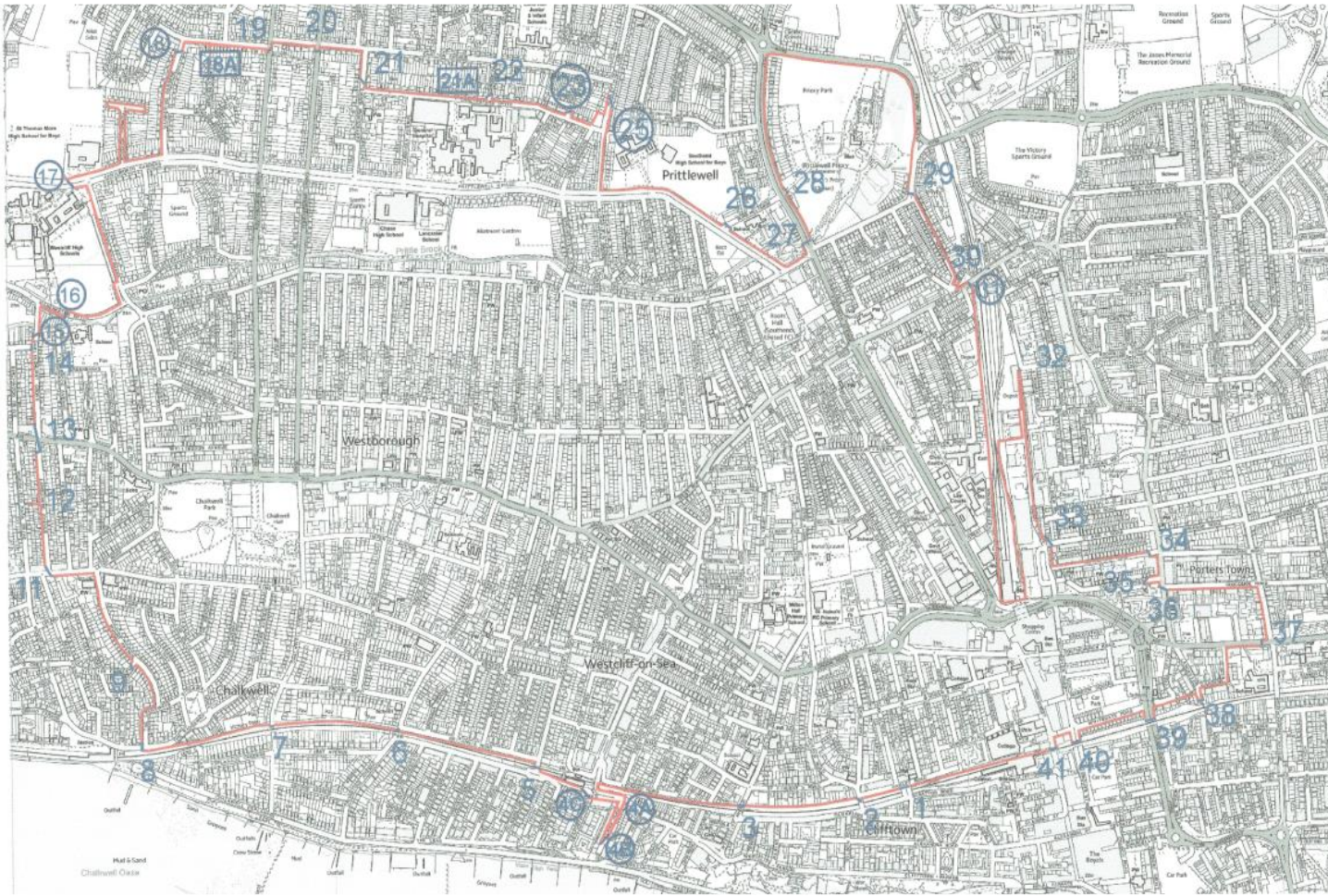


Reference:	21/00316/AMDT	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Vary condition 02 of planning application 17/01263/FUL dated 03/10/2018 to replace approved plan numbers 911.23, 911.25, 911.33 and 911.002 with 911.23 RevA, 911.25 RevA, 911.33 RevA and 911.001 resiting and removal of poles at various locations (Minor Material Amendment of planning permission 17/01263/FUL dated 03/10/2018)	
Address:	Westcliff Eruv, Finchley Road, Westcliff-On-Sea	
Applicant:	Westcliff Jewish Association	
Agent:	Mr Daniel Rosenfelder of Rosenfelder Associates	
Consultation Expiry:	01.04.2021	
Expiry Date:	05.06.2021	
Case Officer:	Janine Rowley	
Plan Nos:	911.001C (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; 911.23A; 911.25A; 911.26; 911.27; 911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33A; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B; 911.40 C & D and 911.41.	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application relates to three of the 40 locations which form part of the succession of individual placements of street furniture granted planning permission in October 2018 under application 17/01263/FUL. That was to support the designation of an Eruv boundary which is predominantly focused on Westcliff but extends beyond into parts of Chalkwell, Leigh and Southend.
- 1.2 The 40 approved locations supporting the Eruv are listed for information in Appendix 1 to this report. It is only the physical street furniture that required planning permission (as opposed to, for example, the concept and purpose of the Eruv). Planning permission was only sought for structures where existing features such as walls and buildings did not provide the necessary enclosure for designating the Eruv. The installation was completed and commissioned in October 2020 following the approval of the substantive application 17/01263/FUL and subsequent amending applications 19/00729/FUL and 19/00978/FUL.
- 1.3 No markings or religious iconography are fixed to the street furniture in association with the Eruv. This planning application is prompted by the applicant's wish to accommodate changes in the detailed position of a minority of installed poles following third party feedback and relate solely to the locations described in paragraphs 2.2 to 2.4 below.
- 1.4 There are no heritage or other such designations on or in the vicinity of these three sites.

2 The Proposal

- 2.1 Planning permission is sought to alter the detailed position of street furniture approved at the three locations below. The applicant advises solely for information that poles on Chase Gardens (Location 24) approved under 17/01263/FUL are no longer intended to be erected.
- 2.2 Location 23 - the approved two 5.5m high 89mm diameter poles have been sited on the footpath next to 18a and 20 Carlingford Drive crossing to footpath with a 0.5mm wire next to 35 and 37 Carlingford Drive. The new location is to the rear of the footpath adjacent to the timber fence to 35/37 Carlingford Drive to a matching pole at the flank wall of no. 29 Carlingford Drive. Both sites are corner plots and the flank elevations next to which the poles will be re-located are along Lavender Grove.
- 2.3 Location 25 – As approved, the two approved 5.5m high 89mm diameter poles have been sited in the footpath outside 33 and 35 Hobblythick Lane crossing to footpath next to Southend High School for Boys. It is proposed to relocate them to the rear of the footpath next to no. 52 Hobblythick Lane with a 0.5mm wire crossing Hobblythick Lane to a matching pole at the rear of the footpath next to the flank fence wall of 2 Carlton Avenue in line with the junction with the north side boundary of 63 Hobblythick Lane.
- 2.4 Location 33- As approved, two 5.5m high 89mm diameter poles have been sited along the footpath next to 97 Milton Street crossing to footpath next to 88 Milton Street and St Ann's Road with 0.5mm connecting wire. It is proposed to relocate them 0.4m to the flank wall of no. 97 Milton Street with a wire at a diagonal crossing to the matching pole at no. 88 Milton Street set back 1m from the previously approved position.

3 Relevant Planning History

- 3.1 20/01290/NON- Replace plan number 911.51 with plan number 911.51A - reduce diameter size of poles from 89mm to 76mm (Non-Material Amendment to Planning Permission 19/00729/FUL dated 06.11.2019)- Allowed.
- 3.2 19/00729/FUL- Erect street furniture comprising of 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) minor re-routing and re-positioning to the following previous locations 4A, 4B, 4C, 4D, 15-18 and 31 approved under planning permission 17/01263/FUL dated 03.10.2018– Planning permission granted.
- 3.3 19/00978/FUL- Erect street furniture comprising of an ornamental metal arch to designate the perimeter of a nominated Eruv (An Eruv is a continuous boundary designated in accordance with Jewish Law) at location 18A -Footpath between 38/46 Bridgwater Drive and location 21A - Footpath between 157/159 Carlingford Drive- Planning permission granted.
- 3.4 17/01263/FUL- 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- Planning Permission Granted (03.10.2018)

4 Representation Summary

Public Consultation

- 4.1 Site notices were posted at the three locations subject of this application and a press notice was published.

One letter of representation has been received from a resident stating there are concerns if the changes are near to Holland Road and Station Road on the Hamlet Court Bridge side.

Officer comment: The concerns raised are noted and have been taken into account in the assessment of the proposal. The locations proposed to be changed are not near to the locations referred to in the representation and this is not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 Highways Team

There are no highway objections to this proposal.

4.3 Parks

No objections.

4.4 National Rail

No objections.

4.5 Natural England

No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 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)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 The Community Infrastructure Levy Charging Schedule (2015)

6 Planning Considerations

- 6.1 The principle of supporting the installation of a succession of street furniture for the associated purpose of designating an Eruv perimeter and the equalities and diversity considerations related to this were agreed under planning permission 17/01263/FUL. The National Planning Policy Framework has been revised since determination of the 2017 application, but the relevant policy considerations have not changed in any material regard.
- 6.2 The main considerations in the determination of this application are design and impact on the character of the area, access, traffic and highways, impact on residential amenity and the relevant equalities and diversity considerations.

7 Appraisal

Design and Impact on the Character of the Area

- 7.1 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.
- 7.2 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.”*
- 7.3 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”.

- 7.4 Location 23 - re-siting of the existing pole to no. 35/37 Carlingford Road and a wire crossing to a matching pole at the rear of the footpath of no. 29 Carlingford Road. 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 and appearance of the area.
- 7.5 Location 25- the existing pole will be relocated to the rear of the footpath adjacent to no. 52 Hobleythick Lane with a wire crossing Hobleythick Lane to a matching pole at the rear of the footpath adjacent to the flank fence wall of 2 Carlton Avenue in line with the junction with the north side boundary of 63 Hobleythick Lane. The poles and wire would not impact adversely on the character and appearance of the area.
- 7.6 Location 33- relocation of the existing pole 0.4m to the flank wall of no. 97 Milton Street with wire at a diagonal crossing to the matching pole at no. 88 Milton Street 1m set back from the previously installed position. The poles and wire would not impact adversely on the character and appearance of the area.
- 7.7 The proposal is therefore acceptable and policy compliant in the above regards.

Amenity

- 7.8 It is not considered that the re-siting of the approved poles would have any harmful impact on the amenity of nearby residential occupiers. The re-positioning of the poles along Lavender Grove from nos. 35/37 Carlingford Road to 29 Carlingford Road are located to the flank elevations of the respective properties. In relation to location 23 along Hobleythick Lane, the resiting will be next to the front boundary walls of no. 52 and 63 Hobleythick Lane and rear of no. 2 Carlton Avenue. Location 33 will include re-siting the pole to the flank elevation of no. 88 and the new pole to 97 Milton Street.
- 7.9 The design and siting of the proposed poles and wire would not harm residential amenity.
- 7.10 The development is therefore acceptable and policy compliant in the above regard.

Highways

- 7.11 The siting of the poles and wire would not result in any harmful impact on the highway and no objections have been raised by the Councils Highway Officer.
- 7.12 The proposal is therefore acceptable and policy compliant in the above regard.

Equalities and Diversity

- 7.13 The report to this Committee for the installation of Eruv related street furniture, approved in October 2018, contained a full analysis of the proposals in the context of the Equality Act 2010 which 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.

- 7.14 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 those provisions of the Equality Act 2010. The 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.
- 7.15 Like the main street furniture proposals approved in October 2018 this proposal has the potential to generate some 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 street furniture proposals on the different groups were identified in the appended report and weighed against each other.
- 7.16 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.
- 7.17 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.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. The proposal would result in no harm to highway safety and supports equalities and diversity objectives. This application is therefore recommended for approval.

9 Recommendation

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

- 01 The development hereby permitted shall begin not later than 3rd October 2021.**

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:**

911.001C (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; 911.23A; 911.25A; 911.26; 911.27; 911.28; 911.29; 911.30; 911.31; 911.32 Rev A; 911.33A; 911.34; 911.35; 911.36; 911.37 Rev A; 911.38; 911.39; 911.40 A & B;

911.40 C & D and 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. Notwithstanding the details shown on the plans submitted and otherwise hereby approved the pole erected outside the boundary of 70 and 72 Eastbourne Grove (Site 21) shall be chamfered above a height no less than 1m above ground level to a diameter of 76mm in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.**

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, Management and Maintenance Strategy, for all works hereby approved on or adjacent to the public highway, including details of the management arrangements for implementation of the works hereby approved, 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, Management 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:

- 1 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.**
- 2 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.**

- 3 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 Licences 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.**
- 4 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.**
- 5 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.**
- 6 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.**
- 7 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**