introduction of an eruv young children, more specifically those that have not reached walking age or are only capable of walking short distances, would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.
- 6.18 At least one parent of young children would be effectively housebound by having to look after their children who cannot walk to the synagogue, local park, friends, grandparents etc. Furthermore, it is likely that mothers would have a greater childcare responsibility and are therefore likely to be disproportionately affected. The introduction of the Eruv would enable the use of pushchairs, prams etc for taking children out on the Sabbath. This will not only increase equality of opportunity for the children themselves but also their carers. In addition there would be indirect benefits to the wider family groups and community from being able to include all members in the communal activities.
- 6.19 It is considered that the planning application itself provides an opportunity for inter faith and religious understanding to be promoted. The application itself outlines the role of the Eruv thus giving more insight to the wider community of certain aspects of the Orthodox Jewish faith.

Overall conclusion on equalities impacts

- 6.20 This planning application falls to be considered on its planning merits but, given the nature of the application, in reaching its decision the Local Planning Authority must have regard to the provisions of the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

- 6.21 Officers consider that the proposal has the potential to generate a number of negative and positive impacts on groups with the protected characteristics of age, disability, sex, religion or belief. The potential impacts, both positive and negative, of the proposal on the different groups have been identified and weighed against each other. As evidenced by the report this is not an easy task particularly when assessing the impact of the proposal on the religion/beliefs of different groups.
- 6.22 The street furniture proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath. The development would not change the use of the land nor impose any changes in behaviour on others.
- 6.23 There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups.

7 Conclusion

- 7.1 The National Planning Policy Framework identifies that the purpose of the planning system is to contribute to the achievement of sustainable development, which it advises has three dimensions; economic, social and environmental. It is considered that this application is promoted by the social dimension in that it reflects the community's needs and supports its health, social and cultural wellbeing. The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment when considering this application.
- 7.2 The application is found to be supported by the development plan policies as an overarching strategic objective SO13 of the Core Strategy to *"Secure the social and physical infrastructure related to improving the health, education, lifelong learning and well-being of all sectors of the community"*.
- 7.3 It is only the physical street furniture that represents development requiring planning permission and not the concept of the Eruv per se. Each individual Eruv street furniture site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the character and amenities of the area and neighbouring residents including the character and appearance of conservation areas where impacted.
- 7.4 The siting and design of the proposed street furniture on the public highway has been carefully considered in respect of highway safety in general, the potential for causing obstructions and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in these regards.

- 7.5 The impact of the proposal is also found to be acceptable with regard to biodiversity, ecological and tree matters subject to the conditions recommended.
- 7.6 The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken carefully into account in the consideration of this application. It is found that no one group would be significantly directly disadvantaged by the proposed Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit significantly. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups.
- 7.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within National Planning Policy Framework, Core Strategy, Development Management Document, Design and Townscape Guide as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.
- 7.8 For the reasons set out in the previous sections of this report it is concluded that the proposed development accords with the relevant development plan policies and constitutes a sustainable form of development. It is therefore considered that there are material planning considerations which justify the grant of planning permission for the proposed street furniture in accordance with development plan policies.

8 Development Plan

- 8.1 National Planning Policy Framework (2018)
- 8.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Greenspace)
- 8.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land), DM5 (Historic Buildings) DM15 (Sustainable Transport Management)
- 8.4 Design and Townscape Guide (2009)
- 8.5 Southend Central Area Action Plan (2018)
- 8.6 The Community Infrastructure Levy Charging Schedule (2015)

9 Relevant Planning History

9.1 None.

10 Representation Summary

Highways

Location 1, Scratton Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 2, Avenue Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 3, Milton Road both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Location A must be checked to ensure that the erection of the pole does not interfere with the bridge deck.

Location 4, Leonard Road / Hamlet Court Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 5, Valkyrie Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 6, Britannia Road Footpath, the location is acceptable. It does not obstruct or have an unacceptable impact on the public highway.

Location 7, Chalkwell Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 8, The Ridgeway, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 9, Hillside Crescent, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 11, Lansdowne Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 12, Woodfield Park Drive, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 13 a,b,c, London Road, the locations are acceptable. They do not obstruct or have an unacceptable impact on the public highway.

Location 14, Glenbervie Drive, both locations are acceptable. They would also not cause unacceptable visual intrusion or obstruct or have an unacceptable impact on the public highway.

Location 15, Prittle Brook, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 16, Manchester Drive, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 17, Kenilworth Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Further details of the polycarbonate panel and galvanised steel sheet fixings will be required at this location before this location is implemented.

Location 18, Mannering Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 19, Southbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 20, Westbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 21, Eastbourne Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 22, Commercial Road, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 23, Lavender Grove, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 24, Chase Gardens, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 25, Holeythick Lane, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 26, Burr Hill Chase, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 27, Victoria Avenue, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 28, Priory Park Entrance, Locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 29, Priory Crescent, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 30, Station Approach, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 31, East Street, both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway. Location A/B must be checked to ensure that the erection of the pole does not interfere with the bridge deck.

Location 32, Vale Avenue, the location is acceptable. It does not obstruct or have an unacceptable impact on the public highway.

Location 33, Milton Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 34, Guildford Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 35, Coleman Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 36, Sutton Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 37, Southchurch Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 38, Lancaster Gardens, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 39, Queensway. Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 40, Chichester Road, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

Location 41, High Street, Both locations are acceptable. They would not obstruct or have an unacceptable impact on the public highway.

In conclusion, having reviewed the application there are no highway objections to the proposal.

Network Rail

- 10.2 The Developer must ensure that their proposal, both during construction and after completion of works on site, does not:
- encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from Network Rail Asset Protection, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to Network Rail Asset Protection. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for approval to Network Rail Asset Protection prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

[Officer Comment: The above points have been taken into consideration in relation to material planning considerations. A number of the points raised by Network Rail are covered by separate legislation].

Parks

- 10.3 No objections raised subject to conditions

Natural England

- 10.4 Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Essex Estuaries (SAC), Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) (SPA & Ramsar) and Benfleet & Southend Marshes (SPA & Ramsar) have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Crouch & Roach Estuaries SSSI and Benfleet & Southend Marshes SSSI have been notified. We therefore advise your authority that these SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural

England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

Milton Conservation Society

- 10.5 Object on following grounds: Unsightly poles harmful to street scene and conservation area; wire is a danger to wildlife; broken wire may harm public; possible further conflict with similar boundary proposals by other faith groups; an application by one faith group, not representative of wider society, should not be a material consideration in determination of this application.

10.6 **Chalkwell Residents Association**

Convey concerns that proposed structures will add to cluttered streetscene throughout the Borough and Chalkwell ward. Concerns about unsightliness and may require maintenance in event of damage and hope that they won't obstruct pavements of properties' accesses.

Public Consultation

- 10.7 Site notices were posted at the 40 locations as detailed in paragraph 1.2 above on the 2nd October 2017. A press notice was published on 4th October 2017. 107 letters of representation have been received (39 support and 68 objections) in relation to the proposal. The comments made can be summarised as follows.

Comments made in support (39 received):

- Expression for support without further details

- An Eruv will enable families with young children to participate more widely in community activities
- Eruvs are common throughout the UK in other towns and cities
- The Eruv isn't obtrusive and won't be seen by the general public including this being the case in other authorities where Eruvs exist
- An Eruv will enable families with young children, the elderly and people with disabilities to push/ use pushchairs/ wheelchairs and other aids without being restricted by Sabbath laws as well as improving quality of life for general community
- An Eruv will bring the community as a whole together including for religious services, education and social functions
- Jewish law requires the Eruv to be regularly checked and maintained so it will not fall into disrepair and its upkeep will continue to be privately funded
- An Eruv will be a positive consideration for families seeking to move to the Borough including those with personal and/or family disabilities and will add to Southend's attraction for holidays or breaks
- Southend has supported a Jewish population in its Borough for over a century. The Eruv will convey a positive message about the tolerance of this town
- An Eruv will support investment for regeneration and higher business rates / Council tax income
- An Eruv will enable medication to be carried including to enable visits to the synagogue

Summary of objections (68 received);

- Objection without detailed reason
- Harm to resident, user and wider area amenity
- Design unacceptable
- Harm to character and appearance of area
- Harm to heritage assets
- Harm to highway users
- Principle of erecting unsightly poles outside houses
- Inappropriate to erect religious barriers on public highways
- Legal background to any decisions on the Eruv proposal should be according to English law except as allowed by EJC rulings
- Request (submission) in the name of Southend and Westcliff Hebrew Congregation (SWHC) made without agreement of the community and is not in its best interests. Approx. 50% of the (relevant) community are excluded from the purpose which the Eruv is meant to address. Southend's Jewish community are well integrated within the community and people of all faiths. The Jewish community have never needed an Eruv and don't now. The Eruv will be of no benefit to the vast majority of the Jewish community
- Concerns about potential maintenance of the poles and wires and risk of vandalism' graffiti and metal theft plus possible anti-Semitic incidents
- An Eruv will unnecessarily create too much street furniture, a proliferation of poles and resultant clutter

- Eruv equipment will be unsightly, obtrusive and intrusive
- An Eruv will cause bad feeling in the community
- Those proposing the Eruv should instead abide by their own rules, rather than propose an Eruv breaking those rules
- Concerns that the new structures will be erected in the borough without proper residents consultation
- New street furniture should serve a (collective) purpose for the whole community not just one small element
- If one religious group is allowed to erect street furniture in 40 locations around the Borough others will be entitled to do so and where will it stop.
- Proposed street furniture is at odds with SPD3 Streetscape Manual
- Allowing one group to enforce its religious structures on non-religious residents would seem at odds with the Equality Act 2010
- Comparison drawn with historic formation of Jewish ghettos
- Religious symbolism should be restricted to places of worship and religious groups should not be allowed to display symbolism in so many public spaces maintained by the area's taxpayers
- This additional street furniture would create more obstacles for all pedestrians including wheelchair users and visually impaired people
- Impact on accessibility where next to residential driveway
- Eruv's in other locations have been where the orthodox Jewish community already exists which is not the case in Southend. So this application is premature
- There is no reliable method to ascertain the actual necessary delineation of the Eruv
- Downgrading of residential roads through clutter will affect property values and will reduce income to the Council plus who will compensate householders?
- This is a Christian country and non- Christian religious beliefs should not be forced onto others
- If friction arises hidden cameras may be put up which only the Council should have the right to do
- Fanatics make these outrageous rules so they should alter them to sort out their own needs
- Harm to outlook caused by tall, unsightly poles including casting shadows on adjacent properties
- Potential contradiction of British values
- Harmful to community cohesion
- Structures should be eligible for payment of Community Infrastructure Levy (CIL)
- An Eruv does not comply with criteria in the Equality Act 2010 or the Public Sector Equality Duty
- Health and safety implications
- An Eruv does not comply with the Human Right to self-determination
- An Eruv is an imposition to those who live in Southend and Westcliff who are not Orthodox Jews and many see an Eruv as offensive and sacrilegious behaviour
- Why bring attention to the area and increase the risk of terrorism

- The concept of an Eruv is outdated
- Too many unanswered questions within the application
- Who will pay for removal of graffiti?
- Who will pay for an archaeology dig at each site?
- Who will decide on the colour, design and placement of the structures?
- Who pays for the structures, their maintenance, regular inspection and insurance and who bears legal responsibility in perpetuity?
- Potential for Council tax reduction claims by affected residents
- Reference to experience and problems with Eruvs in other countries
- Potential for interpreting Jewish laws in other ways to circumvent perception of the requirement for an Eruv
- Why is an Eruv required at this time when there is no historical precedent for a local Eruv?
- Proposal will change the cultural mix of Chalkwell /Westcliff as more Jewish families move into the area
- The proposal relies on extremely selective use of the Core Strategy, Human Rights and equality legislation
- That rather than reliance on site notice consultation a public meeting should have been held
- Extent and nature of publicity for the proposals
- Disturbance caused through infrastructure needs of the Orthodox Jewish community
- The proposal for street furniture and wires is a device for a far broader aim of self-interested social engineering
- Disagreement with content and opinions expressed in the application Design and Access statement
- Community who are subject of the application are, contrary to the Design and Access Statement able to leave their homes on the Sabbath , it is that they choose not to do so
- The application refers to approved Eruvs elsewhere but not those rejected
- The proposed eruv will segregate rather than integrate the community
- Effect on utilities within the highway
- Visibility from conservation areas
- Wire is a hazard to birds and bats in flight
- An independent Environmental Impact assessment (EIA) should be scoped and paid for by the applicant
- No economic benefit to (vast majority) of non-Jews who live in Southend as most of the incomers only frequent Jewish establishments
- (Objector) wishes to be free of religion
- Reference to Holocaust and ill-advised for any religious group to define their own (potential) ghetto through erecting boundary posts
- An Eruv is unnecessary and (the issue) could be solved using free map, Sat-Nav or use of existing landmarks
- Reference to relationship between street furniture and Controlled parking Zones
- The Eruv could use existing street furniture rather than require additional
- Application details incomplete
- No reference to (separately required) highways licence

- A divisive religious concept that together with symbolism has no place in a secular society
- The street furniture will not enhance the conservation areas
- The huge scale of the project is for the benefit of only (some) 600 families in the Borough (similarly expressed as approximated percentages in various representations)
- Queries about Southend's population composition

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. The points are addressed in greater detail where relevant in the earlier sections of this report.

- 10.8 Councillor Flewitt and Councillor Folkard requested this application be dealt with by Development Control Committee.

11 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

- 01 This development must be begun within three years from the date of this permission.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 911.001 (Location Plan) ; 911.51; 911.002; 911.1; 911.2; 911.3; 911.4 A & B; 911.4 C & D; 911.5; 911.6; W.911.6; 911.7; 911.8; 911.9; 911.11; 911.12; 911.13 A & B; 911.13 C; 911.14; 911.15; 911.16; 911.17; 911.18; 911.19; 911.20; 911.21; 911.22; 911.23; 911.24; 911.25; 911.26; 911.27; 911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D; 911.41**

Reason: To ensure that the development is carried out in accordance with the policies in the Development Plan.

- 03 In respect of all sites hereby approved, details of the design and colour of the external surfaces of the posts and poles and associated structures plus, in respect of sites 17, 27, 30, 31 and 39 the detailed locations, sizes and design details of the polycarbonate and steel sheet fixings, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development at a particular site. Each individual pole, post or structure hereby approved shall be implemented in full accordance with the details approved under this condition within 6 months of the erection of that particular pole, post or structure.**

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

- 04** A Construction and Maintenance Strategy, for all works hereby approved on or adjacent to the public highway, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Local Highway Authority, prior to the commencement of the development. The Construction and Maintenance Strategy submitted shall include details on how the Eruv structure (poles, posts, associated structures and wire) would be constructed and maintained in a manner that would not compromise highway and pedestrian safety or unacceptably impact on movements on the public highway. The development shall be implemented and in full accordance with the approved Construction and Maintenance Strategy and maintained in accordance with this Strategy in perpetuity.

Reason: In the interests of highway and pedestrian safety and to ensure that disruption to pedestrians and traffic on the road network arising from the development would be kept to a minimum in accordance with the National Planning Policy Framework Policies KP2, CP3 and CP4 of the Core Strategy 2007 and Policies DM1, DM3 and DM15 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

- 05** No site works or other works associated with this development shall be commenced before an Arboricultural Method Statement and Tree Works Plan, detailing the precautions to be taken to minimise damage to trees within and adjacent the sites and any works to be carried out to trees as part of the implementation of the proposal (where relevant), in accordance with British Standards BS5837:2012 and BS3998:2010, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the Arboricultural Method Statement and Tree Works Plan approved under this condition. The approved tree protection measures shall be fully installed before the commencement of works and maintained during construction.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

- 06** No site works or other works associated with this development shall be commenced unless and until an assessment of the impact of the wires on the flight paths of birds, for those approved structures within the reasonable proximity of Priory Park, have been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and propose measures such as, but not limited to, bird deflectors necessary to mitigate any identified harmful impacts and those agreed measures shall be fully installed prior to completion and first use of the respective developments and shall be permanently maintained for the lifetime of the developments hereby approved.

Reason: To ensure that the development protects local ecology in accordance with the National Planning Policy Framework, Policy KP2 and CP4 of the Council's Core Strategy (2007)

Informatives

- 01** The erection of the Eruv structures (poles, wires and any other associated works) on the highway would require a Highways Licence under the Highways Act 1980. This Licence would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security and technical specification (including colour of poles and type of wire). The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.
- 02** Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
- 03** The applicant is advised that any structures to be sited within or project over adopted highway will require Licences under the Highways Act 1980 in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that Licenses under the Highways Act 1980 will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should seek an agreement with the land owner. For structures impacting on adjacent boroughs, agreement must be sought from the relevant authorities.
- 04** The applicant is advised that on sites located on traffic sensitive routes,

deliveries during the construction period should not take place during restricted hours.

- 05 Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.**
- 06 The applicant is advised that they would be fully responsible for the maintenance of the proposed Eruv poles, wire and leci to be placed on the public highway at all times.**
- 07 The applicant is advised that they would be liable for the cost of any rectification work to be undertaken to rectify damages caused to the public highway resulting from construction and maintenance of the proposed Eruv structures.**
- 08 The applicant is advised that they would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and leci to be erected on the public highway.**