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City of London  
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15 May 2024

Dear Ms Tastsoglou,

**Bury House, 1-4, 31-34 Bury Street, London EC3A 5AR: Objection on behalf of The S&P Sephardi Community**

On behalf of our client, The S&P Sephardi Community, we are writing to formally object to the planning application (ref. 24/00021/FULEIA) and the related Listed Building Consent application relating to the redevelopment of Bury House, 1-4, 31-34 Bury Street, EC3A 5AR.

The proposals will have a substantial and wholly unacceptable impact on the historic, Grade I Listed Bevis Marks Synagogue and the Creechurch Conservation Area within which it sits; and an unacceptable impact upon other heritage assets in the vicinity. A previous application at this site (ref. 20/00848/FULEIA) was refused only two years ago on the basis of harm to Bevis Marks Synagogue and to the Tower of London World Heritage Site. Put simply, the revised proposals do not overcome this heritage harm or come anywhere close to delivering sufficient public benefits to outweigh it. On this basis and in accordance with planning policy, the applications should be refused.

Significance of Bevis Marks Synagogue

Bevis Marks Synagogue is a hugely significant building both within the City of London and on a national level, recognised by its Grade I Listed status. The building dates back to 1701 and is the oldest and most historically significant synagogue in the country, often referred to as the 'Cathedral' Synagogue due to its significance within the Jewish faith. It is widely recognised as being of outstanding communal, architectural, artistic, historic and archaeological significance. The Synagogue stands within a courtyard which functions as part of the Synagogue and is of great value to the community as a social and religious space, for gathering before and after services and for holding events.

From an artistic and architectural perspective, the Synagogue is an excellent example of a simple, non-Anglican, 17<sup>th</sup> Century place of worship. The carpentry in the interior is of a very high quality and many original features remain. It is a building of enormous and profound significance. It has been continuously in use for worship since its construction and its discreet location within a courtyard open to the sky symbolises the complex history of Jewish people in Britain. The religious experience of the building is fundamental to its overall significance, alongside its architectural and historic significance.

When considering the impacts of the proposals on Bevis Marks Synagogue, it is necessary to understand and appreciate specific Jewish historical, cultural and religious considerations, such as the spiritual significance of the sky view and of natural light within the Synagogue.

The sky view at Bevis Marks is central to a number of rituals. The Jewish Sabbath concludes at the appearance of three stars which first appear in the darkening eastern sky. The beginning of each new Jewish (lunar) month is marked by the appearance of the new moon, at which time a special prayer (*kiddush lebana*) is recited. Should the view of the eastern and southern sky be erased, a highly important dimension of the Synagogue would be lost too.

The spiritual significance of natural daylight within the Synagogue must also be understood. The reading of printed texts is intrinsic to Jewish worship and the Synagogue was originally designed to admit plentiful light for this purpose. The only artificial light sources are candles and limited electrical lighting which was installed decades ago before the building was listed. The Synagogue has already experienced a substantial reduction in natural light as a result of the construction of other buildings. Further deterioration of the natural light will have profound implications for the religious value of the Synagogue as a spiritual space and house of Jewish prayer.

A letter from Rabbi Joseph Dweck, the Senior Rabbi of the S&P Sephardi Community of the United Kingdom, is enclosed at Appendix 2 which further explains the significance of the sky view and natural light at Bevis Marks to religious services and heritage. It is within this context and recognising the unique and outstanding significance of this Grade I Listed Building that the proposed development at Bury Street must be considered.

### The Proposed Development

The proposed development comprises the demolition of Bury House and construction of a 43-storey tower, the partial demolition of Holland House and Renown House and extensions to both buildings, for office, flexible retail/café and flexible community/education/cultural/amenity uses.

Although the applicants make much of the evolution of the proposal from the previous version, in essence it is little different. A reduction in height of 19m is of no consequence when the remaining height is 178.7m, and the two high-level setbacks similarly make little or no difference to the proposed building's impact.

Indeed, the new proposal is even more damaging than its failed predecessor. The site now sits within a Conservation Area, to which statutory protection applies. Furthermore, it involves substantial alteration and extension to the Grade 2\* Listed Holland House, which is a very significant heritage asset in its own right.

### Planning Policy Context

Planning policy at all levels seeks to protect designated heritage assets from harmful impacts of development. Section 66 of the Town and Country Planning Act 1990 (as amended) states that:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have **special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses**”.*

Section 72 of the Act states that the local planning authority also has a duty to pay special attention to *“the desirability of **preserving or enhancing the character or appearance**”* of a Conservation Area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is equally relevant. It states:

*“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), **special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.**”*

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, with regard to the importance of the asset, irrespective of the level of harm. Paragraph 206 states that substantial harm to assets of the highest significance including Grade I listed buildings should be *“**wholly exceptional**”*.

Paragraph 207 of the NPPF states that:

*“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should **refuse consent**, unless it can be demonstrated that the substantial harm or total loss is **necessary to achieve significant public benefits that outweigh that harm or loss**’.*

Policy HC1 (Heritage Conservation and Growth) of the London Plan states that:

*“Development proposals affecting heritage assets, and their settings, should **conserve their significance**, by being sympathetic to the assets’ significance and appreciation within their surroundings. The **cumulative impacts of incremental change** from development on heritage assets and their settings should also be **actively managed**.”*

National and regional policy is reflected in policies DM12.1-DM12.3 of the adopted Local Plan and policies HE1-HE3 of the emerging Local Plan. Policy CS14 of the adopted Local Plan clearly states that proposals for tall buildings within conservation areas should be refused; it seeks to:

*“allow tall buildings of world class architecture and sustainable and accessible design in **suitable locations** and to ensure that they **take full account of the character of their surroundings**, enhance the skyline and provide a high quality public realm at ground level, by:*

*[...] **Refusing planning permission for tall buildings within inappropriate areas, comprising: conservation areas; the St. Paul’s Heights area, St. Paul’s protected vista viewing corridors; and Monument views and setting, as defined on the Policies Map.**”*

It is notable that since the refusal of the previous application at Bury Street, the Creechurch Conservation Area was formally designated in January 2024, which encompasses both the site at Bury Street and the Bevis Marks Synagogue. The designation of the Conservation Area and the boundary chosen sought to achieve<sup>1</sup>:

1. A 'core' of special architectural and historic interest;
2. Fuller recognition of the Jewish history of the locality; and
3. A coherent and logical boundary which appropriately reflects the extent of the special architectural and historic interest of the Creechurch locality.

The Corporation's original proposal to exclude the site of 31 Bury Street from the Conservation Area was withdrawn following overwhelming consultee support for the proposed Conservation Area but objection to this aspect.

Another relevant change since the refusal of the previous application at Bury Street is the progress of the emerging City Plan which is now the subject of a Regulation 19 consultation (between 18 April and 31 May 2024). Our client has previously raised concerns about elements of the draft Plan and will respond to the consultation separately. We will not go into detail on these matters in this response; however there are two particular matters of concern:

1. The 'immediate setting' of Bevis Marks Synagogue identified in the draft plan. There is no statutory or other authority for the concept of 'immediate' setting, so the existence of this policy is questionable. However, should a specific setting policy be included in the adopted plan, it should recognise the setting of the Synagogue in its entirety, and particularly the importance of the sky view, in a similar manner to how views to and from The Monument are recognised.
2. The plan proposes to drop a long-standing presumption against tall buildings in Conservation Areas (as set out in Policy CS14 of the adopted Plan).

Paragraph 48 of the NPPF states:

*“Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) ...”*

In this case, very limited weight should be given to the policies in the emerging Local Plan, on the basis that it is at Regulation 19 stage and has not yet been submitted for examination, and that there are significant unresolved objections from our client and other stakeholders, relating to the fundamentally important matters set out above among other issues.

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<sup>1</sup> CCA Proposal Presented to the Planning and Transportation Committee on 12<sup>th</sup> December 2024



### Impact of the Proposals on Bevis Marks Synagogue

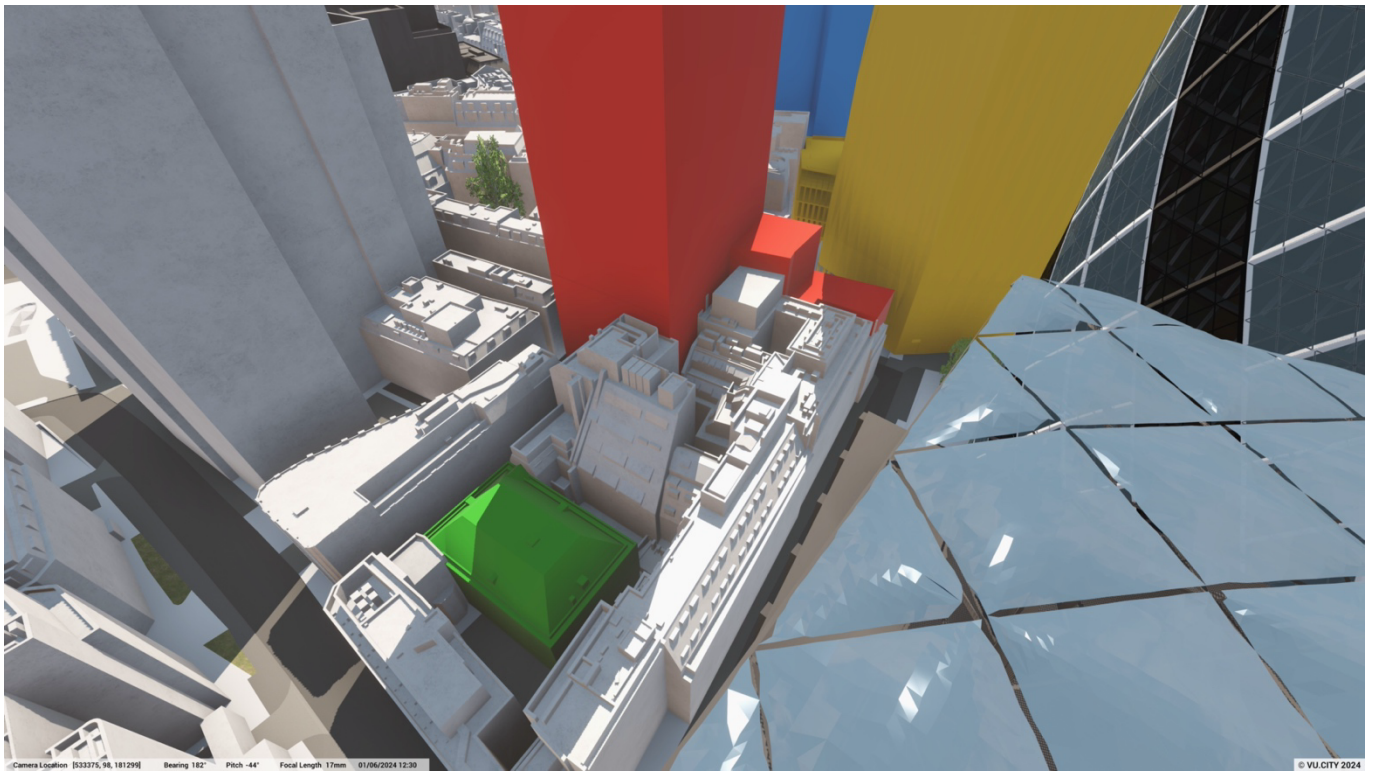
The application site is located only about 25m from Bevis Marks Synagogue at the closest point. This is shown graphically in the VuCity image reproduced as Figure 1 below.

The previous application at this site (ref. 20/00848/FULEIA) was refused on the basis of harm to the Bevis Marks Synagogue and the Tower of London. The first reason for refusal was:

*“The development would adversely affect the setting of the Grade 1 listed Bevis Marks Synagogue and its setting and amenities by reason of the overbearing and overshadowing impact of the development on the courtyard of the Synagogue (which harms would not be outweighed by the public benefits of the proposal), [...]*

Our client does not consider that the amended proposals overcome this reason for refusal. The impact of the current proposals on the Synagogue is summarised below, specifically in terms of its setting and daylight, sunlight and overshadowing.

Figure 1: VuCity Image of the Proposals (in red) - Bevis Marks Synagogue indicated in green



### *Heritage Impact and Setting*

A Heritage Assessment of the proposed development has been prepared by Alec Forshaw, who was the author of the option three proposal for the designation of Creechurch Conservation Area (the option which was eventually endorsed by the City of London) (Appendix 1). He has a deep understanding of the local context and significant experience; in addition, he was previously the Principal Conservation and Design Officer for the neighbouring London Borough of Islington and has written widely on historical and architectural matters.

The Heritage Assessment concludes that the proposals would result in harm as follows:

- **Substantial harm** to the significance of Bevis Marks Synagogue and its setting. The report concludes that *“By reason of its height and proximity the proposed tower will overwhelm the Synagogue. The visual and psychological impact on the courtyard would be catastrophic, equally severe as the previously refused scheme”*. The assessment explains that the impact on the Synagogue and its courtyard is both tangible and intangible; and that the applicant has demonstrated a lack of understanding of the significance of the Synagogue and its courtyard.
- **Substantial harm** to the character and appearance of the Creechurch Conservation Area. The report states that: *“were the proposed development to be allowed it would render the designation of the Creechurch Conservation Area virtually meaningless and to have made the whole designation and consultation process a worthless exercise”*.
- **A moderately high degree of less than substantial harm** to the setting of St Katherine Cree church.
- **A moderate degree of less than substantial harm** to the setting of Grade I Listed St Botolph’s.
- **A high degree of less than substantial harm** to Holland House as a result of alterations to its fabric, plan form and integrity, and the impact on its setting as a result of the proposed tower.
- **A minor degree of less than substantial harm** to the setting of Aldgate School.
- **A moderately high degree of less than substantial harm** to the setting of 2-16 Creechurch Lane.
- A serious incursion into the backdrop of the Tower of London which will cause harm to its setting.
- **A moderately high degree of less than substantial harm** to the Port of London Authority Building.
- **A moderately low degree of less than substantial harm** to the setting of 38 St Mary Axe.
- **A moderate degree of less than substantial harm** to the setting of Lloyd’s Avenue Conservation Area.
- **A high degree of less than substantial harm** to Renown House as a result of the demolition of key features of the building and the impact on its setting as a result of the proposed tower.
- **A moderately high degree of less than substantial harm** to the Rabbi’s House and Vestry and 2 and 4 Heneage Lane.
- **A moderately high degree of less than substantial harm** to the setting of Cree House, 18-20 Creechurch Lane, Fibi House, 22-24 Creechurch Lane, Sugar Bakers’ Court, 12-14 and 27-31 Mitre Street.

The Heritage Assessment also assesses the claimed heritage benefits of the proposed development. In summary regarding the proposed benefits:

- The proposed repairs and renovations to Holland House should be regarded as routine and not a benefit (and it will suffer a high degree of less than substantial harm from the proposed works);

- The proposed reinstatement of Heneage Lane is at a different angle from the original lane and it would be gated and closed at night; the claim that this is being restored is historically inaccurate and misleading;
- The proposed reinstatement of St James Court significantly reduces the size of the existing open courtyard which sits more accurately on the original site of James Court. This causes heritage harm rather than a benefit.

Overall, the proposed development is considered to cause substantial harm to the Creechurch Conservation Area and substantial harm to the Bevis Marks Synagogue, and several cases of less than substantial harm to a range of designated and undesignated heritage assets. Cumulatively, the degree of harm is serious and must be given very great weight. The public benefits claimed by the applicant go nowhere near to outweighing the harm, and this is discussed further below.

### *Daylight, Sunlight and Overshadowing*

A Daylight Sunlight and Overshadowing Report has been prepared by GIA and submitted on behalf of the Applicant.

#### Daylight

The report acknowledges at paragraph 6.8 that *'the existing baseline daylight values within the Central Room and Gallery [in Bevis Marks Synagogue] are already very low'*.

GIA has carried out a VSC assessment to demonstrate the changes to daylight at Bevis Marks Synagogue as a result of the proposed development. It initially considers the 'consented baseline', assessing the future daylight levels with surrounding consented developments built out, but without the proposed development. The report explains that when surrounding consented developments are built, the Synagogue will experience a 19.1% reduction from the existing baseline in terms of daylight to the central room, and a 20% reduction to the gallery.

When the proposed development is taken into account, the Synagogue would experience a further 10.5% reduction from the consented baseline in the central room, and a further 10% from the consented baseline in the gallery.

The GIA report says that the proposals would have a lower quantitative impact on daylight at the Synagogue than other consented developments and implies that this is of no consequence, which is misleading and downgrades the cumulative impact. However:

a) The fact that the Synagogue is already going to experience loss of daylight is not an argument in favour of the Applicant; rather, it demonstrates the need to protect the precious remaining daylight and for the current proposals to come under even greater scrutiny. If a developer proposed a polluting factory close to an area of ecological importance, no one would rationally argue that its impact on the ecological area mattered less because the habitat was already vulnerable. The very opposite is the case.

b) No account is taken of the fact that the Synagogue is illuminated primarily by natural light and by candles, or that the reading of printed scripts is fundamental to worship. This is one of the most natural light-sensitive places in London.

c) The Synagogue is simply labelled as a "religious" building, disregarding the fact that it is also the centre of a thriving community.

#### Sunlight and Overshadowing

The GIA report also considers overshadowing to the Synagogue courtyard. It concludes that the sunlight availability is already very limited in the courtyard, compared to what would be expected in an unobstructed open space. This is a false comparison to make in a dense urban setting like the City. It claims that already consented schemes would result in a 30-minute loss of sunlight in the courtyard on average, reducing the maximum hours to only 1.5 hours in June. The proposed development would effect a further reduction of up to 19 minutes, which it considers to be a 'marginal' reduction.

This is a glib value judgement. The fact the courtyard receives any sun makes it a valuable asset for the community uses that take place there. Losing a further 20% would undermine the benefit and utilisation of the outdoor space for that purpose.

The loss of nearly a fifth of the sunlight within the courtyard cannot rationally be considered to be of little consequence in the context of an already very low level of sunlight. Furthermore, the courtyard is treated as though it is mere circulation space, and the Synagogue is labelled only as a "religious" building. No account is taken of the fact that the courtyard space is used intensively for rituals, and for family and community activities; or that it is the only space - and indeed the original planned space - from which this remarkable heritage asset can be viewed.

#### Night Sky

When considering the night sky visibility, a fisheye view has been shown from three viewpoints within the courtyard; in two of these the proposed development is visible and covers part of the sky view. However, the fisheye view is not comparable to the way in which the night sky is experienced by the human eye. A more accurate view is shown in the applicant's TVIA (Figure 2 below). This shows how the proposed development would have a significant impact in blocking views of the sky from the courtyard.

None of the analysis addresses the critical religious and cultural significance of the sky view. Although very different in certain respects, there is a parallel to be drawn with Stonehenge, where the view of the sun on Midsummer's Day is essential to an understanding of the significance of this monument. Likewise, the iconic silhouette of the Taj Mahal against the sunset gives the viewer a feeling of spiritual uplift: they are no longer simply observing a fine building.

At Bevis Marks, the view of the passage of the moon across the night sky (as shown in Figure 3) is highly symbolic and intimately related to the traditions and rituals of the Synagogue, and is a most important aspect of the heritage value of the building.



Figure 2: Existing vs Proposed (cumulative) view from Bevis Marks Synagogue courtyard (Source: TVIA, The Townscape Consultancy)



Figure 3: Stills showing the passage of the moon across the sky as viewed from the courtyard



Overall, the GIA report is a typical attempt to employ technical analysis to distract the reader from the uncomfortable truth: that daylight and sunlight and the sky view are very important both to the functioning and the heritage significance of the Synagogue; that the Synagogue's daylight and sunlight is already substantially compromised; and that the proposed development would make the situation substantially worse.

## Equalities

Section 149 of the Equality Act (2010) requires public authorities to have due regard to equality considerations when exercising their functions, including decision making on planning applications. An Equality Statement has been prepared by Quod and submitted on behalf of the applicant.

This Equality Statement considers the impact of the proposals on the Synagogue as a place of worship and acknowledges that the amenity of the Synagogue may be affected by the proposals, however it is said this *"would not preclude the use of these spaces for religious ceremonies"*. There is no mitigation proposed.

It is considered by our client that the Equality Statement is inadequate in assessing the proposed impacts of the development on the operation of the Synagogue. A Protestant community could hold a Holy Communion service in a dark room or a disused factory. However, to do so would be strip the service of the many layers of ceremony and spectacle that make the difference between something that is a mere performance and something that carries cultural and spiritual significance. What is at stake here is the very qualities that make the Synagogue both a thriving centre of the Jewish community and the embodiment of a set of 300-year-old traditions. The author of the assessment does not demonstrate any understanding of these matters.

Not only does the Equality Statement demonstrate a lack of understanding of the impact of the proposals on the Synagogue. It implies that the impact of the proposals on the Synagogue is outweighed by other factors such as the increased provision of commercial floorspace. This may be relevant to the planning balance, but it has no place in an Equality Statement. The Statement is fundamentally flawed and certainly should not be relied upon by Officers to demonstrate their compliance with Section 149 of the Equality Act.

## Planning Balance

The proposed development has been found to result in substantial harm to both Bevis Marks Synagogue and the Creechurch Conservation Area. Therefore, as per paragraph 207 of the NPPF, the application should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve significant public benefits that outweigh that harm.

Chapter 6 of the submitted Planning Statement sets out a series of economic, social and environmental benefits which are alleged to result from the proposed development.

The PPG<sup>2</sup> explains that "public benefits" should be of a nature or scale to be of benefit to the public at large and not just a private benefit.

A number of the benefits claimed by the applicant. It claims that the proposed development would make a meaningful contribution to strategic policy objectives of the Eastern (City) Cluster including delivery of additional office floorspace. However, this is spurious. Policy CS14 is clear that tall buildings should not be permitted in Conservation Areas, and the policy towards the Eastern (City) Cluster (Policy CS7) is clear that tall buildings will be restricted to appropriate sites, respecting the *"conservation of heritage assets and their settings and taking account of their effect on the wider London skyline and protected views"*.

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<sup>2</sup> Paragraph: 020 Reference ID: 18a-020-20190723

Other claimed "benefits" include:

- Provision of affordable workspace.
- Aspiration to achieve a BREEAM 'Outstanding' rating.
- Delivery of 619 sqm of high-quality public realm.
- Urban Greening Factor of at least 0.31.
- Delivering a building that is 28.6% more efficient in terms of overall regulated operational carbon compared to the existing individual buildings.

These are not public benefits. They are simply normal policy requirements without which no large office building would be allowed anywhere in the City. Furthermore, an "aspiration" must be viewed with scepticism.

The financial "benefits" relating to S106 and CIL payments are not public benefits either: they are payments required to mitigate the impact of the development; they should be considered as neutral within the planning balance:

- CIL payments of over £10m.
- Comprehensive S106 package including contributions to affordable housing, security and skills training.

The following claimed heritage "benefits" would in fact cause heritage harm (see above):

- Reintroduction of the historic Heneage Lane. *This would be open only between 7am and 11pm, and not on the original alignment.*
- Re-establishment of St James' Court, a new pocket park. *This would be smaller, and not on the original site.*
- Restoration of and sensitive extensions to Holland House. *Renovation is a routine responsibility and many of the proposed alterations would cause harm.*

Of the remaining claimed benefits, a number are not 'true' public benefits and should not be given weight in the planning balance:

- Public art in Heneage Arcade. *This is not 'public' but located in a privately owned arcade which is shut between the hours of 11pm to 7am.*
- Aspiration to achieve other voluntary ratings such as NABERS 5\*, Active 'platinum', Wired 'platinum', and Well 'Platinum'. *Mere "aspirations" should not be taken into account.*
- Dedicated cycle repair and wellness space at lower ground floor level; operation of a social enterprise which trains young unemployed adults to service office tenants' bikes. *This cannot be said to be of a scale which would benefit the public at large, as required by the PPG. Only office tenants would be likely to benefit.*



We comment on other claimed "benefits" as follows:

- Employment opportunities during the construction (270 FTE jobs over 4.8 years) and operational phase (up to 2,470 jobs). The construction phase benefits are temporary and therefore should be afforded limited weight. *The operational jobs are capable of being achieved on many other, less sensitive, sites.*
- Replacement of obsolete office space with over 34,000sqm of new high quality office space, which will meet a specific local demand for smaller floorplates. *There is no convincing evidence that the existing building is incapable of re-use, and its demolition would in any event release embodied carbon, which is a disbenefit.*
- Delivery of a new high-quality tall building and wider transformative reimagination of an urban block. *There are many other less sensitive sites where a high quality tall building could be delivered. This urban block, which is part of a Conservation Area, does not need "transformative reimagination".*
- Significant spending of new employees on-site which would equate to between £5.8m and £7.6m annually (an increase of £4.8m to £6.7m over the existing site). *As with operational jobs, this expenditure is capable of being achieved through the redevelopment of many other, less sensitive, sites.*
- Provision of 1,176 sqm of 'community workspace' at 50% market rent for qualifying occupiers or zero rent for charities. *This is a potential public benefit, though it is unclear whether it would meet a specific need. It could also be delivered on another, less sensitive site.*
- Provision of 1,072 sqm of publicly accessible space over three floors at the 'Holland House Hub' which will be free to use for community, multi-faith, cultural and education groups. *This is a potential public benefit. It could also be delivered on another, less sensitive site.*
- Provision of 'Creechurch Hall' a 339 multi-functional auditorium space delivering a range of uses such as lectures, sports and performances, for use by office tenants as well as members of the public for free at defined times. *The use of Creechurch Hall by members of the public is a potential public benefit, though it is unclear whether it would meet a specific need and it is unclear when or how often the 'defined times' would be. It could also be delivered on another, less sensitive site.*
- Provision of small and flexible retail space at ground floor level to meet local worker, visitor and residential needs. *There is no shortage of such space within the City.*
- Off-site public realm enhancement along Bury Street. *There is no need for such enhancement within what is a Conservation Area.*
- Greater than 300% biodiversity net gain. *A sensitive re-use of the existing buildings could achieve a substantial increase in BNG.*

The Heritage Assessment at Appendix 1 identifies that the scheme will cause substantial heritage harm on two counts, to Bevis Marks Synagogue and the Creechurch Lane Conservation Area. In addition, it will cause less than substantial harm on a number of counts to a range of heritage assets. Substantial harm to even one heritage asset would require "wholly exceptional" justification under the NPPF; here, the cumulative harm is such that it is difficult to envisage the sort and scale of public benefits that would have to be generated.

The package of public benefits proposed by the applicants does not add up to anything like this level of justification. They are typical benefits which any major commercial scheme would be expected to deliver, and they are generally exaggerated. Furthermore, they are not unique to the site at Bury Street, and they could be delivered elsewhere within the City of London without causing substantial heritage harm.

The previous application at this site was correctly refused on the basis of heritage harm including to Bevis Marks Synagogue. The level of harm is now significantly greater because a new heritage asset - the Creechurch Conservation Area - has come into existence. The revised proposals do not begin to overcome the heritage harm or deliver sufficient public benefits to outweigh it. On this basis and in accordance with planning policy, the application should be refused.

We reserve the right to add to this objection or submit further supporting material in due course.

Yours sincerely,

**Roger Hepher**  
Executive Director



## Appendix 1 – Heritage Assessment Prepared by Alec Forshaw

**HERITAGE ASSESSMENT V3 ON BEHALF OF THE SEPHARDI  
COMMUNITY BEVIS MARKS  
WITH REGARDS TO PROPOSED DEVELOPMENT AT BURY  
HOUSE, 1-4 and 31-34 BURY STREET  
PLANNING APPLICATION REF: 24/00021/FULEIA  
LISTED BUILDING CONSENT REF: 24/00011/LBC**

## **SCOPE OF THIS REPORT**

1. This report, prepared on behalf of the Sephardi Community Bevis Marks focusses on the heritage impacts of the proposals within the local and immediate area, including the Tower of London. It does not consider the potential impacts on long-distance or riverside views of St Paul's Cathedral. These matters are left to Historic England and the Greater London Authority who have a particular remit and expertise in this field, and to other London boroughs such as Lambeth and Southwark whose own protected local views may potentially be affected.

## **DESCRIPTION OF PROPOSALS**

2. Planning permission is sought for: “Demolition of Bury House and erection of a new building comprising of 4 basement levels, ground plus 43 storeys (178.7 metres AOD); partial demolition of Holland House and Renown House: restoration of existing and erection of four storey extension resulting in ground plus 8 storeys at Holland House (48.05 metres AOD) and three storey extension resulting in ground plus 5 storeys at Renown House (36.49 metres AOD); interconnection of the three buildings; use of the buildings for office, flexible retail/café, and flexible community/education/cultural/amenity uses; and provision of a new covered pedestrian route, cycle parking and facilities, landscaping and highway improvements, servicing and plant and all other ancillary and other associated works.”

3. Listed Building Consent is sought for: “Restoration works to Holland House including removal and reinstatement of external faience together with the removal and replacement of existing concrete beam; partial demolition to facilitate interconnection with the neighbouring proposed new building and the construction of a four storey roof extension resulting in ground plus 8 storeys; together with internal alterations including truncation of the existing lightwell, reconfiguration of partitions, installation of a new staircase, servicing and all other ancillary and associated works.”

4. Overall, the scheme provides 34,584 square metres of office which includes 1,176 square metres of ‘community workspace’; 1,411 square metres of flexible community/education/cultural space which includes a 339 square metre auditorium; 504

square metres of retail space; 4,794 square metres of plant and service accommodation. The total floorspace is 41,293 square metres, compared with 11,339 square metres in the existing three buildings.

## **BACKGROUND TO THE CURRENT PROPOSALS**

5. In October 2020 an application was submitted for the demolition and redevelopment of Bury House, 31 Bury Street, for a 49 storey office tower. Despite officer recommendation for approval this application was refused by the City Corporation in June 2022, on two grounds, namely harm to the setting and amenities of the Grade 1 listed Bevis Mark Synagogue by reason of the overbearing and overshadowing impact on the courtyard of the Synagogue, and harm to the setting of the Tower of London World Heritage Site, neither of which were outweighed by public benefits.

6. Since then, the current applicant has acquired the adjoining properties of Holland House, 1-4 and 32 Bury Street, and Renown House, 33-34 Bury Street which are now included in this new application. Holland House is a statutorily listed building, and the proposals now require both planning permission and listed building consent.

7. The whole of the site has been included in the new Creechurch Conservation Area, approved by the City Corporation in December 2023 which necessarily introduces additional policy and heritage considerations to the previous scheme.

## **POLICIES TO PROTECT THE HISTORIC ENVIRONMENT**

8. The following statutes, policies and guidance are relevant:

Planning (Listed Buildings and Conservation Areas) Act 1990

Under Section 66 (1) the Local Planning Authority has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.

Under Section 72 (1) in considering whether to grant planning permission for development within a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Chapter 16 of National Planning Policy Framework 2023

National Planning Practice Guidance

The London Plan 2021

City of London Plan 2015

Draft New City Plan 2040 (emerging policies pre-Regulation 19)

Supplementary Planning Guidance SPDs

## ASSESSMENT OF HERITAGE ASSETS AND THEIR SIGNIFICANCE

9. In order to evaluate the impact of potential development on heritage assets it is important to understand their heritage significance. The National Planning Policy Framework Annex 2 states that significance is the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from its physical presence but also from its setting. These criteria accord broadly with those set out in historic England's Conservation Principles, namely evidential, historical, aesthetic and communal.

### 1. DESIGNATED HERITAGE ASSETS

#### Creechurch Conservation Area

10. The Creechurch Conservation Area was designated by the City Corporation on 11<sup>th</sup> January 2024. The designation was subject to very widespread public consultation in 2023 which drew an unprecedented response both from the public as well as very many heritage bodies and sources of expertise.

11. Having initially proposed a very small area, which excluded 31 Bury Street, the City planning officer was persuaded that other options should be consulted upon. A larger area (Option 3) was adopted in line with the great majority of public opinion. It was concluded in the Creechurch Conservation Area Proposal Report December 2023 that this would achieve

- (1) A 'core' of special architectural and historic interest
- (2) Fuller recognition of the Jewish history of the locality
- (3) A coherent and logical boundary which appropriately reflects the extent of the special architectural and historic interest of the Creechurch locality

12. The Report also states that 31 Bury Street is "instrumental in defining the end of Heneage Lane, is physically attached to the Grade II\* listed Holland House and makes a more coherent boundary at this point of the Conservation Area". The whole of the application site, including 31 Bury Street, lies within the new Conservation Area. A Management Plan is in the process of preparation but has not yet been subject to public consultation.

13. The City Planning officer's designation report in January 2024 noted the special architectural and historic interest of the area, "experienced through both character and appearance, in particular the strong and visible associations with the Roman and medieval City wall, Holy Trinity Priory and the rich Jewish history of the area exemplified by Bevis Marks Synagogue, the characterful group of historic warehouses that illustrate the area's later development, and the rich sense of diverse historic uses, and in particular faiths exemplified by the historic places of worship."

14. It is considered that the Creechurch Conservation Area has a **HIGH** level of significance in terms of the archaeological, architectural and historic criteria set out in paragraph 9 above. The communal/cultural/artistic significance of the area is **VERY HIGH** owing to the outstanding importance of the area to the establishment, development and on-going activities of the Jewish community.

### **Bevis Marks Synagogue**

15. Listed Grade I the Bevis Marks Synagogue is of **VERY HIGH** significance. Built in 1699-1701 it is the oldest synagogue in the country and the only synagogue in Europe that has held regular services continuously for over 300 years. It represents tangible evidence for the historic and on-going relationship that the Jewish community has had with this part of the City. It is a unique centre for traditional Jewish worship and ceremony and draws a large congregation from across London and beyond. It also attracts visitors from all over the world, and current development of a museum and visitor will likely greatly increase their number.

16. The courtyard of the Synagogue is extremely important to its heritage significance, a matter that is under-appreciated by the applicant. This paved space not only provides the immediate setting for the Synagogue itself (built as was required in 1699 so as not to front directly onto a street) but it also serves as an important place of assembly, congregation and ritual. Open sky views from this secluded setting are extremely important to the character and appearance of the courtyard itself, as well as to the Synagogue Building. The sky view is not just a matter of physical setting but is also of great symbolic and ritualist importance, and a major part of the intangible cultural significance of the heritage asset. The current improvement and renovation work due to be completed shortly will further enhance the appearance and accessibility of the courtyard.

### **St Katharine Cree**

17. Listed Grade I the church of St Katharine Cree predates the Great Fire of London, and is one of the 'anchor' heritage assets in the locality. It is of **VERY HIGH** architectural, historic and archaeological significance. Its tower is an important townscape feature and is silhouetted against clear sky in views from Leadenhall Street. Its setting is an important part of its significance.

### **St Botolph's Aldgate**

18. Listed Grade I the church of St Botolph's Aldgate possesses **VERY HIGH** architectural and historic significance. The tower and spire rise prominently from the body of the church into open clear sky and have a landmark quality. It is noted as having



Skyline Presence in the City Corporation's Protected View SPD 2012. Its setting is therefore a very important part of its significance.

### **Holland House**

19. Listed Grade II\*, Holland House is of **VERY HIGH** architectural significance, identified as one of the 'standout buildings in the locality'. It also has **HIGH** historic significance owing to the circumstances of its construction. It does not possess any special cultural or communal significance.

### **Aldgate (formerly Sir John Cass) School**

20. Listed Grade II\* as a fine example of the 'Wrenaissance' style and for internal elements of outstanding interest, including 17<sup>th</sup> and 18<sup>th</sup> century fabric from other buildings, Aldgate School has **VERY HIGH** architectural, artistic and historic significance. Located on the site of the former Priory it has **HIGH** archaeological significance. Its setting is an important part of its significance. A sense of openness is retained in the playgrounds. The building is prominent within the locality and is the focus of a number of views from surrounding streets and open spaces.

### **2-16 Creechurch Lane**

21. Listed Grade II, these fine five-storey former tea warehouses have **HIGH** architectural and historic significance, which 'gives a typical flavour of the locality'.

### **Tower of London**

22. One of London's four UNESCO World Heritage Sites, the Tower of London is of **VERY HIGH** significance on all four heritage interest criteria. Its setting is also of **VERY HIGH** significance, particularly views from the south and east.

### **Port of London Building 10 Trinity Square**

23. Listed Grade II\* the prominent square stepped tower is identified as a City landmark and skyline feature in the Protected Views SPD.

### **38 St Mary Axe**

24. Listed Grade II this well-proportioned stone-faced commercial building, designed by Sir Edwin Cooper in 1922, has **HIGH** architectural significance.

### **Lloyd's Avenue Conservation Area**

25. The Lloyd's Avenue Conservation Area, designated in 1981 and enlarged in 2007, is focussed on the Edwardian street of Lloyd's Avenue, but also extends to include buildings on the north side of Fenchurch Street. Noted for its consistent scale, architectural style and materials it has **HIGH** architectural and historic significance. Elaborate stone dormers and turrets contribute to a dramatic roofscape on Fenchurch Street. The setting of the Conservation Area is also an important part of its significance with regards to views into and out of the Conservation Area.

## **2. NON-DESIGNATED HERITAGE ASSETS**

### **Renown House 33-34 Bury Street**

26. Recognised in the City Planning Officer's Creechurch Conservation Area designation report for its good quality carved stone detail, making an effective contrast with Holland House and forming a strong corner to the bend in the street, Renown House has **MODERATE** architectural and historic significance

### **Rabbi's House and Vestry, 2 and 4 Heneage Lane**

27. Sitting either side of the east elevation onto Heneage Lane of the Grade I Synagogue the red-brick 19<sup>th</sup> century Rabbi's House and the Vestry are important to the ensemble of religious buildings and have **MODERATELY HIGH** architectural, historic and cultural significance.

### **Cree House 18-20 Creechurch Lane; Fibi House 22-24 Creechurch Lane; Sugar Bakers' Court; 12-14 and 27-31 Mitre Street**

28. A coherent group of unlisted 19<sup>th</sup> and 20<sup>th</sup> century brick-built warehouse buildings of generally four storey scale which possess good architectural detailing and proportion, and make an important contribution to the local townscape. They have **MODERATELY HIGH** architectural and historic significance.

## **IMPACT OF THE PROPOSAL ON HERITAGE ASSETS**

### **Creechurch Conservation Area**

29. The proposed scale of development will have a very harmful impact on the character and appearance of the Conservation Area. The planning officer's designation report notes that the existing 31 Bury Street forms the corner with Creechurch Lane and is important in

framing Heneage Lane. Similarly, the height, mass and scale of other post-war buildings in the Conservation Area, such as 33 Creechurch Lane, 5-10 Bury Street, 32-40 Mitre Street, 10-16 Bevis Marks, 71-77, 78-79 and 80 Leadenhall Street and Cunard House are considered to be sympathetic to their context. All these buildings, despite having no particular architectural merit, are noted for maintaining the historic building line and the prevailing scale of street blocks. The existing 31 Bury Street does exactly that.

30. The only existing tall building within the Conservation Area, One Creechurch Place, is included because of its historic association with the site of the Great Synagogue, although the building itself does not contribute positively to the character and appearance of the area. The Planning Officer's report does refer to the 2017 consent (which has been granted a Certificate of Lawful Development) to redevelop 24 Bevis Marks with a 19 storey office building, but it should be noted that this is immediately next to the much taller 70 St Mary Axe, and so immediately in its shadow. The proposed tower at 31 Bury Street has a very different context, next to Holland House, Cunard House and the warehouses in Creechurch lane.

31. The designation report notes that Bury Street forms an obvious division between the more historic granular scale to the east and the much larger and more modern scale of the City Cluster. There is no case whatsoever for allowing a tall building on the north side of Bury Street. The height scale and mass of the proposed tower will overwhelm the Conservation Area, from almost every possible direction. Views 46 and 58 of the applicant's HTVIA illustrates the impact that will be had on Creechurch Lane, Mitre Street, Heneage Lane, Bevis Marks and Bury Street. While it might be argued that some individual views cause less than substantial harm in their own right, the continuum of views down so many streets from within and into the Conservation Area from outside will result in a cumulative impact that causes **substantial harm** to the character and appearance of the Conservation Area. Indeed, were the proposed development to be allowed it would render the designation of the Creechurch Conservation Area virtually meaningless and to have made the whole designation and consultation process a worthless exercise. As a precedent it would potentially undermine the ability to preserve and enhance any of the City's conservation areas, and indeed have implications nationwide.

## Bevis Marks Synagogue

32. By reason of its height and proximity the proposed tower will overwhelm the Synagogue. The visual and psychological impact on the courtyard would be catastrophic, equally severe as the previously refused scheme. The serious incursion into the open sky views will fundamentally undermine the intrinsic secluded and dignified quality of the space. The loss of light to the interior of the Synagogue is also a major concern. The

impact on the Synagogue and its courtyard will be both tangible and intangible, as explained in the assessment of significance in paragraphs 15 and 16 above.

33. The applicant's HTVIA includes Views 45A and 45B, deemed by the applicant to be of 'medium' sensitivity, and where the impact is described as 'moderate and beneficial'. Such an analysis demonstrates a complete lack of understanding by the applicant of the significance of the Synagogue and its courtyard.

34. The setting of the east elevation of the Synagogue fronting Heneage Lane will also be harmed, being totally dominated by the new tower, although no view is provided of this in the applicant's HTVIA.

35. Overall, the proposals cause **substantial harm** to the significance of the Synagogue and its setting.

36. The harm caused will also do much to spoil Bevis Marks as a potential visitor attraction which in turn will harm the City Corporation's ambitions to increase tourism.

### St Katharine Cree

37. No verified view has been provided by the applicant from the south side of Leadenhall Street looking northwards down Creechurch Lane. (View 46 in the HTVIA does not cover this). This important view is flanked on the right by the charming tower of the church, seen against clear sky, and on the left by Cunard House, with the view terminated by the existing 31 Bury Street. The massive height of the proposed tower will radically alter this view and cause a **moderately high** degree of **less than substantial harm** to the setting of St Katharine Cree.

38. It is unclear whether the proposed tower will also impinge into the existing secluded space of the churchyard to the rear of Mitre Street and Creechurch Lane which is surrounded at present by low buildings. No verified view has been provided from the southern side of the churchyard.

### St Botolph's

39. Although some of the HTVIA views presented by the applicant show that the tower and spire of St Botolph's Church is already impacted by the 19 storey mass of One Creechurch Place, it is considered that the much greater height and prominence of the proposal, almost immediately behind, will further erode the landmark qualities of St Botolph's. View 38 has been taken from a position where the new tower will arguably be covered by other proposed tall buildings behind. No view has been provided further west along Aldgate which would show that the proposed tower at 31 Bury Street will rise significantly above One Creechurch Place and challenge the landmark quality of St Botolph's. It will cause a **moderate** degree of **less than substantial harm** to the setting of

this Grade I building and will diminish the skyline presence identified in the Protected View SPD.

## Holland House

40. The proposal involves radical alterations to the fabric, plan form and integrity of Holland House. The demolition of most of the east elevation, the insertion of a large new staircase, the capping off and enclosure of the internal lightwell and the opening up of its floor plans to link continuously with the new building at 31 Bury Street and the rebuilt Renown House will greatly change and reduce the individual identity of Holland House. The proposals effectively subsume Holland House into one huge floorplate building running across the entire application site. These appear to be major and irreversible changes.

41. The four-storey roof extension is out of proportion with the original five storey building, appearing top heavy. This is clearly apparent in Views 42, 43 and 60 of the applicant's HTVIA.

42. The setting of Holland House is massively affected by the proposed tower. Despite the vertical format of Views 43 and 60 they do not manage to include the full height of the tower. While One Creechurch Place is visible in the existing View 60, the impact of the proposal, immediately adjacent to Holland House, will be far greater.

43. The immediate setting of the south elevation of Holland House will also be severely harmed by the scale and proximity of the new tower at 31 Bury Street. This is shown in the illustrative CGIs Figures 6.6, 6.8 and 6.10 of the applicant's HTVIA Volume 2. The height and scale of the undercroft is completely out of proportion to Holland House, and the existing forecourt between 31 Bury Street and Holland House is substantially reduced in width. View 58 shows how the existing Bury House is sympathetic in scale to Holland House, whereas in the proposal it will appear visually crushed by the overwhelming scale of its neighbours.

44. Overall, the proposals cause **high** degree of **less than substantial harm** to the significance of this designated heritage asset.

## Aldgate School

45. The comparatively modest height (19 storeys) of One Creechurch Place is already visible as a backdrop to views of the school from Aldgate, and has a negative impact. View 41 of the HTVIA, looking down Mitre Street, shows how much taller the new tower will be, having an additional negative impact, by increasing the undesirable sense of enclosure and overlooking. It will cause a **minor** degree of **less than substantial harm** to its setting.

## 2-16 Creechurch Lane

46. The existing massing of 31 Bury Street, occupying the corner with Creechurch Lane, provides a sympathetic scale and context to the five storey scale of 2-16 Creechurch Lane. The setting of these fine warehouse buildings will be adversely affected by the proposed tower which will become an overpowering presence in the street. It will cause a **moderately high** degree of **less than substantial harm** to the setting of these listed buildings.

## Tower of London

47. It is acknowledged that Historic England is the heritage body best equipped to comment on the impact of the proposals on the Tower of London World Heritage Site. Several views provided in the applicant's HTVIA clearly show that the proposal will be a serious incursion into the backdrop which will cause harm to the setting of the Tower of London.

48. The applicant's justification that the new tall building will be part of the northern 'foothills' of the City Tower Cluster seems a tenuous and unconvincing argument. Far from softening the existing edge provided by curved form of 30 St Mary Axe (the 'Gherkin') the new tower at 31 Bury Street as seen in View 9 makes a very undesirable intrusion into LVMF 10.1A, reducing the prominence of the south-west turret of the White Tower. Views 25, 26, 27, 28 and 30 show how the existing curved edge of 30 St Mary Axe will be negated and exceeded by the new tower, appearing as a taller outlier to the cluster.

49. The HTVIA also provides views from within the precincts of the Tower. View 23, from the Inner Ward, shows how the proposed tower will intrude into the existing clear sky above the east end of the Royal Chapel. View 24 shows the tower rising above 2 Tower Green. View 49 demonstrates that the proposed tower will fill the existing clear gap between the town houses and the tower of the Royal Chapel, a view of 'high sensitivity'. View 51 shows incursion into the existing clear sky above the Watergate.

50. The applicant's assertion that the proposed tower would signify a new 'edge' to the City Tower Cluster is highly contentious; indeed, the opposite is likely. If approved it would likely set a precedent for allowing further towers in the Conservation Area, including for example 33 Creechurch Lane.

## Port of London Authority Building 10 Trinity Square

51. Views 28 and 50 of the HTVIA show how the new tower will impinge on the skyline presence of the landmark tower of the PLA Building. It will cause a **moderately high** degree of **less than substantial harm** to this aspect of its heritage significance.



### 38 St Mary Axe

52. View 55 of the HTVIA shows that the existing clear sky view above the listed 38 St Mary Axe will be infringed by the proposed tower. No other proposed or approved tall buildings are visible in this view from Clerks Place. Owing to the narrow nature of St Mary Axe this is the only long view of the frontage. The proposal will cause a **moderately low** degree of **less than substantial harm** to the setting of this designated heritage asset.

### Lloyd's Avenue Conservation Area

53. The Lloyd's Avenue Conservation Area Character Summary and Management Strategy SPD, adopted in January 2012, identifies various views within the Conservation Area which are important to its character and appearance and its heritage significance : "The double curve of Lloyd's Avenue creates a series of subtly different views north along Lloyd's Avenue, with each building viewed obliquely and collectively in groups. At the top of the street, Furness House, 105-106 Fenchurch Street, has a dominant presence and terminates the view with its imposing central pedimented bay being gradually revealed upon approach".

54. Views 40 and 52 in the applicant's HTVIA show that the proposed tower at 31 Bury Street will form a very prominent backdrop to the existing continuum of views. It will appear as an intrusive and alien element in a remarkably unified existing townscape and will cause a **moderate** degree of **less than substantial harm** to the setting of the Lloyd's Avenue Conservation Area.

### Renown House 33-34 Bury Street

55. The proposal involves the retention of only the two stone street facades of Renown House. The existing mansard roof, dormer windows, prominent chimney stack and the complete interior of the building are to be demolished. The proposed additional vertical floor harms the architectural proportions and balance of the original design and appears crudely detailed. The ungainly proportions of the proposal are apparent in View 59 of the HTVIA, seen from Cunard Place. The additional mansard and dormers are also poorly detailed, unsympathetic to the Edwardian character of the building. New floor levels are inserted to line through with the rest of the development and will result in bulkheads crossing the existing window openings, as shown in Figures 6.3, 6.5, 6.11 and 6.12 of the HTVIA.

56. The setting of Renown House will also be overwhelmed by the roof extensions to Holland House and the height of the tower. This harmful impact is illustrated in Figure 6.1 and Views 42 and 60 of the applicant's HTVIA, and although they do not show the full height of the tower. Views 42 and 59 show how the existing chimney stack and pots of Renown House are currently seen against the sky, something that is completely lost in the



proposal. The scheme will cause a **high** degree of **less than substantial harm** to this non-designated heritage asset.

### **Rabbi's House and Vestry, 2 and 4 Heneage Lane**

57. The massive scale of the proposed tower at the southern end of Heneage Lane will dominate the townscape of Heneage Lane whose existing modest scale is an inherent part of its charm. The proposal will result in a **moderately high** degree of **less than substantial harm** to these non-designated heritage assets which front onto Heneage Lane either side of the east end of the Synagogue.

### **Cree House, 18-20 Creechurch Lane; Fibi House, 22-24 Creechurch Lane; Sugar Bakers' Court; 12-14 and 27-31 Mitre Street**

58. This important group of late 19<sup>th</sup> century warehouses sits directly opposite and very close to the existing 31 Bury Street which at present is a consistent scale with its neighbours. While View 41 of the HTVIA is taken from Leadenhall Street, no closer view down Mitre Street has been provided which would show how the existing 31 Bury Street is an entirely appropriate scale relating to the Mitre Street warehouses. The massive height and scale of the proposed tower and its base will dominate and overpower the existing townscape and will result in a **moderately high** degree of **less than substantial harm** to the setting of these non-designated heritage assets.

## **COMPLIANCE WITH POLICY**

59. It is considered that there is clear conflict with the statutory duties to protect the significance of listed buildings and to preserve and enhance the character and appearance of the Creechurch Conservation Area.

60. The proposal breaches Policy D9 of the London Plan which require the protection of heritage assets

61. The proposal conflicts with Local Plan policies to conserve and enhance the City's conservation areas. The proposal conflicts with Local Plan Policy CS14 (2) which states that tall buildings are not appropriate within conservation areas. While the draft City Plan 2040 proposes to change that policy it can be given very little weight at this stage.

62. The proposal conflicts with Local Plan Policy CS13 (2) to protect City landmarks and skyline features.

63. The proposals conflict with policies that seek to protect the setting of the Tower of London World Heritage Site.

## ASSESSMENT OF HERITAGE BENEFITS PROPOSED BY THE APPLICANT

64. The applicant suggest that a number of public benefits will be provided by the development including some that are claimed to be heritage benefits. These are addressed and evaluated below.

65. Repairs and renovations are proposed to internal and external features of Holland House. This should all be regarded as routine repair and upgrading which any responsible owner of a listed building would automatically undertake. The assertion in Paragraph 2.32 of the applicant's Planning Statement that repairs to the faience tiles of Holland House can only be viably funded and delivered through the wider redevelopment of the site seems fanciful and hard to prove. The £ 4 million cost estimated by the applicant for faience repairs, window upgrades and renovation of internal spaces must be tiny fraction of the budget for the extensive works and extensions to Holland House, let along to the scheme as a whole.

66. The applicant claims to be reinstating the southern arm of the original historic Heneage Lane. The proposed ground floor plan shows that the new retail arcade running beneath the new tower does not in fact line up with Heneage Lane, but dog-legs to the east and is at a different angle. The original medieval Heneage Lane ran dead straight from Bevis Marks to Bury Street. No clear view through from the north end of Heneage Lane would be provided by the proposal. Furthermore, the applicant states that it will be gated and closed at night.

67. Similarly, the proposed reinstatement of James Court is both historically inaccurate and misleading. The reality of the proposal is a two-storey undercroft or arcade below the tower, separated from the street by the supporting structure of the tower. It is likely to a singularly unattractive place for the general public. It significantly reduces the size of the existing open courtyard between the existing 31 Bury Street and Holland House, which more accurately sits on the original site of James Court. The bombastic architectural treatment of the new building greatly changes the existing pedestrian townscape of narrow streets and pavements that characterise the area. The height and proportion of this undercroft and its columns is completely out of scale with Holland House. There are no heritage benefits provided here, only harm existing heritage assets.

68. Proposed works to the public highway are outside the ownership of the applicant and are the remit of the City Corporation. Demolition and construction work is likely to severely damage the existing pavements and carriageways, and the developer would normally be expected to pay for their reinstatement to the City's required standards without this being considered a public benefit.

69. The applicant claims that the design of the new tower will be of exceptional quality which will enhance the setting of Holland House, but there is little in the submitted

drawings to support this. No amount of modelling or material finishes can overcome the entirely inappropriate scale and massing of the proposed new building. In any event good design is a fundamental requirement of all development and is not in itself a public benefit.

## **BALANCING HARM AGAINST PUBLIC BENEFIT**

70. Paragraph 205 of NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial, total loss or less than substantial harm to its significance”. Many of the heritage assets affected by the proposals are of the highest possible heritage significance and their conservation must therefore be accorded very great weight. Although the applicant repeated states that great weight should be given to the postulated public benefits, there is nothing in NPPF to support that.

71. Paragraph 206 states that any harm to the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification. Substantial harm to grade II buildings should be exceptional; substantial harm to Grade I buildings should be wholly exceptional.

72. Paragraph 207 states that where development will lead to substantial harm to a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm is necessary to achieve the substantial public benefits that outweigh that harm.

73. Paragraph 208 states that where development will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of that proposal.

74. It is considered that the cumulative and high degree of harm to a such a large and widespread number of designated heritage assets far outweighs the alleged public benefits that the applicant claims will arise from the proposed development.

## **CONCLUSION**

75. Paragraph 203 of NPPF requires Local Planning Authorities when determining applications to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

76. The proposed development fails to meet any of these criteria. As concluded above, the scheme is considered to cause substantial harm to the Creechurch Lane Conservation Area and to the Bevis Marks Synagogue. In addition there are multiple cases of less than substantial harm to a wide range of designated and undesignated heritage assets, some of the very highest significance including the Tower of London World Heritage Site. Cumulatively the degree of harm is serious, and must be given very great weight. The public benefits claimed by the applicant, including alleged heritage benefits, go nowhere near to outweighing the harm.

77. There were very good reasons for refusing the previous proposals for 31 Bury Street, namely the adverse impact on Bevis Marks Synagogue and the protected views of the Tower of London. These reasons continue to apply to the current scheme, augmented by the additional harm now caused to the new Creechurch Conservation Area, Holland House and Renown House. It is strongly recommended that the planning and listed building consent applications be refused.

22nd April 2024

Alec Forshaw, together with Esther Robinson, was the author of the Option Three proposal for the designation of Creechurch Conservation Area, the option that was eventually approved by the City Corporation. He was Principal Conservation and Design Officer for the London Borough of Islington, where he worked from 1975 – 2007. He has written widely on historical and architectural matters, including *New City, Contemporary Architecture in the City of London* (2013), *The Barbican, Architecture and Light* (2015), and *Smithfield, Past, Present and Future* (2015). He gave evidence on behalf of SAVE Britain's Heritage in support of the City of London's refusal of planning and listed building consent at the Custom House Public Inquiry in February 2022.



## Appendix 2: Letter from Rabbi Joseph Dweck



## Centrality of Sky View at Bevis Marks to Religious Services and Heritage

Given the concerning plight under which Bevis Marks Synagogue, the oldest continuously used synagogue in the world finds itself, I offer here some core points based in millennia-old Jewish law that is central to the synagogue's function and vitality.

1. The spiritual significance of the sky view at Bevis Marks has been inscribed into the material fabric of the building. In Hebrew, the synagogue is known as Sha'ar Hashamayim (Gate of Heaven). These words – Sha'ar Hashamayim - are carved in stone above the entrance gate, and painted above the synagogue's doors. They originate in the Biblical episode of Jacob's dream of a ladder with angles ascending and descending. Upon waking Jacob exclaimed: 'How awesome is this place, it is none other than the House of G-d and the Gate of Heaven'.<sup>1</sup> For this reason 'Gate of Heaven' is considered a euphemism for a 'House of G-d': Adjacent Aldgate and Bishopgate may have been the gates into the City of London, but the synagogue was the 'Gate of Heaven' for the City's Jews. The experience of 'heaven' is currently felt upon entering the quiet courtyard of Bevis Marks Synagogue, and seeing the sky around it, particularly as it frames the synagogue itself to its immediate south.
2. The sky view in the courtyard at Bevis Marks serves important ritual purpose as the sky view is central to Jewish practice. Jews are always looking up in a sense, to judge their religious timings and rhythms. One which occurs weekly is the Sabbath. The Sabbath does not officially end at any specific time on the clock per se (it was kept for generations before the invention of any clock). Rather, it is determined ended when the average person can see three medium sized stars in the sky<sup>2</sup>. While we do tend to rely on the clock when it is cloudy out, it is still very much part of our conscious inspection regarding the sabbath times. This timing is central for many other aspects of ritual and worship. For example, reciting the *Shema Yisrael* which is an obligation every evening must be done only after 3 medium sized stars are seen in the sky<sup>3</sup>.
3. Similarly, the beginning of each new Jewish (lunar) month is marked by the appearance of the new moon. Each month, about a week after seeing the new moon, we then say a

<sup>1</sup> Genesis 28:16-17

<sup>2</sup> BT, Shabbat, 35b; Maimonides, MT, Shabbat, 5:4; Shulhan Arukh, Orah Haim, 235:1.

<sup>3</sup> MT, Keriat Shema, 1:9; Shulhan Arukh 235:1.



4. special blessing over the new moon<sup>4</sup>. This is done by going outside and finding the moon in the sky in order to say the prayers. If there is considerable obstruction it renders it impossible to perform this monthly ritual. We pray that as the moon steadily grows more and more full, so should the Jewish people, and so too we should be renewed just as the moon is constantly renewed. If there is constant physical obstruction to the sight of the moon from the synagogue grounds it would severely affect this monthly ritual and cause a great lack in the normal and usual synagogue services. Should buildings block out views of the eastern and southern sky, this ritual would be lost to the synagogue community.
5. Importantly, the sky view is critical to ensuring that enough daylight reaches the interior of the synagogue to enable the community to pray there even on dark winter days, and to retain the existing spiritual qualities of the building. The reading of a large quantity of printed texts by all present is intrinsic to Jewish worship and light levels must be maintained to enable this critical ability.
6. Finally, in general windows with their sky views are essential to a synagogue. This is expressed primarily in the Babylonian Talmud (Berakhot, 31a) in its referencing of verse 6:11 from the book of Daniel. The Talmud states: 'Rabbi Ḥiyya bar Abba said: One should always pray in a house with windows, as it is stated regarding Daniel: "And when Daniel knew that the writing was signed, he went to his house. In his attic there were open windows facing Jerusalem, and three times a day he knelt upon his knees and prayed and gave thanks before his God, just as he had done before." Likewise, the pre-eminent Jewish legal authority Rabbi Yosef Karo (Bet Yosef, OH:90) asserted that windows enable one to see the sky, look heavenward during prayer, and experience humility. If the windows are all obstructed it shuts the synagogue away from the outside world and considerably damages the entire environment and ambience that is meant for a synagogue.
7. This requirement to pray in a house with windows further reflects the fact that the observance of Jewish rituals is shaped by the positions of the sun and moon in the sky across the day, month and year. For example, Jewish prayer times are determined by the daily course of the sun: its journey from east to west over the southern horizon determines the times of our prayers, and is the inspiration for much of our liturgy. For this reason, the morning service (Shahrit) begins with the blessing, 'Blessed are you G-d who is sovereign over the universe, who fashions light and creates darkness...who brings light over all of the land and refreshes creation each day...Blessed are you G-d who creates the luminaries.' Later in the morning, when light currently shines into our

<sup>4</sup> BT, Sanhedrin, 42a; MT, Berakhot, 10:16; SA, Orah Haim, 426





Rabbi Joseph Dweck | Senior Rabbi

הרב יוסף דוויך | רב הראשי

8. courtyard and penetrates into the synagogue, it casts its glow across the pews, creating warmth on the faces of congregants, and lifting their thoughts skyward. On Yom Kippur, the darkening light and the glow of candles in the evening is a sign that the Gates of Mercy are about to close. In this way, the changing presence of light in the synagogue is intimately connected to the spiritual experience of worshippers. Any change to the current sky view would have profound implications for the religious value of the synagogue as a spiritual space and house of Jewish prayer.
9. Originally, the courtyard on three sides ensured that the synagogue windows were completely unobstructed, maximising the daylight admitted. Since then, the construction of higher buildings in the surrounding area which encroach upon the synagogue's sky view has reduced the amount of direct sunlight and reflected light entering the synagogue through these windows, significantly darkening the interior. Nevertheless, when looking out from the synagogue gallery windows one can still see the sky on both sides. Any further encroachment on the synagogue sky view is likely to make that impossible, blocking direct light and reducing the amount of reflected light that reaches the interior to a dangerously low level that threatens the synagogue's ability to function.
10. Finally, Circumcision is a foundational ritual in Judaism since only after he is circumcised is a Jewish boy considered to have joined the Jewish community: it is a medical procedure carried out on a baby's eighth day by a trained professional called a mohel. Ample light is essential to perform this ritual safely, but recent testimony from mohels who have conducted circumcisions in Bevis Marks confirms that any further reduction to light levels would render this impossible. Bevis Marks Synagogue contains two historic circumcision chairs from the seventeenth and eighteenth centuries, testifying to the long history of circumcision here. Ending the practice of circumcision at Bevis Marks would mark a significant rupture in three hundred years of tradition, harming the synagogue's significance as a place of worship and communal life.

As it is clearly evident, the above is just a selection of a vast legal system that is dependent on a profound connection with the observation of the celestial bodies and the movement of the earth in space and around the sun. For this to be cut off or obstructed, terribly damages and severely inhibits the *élan vital* of the community.

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