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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	**Date** **4 February 2020**	**Classification** For General Release	
Report of Director of Place Shaping and Town Planning		**Ward(s) involved** Original proposal : Abbey Road, Regent's Park, Bryanston & Dorset Square, Church Street, Little Venice, Maida Vale, Harrow Road, Westbourne. This S73 application: Regents Park	
Subject of Report	**Various Locations NW8, NW6, W9 Within North Westminster Including, Prince Albert Road, London.**		
Proposal	Variation of condition 1 (approved plans) and condition 2 (relocation of poles) of planning permission dated 06 December 2017 (RN: 16/04837/FULL) for: Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. Namely, to allow the relocation of poles in locations 10, (Carlton Vale) and 11 (Kilburn Park Road) and 12 (Oxford Road) and revised pole design, size and material (from tapered 110>38mm diameter steel pole to 114>38 mm diameter colour coated aluminium pole.		
Agent	Daniel Rosenfelder		
On behalf of	UNITED SYNAGOGUE TRUSTS LTD		
Registered Number	19/06887/FULL	**Date amended/ completed**	9 September 2019
Date Application Received	3 September 2019		
Historic Building Grade	Original proposal:- Poles 1A and 1B cross Warwick Avenue and are located adjacent to the Grade II listed Warwick Avenue Bridge and outside of the Grade II* listed Junction House. Pole 37B is located adjacent to Grade II* Crockers Folly PH on Cunningham Place. This S73 application: Pole 11A adjacent to the railings at the rear of the footpath leading from St Augustine's Church (Grade II) and Vicarage		

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	(including the Grade II listed Memorial to Richard Kirkpatrick) to Kilburn Park Road.
Conservation Area	Original Proposal: Many poles are located within the St John's Wood Conservation Area, Maida Vale Conservation Area and the Regent Park Conservation Area. This S73 Application: Poles 10,11,12 lie outside of a conservation area.

1. RECOMMENDATION

1. Grant permission subject to the completion of a legal agreement under the highway, planning and local government legislative provisions, to secure all the previous obligations pursuant to the legal agreement dated 6th December 2017 in connection with permission under reference 16/04837/FULL and the additional obligation set out below:

a) the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12, at the applicant's cost.

2.If the agreement has not been completed within 3 months from the date of the Committee's resolution then:

a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however if not

b) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that is has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Permission was granted by the Planning Applications Sub-Committee in 2017 for the erection of poles and wires in connection with the creation of an Eruv within the north of Westminster. This was subject to a legal agreement which secures a maintenance Strategy for poles and wire, cost of maintenance of street trees and the applicant to take on public liability.

This current application seeks a minor material amendment to the 2017 permission, in order to vary three pole locations and also to revise the approved pole design and material. Nine representations of objection (and eleven representations of support) have been received on various grounds, including the impact of the ERUV on social cohesion, additional street clutter and heritage assets.

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The principle of the poles on the highway, has already been established, In deciding to grant permission in 2017, Committee considered the advantages to parts of the Jewish community, provided exceptional circumstances which outweighed the harm caused by additional street clutter and street tree pruning and harm to the setting of heritage assets.

When assessing the amendments sought, the revisions to three pole locations and the revised pole design and material do not raise any significant new impacts when compared to the 2017 permission. Furthermore, there has been no significant change in planning policy or legislation in which to come to a different conclusion. As such, a favourable recommendation is made.

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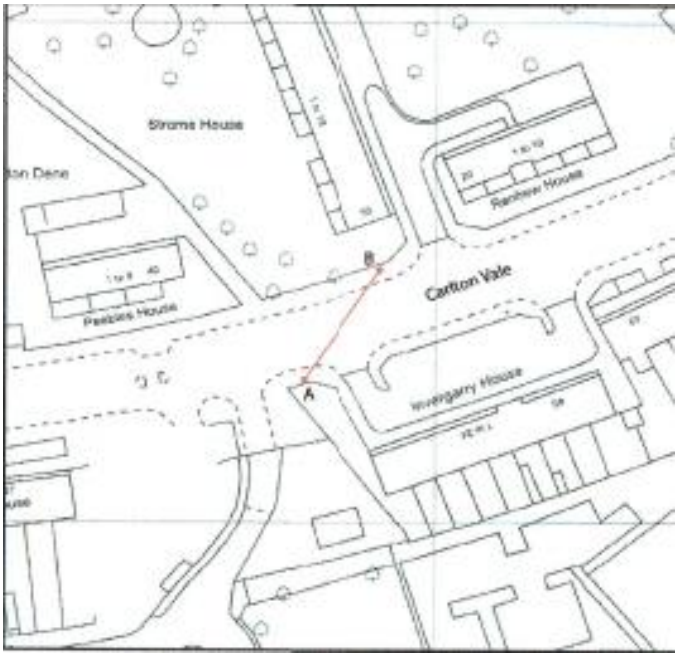
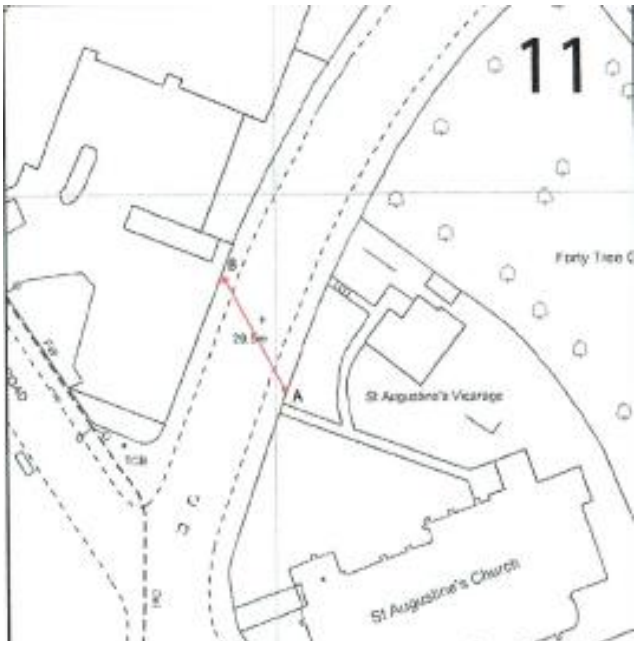
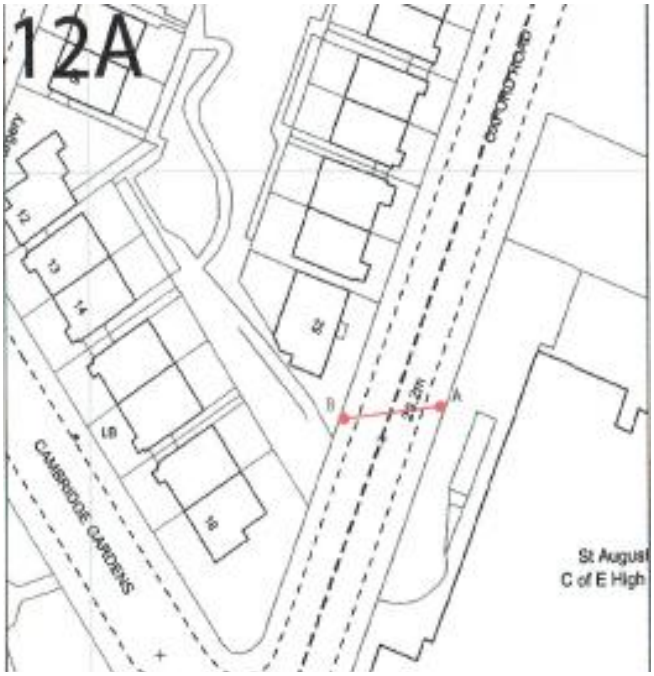
3. LOCATION PLAN- 3 sites

10







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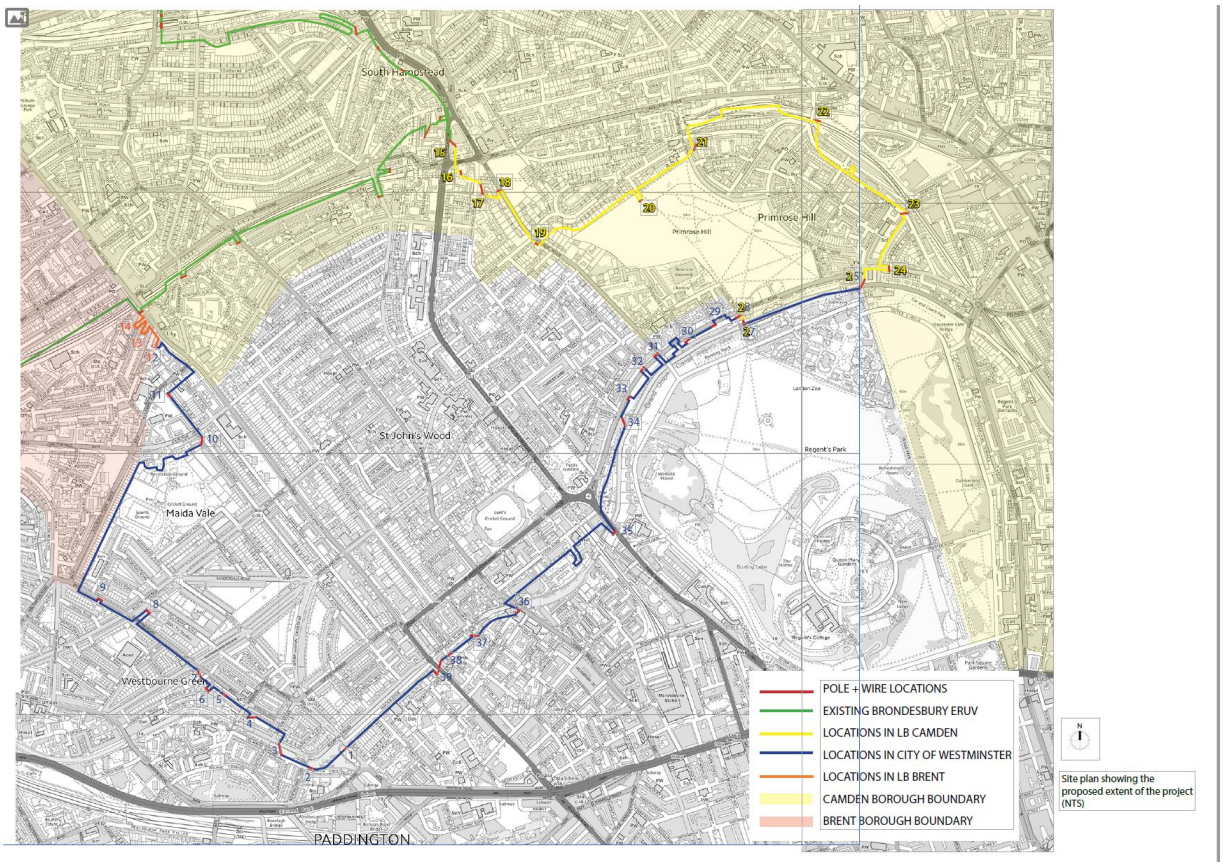
4. MAP OF PROPOSED ERUV (as originally approved)



Original location of poles

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5. CONSULTATIONS

WARD COUNCILLORS FOR REGENT'S PARK, ABBEY ROAD, BRAYANSTON & DORSET SQUARE, CHURCH STREET, HARROW ROAD, LITTLE VENICE, MAIDA VALE, REGENTS PARK, WESTBOURNE.
Any response to be reported verbally

GREATER LONDON AUTHORITY
No objection. Authorisation to proceed to determine application without further reference to the GLA. Given scale and nature of the proposals, the amendments do not give rise to any new strategic planning issues.

TRANSPORT FOR LONDON
No objection. No new highway or strategic transport issues to raise. Request that the applicant take a number of comments into account.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)
Not necessary to be consulted.

THE ROYAL PARKS
Any response to be reported verbally.

NATURAL ENGLAND
Any response to be reported verbally.

CANAL & RIVER TRUST
No comment to make on the proposal.

THAMES WATER UTILITIES LTD
Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN
No objection.

LONDON BOROUGH OF BRENT
No objection.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY
Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY
Comment. The proposed relocation of the three poles does not affect the St John’s Wood Conservation Area. No comment about the change of material for the poles.

NORTH PADDINGTON SOCIETY
Any response to be reported verbally.

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HIGHWAYS PLANNING TEAM
No objection. Acceptable (with conditions) based on previous committee decision. The proposed alterations and new locations do not raise any new highways issues or concerns.

WASTE PROJECT OFFICER
No objection.

ARBORICULTURAL SECTION
No objection

DESIGNING OUT CRIME OFFICER
Any response to be reported verbally.

ENVIRONMENTAL SERVICES
No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1616
Total No. of replies: 20
No. of objections: 9
No. in support: 11

Objection

- Singles out permission for one religious minority to mark out territory covering a wide range of other groups of different beliefs.
- This is not “multiculturalism plural mono culturalism” or “ghettoization” where you encourage different groups.
- A small minority group is trying to force its will on our diverse community
- Cultural insensitivity.
- Sets a precedent for any religious or other group applying to do something similar.
- Contrary to Council policy to reduce street clutter.
- Adds to already far too much street furniture/clutter and overheard wires
- Might attract vandalism.
- Unsightly poles and wires and will fall into disrepair, become an eyesore and safety hazard.
- Poles and wires inappropriate in conservation area.
- Significant negative impact on Little Venice one of the most beautiful and scenic areas of London.
- Will the Council recompense if value of property declines?
- Wrong in every planning sense.
- Having an ERUV will encourage more Jewish people to buy homes in this area and the cost of housing will increase and non-Jewish people will no longer be able to afford to rent or buy flats in this area of Westminster, which would change the currently charming multicultural neighbourhood.
- Sweeping change to local environment.
- Oppressive symbol of the sway over a broadly tolerant local community.

- Highly visible symbol of voluntary ghettoization.
- Must also be a query about the motive, wisdom and potential provocation of an Eruv running so close to Regents Park Mosque.
- Divisive to the community.

Support

- Will hardly be noticed in the neighbourhood.
- Will ensure quality and ease of life for many and property values for all.
- The already approved consent will massively change the lives of groups of people in the community, especially the disabled, young children, elderly and is widely support by planning authorities and complaint with planning policies.
- Non contentious amendments enhancement to existing consent and make the already discreet locations of the unobtrusive fixtures even less visible.
- Will be a fantastic amenity which will result in significant improvement for many without causing any issues to the flow of traffic or the surrounding streetscape.
- Application is merely to vary an existing permission.
- The ERUV will enable buggies and wheelchairs to be pushed on the sabbath
- No negative effect on social cohesion.
- Frustrating that progress has taken so long.
- Aesthetic impact is minimal.
- Synagogue and Mosque co-exist and the strong cooperation between the two communities.
- Request tweak to poles to include more properties within the ERUV.
- Poles are discreet and hard to spot.

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises of 26 locations within the north of Westminster, which are predominantly public highway (apart from site 4A). Many of the locations fall within the St John's Wood Conservation Area, Maida Vale Conservation Area or Regent's Park Conservation Area. Some locations are close to Regent's Canal and the Grand Union Canal and some are located adjacent to Grade II * and Grade II Listed Buildings. Most of the locations are within residential areas, although some are outside of commercial properties.

This current S73 application relates specifically to three locations within this area, namely Carlton Vale, Kilburn Park Road and Oxford Road, all of which are located outside of a conservation area. Oxford Road comprises the borough boundary with Brent Council. The location of the Kilburn Park Road site is in close proximity to St Augustine's Church (Grade I) and Vicarage including the Grade II memorial.

6.2 Recent Relevant History

Original Permission (2017)
The Planning Applications Sub-Committee resolved on the 17th January 2017 to grant conditional permission for the erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. This permission is governed by a legal agreement dated 6th December 2017 between the applicant and us under. (Reference: 16/04837/FULL).

The agreement relates to: -

I. Maintenance Strategy for poles and wire.
II. Cost of maintenance of street trees
III. Applicant to take on public liability.

The associated Highways Agreement is currently under discussion.

Discharge of Conditions (2018)
Approval of Details granted on 09.10.2018 for alterations to locations of poles 1A/B, 2A/B, 25B, 27A, 33A/B, 37B, 39B/C, including omission of pole 27, location of any other additional poles to accommodate the relocation of the above poles including poles 38 Lyons Place, 40/AB Randolph Avenue and 41A/B Randolph Road, amended drawings to accurately reflect current on-site circumstances including existing street furniture and an Arboricultural Tree Protection Method Statement pursuant to Conditions 2 and 3 of planning permission dated 6 December 2017 (RN: 16/04837). (Reference: 17/11434/ADFULL)

First Non-Material Amendment Application
Approval on 10.01.2020 for Amendments to planning permission dated 6 December 2017 (RN: 16/04837/FULL) for: Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. Namely, resiting of previously approved location of poles and wires very close to previously-approved locations at 4a and 33.(19/06665/NMA)

Second (Pending) Non-Material Amendment Application
Amendments to planning permission dated 6 December 2017 (RN: 16/04837) for Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6, NAMELY, to allow local relocation of pole 1 (Warwick

Avenue) 2 (Warwick Place) ,38 (Lyons Place) ,39 (Aberdeen Place and Maida Vale). (20/00151/NMA).

7. THE PROPOSAL

Type of Application
This application is made under section 73 of the Town and Country Planning Act 1990 to seek minor material amendments by varying conditions 1 and 2 associated with the earlier planning permission. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The application is considered against the development plan and material considerations, and conditions attached to the existing permission and any significant change in these and national policies since the original grant of permission.

Background
The original application granted planning permission for physical works of development necessary to create what is known as an 'Eruv'. The physical works comprise the erection of a number of sets of poles (joined by wires) on the pedestrian highway located within the north of Westminster. In some cases, a pole within Westminster is proposed to be joined by a wire to a pole within Camden or Brent. A total of 26 "sets" of poles were proposed comprising one, two or three poles joined by a nylon wire, a total of 51 poles. The poles were predominantly 5.5m high to straddle a vehicular highway, however where they cross only a pedestrian footpath the poles and wire were 3.3m high. The poles were cylindrical in shape and constructed of galvanized steel and colour coated black. The wire was 0.5mm nylon fishing line.

Proposed Variation
This current application seeks to vary the original permission, by the relocation of poles in three locations (sites 10, 11 and 12) together with a revised design for all the poles with respect to its diameter at its base, additional eyebolts and rods and a change in construction material from steel to aluminium.

8. DETAILED CONSIDERATIONS

8.1 Key issues

As a notional or symbolic boundary, the Eruv itself is not a structure which requires planning permission, but the poles and wire required to create the Eruv do require planning permission.

The original report to the Planning Applications Committee and the minutes of that meeting are included as a background paper to this report. It includes a detailed explanation of what an Eruv is, who could benefit from the Eruv, social cohesion as a material planning consideration and whether identified harm of the proposal (less than substantial) could be outweighed by public benefits to part of the Jewish community.

In deciding to grant conditional planning permission in 2017, the Planning Applications Sub-Committee considered that the advantages to parts of the Jewish community, outweighed the harm caused by additional street clutter and street tree pruning and harm to the setting of heritage assets. Thus the less than substantial harm to heritage assets was considered to be outweighed by public benefits. Given this and in the absence of any significant change in planning policy or legislation since the decision was made, these issues are not reassessed in this report. This report therefore concentrates solely on the proposed revisions and assesses the impact of each of the three pole locations and revised pole design with regard to site specific merits in relation to development plan and national policy on design, conservation areas, listed buildings, highways, trees and any other relevant issues.

8.2 Assessment of revisions

The applicant has stated that the revisions to the location of the poles has arisen to avoid tree crowns which have grown since the granting of the original planning permission, to address the removal of a wall and also to utilise existing poles already required to hold parking signs which has come to light during discussions with the City Council's Highway Department post the original decision.

With respect to the revised pole design and material, this has arisen following difficulties in securing a manufacturer for the original pole design and material.

Poles 10A & 10B

Original location of poles

These diagonally cross Randolph Avenue, at the junction with Carlton Vale from adjacent to the flank of the surgery on Carlton Vale to adjacent to the flank of 12 Carlton Vale within the Maida Vale conservation area.

Revised location of poles

These diagonally cross Carlton Vale from adjacent to the west end of Invergarry House frontage and its wall and railings to the curtilage wall and railing of the flank of Strome House, outside of any conservation area.

The revised poles are located in a less sensitive townscape environment outside of a conservation area, when compared to the original location and would not adversely affect the setting of the nearby Maida Vale conservation area.

Both poles would leave unobstructed pavement of 2.96m and 3.19m respectively and do not raise any new highways issues. Given the location of the poles and distance to residential properties, they are not considered to raise amenity concerns. The City Council's Arboricultural Manager has confirmed that there are no implications for trees.

The relocation of these poles is therefore considered acceptable.

Poles 11A & 11B

Original location of poles

These cross Kilburn Park Road from adjacent to the flank of Torridon House to adjacent to the brick boundary wall with St Augustine's School outside of a conservation area.

Revised location of poles
These still cross Kilburn Park Road. Pole 11A will now replace the existing parking pole (but will also display the parking sign) adjacent to the railings at the rear of the footpath leading from St Augustine's Church (Grade I) and Vicarage (including the Grade II listed Memorial to Richard Kirkpatrick) to Kilburn Park Road, but outside of a conservation area.

St Augustine's Church dates from 1870-1877 and was Grade I listed in 1951. It is noted as one of JL Pearsons finest churches. It is of early Gothic style with slate pitched roof to eaves and red brick and stone dressings with much decoration and rich interior fittings. It makes a significant contribution to the townscape environment due to its special architectural and historic interest. The Memorial to Richard Kirkpatrick dating from 1907 was Grade II listed in 1987 and lies around 10 yards north west of the Church. It is a Granite stepped pedestal surmounted by granite crucifix with bronze figures of the dead Christ flanked by Keary and John. Dedicated to Richard Carr Kirkpatrick, Priest, Founder of St Augustine's Church and its first vicar, 1870 to 1907. It also makes a significant contribution due to its architectural and historic interest.

Given that the pole is to replace an existing parking sign pole, the minor difference in the appearance of the pole is not considered to result in any harm to the setting of these heritage assets in accordance with policy and the statutory duties imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Pole 11B is located diagonally opposite on the other side of Kilburn Park Road close to St Augustine's CE High School.

Both poles would leave unobstructed pavement of 3.02m and 1.97m respectively and do not raise any new highways issues. The original legal agreement will need to be updated to secure the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv pole. Given the location of the poles and distance to residential properties, they are not considered to raise amenity concerns. The City Council's Arboricultural Manager has confirmed that there are no implications for trees.

The relocation of these poles is therefore considered acceptable.

Pole 12A
Original location of pole
This is located on south side of Oxford Road and is joined by a wire to a proposed pole on the opposite side of Oxford Road within the London Borough of Brent.

Revised location of pole
Pole 12 A is located adjacent to railings in front of St Augustine's School on Oxford Road and will replace an existing parking pole (but will also display the parking sign). The pole would leave unobstructed pavement of 2.6m. The original legal agreement will need to be updated to secure the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv pole. Given the location of the poles and distance to residential properties, they are not considered to raise amenity concerns. The City Council's Arboricultural Manager has confirmed that there are no implications for trees.
The relocation of these poles is therefore considered acceptable.

Pole design
The height of the proposed pole remains at a maximum of 5.5m high (lower in some footpath locations). The pole remains of a tapered design, with a cylindrical shape but with a diameter of between 114-38mm, slightly larger at base that that previously approved (110-38mm). It is also required to accommodate two eyebolts at mid height and two rods on top to form a "V" shaped fork to hold the wire (0.5mm nylon fishing line). The pole is proposed to be constructed of aluminium, instead of the originally proposed galvanised steel, but would remain to be painted black.

This revision to the proposed material of the pole has arisen as no manufacturer capable of manufacturing a tapered steel pole could be found. The minor revisions to the diameter of the base of the pole and the additional eyebolts and "V" shape fork have arisen from further design evolvement. None of the revisions are considered to be significant to the appearance of the poles within the townscape environment and are therefore considered to be acceptable.

Summary
Given the principle of the development has already been established by the extant permission for the poles and wires to create an Eruv, the revised pole design and revisions to poles in three locations is not considered to raise any significant issues with respect to design and townscape, highways, residential amenity or trees and biodiversity when considering policies DES1, DES7, DES9, DES10, TRANS3, ENV13, ENV16 of our Unitary Development Plan and policies S29, S38 and S41 City Plan: Strategic Policies. In carrying out the assessment as described earlier in this report, special regard has been had to the desirability of preserving the setting of listed buildings and conservation areas , in accordance with Sections 66 and 72 of the town and Country Planning (Listed Building and Conservation Area) Act 1990 (as amended.

8.3 Economic Considerations

The proposal would require initial and ongoing pruning of street trees and maintenance of the poles and wire which could have financial implications for the City Council. However, the applicant is proposing to fund this ongoing cost, and this is to be secured by legal agreement. The applicant is also proposing to take on public liability associated with the poles and wires.

The removal of the existing parking sign poles and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12 would be secured at the applicants cost.

The scheme is not CIL liable (Mayoral or Westminster City Council).

8.4 Access

Not applicable.

8.5 Westminster City Plan

Westminster's Development Plan
Westminster's Unitary Development Plan was adopted in January 2007 and Westminster's City Plan: Strategic Policies was adopted in November 2016. Both documents were relevant at the time of the determination of the 2017 permission. (Reported to the Planning Applications Sub-Committee in January 2017)

The City Plan 2016 and UDP policies referred to in the consideration of this application are consistent with the NPPF unless stated otherwise.

City Plan 2019-2040

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019, the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public under Regulation - 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012,-having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.6 Neighbourhood Plans

Not applicable.

8.7 London Plan

This application raises no strategic issues. The Mayor was consulted on this S73, as was the case in the original application. The GLA concludes that the amendments do not give rise to any new strategic planning issues.

The current London Plan was adopted in March 2016 and this was the plan in place at the time of determination of the original 2017 permission. This March 2016 plan remains the adopted version of the London Plan.

A draft new London Plan was published by the Mayor for consultation in December 2017. The Examination in Public on the London Plan was held between 15th January and 22nd May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019. The Mayor has considered the Inspectors' recommendations and, on the 9th December 2019, issued to the Secretary of State his intension to publish the London Plan along with a clean and tracked version of the Intend to Publish London Plan, a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept and a note that sets out a range of interventions that will help achieve the housing delivery set out in the Plan.

It is not considered that the new London Plan contains any policies that would warrant coming to a different conclusion to that made in the determination of the January 2017 permission as confirmed by the GLA.

8.8 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the National Planning Policy Framework (NPPF) unless stated otherwise. The NPPF at the time that the original application was reported to committee was the March 2012 version. The current NPPF was published in February 2019. There has been so substantive change to the NPPF with respect to the sections which apply to this proposed development.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. No true pre-commencement conditions are recommended.

8.9 Planning Obligations

Where an application such as this, under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. As such conditions are amended where relevant.

The 2017 permission is subject to a legal agreement, which secures the following:-

.I. Maintenance Strategy for poles and wire.
II. Cost of maintenance of street trees
III. Applicant to take on public liability.

The 2017 legal agreement requires the developer to enter into a Highways Agreement to secure all of the above matters. The Highways Agreement is nearing completion and as such, it is appropriate to link this current S73 application to the detailed Highways Agreement (and through this linking it also to the original 2017 legal agreement), negating the need for a separate Deed of Variation. The draft Highways Agreement will also now need to secure the removal of the existing parking sign poles and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12 are undertaken at the applicants cost.

8.10 Environmental Impact Assessment

The scheme is not of sufficient scale to require an Environmental Impact Assessment.

(Please note: All the application drawings and other relevant documents and Background

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Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT sawhitnall@westminster.gov.uk

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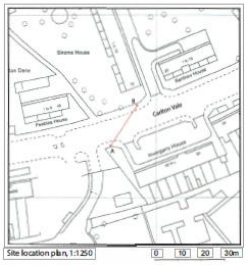
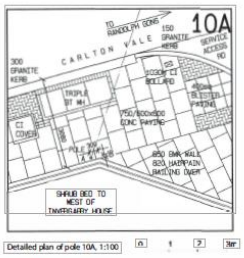
9. KEY DRAWINGS





Location no. 10 - Carlton Vale
2 no. poles - Tapering 101-38mm diameter
Height - 5.5m
Wire length - 19m

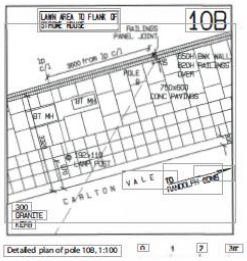
Pole A, south side:-

Pole located in front of dwarf wall with railings over
Pole B, north side:-
Pole located in front of dwarf wall with railings over

The local issues are :-

Pole 10A is located in front of a dwarf boundary wall surmounted with hairpin railings, approx 300 to the right of the angled corner of the planted bed at the west end of the Invergarry House frontage, where it is away from any trees or service covers and its visual impact in the street scene is minimised by the dense shrubs behind it. It is also viewed only obliquely from Invergarry House. The clear between the pole and the pavement edge is 2960mm.

Pole 10B is located in front of a dwarf boundary wall surmounted with hairpin railings in front of the blank flank wall of Strome House, which is some distance back from the site boundary. It is away from any trees or service covers and its visual impact in the street scene is minimised by the mature, tall tree to the west within the site to the rear and the tree in the footpath to the east. The clear between the pole and the pavement edge is 3190mm.



Rev'n B
Pair of poles no. 10, Carlton Vale - Site plan, detailed location plans and proposed elevations
Drawing Ref: 881.10

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Proposed poles 10 A & 10B- Carlton Vale

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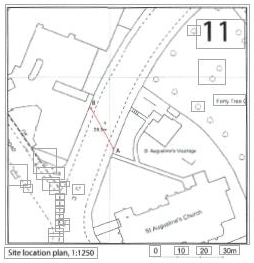
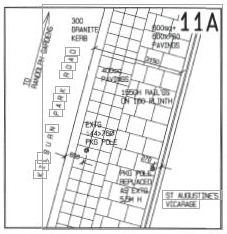


Site location plan, 1:1250 0 10 20 30m



Detailed plan of pole 11A, 1:100 0 1 2 3m

View of pole 11A looking south-west

Location no. 11 - Kilburn Park Road

2 no. poles - Tapering 101-38mm diameter
Height - 5.5m
Wire length - 20m

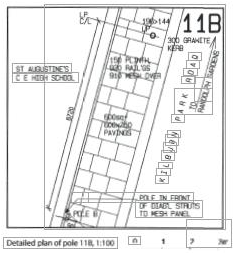
Pole A, south side:-
Pole replaces existing parking pole at the rear of the footpath with a higher pole.

Pole B, north side:-
Pole located in front of railings on a plinth with mesh fence over

The local issues are :-

Pole 11A will replace the existing parking sign pole just behind the kerb with an elongated pole adjacent to the railings at the rear of the footpath and will display the parking sign at its existing height. There are no trees or services nearby and the new location in front of dense planting in the garden behind, will reduce the visual impact of this pole and of the parking pole which will be removed. The pole will be well screened from the house behind. The distance of the pole from the pavement edge is 3020mm.

Pole 11B is located in front of the tubular steel railing fence on a plinth, surmounted by a mesh fence and is located in front of a post in the mesh which has inverted Y diagonal struts, which will reduce the visual impact of the pole within the streetscape. The pole is away from any trees or service covers. It will not be seen from any windows in the school building. The clear between the pole and the pavement edge is 1975mm.



Detailed plan of pole 11B, 1:100 0 1 2 3m

View of pole 11B looking north-east

Rev' n A

Pair of poles no. 11, Kilburn Park Road - Site plan, detailed location plans and proposed elevations

Drawing Ref: 881.11

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Proposed poles 11B & 11B- Kilburn Park Road

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Site location plan, 1:1250

0 10 20 30m

View of pole 12A looking south-east

Location no. 12A - Oxford Road
2 no. poles - Tapering 101-38mm diameter
Height - 5.5m
Wire length - 13m

Pole A, south side:-
Pole located in front of St Augustine's School railins, replacing exising kerside parking pole.
Pole B, north side:-
Pole located in London Borough of Brent and subject to a seperate application.
The local issues are:-
Pole 12A is located adjacent to the railings and avoids the wire passing near trees. The pole is positioned away from any services covers. The clear width between the pole and the pavement edge is 2600mm.

The pole replaces the existing parking sign pole thus avoiding adding materially to street furniture; the parking sign will be refixed on the relocated pole and the footpath fully reinstated to match existing paving.

View of pole 12A looking south-east

Pole no. 12, Oxford Road - Site plan, detailed location plans and proposed elevations

Drawing Ref: 881.12A Rev' A

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Proposed pole 12A- Oxford Road

Item No.
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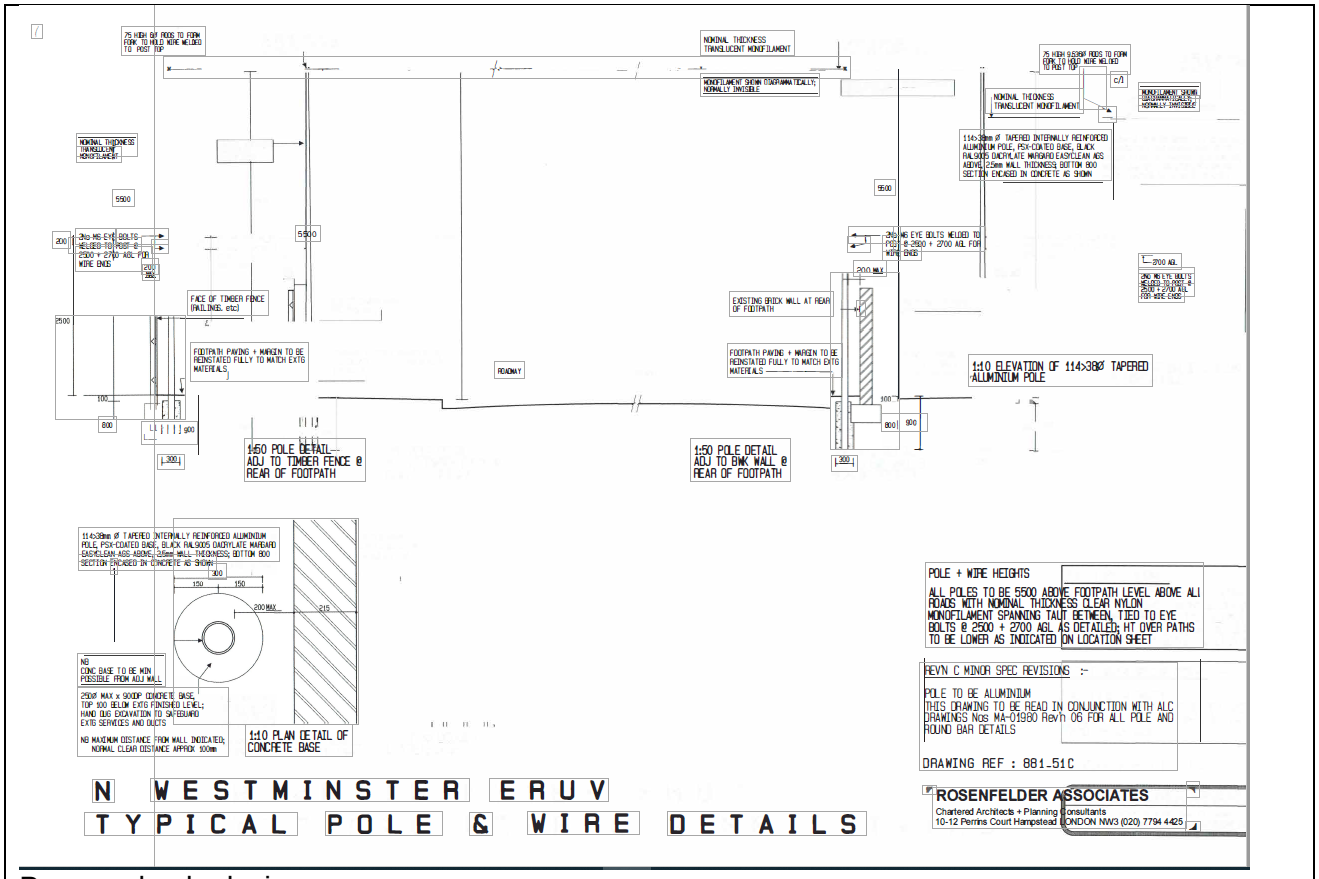
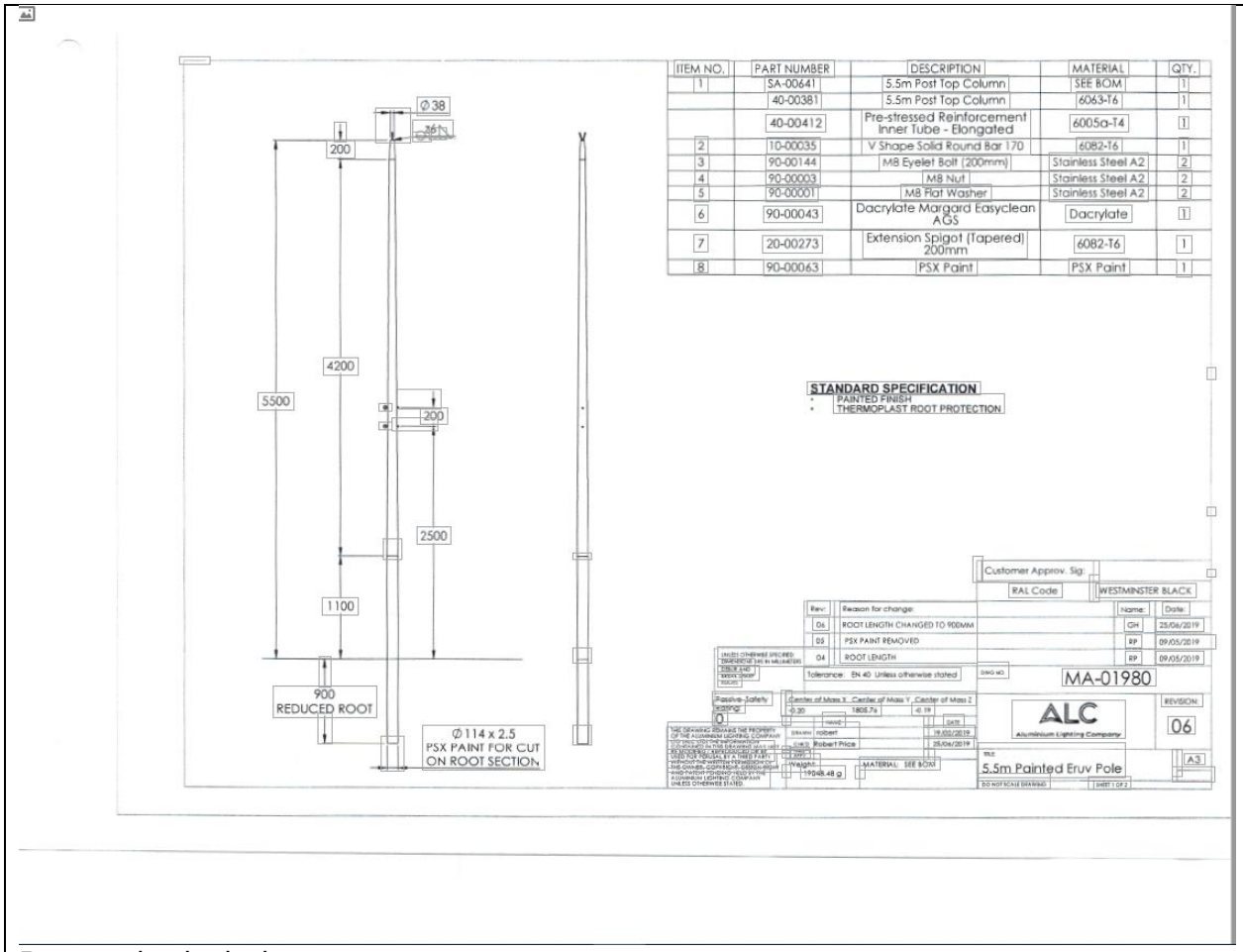


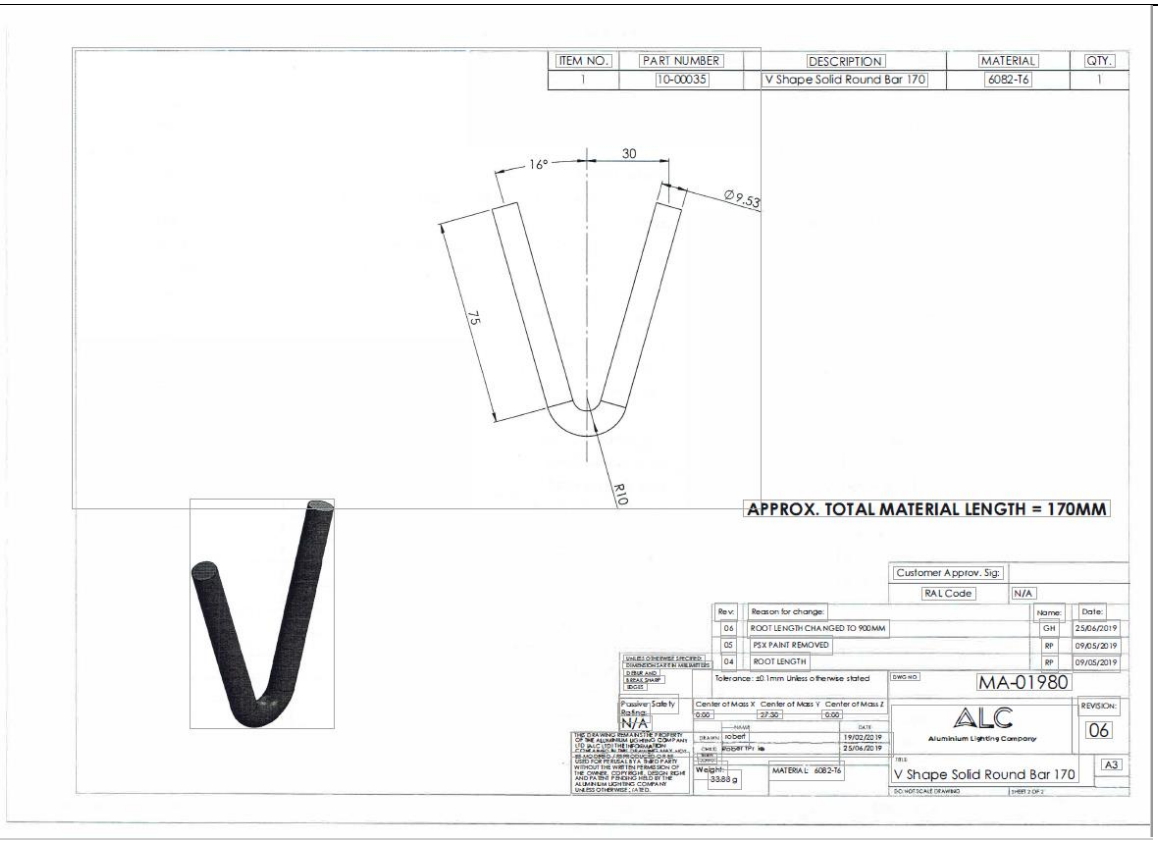
Proposed pole design

Item No.
1



Proposed pole design

Item No.
1



Proposed pole design

Item No.
1

DRAFT DECISION LETTER

Address: **Various Locations NW8, NW6, W9 Within North Westminster Including, Prince Albert Road, London,**

Proposal: Variation of condition 1 and 2 of planning permission dated 06 December 2017 (RN: 16/04837/FULL) for: Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. Namely, to allow the relocation of poles in locations 10, (Carlton Vale) and 11 (Kilburn Park Road) to facilitate tree canopies and removal of wall at pole 12 (Oxford Road) and revised pole design, size and material (from tapered 110>38mm diameter steel pole to 114>38 mm diameter colour coated aluminium pole.

Plan Nos: AS FURTHER SUPERSEDED BY NON MATERIAL AMENDMENT 881.4 Rev'n A and 881.33 Rev'n B. (REF:19/06665/NMA)AS FURTHER SUPERSEDED BY PLANS AND DOCUMENTS (REF:19/06887/FULL)
881.10 Rev B
881.11 RevA
88.12A Rev A
881.51C
MA-01980 Rev 06 sheets 1 and 2.
Supplementary Planning Statement 16.08.2019
ORIGINAL PLANS AND DOCUMENTS: REF: 16/04837/FULL)
DETAILED LOCATION OF POLES REV A; MAP OF LOCATION OF POLES; DESIGN & ACCESS STATEMENT REV A.AS FURTHER SUPERSEDED BY APPROVAL OF DETAILS CONDITION 3 PLANS AND DOCUMENTS (REF 17/11434/ADFULL)
Arboricultural Method Statement Revision C dated September 2018;
Design and Access submitted March 2018 (as part superseded by revised pole drawings for poles 2 and 39 Rev D and omission of drawing 881-51B).

Case Officer: Sarah Whitnall **Direct Tel. No.** 020 7641 2929

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

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

2 The development shall be carried out in accordance with the approval of details approved on 09.10.2018 under reference 17/00434/ADFULL, unless otherwise agreed by us in writing.

Reason:
In order to minimise the impact of the proposal on heritage assets, pedestrian safety and amenity grounds in accordance with Policies DES9, DES10, ENV13 and TRANS3 of the Unitary Development Plan that we adopted November 2007 and policies S25, S41 and S29 of Westminster's City Plan: Strategic Policies that we adopted July 2016.

3 Any work under near trees must not damage the branches of the tree or the roots over 24mm in diameter. If you uncover any roots of this diameter, you must adapt the foundation design or location to retain them.

Reason:
To protect the trees and the character and appearance of this part of the City and the St John's Wood, Maida Vale and Regent's Park Conservation Areas. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

4 This permission must be commenced no later than 06.12.2020.

Reason:
This permission authorises amendments to the original planning permission granted on 06.12.2017 (RN 16/04837/FULL) which must be commenced no later than the above date. (R03HA)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 Some poles (9A/B and 34A/B) are located close to flat roofs/walls which could be considered to potentially give easier climbing access to properties. You are advised to liaise with the owners of these properties and to consider the use of anti-climb paint.

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3 This application is subject to the completion of a legal agreement under the highway, planning and local government legislative provisions, to secure all the previous obligations pursuant to the legal agreement dated 6th December 2017 in connection with permission under reference 16/04837/FULL and the additional obligation set out below:

a) the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12, at the applicant's cost.

4 To avoid any doubt: The majority of trees affected by the Eruv are growing within conservation areas and a number are included in Tree Preservation Orders. The consent of tree owners and the City Council will be required before carrying out any tree pruning to install the Eruv or maintain it. You must write giving us six weeks' notice if you want to cut, move or trim any of the trees in conservation areas and you must obtain written permission before you prune any part or remove any tree that is subject of a Tree Preservation Order.

5 Some of the trees affected by the proposal are on private land and the consent of the owner will be required to prune a tree even if a conservation area notification is made or consent to work on a protected tree has been granted.