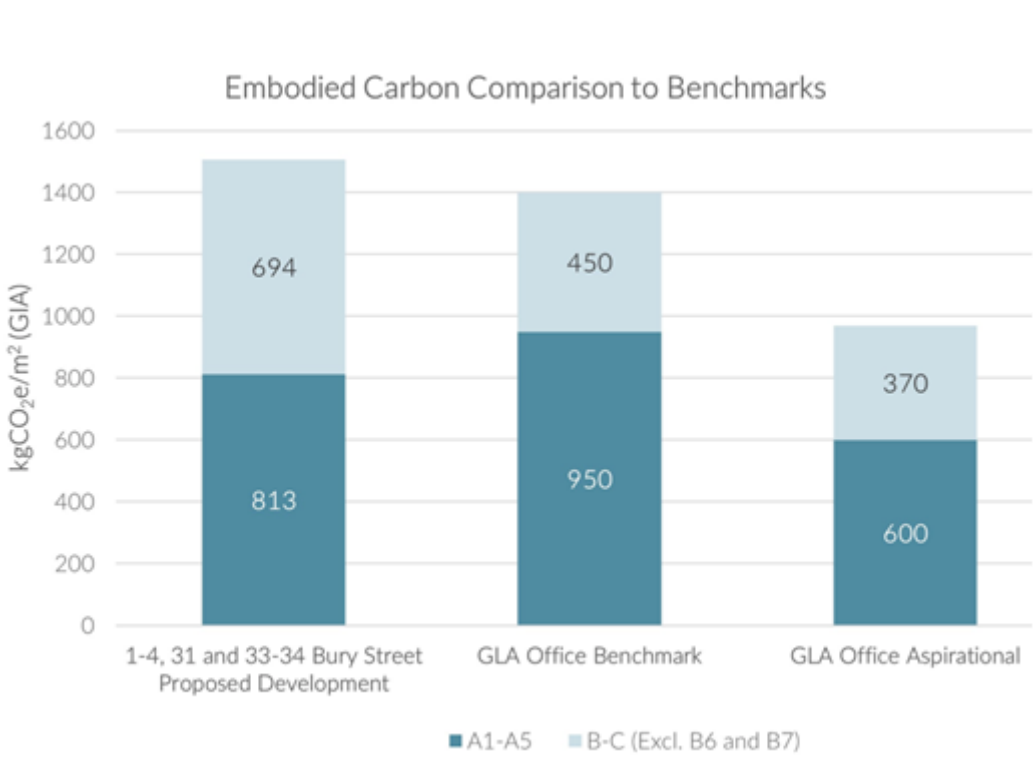


Committee	Date:
Planning Application Sub-Committee	13 December 2024
<p>Subject: Bury House 1 - 4, 31 - 34 Bury Street London EC3A 5AR</p> <p>24/00021/FULEIA: Demolition of Bury House and erection of a new building comprising of 4 basement levels, ground plus 43 storeys (178.7m AOD); partial demolition of Holland House and Renown House; restoration of existing and erection of four storey extension resulting in ground plus 8 storeys at Holland House (48.05m AOD) and three storey extension resulting in ground plus 5 storeys at Renown House (36.49m AOD); interconnection of the three buildings; use of the buildings for office (Class E(g)), flexible retail/café (Class E(a)/E(b)), and flexible community/education/ cultural/amenity (Class F2(b)/ F1(a)- (e)/ E(f)/ Sui Generis) 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.</p> <p>24/00011/LBC: 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.</p>	Public
Ward: Aldgate	For Decision
Registered No: 24/00021/FULEIA and 24/00011/LBC	Registered on: 11 March 2024
Conservation Area: Creechurch Conservation Area	Listed Building: Holland House – grade II*

1. Application cover sheet amendments

<p>13. OPERATIONAL CARBON EMISSIONS</p>	<p>33,941 tonnes CO₂ over 60 years 0.822 tonnes CO₂ per square meter over 60 years (includes life-cycle modules B6+B7)</p>												
<p>14. EMBODIED CARBON EMISSIONS</p>	<p>PROJECT LIFE CYCLE EMISSIONS COMPARED TO GLA BENCHMARKS</p>  <table border="1"> <caption>Embodied Carbon Comparison to Benchmarks</caption> <thead> <tr> <th>Category</th> <th>A1-A5 (kgCO₂e/m²)</th> <th>B-C (Excl. B6 and B7) (kgCO₂e/m²)</th> </tr> </thead> <tbody> <tr> <td>1-4, 31 and 33-34 Bury Street Proposed Development</td> <td>813</td> <td>694</td> </tr> <tr> <td>GLA Office Benchmark</td> <td>950</td> <td>450</td> </tr> <tr> <td>GLA Office Aspirational</td> <td>600</td> <td>370</td> </tr> </tbody> </table> <p>Upfront embodied carbon: 33,565 tonnes CO₂e / 813 kgCO₂e per sqm In use embodied carbon: 28,643 tonnes CO₂e / 694 kgCO₂e per sqm</p>	Category	A1-A5 (kgCO ₂ e/m ²)	B-C (Excl. B6 and B7) (kgCO ₂ e/m ²)	1-4, 31 and 33-34 Bury Street Proposed Development	813	694	GLA Office Benchmark	950	450	GLA Office Aspirational	600	370
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<p>15. WHOLE LIFE - CYCLE CARBON EMISSIONS</p>	<p>Whole life-cycle carbon emissions: 95,199 tonnes CO₂ Whole life-cycle carbon emissions per square meter: 2,305 tonnes CO₂/sqm</p>												

2. Letters of Representation

2.1. Since the publication of the PASC Committee Agenda further representations have been received.

2.2. One letter objecting to the proposed development and two in support have been received.

2.3. The points raised in the letter objecting to the proposed development and officer responses are included in the table below.

Example representation from (non-statutory) organisations, groups and individuals (objections)	Comments and Officers Response to Comments
Roger Hepher, on behalf of the S&P Sephardi Community (an additional letter was received, dated 10 December 2024)	<p>The letter stated that all previously raised objections are maintained. The following observations are made regarding the published report.</p> <ul style="list-style-type: none">• In the summary on page 3, the report refers to ‘several objections’ having been made by third parties, and on page 8 ‘a number of objections’ is referred to. This wording is misleading and does not accurately convey the extent of public (over 1,400) and statutory objections that have been received in response to the application. <p>We appreciate that the full extent of objections is set out elsewhere in the report and accompanying appendices, however due to the length of this document the accuracy of the summary is very important.</p> <ul style="list-style-type: none">• Page 10 summarises the findings of BRE’s Independent Review of the applicant’s Lunar Transit Study prepared by GIA (this is repeated later in the report). The way that this is presented omits to mention BRE’s conclusion that (our emphasis) <i>‘the relative reduction in the hourly visibility of the lunar bracelet from the Synagogue</i>

courtyard would be significant with the proposed development in place'. Rather, the report attempts to portray the impact as insignificant, through a selective presentation of figures.

We also strongly disagree with the statement that *'in theory there would always be enough visibility to recite the prayer'* (in the summary and paragraph 458). The Lunar Review prepared by Rabbi Shalom Morris and submitted alongside our objection dated 15th November 2024 found that, based on analysis of the GIA data, the proposed tower would result in the loss in the ability to recite the prayer in 3-5 months per year, causing a reduction in the occasions that the community are able to recite Kiddush Levana by between 33% and 55%.

Officer comment: The impact of the development on the visibility of the moon and night sky is assessed in detail in pages 1001-1007 of the Agenda. The point raised in the third party review are clearly and transparently assessed in the report. The independent review is also available on the Corporation's website. The impacts of the development are acknowledged and are given significant weight.

With regard to the data presented in the report, it is noted that these are based on the data included in the Lunar Transit Study submitted by the Applicant, the additional information provided following discussions with the Synagogue's Rabbi and the review report received by the CoL's appointed consultant.

- Paragraph 11 of the Committee Report states that the site is not located within the immediate setting of Bevis Marks Synagogue, as defined in the emerging Local Plan. There are extensive objections specifically regarding the immediate setting policy in the emerging Local Plan, therefore this should be given very little, if any, weight by Members when considering the applications (in

accordance with paragraph 48 of the NPPF). 'Immediate setting' is not an established concept in heritage terms.

Officer Comment: Comment noted. As explained at various points within the report, the emerging City Plan 2040 is not to be given as much weight as the adopted Local Plan 2015 at this stage.

- Paragraph 182 states that Policy CS14(2) of the adopted Local Plan '*does not require that every application for a tall building in a conservation area must be refused; other factors should also be considered*'. In fact, Policy CS14 could not be clearer in its wording that all applications for tall buildings within conservation areas should be refused: '*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: (1) Permitting tall buildings on suitable sites within the City's Eastern Cluster. (2) Refusing planning permission for tall buildings within inappropriate areas, comprising: conservation areas [...]*'. The policy does not in fact indicate that other factors should be considered.

Paragraph 182 also states that Policy CS14(1) is supportive of the proposal. CS14(1) refers to suitable sites within the City's Eastern Cluster, it is abundantly clear from CS14(2) that conservation areas are not considered suitable for tall buildings. Therefore we strongly disagree with the interpretation of policy CS14 which is set out in paragraph 182; in fact the proposal represents a head-on and unambiguous conflict with Policy CS14, which in our view is downplayed within the report.

Officer response: Officers clarify that the point being made in the report is that despite the

strong language of CS14 (2) which provides for the refusal of tall buildings within conservation areas, conflict with this part of the policy would appear to create a presumption against the grant of planning permission, it does not impose an absolute presumption against granting planning permission or mean that it is mandatory to refuse all tall buildings in a conservation area; the decision maker must consider all the policies in the development plan and reach a conclusion as to whether or not the proposal complies with the development plan as a whole, and this requires the decision maker to assess the proposal against competing policies. There is nothing in the language of policy CS14(2) that suggests it would create a tilted balance or that more weight has to be placed on it be weighted more than other policies in the development plan, however it is for the decision maker to make a judgment as to whether the conflict with a particular policy or part thereof means that the proposal does or does not comply with the development plan as a whole, taking into account *inter alia* the extent of the conflict with policy, the relative importance of the policy and the language of the policy. Instead, it serves as a material consideration that must be balanced against other factors, such as economic benefits and job creation, including an assessment of the proposal's actual impact on the conservation area in question is pursuant. Officers consider such an approach to be supported by case law including *Asda Stores Ltd, R (On the Application Of) v. Leeds City Council & Anor* ([2021] EWCA Civ 32). For completeness and as is set out in paragraph 91 of the officer report, regard must also be had to other material considerations and the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

As set out in the report, particularly para 219, officers conclude that, having considered all the relevant policy requirements and detailed assessments of impact, the site is suitable for a tall building in the overarching sense, and as such complies with policy CS1 and draws support from CS14(1).

- Paragraph 429 states *'it has been argued by S&PSC and other objectors that there is a 'sky view' of the Synagogue from the entrance to the courtyard, where the building is seen with clear sky above'*. This is a strange choice of wording – it is factual that there is a view of the sky from within the courtyard and this is not a subjective argument. Paragraph 429 and the following paragraphs seek to downplay the importance of the sky view, despite abundant evidence having been presented of both the practical and spiritual significance of this view, which we do not repeat here. We strongly disagree with the assertion in paragraph 449 that *'the proposal would, in most areas of the courtyard, be seen only as a glimpsed and partial presence'*.

Officer response: Comment noted. The wording of 'the sky view' is specifically used in some of the objections, notably the Synagogue's objection of 15 May 2024, and officers have followed this wording.

- Paragraph 453 implies that the 'theme of objection' of the moon view was not raised as part of the S&P Sephardi Community's objections to the previous application at this site. This is inaccurate, page 16 of the Bevis Marks Synagogue Significance & Community Impact Study dated 7 April 2021 and submitted as an objection to the previous application clearly states that *'In fact, a special prayer (kiddush lebana) is recited each month upon only seeing the moon in the night sky, something we won't be able to do if buildings block out our views of the eastern and southern sky'*. It

is true that the objection relating to the moon view is more clearly articulated in relation to the present application; this is not a reason to downplay its importance, but instead a reason to pay closer attention.

Officer response: Comment noted. Paragraph 453 of the report does not claim that this theme of objection was not raised previously, only that it did not form part of the previous Reasons for Refusal. This proposal's impact on the moon view has been assessed in exhaustive detail.

- Paragraph 461 refers to a third-party review of the applicant's daylight/sunlight assessments. We have not been provided with a copy of this third-party review and it does not appear to be available on the planning register. We again request a copy of this document.

Officer comment: Comment noted. The independent review is now available on the public access.

- Paragraph 1104 refers to a third-party review of the S&P Sephardi Community's independent daylight report. We note that this has now been uploaded to the planning register and is dated 9th December 2024, yet is summarised in the Officer's Report which was made public on Thursday 5th December. We note that we have not previously been provided with a copy of this report or had the opportunity to respond.

Officer comment: It is noted that the LPA for inclusivity reasons and to encourage public engagement accepts representations made after the publication of the Agenda and until the date before the determination of the application, as it has been done with the current representation.

	<ul style="list-style-type: none"> As set out in the report we have submitted three letters of objection to date. However our second letter of objection dated 15th November 2024 does not appear to be included within the appendices/supporting documents presented to Members. <p>Officer comment: Comment noted. The representation is available on the CoL website. Although it was missed from the original background papers pack, it is now included as part of this addendum, for completeness.</p>
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2.4. The following points are raised in the support letters received:

- The development is in the heart of the City of London and should be allowed.
- The Synagogue is surrounded by tall buildings.
- The proposed community hub within Holland House would establish an inclusive community.

2.5. It is noted that some representations, both in support and objecting to the proposed development, although always available on the CoL's website, have been missed from the background papers. These are included in the background papers of this addendum.

3. Sustainability

An updated GLA whole life-cycle carbon spreadsheet has been submitted, following alignment with the previous RICS (Royal Institute of Chartered Surveyors) calculation methodology version 1 as per the GLA's requirement, and some other minor adjustments.

3.1. Paragraph 1240:

The table - figures (kg/CO2/m2) are revised as follows:

A1-A5: 813

A-C (excl. B6-B7): 1,483

B6+B7: 822

A-C (incl. B6-B7): 2,305

3.2. Paragraph 1241 to be replaced with the following.

The proposed whole site development would result in overall whole life-cycle carbon emissions of **95,198,683 kgCO₂** being emitted over a 60-year period. Of this figure, the operational carbon emissions would account for **33,941,165 kgCO₂** (35.7% of the building's whole life-cycle carbon), and the embodied carbon emissions for **61,257,518 kgCO₂**, (64.3% of the building's whole life-cycle carbon).

4. Corrections

4.1. Please note the following errata corrections:

4.2. Paragraph 219:

Overall, Officers considered the site to be acceptable for a tall building and a strategic delivery site supporting the consolidation of the City Cluster. As a matter of planning judgement, it is considered the proposal would accord with London Plan Policy D9 A, C and D, Local Plan policies CS7 (1,2 and 4-7) and CS 14 (1 and 4), draft City Plan 2040 S12 and **most relevant parts of S21**.

4.3. Paragraph 220:

It is recognised that, due to the proposal's location within the Creechurch Conservation Area, there would be a conflict with CS7 (3), CS 14 (2) and therefore London Plan D9 (B). **There would also be a degree of conflict with emerging policy S21 (5) due to the impact on Holland House**. This conflict with Development Plan policy is addressed at the end of the report when considering whether the proposal accords with the Development Plan as a whole, as part of the Planning Balance.

4.4. Second paragraph on page 563 and paragraph 1374 on page 1018:

It is the view of officers that as a matter of planning judgement, in particular as the effect of the proposal will be to advance Local Plan Strategic Objective 1, and as policy CS1 is complied with, as policies relating to office floor space delivery, Eastern/City Cluster and public realm would be complied with that, notwithstanding the conflict with CS12 (Historic Environment) , DM12.1 (Managing Change affecting all heritage assets and spaces), **CS7 (3) (Eastern Cluster)**, CS14 (2) (Tall Buildings); Draft City Plan Policies 2040 S11 (Historic Environment), S21(5) (City Cluster Key Area Of Change) and London Plan D9 B (3) (Tall Buildings) and HC1 (Heritage Conservation and Growth), the proposals would comply with the Development Plan when considered as a whole.

4.5. Please note that an error in the paragraphs' numbering has been identified in the agenda report, repeating the numbering of paragraphs 1330 to 1379 twice on different pages.