



Ms Anna Tastsoglou, Principal Planning Officer,
Environment Department
City of London
PO Box 270,
Guildhall,
London EC2P 2EJ

26 March 2024

Dear Ms Tastsoglou,

Re: Bury House, 31 Bury Street, EC31 5AR
Full Planning Permission reference: 24/00021/FULEIA (Bury
House 1 - 4, 31 - 34 Bury Street) and
Listed Building Consent: 24/00011/LBC (Holland House 1 - 4, 32
Bury Street)

The planning application 24/00021/FULEIA and associated application for listed building consent 24/00011/LBC includes for the demolition of Bury House and erection of a new building comprising of 4 basement levels, ground plus 43 storeys; partial demolition of Holland House and Renown House; erection of four storey extension resulting in ground plus 8 storeys at Holland House; and a three storey extension resulting in ground plus 5 storeys at Renown House.

The LAMAS Historic Buildings Committee **object** to the planning application and for listed building consent application on the grounds of the harm it would cause to the Bevis Marks Synagogue, a Grade I listed designated historic asset, and the loss of significance of the Creechurch conservation area.

24/00021/FULEIA (Bury House 1 - 4, 31 - 34 Bury Street)

We have written on two previous occasions in 2021 expressing our objections to the planning applications submitted for 20/00848/FULEIA Bury House, 31 Bury Street, London, EC3A 5AR. As you will know, this scheme was subsequently refused in June 2022, with the reason cited as:

1. 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).

2. The development would adversely affect the setting of the Tower of London World Heritage Site by reason of the less than substantial harm caused to LVMF view 10A.1 from the Tower Bridge North Bastion and the resulting harm to the Outstanding Universal Value of the World Heritage Site, as highlighted by Historic England in their letter of objection.

The City of London Local Plan January 2015; Policy DM 12.2 Development in conservation areas identifies that: *Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.*

Contrary to that stated in the applicants DAS Vol 1; page 14, the proposed development is within the Creechurch conservation area.

24/00011/LBC (Holland House 1 - 4, 32 Bury Street)

Holland House is a Grade II* listed building first listed in June 1972 and amended in September 1997. The scheme 24/00011/LBC proposes the 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.

The City of London Local Plan January 2015; Core Strategic Policy CS12: Historic Environment identifies the need: *To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors, by safeguarding the City's listed buildings and their settings, while allowing appropriate adaptation and new uses.*

Policy DM 12.2 Development in conservation areas, para 3.12.10 further identifies that: *In the design of new buildings or alteration of existing buildings, developers should have regard to the size and shape of historic building plots, existing street patterns and the alignment and the width of frontages, materials, vertical and horizontal emphasis, layout and detailed design, bulk and scale,*

Policy DM 12.3 Listed buildings states:

1. *To resist the demolition of listed buildings.*
2. *To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.*

Para 3.12.14 further identifies that: *Where extensions are proposed, in order to be acceptable, they should be located where they minimise the effect on the listed building concerned, and should always be appropriate in scale and character. The bulk, height, location and materials of roof extensions will be particularly critical and should be appropriate to the period and style of the building and its setting.*

This has been reinforced by the establishment of the Creechurch conservation area, which encompasses both the Grade II* Holland House and the Grade I listed Bevis Marks synagogue.

The application 24/00021/FULEIA for the demolition of Bury House and erection of a new building is, in our opinion, materially of little difference to the previous 2020 scheme. The committee therefore still remain of the opinion that:

1. The proposal for the 43-storey tower immediately adjacent to the grade I listed Bevis Marks Synagogue will still profoundly harm the exceptional significance of the Synagogue in its setting by further eroding its prominence in its immediate surroundings. The reason as stated in paragraph one of the letter of rejection therefore still relates
2. Whilst it is acknowledged that the proposed building has a slightly amended profile, we do not consider that this provides sufficient mitigation to change the less than substantial harm on the London View Management Framework view as stated in paragraph two of the letter of rejection.

The application for listed building consent 24/00011/LBC for the partial demolition of the Grade II* Holland House and the construction of four further storeys would cause a significant detrimental effect on the Grade II* listed building, in contravention of Policy DM 12.3 Para 3.12.14

The proposed development is within the Creechurch conservation area, and in the opinion of the committee, will have a significant detrimental impact on the character and appearance of the conservation area, in contravention of Policy DM 12.2.

For the reasons set out above, the LAMAS Historic Buildings Committee therefore continue to object to the planning application and for listed building consent application on the grounds of the harm it would cause to the Bevis Marks Synagogue, a Grade I listed designated historic asset, and the loss of significance of the Creechurch conservation area.

Yours sincerely,

Vicki Fox (Hon. Secretary)
LAMAS – Historic Buildings & Conservation Committee



THE
ROYAL
PARKS

Anna Tastsoglou
Principal Planning Officer
Environment Department
City of London
PO Box 270
Guildhall
London
EC2P 2EJ

10 April 2024

Dear Anna Tastsoglou,

RE: Planning Application: 24/00021/FULEIA

Address: Bury House 1 - 4, 31 - 34 Bury Street London EC3A 5AR

Proposal: 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

Thank you for providing The Royal Parks (TRP) the opportunity to comment on the above-mentioned planning application.

The Royal Parks is the charity responsible for managing London's Royal Parks on behalf of the Department for Culture, Media and Sport, and ultimately, the Crown. There are eight Royal Parks within Greater London covering almost 2,000 hectares. All of the Royal Parks are designated as Metropolitan Open Land (MOL) under Policy G3 of the London Plan (March 2021). MOL comprises strategic open land within the urban area that "*protects and enhances the open environment*".



THE
ROYAL
PARKS

The Regent's Park, Greenwich Park and St James's Park are designated heritage assets, being Grade I listed on Historic England's Register of Parks and Gardens, as well as Conservation Areas. In addition, Greenwich Park is a Special Area of Conservation and forms part of the UNESCO World Heritage Site of Maritime Greenwich, and Primrose Hill is a designated heritage asset.

One of The Royal Parks' charitable objects is to protect, conserve, maintain and care for the Royal Parks, including their natural and designed landscapes and built environment, to a high standard consistent with their historic, horticultural, environmental and architectural importance. This includes protecting them from potential harm – notably visual harm - caused by proposed development outside the Royal Parks.

Having reviewed the Heritage Statement submitted in support of this planning application, we believe that although the development may not be visible from The Regent's Park and St James's Park, it will be visible from Greenwich Park. This includes the view from the General Wolfe statue, which is a protected view, as set out in the London Plan.

In light of our charitable objects, TRP is concerned that the additional massing of the proposed development would be detrimental to the views and visual amenity experienced by visitors to the aforementioned Royal Parks. We therefore object to this planning application and hope that our comments will be considered in your determination.

We welcome the opportunity to comment further on this matter should the need arise. Please send your correspondence to estatesandprojects@royalparks.org.uk.

Yours sincerely,

Katherine Drew
Estates Manager



I write as the President of the Jewish historical Society of England to object to the development at 31 Bury Street London EC1 – Application Reference 24/00021/FULEIA

The Society's members include academic historians, teachers and researchers of history, with a deep understanding of the significance of Bevis Marks Synagogue to the history of the Jews, of London, and of the UK more broadly. We also wish to make some points regarding the planning aspects:

1. We support and endorse the comments made by SAVE in their response to consultation on the proposed Creechurch Conservation Area:

The Bevis Marks Synagogue is one of the most important historic synagogues in the world, and of international significance. The sensitivity of its setting was a key reason for the refusal of recent plans to erect a 47 storey tower in place of the building at 31 Bury Street and a 27 storey immediately adjacent on Heneage Lane. On this basis, we consider the inclusion of 31 Bury Street, as presented in Options 2, 3 and now our proposed Option 3 Plus, to be both logical and justified. If the Synagogue is to be a fundamental feature of the proposed conservation area's special interest, including its immediate setting is both logical and necessary if the integrity of its grade I listing and the conservation area is to be enforceable. (SAVE Response to consultation – 1st November 2023)

2. Current City of London planning policy is not to allow tall buildings in Conservation Areas. The designation of this Conservation Area, as recently as January 2024, would therefore be rendered meaningless if the proposed development were to be granted consent. Further, it is quite clear that the proposal would be seriously harmful not only to Bevis Marks synagogue, but to other heritage assets within the Conservation Area.
3. In short, the proposed development would destroy the setting of the synagogue, overshadow the building and its courtyard, and significantly reduce its standing both nationally and locally.
4. The application is undoubtedly premature, pending adoption of the City Plan 2040, including the evaluation of locations suitable for tall buildings. This process should not be undermined by the grant of consent for a tall building in this totally unsuitable location.
5. The redevelopment of this site cannot be justified by the limited planning benefits which the developers are putting forward in support. The development would represent a clear breach of local Planning Policy, and of national policy

with regard to Conservation Areas and Heritage Assets, and the benefits offered fall far short of justifying these breaches.

6. We therefore respectfully request that permission is REFUSED.

We look forward to hearing from you.

Miri Rubin

President of the Jewish Historical Society of England



**PLANNING APPLICATION (24/00021/FULEIA) - OBJECTION
BURY HOUSE, 31 BURY STREET**

From:
PNatali
14LeasideAvenue
London
N103BU

Date: 2 April 2024

Application Reference:	24/00021/FULEIA
Address:	Bury House 1 - 4, 31 - 34 Bury Street London EC3A 5AR
Proposal:	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.
Case Officer:	Anna Tastsoglou

I object to this planning application (24/00021/FULEIA) at Bury House, 31 Bury Street.

I have previously objected to a similar application (20/00848/FULEIA) on the same site.

The previous application (20/00848/FULEIA) was refused on 22 June 2022 by the City Corporation, in part, because “*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), contrary to Local Plan Policy CS10.1 (ensuring buildings are appropriate to the setting and amenities of surrounding buildings and spaces); Local Plan Policy CS12 (conserving or enhancing the significance of the City's heritage assets and their settings and providing an attractive environment to the City's communities) and London Plan Policy GG1 (Building strong and inclusive communities, promoting fairness, inclusivity and equality).*”.

The current application (24/00021/FULEIA) is of no greater merit than the previous, refused, application; the current application would also have an overbearing and overshadowing impact on the Synagogue and its courtyard and it would be at the expense of the Jewish community. I am therefore very concerned about the current application.

Bevis Marks is the oldest continually functioning Synagogue in the UK, with families able to trace their roots back to the early days of the community in the 17th century. It is an important part of this country's multi-faith heritage and is an active and vibrant Synagogue and community. It is a pity that the wannabe developer is seeking to obtain planning consent for a scheme that will be detrimental to the Synagogue, its community and its wider place in Britain's heritage.

My objections to the current proposals are many and include, in part, the following:

- The proposed 45 storey tower would completely overwhelm the Grade 1 Listed Synagogue building, which is of enormous historic and cultural significance.
- The proposed tower would overshadow the Synagogue and its courtyard for much of the day. It would further reduce the already minimal daylight that penetrates into the Synagogue, making it even more difficult to conduct worship. It would also reduce the ability for the Synagogue's courtyard to be used for rituals and celebrations.
- Although the wannabe developer's Design and Access Statement sets out (at 5.4a3) that the current proposals include a height reduction from the previous proposals such that, it is claimed "*The height reduction and stepped form of the upper sections are purposely designed to minimise any adverse impact to views from the [Synagogue's] courtyard*", this is disingenuous as the wannabe developer is incorrect viz in order to minimise any adverse impact to views from the Synagogue's courtyard there should be NO new development visible from the Synagogue's courtyard. (See also comments concerning light above.)
- Irrespective of any qualities of design or sustainability, a building of the size and scale proposed is simply inappropriate to be built so close to a Grade 1 Listed Synagogue building; a similar approach would not be permitted adjacent to St Paul's Cathedral and there is no good reason for such an approach to be acceptable adjacent to Bevis Marks Synagogue.
- The City of London's heritage, and the Jewish community's centuries old ability to worship at the Synagogue, should not suffer at the expense of alleged benefits that the wannabe developer contends might become available elsewhere in the area. Britain's Jewish community and its heritage do matter and must be preserved.
- The development site is within the Creechurch Conservation Area. Current planning policy is not to allow tall buildings in Conservation Areas, so there is a direct conflict between the proposed development and the statutory development plan. The City Corporation would be disingenuous were it, on the one hand, to create the Creechurch Conservation Area and, on the other hand, to remove the very restrictions pertaining to the Creechurch Conservation Area that benefit the Synagogue and its setting.

I request that the City Corporation rejects the proposed development.

Thank you for your attention.

Time Central
32 Gallowgate
Newcastle upon Tyne
Tyne and Wear
NE1 4BF

UK Director - Jo Lindley
jo@britishamericanproject.org
www.britishamericanproject.org

Anna Tastsoglou, Principal
Planning Officer (Development Management)
Environment Department
City of London
Guildhall
London EC2V 7HH

15th March 2024

Dear Anna,

I am writing on behalf of the British American Project in support of WELPUT's proposals for the future development of Bury House, Holland House, and Renown House - planning application reference 24/00021/FULEIA.

The British-American Project (BAP) hosted a series of meetings at Holland House in 2023 in order to recruit new Fellows into our Transatlantic Leadership network. In total, we held seven meetings with roughly 50 participants, including many prospective new members, over the course of four days and all went flawlessly.

Making a strong first impression to these prospective members was important to us and Holland House delivered! Candidates and BAP Fellows alike all commented on such a beautiful and historic setting. The central London city location and professional boardroom setting was perfect for our needs. On one occasion, a meeting attendee was able to join virtually via Zoom and the availability of A/V facilities was also greatly appreciated.

As a mostly self-funded, value-led non-profit organisation, we are always looking for ways to conserve our scarce funds and finding suitable, affordable meeting space in London has been a constant challenge. Holland House is ideally situated to address this need with a central location, easy transport links, professional meeting rooms and lobby areas, and additional support facilities.

I sincerely hope you'll consider the benefits that organisations like BAP will gain through the continued use of Holland House when you are determining this WELPUT's application.

Best regards,

Calvin Tarlton
BAP UK Selections Chair

UK Advisory Board

Martin Vander Weyer (Chair), Rushnara Ali (Deputy Chair)
Nicolas Maclean, Andrew Wyllie, Jane Hill, Karen McHugh, Bela Arora, Rob Beckley, Dan Fitz,
Sir John Sawers, Ben Okri, Justine Lancaster, Lela Kogbara, Jill Black, John Baines

EAST LONDON COMMUNITY BAND



Together in music

25 March 2024

Dear Ms Tastoglou,

**1-4, 31, and 33-34 Bury Street, London EC3A 5AR – Planning Reference
24/00021/FULEIA**

I am writing on behalf of East London Community Band in support of the planning application being brought forward by WELPUT for the redevelopment of Bury House, Holland House and Renown House.

ELCB is a volunteer-run charity providing music-making opportunities for musicians of all ages and abilities. When it comes to performance spaces, affordable, secular spaces are very rare; we often hold our concerts in churches or school halls, which meet our budget but are often poorly lit, inadequately heated, and not fit for purpose. There is a notable dearth of spaces in the City to rehearse and perform free of charge.

On the 29th August 2023, we were invited to tour the spaces within the historic Holland House and to have a discussion about how we could utilise these spaces in future. Following this, on the 27th October 2023 we held our first band music and community social evening on the first floor of Holland House, something which we will look to doing more in future. We currently rehearse in a former Victorian school which is only partially accessible, which is an increasing concern as some of our members have restricted mobility. It is a key objective of our organisation to make our sessions available at an accessible site. The proposed development would be especially welcome particularly as the proposals include an auditorium space in a great, central London location.

I therefore welcome the proposed application in principle and hope that the City of London Corporation will approve the proposals, which I hope will make a positive contribution to the long-term cultural success of the City.

Kind regards

Suzanne Gorman
Chair



SAPPHIRE

EMPLOYABILITY & WELLBEING ACADEMY LTD

Anna Tastagiou
City of London Corporation
Department of Planning and Transportation
PO Box 270
Guildhall
London
EC2P EJ

25/03/2024
(24/00021/FULEIA)

Dear Ms Tastagiou,

I am writing on behalf of The Sapphire Employability and Wellbeing Academy in support of the redevelopment of Holland House.

Sapphire was opened in 2015 to help support families and individuals ages 5- 35 years old with all things related to employability and wellbeing such as housing support , food support , CV workshops, employment , and general work within the community to help benefit their day to day lives.

Places like Holland house let us continue our work in the community offering a free space where we can get together face to face and be comfortable within the space. Approving this will benefit not only the community but the charities that use the space.

At Sapphire we support the application which we can see being an incredible space where we can continue to support our young people.

Kind regards,

REGISTERED POSTAL ADDRESS

The Sapphire Employability and
Wellbeing Academy
The Universal Building, 4th Floor
364-366 Kensington High Street
London W14 8NS

E: info@sapphirecommunity.org
W: <https://www.sapphirecommunity.org/>

OFFICES

KENSINGTON: The Sapphire
Employability and Wellbeing
Academy The Universal Building,
4th Floor 364-366 Kensington
High Street London W14 8NS
Company House No 14828368
Charity Registered 1193377
(England & Wales)



St Barnabas' CE Primary School & Nursery

St Barnabas Street, London. SW1W 8PF

Executive Headteacher: Mrs Sarah Maltese

Head of School: Miss Lauren Castle

www.stbarnabasprimary.org.uk

office@stbarnabasprimary.org.uk

020 7186 0152

Anna Tastoglou
City of London Corporation
Department of Planning and Transportation
PO Box 270
Guildhall
London
EC2P EJ

14 March 2024

1-4, 31, and 33-34 Bury Street, London EC3A 5AR – Planning Reference 24/00021/FULEIA

Dear Ms Tastoglou,

I am writing on behalf of St Barnabas Primary Schools in support of the planning applications being brought forward by WELPUT for the redevelopment of Bury House, Holland House and Renown House.

The Learning Crowd invited us to attend a facilitated workshop for our year 6 students on the 21st June within the historic Holland House. The opportunity for the children to experience a different part of the City we feel it really helped to open their eyes to the world of work in an area which some may have felt was not open to them. The spaces within Holland House are unique and knowing we have such an impressive building within reasonably close proximity of St Barnabas - with spaces which we can use - is very exciting both for us as teachers and for our students.

Spaces such as Holland House do not become available very often, and the Applicant's approach, opening this up for members of the public to visit alongside providing workspace for schools and other educational charities, is to be applauded. The children have all passed on their feedback and the workshops we took part in were a real success! We will absolutely take advantage of the offer again in future.

We therefore support the application in principle, which I believe will make a positive contribution to the long-term economic success of this part of the city.

Kind Regards,

Lauren Castle
Head of School

Anna Tastsoglou
Principal Planning Officer (Development Management)
Environment Department
City of London
Guildhall
London EC2V 7HH

Dear Anna,

I trust this message finds you well. I am writing regarding the planning application for Bury House, Holland House and Renown House (Planning application reference number: 24/00021/FULEIA).

Stagetext are a charity working for deaf access in the arts. We have a registered office in Colchester, but our staff work remotely and are based across the south of England. Earlier this year, Holland House generously allowed us to use their space, to deliver a training session, and for a team building day. This accessible and economic space was invaluable to us as a small organisation spread across a large geographic area.

Looking ahead, we are keen to develop our relationship with Holland House, and look forward to using the space again to support access in the arts, as well as our own team building and cohesion, which is fundamental for our continued success.

The planned development of Holland House would be incredibly useful for us in terms of connecting with local organisations and supporting Holland House with the accessibility of their plays and art exhibitions.

Thank you for considering our input. Please do not hesitate to reach out if you require further information, or if there is anything else we can do for you.

Warm regards,

Oliver Webster – [REDACTED]
Head of Systems and Services
Stagetext



Dr Lee Hudson
Population, Policy and Practice
UCL Great Ormond Street Institute of Child Health
30 Guilford Street
London WC1N 1EH

20th March 2024

Anna Tastsoglou,
Principal Planning Officer (Development Management)
Environment Department
City of London
Guildhall
London EC2V 7HH

Dear Anna Tastsoglou,

Subject: Letter of support for planning application reference number 24/00021/FULEIA

I am writing to express support for WELPUT applications to redevelop key locations. I was fortunate to be able to use one of these spaces to convene a meeting for my research team within UCL's Population, Policy and Practice Research and Teaching Department at UCL Great Ormond Street Institute of Child Health. We met on 15th December 2023 with 11 team members, using the Boardroom space at Holland House. I am grateful to the team for their kind offer to host us and for all their help in coordinating with us to host this event.

Our research team primarily focusses on addressing urgent issues in relation to children and young people's health and wellbeing and can directly impact policy and practice in key fields. Affordable spaces in a central location are rarely available to academic research teams, with limited funding outside of direct research activities, therefore this was a rare and unique opportunity to gather like-minded colleagues; to reflect as a team on our research findings and discuss future directions. This time was also utilized by UCL students to present and be supported, providing valuable experience to researchers just starting out in their career. The environment and welcoming of a setting is well established as an influence on the way people think, behave and can contribute and perform intellectually. How lucky we were to have this opportunity which helped across those domains. Further, bringing people into the city contributes both ways to the vitality and the excellence of this great City. My PhD students who are on relative low incomes really enjoyed it – and it certainly inspired.

Such spaces will be hugely impactful for future research endeavours, providing a space and opportunities to meet with key stakeholders, connect with researchers from other organisations and convene events to share project findings and generate impact.

We look forward to continuing to use Holland House in 2024, as well as following restoration of the beautiful heritage building.

Sincerely,

Dr Lee D Hudson

Clinical Associate Professor | *GOS UCL Institute of Child Health*
Consultant Paediatrician | *Great Ormond Street Hospital*
Lead Child and Family Health | *UCL Medical School*

Samantha Riella,
University of Liverpool Management School,
Chatham St,
Liverpool,
L69 7ZH

Anna Tastsoglou, Principal Planning Officer
Environmental Department
City of London
Guildhall
London, EC2V 7HH

15 March 2024

Dear Ms. Tastsoglou

On behalf of the University of Liverpool Alumni Team, I would like to share my support for the proposals being brought forward by WELPUT (application reference 24/00021/FULEIA).

In September 2023, we were thrilled to host 'Getting Ahead London' at Holland House. For our event, we utilized several spaces within the beautiful, historic building to accommodate our students, graduates, and alumni speakers, totalling approximately 26 attendees. We used two of the seminar style rooms, kitchen, reception, and boardroom, which were all spacious areas that hosted our panel sessions and networking area, where our attendees had the opportunity to connect and share experiences.

The feedback we received from our attendees was extremely positive with many commenting on the comfortable facilities and the convenient, central location opposite the Gherkin.

Looking ahead, we hope to continue using Holland House, both in the short term and following restoration of Holland House, and delivery of the wider scheme. We are excited about WELPUT's proposals for the Site and the proposed new affordable and accessible spaces which will attract more education providers like ours, to the heart of the City.

Sincerely,

Samantha Riella

Alumni Engagement Officer

University of Liverpool Management School

Anna Tastsoglou, Principal Planning Officer (Development Management)
Environment Department
City of London
Guildhall
London
EC2V 7HH
19/04/2024

Dear Ms Tastoglou,

I am writing to express our support for the planning application (reference number 24/00021/FULEIA) for the redevelopment of Bury house, Holland house and Renown house which includes the cultural strategy around supporting the local community; schools and charities.

We at Mind in Brent, Wandsworth, and Westminster believe that Holland House has proven to be an exceptional venue for events, offering a conducive and versatile environment for different types of gatherings. We are confident that by considering Holland House as an alternative venue, Mind in Brent, Wandsworth, and Westminster can optimise our initiatives in the following areas:

- **Board Meetings:** Holland House provides a professional and tranquil setting, fostering an atmosphere conducive to strategic discussions and decision-making.
- **Team Away Days:** The surroundings of Holland House offer an ideal escape from the daily routine, promoting team building, collaboration, and creative thinking among staff members.
- **In-House Staff Training Sessions:** The facilities at Holland House can accommodate various training needs, providing a comfortable and focused environment for staff development.
- **External Corporate Training Programmes:** The versatile spaces available at Holland House are well-suited for hosting external corporate training programmes, including our specialised offerings like Mental Health First Aid.
- **Community Events:** Holland House offers a welcoming and inclusive space for hosting community events, such as art exhibitions and film screenings, allowing Mind in Brent, Wandsworth, and Westminster to engage with the local community in a meaningful way.

We are enthusiastic about the prospect of seeing Holland House become an additional space that we can use for the important work carried out by Mind in Brent, Wandsworth, and Westminster.

Yours sincerely,

Tom Acres

Community Lead – Brent & Westminster

Brent, Wandsworth and Westminster Mind

23 Monck Street | London | SW1P 2AE

020 7259 8100 | hello@bwwmind.org.uk | bwwmind.org.uk

INVESTORS IN PEOPLE®
We invest in people Silver

 Mind
Quality Mark

 Living
Wage

Open, Experienced, Unstoppable, Together

Begum, Shupi

From: [REDACTED]
Sent: 01 May 2024 15:04
To: PLN - Comments
Subject: Letter of objection to planning application 24/00021/FULEIA and listed building consent 24/00021/LBC

THIS IS AN EXTERNAL EMAIL

Dear members of the City of London Planning Committee

My apologies: I forgot to add my address. I have now done so.

Best wishes

Malcolm Torry

From: [REDACTED]
Sent: Wednesday, April 24, 2024 8:47 PM
To: 'PLNComments@cityoflondon.gov.uk' <PLNComments@cityoflondon.gov.uk>
Subject: Letter of objection to planning application 24/00021/FULEIA

To members of the City of London Planning Committee

Wednesday the 24th of April 2024

Planning application 24/00021/FULEIA and listed building consent 24/00011/LBC

I am writing to object to the proposed new building and extensions of buildings that are the subject of planning application no. 24/00021/FULEIA and listed building consent 24/00011/LBC.

Last Thursday, the 18th of April, Rabbi Morris of the Bevis Marks Synagogue was invited to attend the City Deanery Clergy Chapter to tell us about the planning application for a 44 storey office block just a few metres from the synagogue. He explained that a very similar application had previously been rejected by the Planning Committee; that a Conservation Area had been proposed, but that the site of Bury House had been omitted from it; and that when that site was then included in the Conservation Area (which unusually still seems to permit new tall buildings) the new City Plan document relating to the Bevis Marks Synagogue's 'immediate setting' (document ED-HTB29) did not include the site of Bury House, which is where the 44 storey block would be built: a tall building that would substantially impact the synagogue and so should surely be included in the immediate setting—which would in turn suggest that the planning application should be rejected. I notice that the buildings adjacent to Bury House have also been omitted from the 'immediate setting', yet the planning application proposes adding additional floors to these, which would also substantially impact the synagogue, suggesting that these buildings too should be included in the immediate setting—which would again suggest that the planning application should be rejected.

As I was listening to Rabbi Morris at that meeting I could not help drawing the conclusion that the property developer that has submitted the planning application might have achieved a substantial level of influence in the City of London Corporation. I had no evidence that this was the case, but my long experience of relationships between local authorities and property developers during eighteen years as Rector of the parish that includes the Greenwich Peninsula suggests that that could be a possible explanation for the initial Conservation Area plan omitting the site of the planning application, and for the Immediate Setting of the synagogue omitting the same site. Clearly an investigation is required to ensure that the developer has not been able to exert undue influence on the City of London Corporation before any decision is taken about the planning application.

This morning I visited the synagogue and explored the surrounding streets. It was immediately clear to me that to locate a 44 storey building on the site of Bury House, and to add additional floors to adjacent buildings, would, in the context of existing tall buildings, completely hem in the synagogue and remove most of its natural light. This unique synagogue, a Grade I building that has been in constant use by the Jewish community for over three hundred years, and that unusually for a historic City building has its original interior intact, would experience significant harm, as would the community that uses it.

I understood from Rabbi Morris that the developer has offered space for community use in the buildings that it now owns. What it might have failed to realise is that temporary community benefit can never substitute for permanent community and heritage harm, which is what it is planning to inflict on London's Jewish community and on its synagogue: an unconscionable thing to do, particularly at such a complex and difficult time for London's Jewish community.

Please, for the sake of the City's heritage, and for the sake of its Jewish community, reject this planning application; forbid the building of new tall buildings in conservation areas; and do all you can to protect the precious heritage that the City of London Corporation holds in trust for London and its people.

Yours sincerely

Malcolm Torry

The Rev'd Dr Malcolm Torry, Priest in Charge, St Mary Abchurch

St Mary Abchurch, Abchurch Lane, London EC4N 7BA

Ms Anna Tastsoglou
Principal Planning Officer, Environment Department
City of London
PO Box 270
Guildhall
London EC2P 2EJ

13.05.24

Dear Ms Tastsoglou

RE: Planning Application: 24/00021/FULEIA
Address: Bury House 1 - 4, 31 - 34 Bury Street London EC3A 5AR

I am writing to register the Foundation for Jewish Heritage's **strong objection** to the above application. Our objection relates to the negative impact that the proposed development would have on the Grade I listed Bevis Marks Synagogue (NHLE List Entry Number: 1064745). Bevis Marks is the oldest surviving synagogue in the UK and is arguably the most important Jewish heritage site in the country. The Synagogue is of exceptional significance both to the UK's Jewish community and in the history of the City of London, in which Sephardic Jews played a pivotal role.

In respect of the previous application, our trustee Esther Robinson Wild wrote a comprehensive objection dated 01.02.21. All of the points made in this document apply to the new application.

In addition, we would like to make the following points in support of our objection to the new application:

1. The alterations made to the proposal since the previous application **do not address the grounds on which it was refused**, including the unacceptable impact on the Synagogue. We welcomed the planning committee's refusal of the previous application and can see no reason for this decision to be undone by the new application. Indeed, the subsequent creation of the Creechurch Conservation Area and the widening of the new proposal's footprint strengthen the case for refusal.
2. The Foundation's previous objection stated that we expected a robust and thorough assessment of the significance of a Grade I listed heritage asset which may be impacted by a major development of this nature and that we were concerned by the absence of such. We remain concerned that **no such assessment has been adequately carried out**.

The Environmental Statement Volume 2: Heritage, Townscape and Visual Impact Assessment submitted with this application includes a single page heritage assessment devoted specifically to Bevis Marks Synagogue (sections 8.124-8.139). It includes no attempt to assess the evidential or communal significance of the site, points raised in our previous objection. The assessment is incomplete and inadequate for a Grade I listed site of outstanding historical interest.

Trustees

David Bearman
The Lord Finkelstein OBE
Stephen Goldman
Dame Helen Hyde DBE
Prof. David Latchman CBE
The Rt. Hon. Jim Murphy
Daniel Peltz OBE
Esther Robinson Wild
Stuart Roden
Sir Simon Schama CBE
Simon Sebag Montefiore

Chief Executive

Michael Mail

Friends

Anne Applebaum
Father Patrick Desbois
Gunter Demnig
Taco Dibbitts
The Lord Fellowes
Colette Flesch
Stephen Fry
Sir Nicholas Hytner
Steven Isserlis CBE
Sir Anish Kapoor CBE
Sarah de Lencquesaing
Bernard-Henri Levy
Daniel Libeskind
James E. Lieber
Senator Joseph I. Lieberman
Hadassah Lieberman
Janusz Makuch
The Rt. Hon. Sir Eric Pickles MP
Steven Pinker
Taleb D. Rifai
The Rt. Hon. Sir Malcolm Rifkind
Olivier de Rohan Chabot
The Lord Sassoon
Timothy Snyder
Edmund de Waal OBE
Jimmy Wales
Debbie Wiseman MBE
The Rt. Hon. Lord Young CH

We again call for a thorough Statement of Significance for Bevis Marks Synagogue to be prepared along with a robust assessment of potential harms to significance caused by the proposed development.

3. We fundamentally disagree with the assumption of the heritage assessment that the setting of Bevis Marks Synagogue makes no contribution to its significance, and that therefore the proposed development would result in 'no harm' to significance. We fully support Historic England's position that the setting does in fact contribute to the significance of the Synagogue. We believe that the proposed development will cause **substantial harm to the setting of Bevis Marks Synagogue.**
4. The proposed development sits within the Creechurch Conservation Area, which was created in part to achieve '*Fuller recognition of the Jewish history of the locality*' (Creechurch Conservation Area Proposal, City of London Corporation, December 2023). The application must be determined in accordance with the City of London Local Plan 2015. Core Strategic Policy CS14: Tall Buildings clearly states that the City will **refuse planning permission for tall buildings in conservation areas.**

The proposed development would contravene both CS14 and DM12.2 which states that development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.

5. The proposed development would mean that the Synagogue's courtyard would be **overlooked to an unacceptable extent.** The visualisation of the view from the courtyard submitted with the proposal (Environmental Statement Volume 2: Heritage, Townscape and Visual Impact Assessment, View 45a proposed, pp211-212) shows how there would be views into the courtyard from the majority of floors of the proposed Bury House.

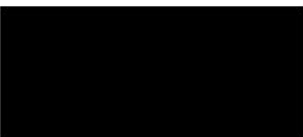
The Synagogue courtyard was designed as a **secluded, peaceful and private space for spiritual practice.** and has been used in this way for three centuries. The overlooking of the courtyard would represent a very substantial change to the privacy and intended atmosphere of the space.

While we agree with the Environmental Statement that the change to the view from and into the courtyard will be 'large', we **strongly disagree** with the assessment of the view as being of only 'medium' sensitivity, and find it difficult to understand the conclusion that the effect would be 'moderate' and 'beneficial'.

6. The Foundation for Jewish Heritage is concerned with the conservation of Jewish built heritage. It is not a religious organisation; therefore we defer to the congregation of Bevis Marks Synagogue in assessing the impact of the proposal on their religious practice. We fully support the congregation's position that the proposed development would have a **serious, negative impact on their ability to carry out religious rituals.**

We hope that the reasons for our objection will be considered in your determination and would welcome the opportunity to provide further comments if needed.

Yours sincerely,



Katherine Findlay
Projects Officer

To: City of London Planning Department

11th May 2024

P.O. Box 270, Guildhall, London, EC2P 2EJ.

Email: anna.tastsoglou@cityoflondon.gov.uk

Dear Anna,

Re: Planning Application Reference: 24/00021/FULEIA.

I have delayed my response to this Planning Application as it is so inappropriate and in such conflict with its surroundings that I was hoping that the applicant would see sense and withdraw this ridiculous application. Disappointingly as this is not the case, I would firstly draw your attention to the fact that this application is no better in its negative impact than the last application by this applicant, refused only two years ago by the City. The reasons for that refusal are abundantly clear and just as relevant to this current application.

Consequently, I write to object in the strongest terms to the application for the proposed redevelopment of 31 Bury Street ("the Scheme"). The construction of a 45-storey tower on this site will cause wholly unacceptable "substantial" harm to the neighbouring Grade I listed Bevis Marks Synagogue and the Creechurch Conservation Area within which both the Synagogue and the application site now sit..

The main points of my objection and opposition to the Scheme are as follows:

The proposed 45-storey tower on this site would result in **substantial harm** both to the setting of the Grade I listed Synagogue and to the wider Creechurch Conservation Area. This tall office tower, so close to the synagogue, would both block the sky view and overshadow the Synagogue and its courtyard. The sky view is of great importance for reasons of religious ritual. Adequate daylight and sunlight are vital to enable the building (which largely relies on natural light and candles) to function as a place of worship; and to enable both the building and its courtyard to continue to support the many community activities which have been ongoing for over three centuries. **This is totally unacceptable.**

The Scheme is in direct conflict with the Statutory Development Plan. The application site is within the recently created Creechurch Conservation Area. Local Plan Policy CS14 provides that planning permission for tall buildings should be refused within inappropriate areas, which specifically includes Conservation Areas. The benefits claimed by the Developer for what is an ordinary office redevelopment, do not begin to outweigh the fundamental conflict with the Development Plan.

As noted above, the City rejected a very similar scheme at 31 Bury Street only two years ago. The Scheme makes only a modest reduction in height to 45 storeys and has a larger footprint than the previous scheme which was rejected. On a point of principle, the City must show **consistency in its decision-making** by refusing this latest scheme. The principle and desirability of consistency in planning decision-making is well established, and the City should always set an example in such matters.

To add weight to this point, since the previous Bury Street application was refused, the City has adopted the Creechurch Conservation Area. That decision, supported by the Conservation Area Appraisal, reflected the uniqueness of the Synagogue and purported to protect it and its setting. The City specifically decided that the boundary of the Conservation Area should include the Bury Street site and recognised the importance of the Synagogue's wider setting. This point was accepted by the Chairman of Planning in answer to a question from Alderman Jones at the Court of Common Council on Thursday 7th March 2024.

To approve this Scheme, in conflict with the Development Plan and these previous decisions, would be **inconsistent and undermine confidence in the planning process**.

With regard to its **Public Sector Equality Duty**, the City must consider the disproportionate negative impact this Scheme would have on the Jewish Community of Great Britain which worships at the Synagogue and for whom the Synagogue and surrounding Jewish sites hold incalculable religious and historic value. This point is reinforced by the strength of objections received so far.

In conclusion, to approve this scheme would be an act of vandalism and heathenism, seemingly reflecting a lack of historical, cultural and religious understanding by the Corporation, and its failure to appreciate the significance of the Synagogue as the oldest and most important Sephardi Jewish Synagogue within the UK, as well as the most important Anglo-Jewish site within the UK, which has been in continuous use as a place of worship for over 300 years.

The Jewish Community has been forced to fight repeated planning battles through no fault of its own. If the City wishes to uphold its legal duties and stand by its Jewish community it will **reject the proposal**.

It is a **matter of outrage** that the Chair of Policy, the "Political Leader" of the City, has recently declared a pecuniary interest in this development as a Director of JBP, a public affairs and lobbying company, employed on this project by the Developer. Although the Policy Chair does not sit on the Planning and Transportation Committee, he is highly influential within the Corporation, chairs the Policy and Resources Committee and is a member of the Local Plans Sub-Committee. These oversaw both the creation of the Conservation Area (which was originally intended to exclude the 31 Bury Street site, until there was overwhelming consultee rejection of that approach) and draft new City Plan (which seeks to **undermine** the importance of Bevis Marks as a historic place of worship, by **limiting its protection** only to an artificially concocted "immediate setting" - a term which is not recognised in Conservation and Planning Law - and by removing the general presumption against tall buildings in Conservation Areas).

The Corporation's international reputation hinges upon it behaving with the utmost probity, and holding itself to the highest standards. What is happening here is in danger of seriously undermining that reputation.

Yours sincerely

Sir Michael Bear

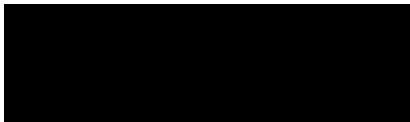
Former Lord Mayor of the City of London

!7 Cyprus Gardens

LONDON N3 1SP

Email

Mobil



Bevis Marks Synagogue - Planning Application Ref: 24/00021/FULEIA

To the Planning Committee:

Introduction

It is only four years since a 48-storey office building was proposed about 25 metres away at 31 Bury Street. After a world-wide campaign, which I understand generated more objections than the City Corporation has previously experienced, it refused permission; primarily because of the unacceptable impact on the synagogue.

Yet here we are again. The synagogue is again under threat.

I have visited the historic Bevis Marks Synagogue as a member of The Arts Society. I was delighted to learn it is a Grade 1 listed building dating from 1701. As the first purpose-built synagogue erected in England after Jews were re-admitted by Oliver Cromwell in 1656, and being the only European synagogue building to have been continuously holding regular services for over 320 years, it is of major historical importance.

It is my understanding that the architect was Master Builder Joseph Avis, a Quaker. He and his craftsmen had worked for Sir Christopher Wren. The building thus has architectural as well as religious significance. Its age and history make Bevis Marks of major symbolic value to Jewry as does St Paul's Cathedral to the Christian community. It is important to understand that Bevis Marks is not a museum, it is a living, vibrant community which would be affected by this development if allowed.

Action

It is essential that the City Corporation, known for its environmental sensitivity, refuses the planning application (24/00021/FULEIA). Otherwise, approval of this 43-storey tower block will make a mockery of the City's 2023 listing in 'The Creechurch Conservation Area'. It would be a historical travesty.

The Development

- 1). It is clear that the height and bulk of this proposed 43 storey tower block will completely dwarf and overshadow Bevis Marks Synagogue - a Grade 1 building of architectural and historic interest in a Conservation Area.
- 2). The proposed 43 storey tower will overshadow and seriously impair forever the existing limited area of natural sky which enters the Synagogue's courtyard. Lighting is conducive and central to people who wish to pray in their place of worship. I understand that because of the historic nature of the synagogue installing additional electric lights is not feasible.
- 3). I understand that in 2023, the Creechurch Conservation Area was approved by the

City of London Council so as to protect Bevis Marks and the Grade 11 St. Botolph's-without-Aldgate from development.. Therefore, if the City Corporation approves this development it will be contrary to its own planning statutory development plan.

4). The developers are claiming to provide substantial planning benefits that will outweigh any harm sustained to the synagogue. Unfortunately many developers make similar claims which regrettably later are unviable once construction proceeds. If claims made by this developer cannot be guaranteed how will the Corporation prevent irrevocable damage to the Synagogue's loss of amenity and purpose? The danger is that the historic Bevis Marks could thus face a threat of closure, a tragedy for this architectural gem and precious piece of religious heritage.

It is obviously essential for the Corporation of London to resist this potential vandalism.

Yours sincerely

Stanley Gelbier, HonFFPH, MA, PhD, FDS, FCGDent FAAHD, DDPH, DHMSA

City of London Conservation Area Advisory Committee

Department of the Built Environment,
Corporation of London,
P.O. Box 270,
Guildhall,
London EC2P 2EJ

8th May 2024

Dear Sir/Madam,

At its meeting on 25th April 2024 the City of London Conservation Area Advisory Committee considered the following planning application and reached the decision given below:

**C.64 24/00021/FULEIA - Bury House 1 - 4, 31 - 34 Bury Street, London EC3A 5AR
Creechurch Conservation Area/Aldgate Ward. No Ward Club rep.**

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/cafe (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.

The Committee strongly objected considering that the development proposals would result in the gross overdevelopment of this site in the Creechurch Lane Conservation Area, with a significantly negative impact on the character and appearance of the immediate Conservation Area and its setting. The proposals were considered to be highly damaging to the local townscape quality in the nearby street-scene context, with harmful consequences for important listed buildings that were in close proximity. The lack of architectural quality and refinement of the proposals was noted, together with their significant negative impact on wider townscape views and heritage context of the site's City/central London location.

I should be glad if you would bring the views of the Committee to the attention of the Planning and Transportation Committee.

Yours faithfully,



Mrs. Julie Foxa
Secretary

[REDACTED]

THIS IS AN EXTERNAL EMAIL

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

re.: Application (24/00021/FULEIA). 31 BURY STREET

I have just discovered that you have received another application to amend the Creechurch Conservation Area and am writing again to express my great disappointment and opposition to the proposal. I cannot see any specific improvements over the previous submission. This proposal continues to be out-of-keeping with the conservation of a Grade-1 listed building, while remaining the most important Jewish site in the UK.

The new tower, to the synagogue's immediate south, would dominate the setting of the synagogue, block out the religiously important southern sky-view, and overshadow the synagogue and its courtyard, dwindling its remaining light. Such a proposal would never be considered within the vicinity of St Paul's Cathedral and should certainly not be permitted just metres from British Jewry's 'Cathedral' synagogue, particularly along its sensitive southern exposure.

I urge you to refuse this application.

Thank you for your attention.

Ralph Adam
4 Isobel House,
Station Rd,
Harrow, Middx
HA1 2RX

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



From: [REDACTED]
Subject: [PLN - Comments](#)
Date: Comment re Planning Application 24/00021/FULEIA
21 May 2024 18:13:39

THIS IS AN EXTERNAL EMAIL

Dear Sirs

I wish to register my objection to planning application 24/00021/FULEIA– Bury House

My comment is as follows

I am once again horrified that the proposed developers, West End of London Property Unit Trust (Welpu), could even think to apply to put up this proposed large and overbearing building comprising four basement levels and ground floor plus 47 upper storeys while also increasing the height of both Holland House and Renown House as all three buildings are within 25 metres of a 323-year-old synagogue of importance and historic interest and within the Creechur Lane Conservation Area. The existing building Bury House is just eight floors.

Bevis Marks Synagogue is the oldest Synagogue in Great Britain and is still used as an active place of worship. The Grade 1 listed, plain rectangular building of red brick with modest dressings of Portland stone and two tiers of windows is unchanged since being built in 1701. The internal fittings, some of which predate the building, include seven large brass chandeliers, which are not electric as one would expect but are still lit with real wax candles.

It is unacceptable that the proposed buildings, the largest with its 47 floors and very close proximity, will completely overshadow the two-storey synagogue in its historic courtyard setting and the Beadle's House which dates from about 1890 and has been used as the rabbi's house for some years. It has been calculated that the synagogue will be in the shadow of the proposed buildings from the early afternoon onwards.

This proposal should be greatly reduced in size in order to obtain planning permission. Should that happen, particular attention must be paid during construction to possible damage to the fabric of the synagogue by ground heave, noise during synagogue services, vibration, dust and any other such annoyances.

For the above reasons and as with the previous similar planning application I believe that the current proposed plans must not be approved as they stand.

Yours faithfully

Leon Malins

Leon Malins

88 Hartland Drive, EDGWARE HA8 8RH

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In the interests of the environment please do not print this email unless necessary.

From: [REDACTED]
To: [lpaburystreet](#)
Cc: [Tastsoglou, Anna](#)
Subject: RE: planning application reference: 24/00021/FULEIA.
Date: 15 May 2024 06:41:10

THIS IS AN EXTERNAL EMAIL

Dear Shupi Begum,
Thank you for your email.
My name and address is as follows:
Colin Baum
19 John Spencer Square,
London
N1 2LZ
I am happy for these to be included on the planning report.
Kind Regards
Colin Baum

From: lpaburystreet [REDACTED] >
Sent: Tuesday, May 14, 2024 1:49 PM
To: Colin Baum [REDACTED]
Cc: Tastsoglou, Anna [REDACTED]
Subject: RE: planning application reference: 24/00021/FULEIA.

Dear Colin Baum,
Thank you for your email. I can confirm receipt of your objection.
However, I cannot take into account comments that do not include a name and address, nor can the comments be reported. For the purposes of data protection, we do not reveal the email address, telephone number or signature of private individuals. You can ask for your name and address to be removed from the planning report to the Planning and Transportation Committee but your comments will be anonymous and that may affect the weight the Members give them. In light of the above, please can you provide a full address?
Kind Regards

Shupi Begum



Shupi Begum
Planning Administrator | Development Division
City of London Corporation | Environment Department | Guildhall | London | EC2V 7HH
[REDACTED] | www.cityoflondon.gov.uk
Juliemma McLoughlin
Executive Director Environment

From: Colin Baum [REDACTED]
Sent: Sunday, May 5, 2024 10:46 AM
To: Tastsoglou, Anna [REDACTED]
Subject: planning application reference: 24/00021/FULEIA.

THIS IS AN EXTERNAL EMAIL

Dear Sir/Madam
I'm writing to express my strong opposition to the above application (24/00021/FULEIA). I am a member of the Southend on Sea Jewish community and am disappointed to see this new proposal, particularly after its refusal two years ago, and the recent adoption of the Creechurch Conservation Area. This

new application, barely changed since the last time it was submitted, is not in keeping with the conservation of a Grade-1 listed building, which is now also in a conservation area, and is the most important Jewish site in the UK. The new tower, to the synagogue's immediate south, would dominate the setting of the synagogue, block out the religiously important southern sky-view, and overshadow the synagogue and its courtyard, dwindling its remaining light. This kind of proposal would never be considered within the vicinity of St Paul's Cathedral, and should certainly not be permitted just metres from British Jewry's Cathedral synagogue, particularly along its sensitive southern exposure. I urge you to refuse this application.

Regards

Colin Baum

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Anna Tastsoglou
Planning Team
Environment Department
City of London
PO Box 270
Guildhall
EC2P 2EJ

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, 17th 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 achieve¹:

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.

¹ CCA Proposal Presented to the Planning and Transportation Committee on 12th December 2024

Impact of the Proposals on Bevis Marks Synagogue

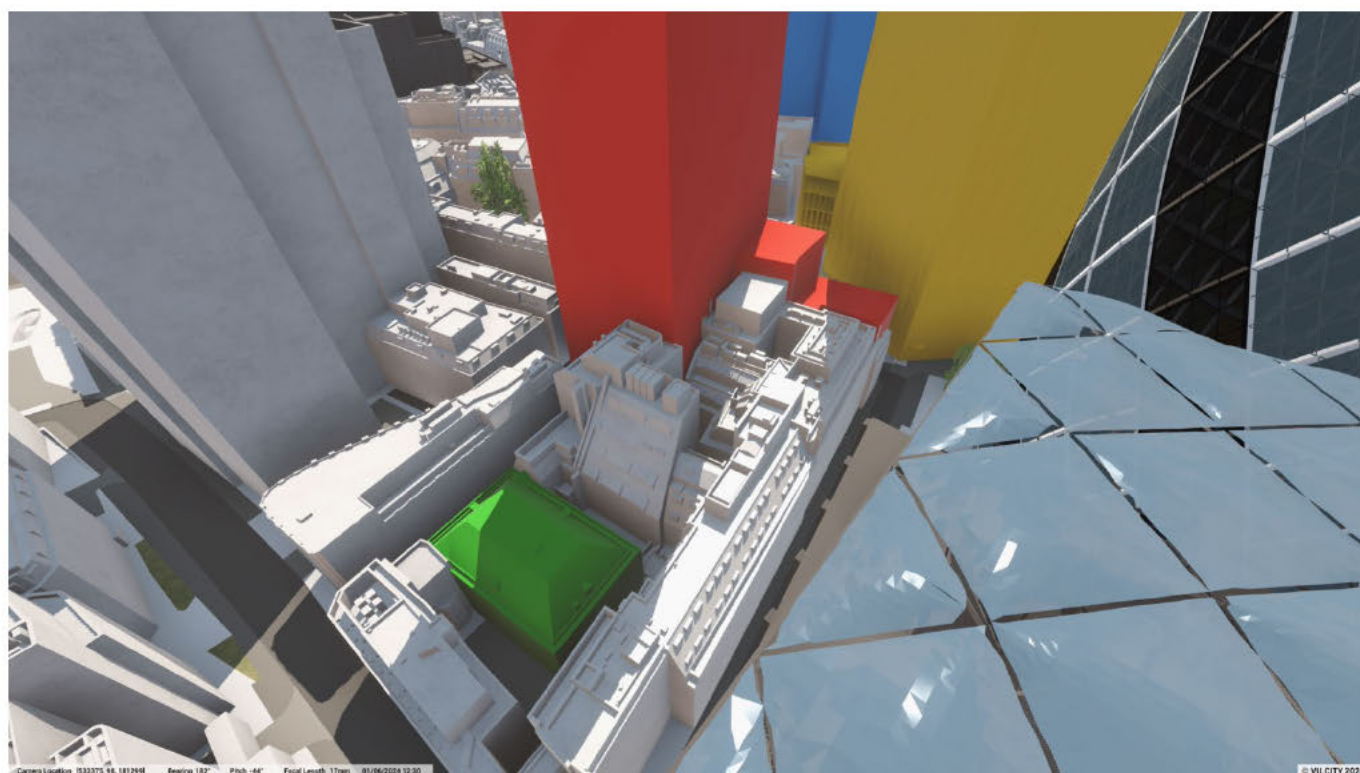
The application site is located only about 25m from Bevis Marks Synagogue at the closest point. This is shown graphically in the VuCity image reproduced as Figure 1 below.

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.

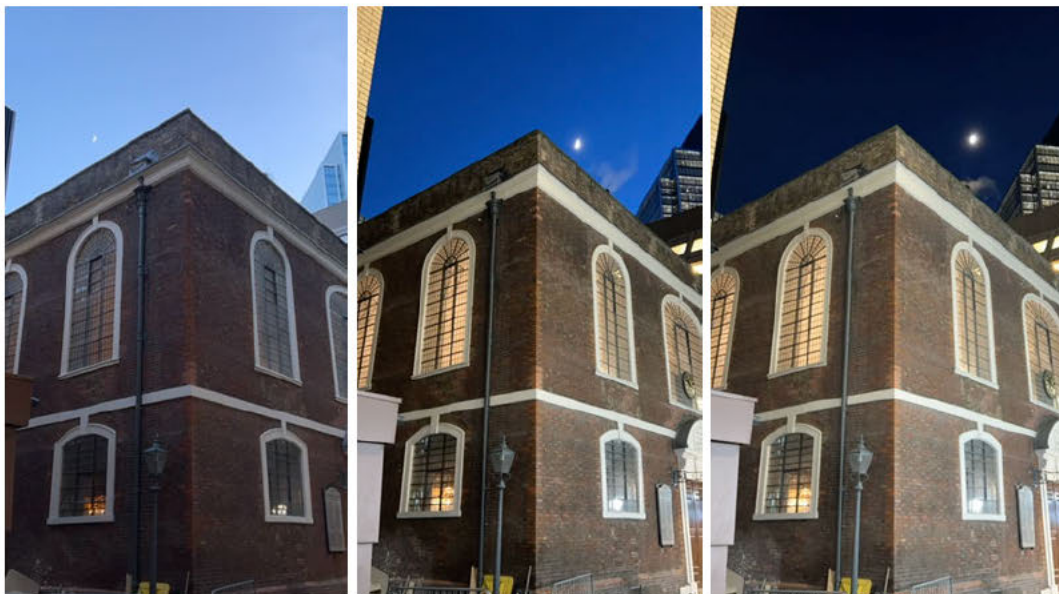
None of the analysis addresses the critical religious and cultural significance of the sky view. Although very different in certain respects, there is a parallel to be drawn with Stonehenge, where the view of the sun on Midsummer's Day is essential to an understanding of the significance of this monument. 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 PPG² 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"*.

² 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 11th 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 17th and 18th 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 19th 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 19th and 20th 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 19th 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'.¹ 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 sky². 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 sky³.
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

¹ Genesis 28:16-17

² BT, Shabbat, 35b; Maimonides, MT, Shabbat, 5:4; Shulhan Arukkh, Orah Haim, 235:1.

³ MT, Keriat Shema, 1:9; Shulhan Arukh 235:1.



4. special blessing over the new moon⁴. 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

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



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.

Joseph Dweck

15 May 2024

Ref: 24/00021/FULEIA

Dear Ms Tastsoglou,

I'm writing to object in the strongest terms to the proposed redevelopment at 31 Bury St. I write as a private resident in the City of London and as the rabbi of the Bevis Marks Synagogue.

I object due to the **substantial harm** the proposed tower would have on the functioning and viability of the synagogue, its Heritage Centre, its enormous heritage value, and on me as a local resident. The developers treat the synagogue as a heritage asset but fail to address the harm their proposal would cause to the synagogue's primary function as a house of worship and community space. The harm caused by this proposed development, both in its own account and due to the cumulative effect of previously built and consented tall buildings around the synagogue, puts at risk the core purpose of the Bevis Marks Synagogue as a fully functioning place of Jewish worship. Thus, the harm that puts this at risk must be classified as **substantial harm**, or even **total loss of significance**.

Before delineating my concerns, it is necessary to state that this process has caused significant distress within the Jewish community. Any consultation would be challenging, but to have to repeat this process for an application which is clearly inappropriate and has already been rejected is oppressive in nature. In fact, this is now the fifth consultation that our community has needed to engage in over these matters over the past two years. Each consultation further drains our resources and places an immense burden on our community. We are disappointed that repeated efforts to work collaboratively with the Corporation have failed to result in policies that prevent this kind of harmful application from coming forward, something which we earnestly hope can still be rectified.

For clarity, each time we seem to have achieved a desired result, the Corporation has pulled back.

1. When proposing a Conservation Area, there was an inexplicable attempt by the Corporation to exclude 31 Bury St from this area.
2. Only weeks after adopting the CA with 31 Bury St included, the Corporation published its draft local plan which proposes to remove a previous restriction on tall buildings in Conservation Areas.

3. In putting forward an 'immediate setting' protection scheme for the synagogue in the draft local plan (a concept invented by the City, which has no legal status), the City has attempted to deny the impact of a tower at 31 Bury St on the synagogue, despite robust professional representations made by scholars to explain the harm that a tall building at that site would cause. While the policy gives the impression of protecting the synagogue, in effect it justifies substantial harm to it.

In total, these moves may be construed by some to be in support the applicant, despite the harm their proposal would cause to the synagogue. I hope this has not been wilful, but it does reflect a general ignorance for Judaism and Jewish culture, a serious inadequacy for the City which I hope this consultation will help with addressing.

I now attempt to explain my views in an organised manner.

1. It is difficult to overestimate the significance of Bevis Marks Synagogue as the first purpose-built Jewish house of worship in England following the 1656 resettlement. It is also the only non-Christian house of worship in the City of London. Finally, and perhaps more importantly, due to the Holocaust and other Jewish expulsions in other places around the world, it is the only surviving synagogue in the world to have maintained regular worship dating back to 1701. It is therefore of the highest significance locally, nationally and internationally.
2. Furthermore, the synagogue maintains a unique form of Jewish worship, that of the Spanish & Portuguese Jews. Many of its melodies, traditions and rituals are preserved only within this congregation, making its maintenance of great importance to the preservation of its unique intangible heritage which would otherwise be lost.
3. The synagogue receives low levels of light, but just enough to maintain Jewish worship which requires sufficient light for young and old alike to be able to read hundreds of pages of prayers. However, it cannot absorb further reductions before the maintenance of this worship becomes untenable. The noticeable impact on light reduction from 1 Creechurch makes clear that this impact is real. The developer's admittance of reduction in our light levels affirms this reality. However, its dismissal of these reductions as minor or negligible is detached from the reality we face where further reductions are unacceptable as the cumulative impact of yet another reduction cannot be further tolerated. When light levels are poor, each further reduction, even amounts that in other contexts would be considered minor, in this context will be perceptible and several damaging. Without doubt then, with respect to internal light levels, the proposed tower would cause **substantial harm**, by risking the viability of use of Bevis Marks Synagogue for its original purpose, as a place of Jewish worship.
4. As reported during the last application by Dr Joseph Spitzer, president of the Initiation Society which oversees Jewish ritual circumcision in the UK, any further reduction in light levels will make it impossible to continue to safely carry out ritual circumcision, a

core marker of Jewish identity. The existence of multiple historic circumcision chairs in the collection of Bevis Marks Synagogue testifies to the long history of this ritual being performed at Bevis Marks Synagogue, as it continues to be maintained at the synagogue even until today. Rendering the performance of this important Jewish marker impossible at Bevis Marks Synagogue would surely be a **substantial harm**.

5. The location of the proposed tower along the southern horizon, adds to the **substantial harm** it would cause to the use of Bevis Marks Synagogue as a synagogue and to our worshipping community. Each month, Jews gather outside after dark to recite *kiddush levana*, as the moon's waxing crescent appears in the night sky. This proposed tower will obstruct our visibility of this phenomenon, making it impossible to recite this prayer. This is a direct obstruction to our freedom of worship as we have enjoyed it in this place since 1701.
6. The courtyard is also an important part of the community space, as a location where we celebrate festivals (such as Succot), hold receptions (for weddings and after services) and conduct events (such as BBQs and socials for City workers). The overshadowing of this space would significantly harm the amenity use of this space, particularly during the Spring/Summer months when it is more often utilised.
7. The courtyard is also an essential part of the visitor experience of our new visitor centre. It is where visitors will first enter, purchase admission, begin their audio guide, study a bronze map of the site and surrounding area, and study the exterior of the synagogue. The courtyard is a destination in its own right, not just a passage to the synagogue. The courtyard will also be used as part of our cafe. A decrease in amenity of this space risks the viability of our new venture, which in turn places the future viability of the synagogue at risk. It is a shared human experience that people don't tend to enjoy spaces that are in the shadows. As such the proposed tower would make the space unwelcoming and unappealing to visitors and community members alike, removing its significance. This impact must be considered **significant harm**.
8. Developers have admitted that the proposed tower would reduce light levels in the Beadle's House, but have discounted these harms due to their identification of the upper floors as bedrooms. However, on account of the bright light in these upper floors, they are utilised throughout the day as rooms for reading (with reading chairs), a key need for a rabbi as study is a religious requirement, and as a playroom for the rabbi's family. The Beadle's house is therefore used throughout the day and reductions in its remaining best light must be considered a **significant harm** to both a **resident** and to the **heritage** of this historic property.
9. A near identical tower proposal for this site was rejected in 2021. The reason cited on that occasion was the harm it would cause to the synagogue's setting. This new submission is little changed in any way that reduces the harm it would cause to the above as it would continue to dominate and overshadow the synagogue site, detracting from the significance of the synagogue and its courtyard.

10. Indeed, since then, the City of London established the Creechurch Conservation Area, further increasing the threshold for allowing harm to sites within the CA, most notably the Grade-1 listed Bevis Marks Synagogue.
11. Beyond this, the Conservation Area report identified as significant the townscapes down Heneage Lane and down Mitre St, both of which culminate in Bury House. The report noted the sense of coherence of these streets due to the similar scale of the buildings along them. A tower at 31 Bury St would destroy this historic character and is therefore completely out of step with the new Conservation Area. As such, it would cause **significant harm** to the Conservation Area as a whole.
12. Most clearly, there is a provision in the current local plan that bars tall buildings in Conservation Areas, making it difficult to understand how this application moved beyond the pre-app stage of planning. Regardless, for this reason alone it should be refused out of hand. Furthermore, the possibility that this policy may be removed from the Local Plan 2040 has no bearing at this point, especially when considering that it is not without considerable controversy, which according the planning guidelines means it cannot be relied upon at this stage in the local plan process before adoption.
13. Furthermore, that Local Plan states that while the eastern cluster is designated for tall buildings, not every site within it will be appropriate for tall buildings. If this isn't the case example for that I can't understand where it wouldn't be acceptable.
14. For the purpose of clarity, I wish to confirm the near-constant anticipated use of the synagogue site for religious, communal and tourist purposes. Some of this may not be self-evident due to the impact of covid and the launch of our NLHF supported redevelopment project which began in 2020 and continues. As a result, we've had to step back from much of our usual activity, in anticipation of a large increase in activity from pre-2020 numbers. This will include daily worship, both in the morning and midday, and on the Sabbath and Jewish festivals. Furthermore, we will regularly conduct evening events, and weekend weddings. Finally, our visitor centre will be opened Sunday-Friday, welcoming at least 25,000 visitors a year including thousands of local school-children. All of these activities will be harmed in different ways by the proposed tower.
15. It is unconscionable that at a moment when Bevis Marks Synagogue is about to embark on a new chapter of vitality in its storied history, that the City of London would approve a development that puts its very future at risk, and certainly places it in a more challenging situation. This would be far from celebrating the synagogue's heritage and ongoing contribution to the City of London.
16. The synagogue as a whole should be seen as one of the best expressions of the 'Destination City' vision, and harm to it must be avoided.
17. The generic public benefits offered by the developers do not in any way counteract the **substantial and enduring harm** their proposed tower would cause to the

synagogue and its functioning as a living place of Judaism, one of the most unique synagogues in the world. Permission would further chip away at the ability of Bevis Marks Synagogue to function as a synagogue, placing it at existential risk of becoming yet another 'heritage asset'. Once the unbroken chain of worship is broken, it can never be repaired, and all that Bevis Marks Synagogue is and represents will be lost to history.

18. With further regard to the proposed benefits made by the applicant, making use of lower floors for charities does not justify the construction of a tower. These benefits could equally be offered even with a shorter building, just as they are currently being offered to charities with the current Holland House building. Furthermore, the charity space is in Holland House, which is adjacent to Bury House. Just because the developers own both properties, the use of Holland House does not constitute a public benefit to the Bury St application that should justify the **substantial harm** that Bury House would cause to the Bevis Marks Synagogue. In addition, the use of this space by non-local charities does not justify harm to a local community (Bevis Marks) who should be the primary concern of neighbouring developers, not sidestepped as this proposal tries to do. Finally, these benefits are not unique, and could equally be offered in any other scheme. Therefore they are not a justification to cause harm to the functioning and setting of the synagogue, a site that irreplaceable and altogether unique, and is of the highest level of significance.

In sum, this scheme is so ludicrously inappropriate that I can't believe developers have not withdrawn their application. If we were in a court, I'd ask the City to throw out the application as frivolous. Save that, I implore the Corporation to refuse this application and once and for all protect the integrity and future of Bevis Marks Synagogue

In sincerity and friendship,

Rabbi Shalom Morris

Bevis Marks Synagogue

EC3A 7LH

From: [REDACTED]
To: lpaburstreet
Subject: Application Ref: 24/00011/LBC and 24/00021/FULEIA
Date: 11 June 2024 10:54:26

You don't often get email from ross.anthony@hbap.org.uk. [Learn why this is important](#)

THIS IS AN EXTERNAL EMAIL

FAO: Anna Tastsoglou

Address: Holland House 1 - 4, 32 Bury Street London EC3A 5AW
Application Ref: 24/00011/LBC and 24/00021/FULEIA

Proposal: 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.

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.

Statutory Remit: Historic Buildings & Places (formerly the Ancient Monuments Society) is a consultee for Listed Building Consent applications, as per the *Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021*. We are concerned with historic assets of all types and all ages, including conservation areas and undesignated heritage.

Comments: Thank you for notifying HB&P about the above applications. I apologise for the delay in responding. HB&P have reviewed the documentation available online and provide the following objection to the proposal.

Holland House is a Grade II* listed building constructed between 1914-1916 and designed by the eminent architect Hendrik Petrus Berlage for a shipping company. Berlage was a major architect in the Netherlands and Holland House was a rare commission in England. Berlage took inspiration from the works of pioneering American architect Louis Sullivan. It is noted for its pronounced vertical ribs, faience cladding and its elaborately tiled entrance lobby, and is one of the first steel framed structures within the City. Holland House is also a key contributory building within the newly established Creechurch Conservation Area.

The adjacent Renown House is a non-designated heritage asset constructed in 1912, designed by Delissa Joseph for the Bunge & Co import-export trading business. The building contributes to the setting of Holland House and character of the Creechurch Conservation Area.

HB&P objects to the proposed four-storey extension to both Holland House and Renown House. It is an intrusive, bulky, and top-heavy addition to both buildings that fails to respect their proportions and scale. The extension would result in the loss of historic fabric, particularly within Holland House at roof level and the rear wall to provide open floors and connections to the new proposed tower at No. 31 Bury Street. The cumulative impact of the loss of so much building fabric, as well as the damaging additions has a considerably negative impact on the integrity of this heritage asset and its historic architectural interest.

The construction of the 43-storey tower at 31 Bury Street would have a significant impact on the appearance and special architectural and historic character of the Creechurch Conservation Area. The concept of a tower with a conservation area predominantly characterised by low and medium height buildings would compromise this character and cause irreparable harm to the setting of several key listed buildings, including Holland House and the Bevis Marks Synagogue

Policy: The total inappropriateness of a tower within a conservation area is clearly stated in the City of London's Adopted Local Plan (2015), notably Core Strategic Policy CS10: Design, which requires "that the bulk, scale, massing and height of buildings are appropriate to the character of the City and the setting and amenities of surrounding buildings and spaces". Policy CS14: Tall buildings states "Refusing planning permission for tall buildings within inappropriate areas, comprising of conservation areas".

Chapter 16 of the NPPF (2023) manages change within the historic environment. Paragraph 205 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 at Para 206: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local planning authority 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.

Recommendation: The proposal is clearly contrary to the local plan and to national planning policy by virtue of the tower's scale and height, and by the extent and bulk of the alterations and additions proposed to the grade II* Holland House. It should therefore be refused.

Regards

Ross Anthony

Case Work



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The Courtyard
37 Spital Square
London E1 6DY

Historic Buildings & Places is the working name of the Ancient Monuments Society, a registered charity in England and Wales (no. 209605). It is one of the National Amenity Societies and a consultee on Listed Building Consent applications as per the *Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021*. We are concerned with historic assets of all types and all ages, including planning applications affecting historic buildings in conservation areas and undesignated heritage.

22 May 2024

Anna Tastoglou
City of London Corporation
Department of Planning and Transportation
PO Box 270
Guildhall
London
EC2P EJ

Dear Ms Tastoglou,

I am writing on behalf of ClusterFlux Theatre Company to express our strong support for the planning application being proposed by WELPUT for the redevelopment of Bury House, Holland House, and Renown House.

ClusterFlux is dedicated to creating innovative multimedia theatre that resonates with contemporary audiences through a blend of live sound production, physical choreographies, song, and original text. Our development to date has been supported by New Diorama Theatre, CPT and Theatre Deli. We have been awarded Curious Directives inaugural Hypothesis Grant, LPS' Seeding Space, and an Arts Depot Residency. Our critically acclaimed show PLEASE LEAVE (a message) was shortlisted for the Untapped Award.

Since the beginning of the year, we have been utilising the spaces within Holland House every Monday evening to develop new works and rehearse for our upcoming international debut at the Amsterdam Fringe in September. During this time, we have achieved significant milestones, including writing an animation short, adapting our debut show for students who subsequently performed it at the Massachusetts Drama Festival, and initiating the development of a new show.

The availability of this space has been invaluable to our creative process and to the growth of our company. In a sector where free and regular rehearsal space is a rarity, the opportunity to work at Holland House has been crucial, not only for us but for other emerging theatre companies like Junk Theatre. The theatre industry is currently facing significant challenges, and spaces like these are essential for nurturing new talent and ensuring the continued vibrancy of the sector.

The redevelopment of Holland House offers a unique opportunity to support the unmet demand for affordable creative workspaces in the City. This initiative would not only benefit local artists and companies like ours but also contribute to the cultural landscape and attractiveness of the area.

We wholeheartedly support the application in principle and urge the City to approve these proposals. We believe that this redevelopment will make a lasting and positive impact on the cultural fabric of our community.

Kind Regards,

Christopher Whyte
Co-Director
ClusterFlux Theatre Company



THE HONOURABLE COMPANY OF MASTER MARINERS

Representation on Applications 24/00021/FULEIA and 24/00011/LBC

Bury House 1 - 4, 31 - 34 Bury Street, London EC3A 5AR

14th May 2024; revised 12th June 2024

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THE HONOURABLE COMPANY OF MASTER MARINERS

The Honourable Company of Master Mariners is a City of London livery company, its membership primarily comprising senior Merchant Navy and Royal Navy officers but drawn also from the wider maritime sector. The Company (<https://hcmm.org.uk>) sets and maintains professional standards through the Chartered Master Mariner and Mentoring Schemes while also offering educational opportunities for schools and support through its charitable activities.

Formed in 1926, the Company had the title 'Honourable' conferred upon it by HM King George V in 1928, an accolade previously bestowed on only the Honourable Artillery Company and the Honourable East India Company. In 1932, the Court of Aldermen of the City of London granted the Honourable Company of Master Mariners (HCMM) livery status, the first so recognised for 84 years. Her Majesty The Late Queen, Master of the Merchant Navy and Fishing Fleets for the whole of her reign, was the HCMM's Patron from accession in 1952, while His late Royal Highness The Duke of Edinburgh, Lord High Admiral of the United Kingdom, was also the HCMM's Admiral. Since May 2024, the HCMM's Patron has been His Majesty The King.

1. REPRESENTATION ON APPLICATION REF. NO. 24/00021/FULEIA

BURY HOUSE 1 - 4, 31 - 34 BURY STREET, LONDON EC3A 5AR

- 1.1 Its background and purpose outlined above compel the HCMM to register an objection to this planning application centred on No. 31 Bury Street EC3. In this, it wishes to remind the City of London Corporation that on 7th April 2021, it objected similarly to the original application for this site, 20/00848/FULEIA. The HCMM did so not only in defence of the Bevis Marks Synagogue, the most directly impacted, but also the other heritage assets that would be affected by the development, not least those of Trinity Square and the Tower of London World Heritage Site with which it has particular association. These were also the key reasons given by members of the Corporation's Planning and Transportation Committee in refusing the original application at its meeting on 5th October 2021. Moreover, the HCMM later voted with the majority in delineating the conservation area around the Synagogue that now appears to have been ignored by the Corporation. As a City livery company, the HCMM cannot take lightly the need to respond in this situation.
- 1.2 'Skyscraper' is a term little recognised now as of maritime origin. In the days of square-rigged ships such as tea clippers racing to be first back in London in the 1850s and 1860s, every breath of wind was sought when becalmed. Extra sails would be added up the masts, the seventh and last being the skyscraper. Irony is thus added in this present context, but the HCMM again cites the City's maritime past and present in support of its objection to this revised application which offers only the most marginal modification.
- 1.3 In 2022, the Corporation launched Destination City, currently promoted as *'The City is the birthplace of London with a unique and diverse offer. Destination City will celebrate, promote, and support the Square Mile's unrivalled history and heritage'*. In fact, from the sea and Thames came the maritime trade out of which the City and so much more grew. It is hoped that the later pages here, outlining a little of that *'unrivalled history and heritage'*, may illustrate the difficulty of attempting to reconcile the Corporation's apparent valuing of heritage with its contradiction as embodied in this application.
- 1.4 The estate agents' mantra, it is said, is 'Location, location, location' but the more appropriate term is 'context'. Without expertise in the fields of architecture and construction, the HCMM is content to defer to the conservation bodies and specialists. Instead, it is in particular regard to the wider significance and context of the application that it is opposed by the HCMM.
- 1.5 London, especially the City, is built on maritime trade with much of Britain's maritime past and present to be seen in EC3 alone. The maritime sector remains a significant business presence in the City while the City's worldwide standing as a banking, finance and insurance centre is in turn rooted in maritime trade. In 1694 with the Royal Navy's financial security the aim since re-equipping was needed yet its capitalisation was beyond the Government, the Bank of England was established. The new bank attracted a loan of £1,200,000 (195,265,744 in 2024) raised by subscription. Links with the sea continue today to be commercially and strategically vital to the UK's economy and defence. Current events in the Red Sea demonstrate the rôle of and the country's reliance upon the Merchant Navy and Royal Navy. The supply chain does not consist of just the internet and motorways, some 95% of UK global trade being by sea.
- 1.6 The Destination City website lists *'Attractions; Experience; Food & Drink; Galleries; Green Spaces; Museums; Restaurants; Shopping; Stay; Theatres and Wellbeing'* as the areas of interest on offer. Despite the *'unrivalled'* claim cited above, heritage is not mentioned. Further, the term appears only twice in the whole website. This, in referring to the City Visitor Trail which invites such to *'feast on the culture, history and heritage'* while noting *'grand heritage hotels'* are available. History itself fares little better. The *'City of London timeline'* within *'Our Story'* on the website records but one maritime date, publication of the first Lloyd's Register in 1764 and omits the two World Wars but does mention the Bevis Marks Synagogue's opening in 1701.

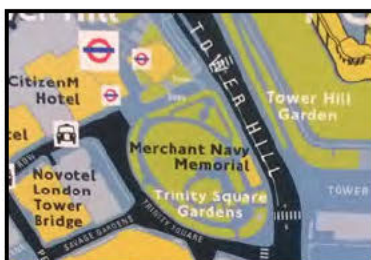
HOLLAND HOUSE 1 - 4, 32 BURY STREET LONDON EC3A 5AW

- 2.1 Similarly, what the application proposes for Holland House suggests indifference to its importance, the HCMM thus being obliged to oppose the application. Wm H Muller & Co, a Dutch shipping company, chose Hendrik Berlage to design its London offices in Bury Street. Known as the 'father of Modern architecture' in The Netherlands, the result is said to have been the first steel-framed building in Europe. Berlage is believed to have taken inspiration from the work of American architect Louis Sullivan on a visit to the USA in 1911. External walls of grey-green terracotta or faience tiles, made in Delft and shipped in company vessels, top a black granite base. A merchant ship sculpted by the Dutch artist Joseph Mendes da Costa appears at the southeastern corner of the Grade II*-listed building. Construction of the office block, begun in 1914 and completed in 1916, was made possible during the First World War only by The Netherlands' neutrality. It is thought to be the sole building erected in the City during the War.
- 2.2 In turn, that provides another maritime link, this time with Liverpool Street station. The Netherlands' neutrality in the First World War allowed North Sea ferry services to continue, albeit resented by Germany. Amongst the refugees and occasional business passengers were those of more clandestine intent. Dutch operators' eventual withdrawal from the crossing then left only the Harwich-Rotterdam sailings by the Great Eastern Railway Steamship Company. One of its captains was Charles Fryatt of the Mercantile Marine, renamed as the Merchant Navy in 1928. Several times from March 1915, German submarines ordered Fryatt to stop his unarmed ship but instead he made to ram the U-boats or outran them, outraging Germany. Around 0300 on 22nd June 1916, German naval vessels stopped Fryatt and the SS Brussels outbound to Harwich. The ship, 45 crew, including five stewardesses, and 100 refugee passengers were taken to Bruges and interned. On 27th July, two hours after a summary court martial, Fryatt, despite being a civilian non-combatant, was shot by firing squad. On 7th July 1919, Fryatt's body was repatriated by Royal Navy destroyer, escorted by two more, to Dover and by train to Charing Cross. The purple-lined luggage van used had served previously for nurse Edith Cavell's coffin and in 1920 for that of the Unknown Warrior. On 8th, Fryatt's coffin was drawn by Royal Navy ratings on a gun carriage, a State funeral honour, to St Paul's for the service, hundreds of thousands lining the streets. The burial was in Dovercourt, Harwich, Fryatt's home. A hospital and pub there bear his name but reaction to what so many newspaper headlines declared as his 'murder', finds it too in Belgium, the USA, South Africa, Mauritius, Australia and New Zealand. In the Canadian Rockies, Mount Fryatt is close to Brussels Peak, named after his ship, while his memorial is on Liverpool Street station. Unusually for the First World War period, Fryatt's portrait appears on this in bronze relief. Beneath, the dedication reads *'From the neutral admirers of his brave conduct and heroic death. The Netherlands section of the League of Neutral States July 27th 1917.'* More than Holland House's architectural features would be lost were this application approved.

3. BACKGROUND

- 3.1 For the Corporation to envisage not just once but twice such a threat as the Bury Street development to the Bevis Marks Synagogue, one of the City's most historic buildings and of international significance, more than questions its apparent commitment to protect its heritage. Adding colour, charm and character to the City, heritage is an asset which also adds interest, attracts visitors and earns revenue and respect. Albeit seeming to share those aims, Destination City appears limited in its vision. While the HCMM might be expected to champion maritime heritage, within it are the City's origins too yet it ignores them. Visiting Tower Bridge from the City means crossing Tower Hill whereon The Merchant Navy Memorial. Initially unveiled in 1928, The Times' then described its location as *'at the hub, as it has been said, of maritime England'*. Similarly, when unveiling the Second World War section in 1955, HM The Late Queen said *'It is fitting that in this place, which for centuries has been at the very heart of the maritime life of our nation, there should stand this memorial...'* Even TfL recognises its importance by naming it on its Legible London maps in the vicinity, including in the City. TfL each November further honours the 36,000 commemorated on The Merchant Navy Memorial when Tower Hill becomes one of the ten stations replacing the standard platform logo with the 'poppy roundel' in remembrance. Tower Hill is in Tower Hamlets. Why is the City Corporation, keen Tower Bridge should be visited, nonetheless unwilling to mention another borough? Might it be a reminder that the heritage within the City belongs to more than the Corporation?

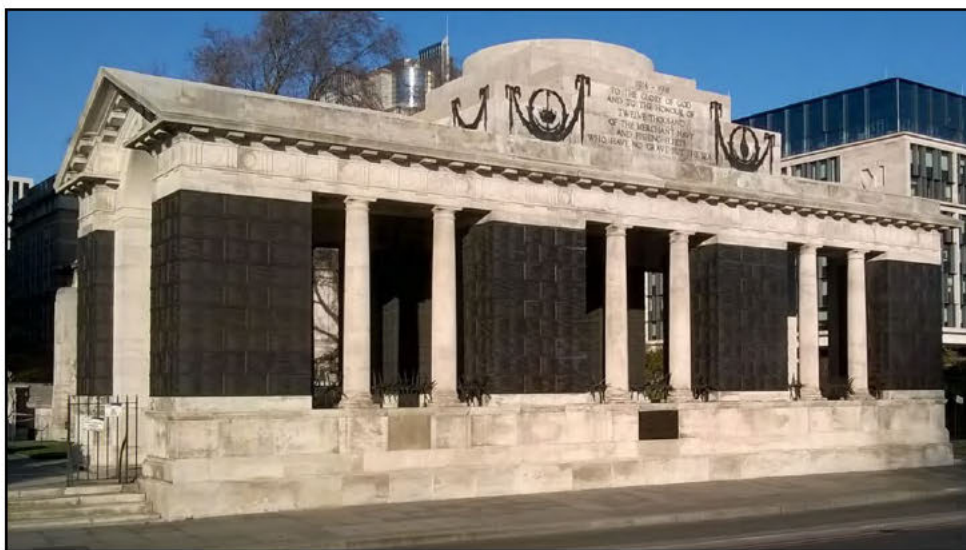
This example being from Great Tower Street, TfL Legible London Monolith maps in the Tower Hill area name The Merchant Navy Memorial.



Tower Hill is one of ten stations on the Underground where the 'poppy roundel' replaces the standard logo each November.

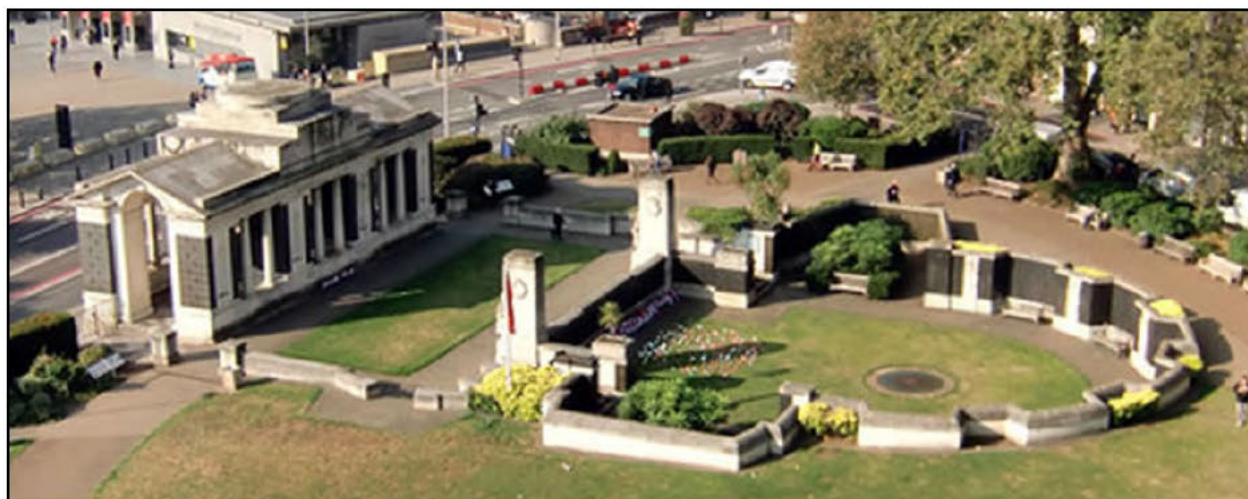


- 3.2 Of no less international significance than the Bevis Marks Synagogue is The Merchant Navy Memorial which is both Grade I and II*-listed. In Trinity Square Gardens on Tower Hill, it is thus within the Local Setting Area of the Tower of London World Heritage Site and a Conservation Area. As in representations opposing the original No. 31 Bury Street application and 'The Tulip' appeal, the HCMM would not wish to see the revised development dwarfing and diminishing Trinity Square, its Gardens, memorials and the associated Trinity House, Grade I, and Ten Trinity Square, Grade II* as well as the Tower itself.



The Merchant Navy Memorial's First World War section's south elevation from A100.

- 3.3 'The Times' in 1928 described the area as *'...at the hub, as it has been said, of maritime England'* in reporting on the unveiling by HM Queen Mary of The Merchant Navy Memorial. It is now its First World War section. Similarly, in 1955 when unveiling its Second World War section, HM The Late Queen spoke of *'...this place, which for centuries has been at the very heart of the maritime life of our nation...'*. On Tower Hill, The Merchant Navy Memorial is thus the focal point of that maritime history and heritage. It bears some 36,000 names, more than any other Commonwealth War Graves Commission memorial in the UK. Lost in either of the two World Wars or Falklands Campaign, they are those of men and women, aged from 13 to 74 and of more than 100 nationalities who served under Britain's Red Ensign and who have no grave but the sea. Two, Captains Frederick Parslow and Archibald Smith, were the final civilian recipients of Britain's highest military decoration, the Victoria Cross. The Mercantile Marine's rôle in the War was decisive in keeping Britain fed and fighting. Had it not been for the introduction of the convoy system in May 1917, Britain would have been starved into capitulation within six months. In this context, it should be noted that convoys of British merchant ships escorted by Royal Navy vessels had been a feature of the Napoleonic Wars of 1803-1815. In 1928, The Mercantile Marine's service and sacrifice over *'many centuries'* was recognised by HM King George V, conferring upon it the title 'Merchant Navy'. HRH The Prince of Wales then was appointed Master of the Merchant Navy and Fishing Fleets, a position held since held by successive Sovereigns.



The Merchant Navy Memorial Second World War section in the foreground, the wreaths and, in the grass, miniature Red Ensigns result from the Merchant Navy Day service in September 2016.

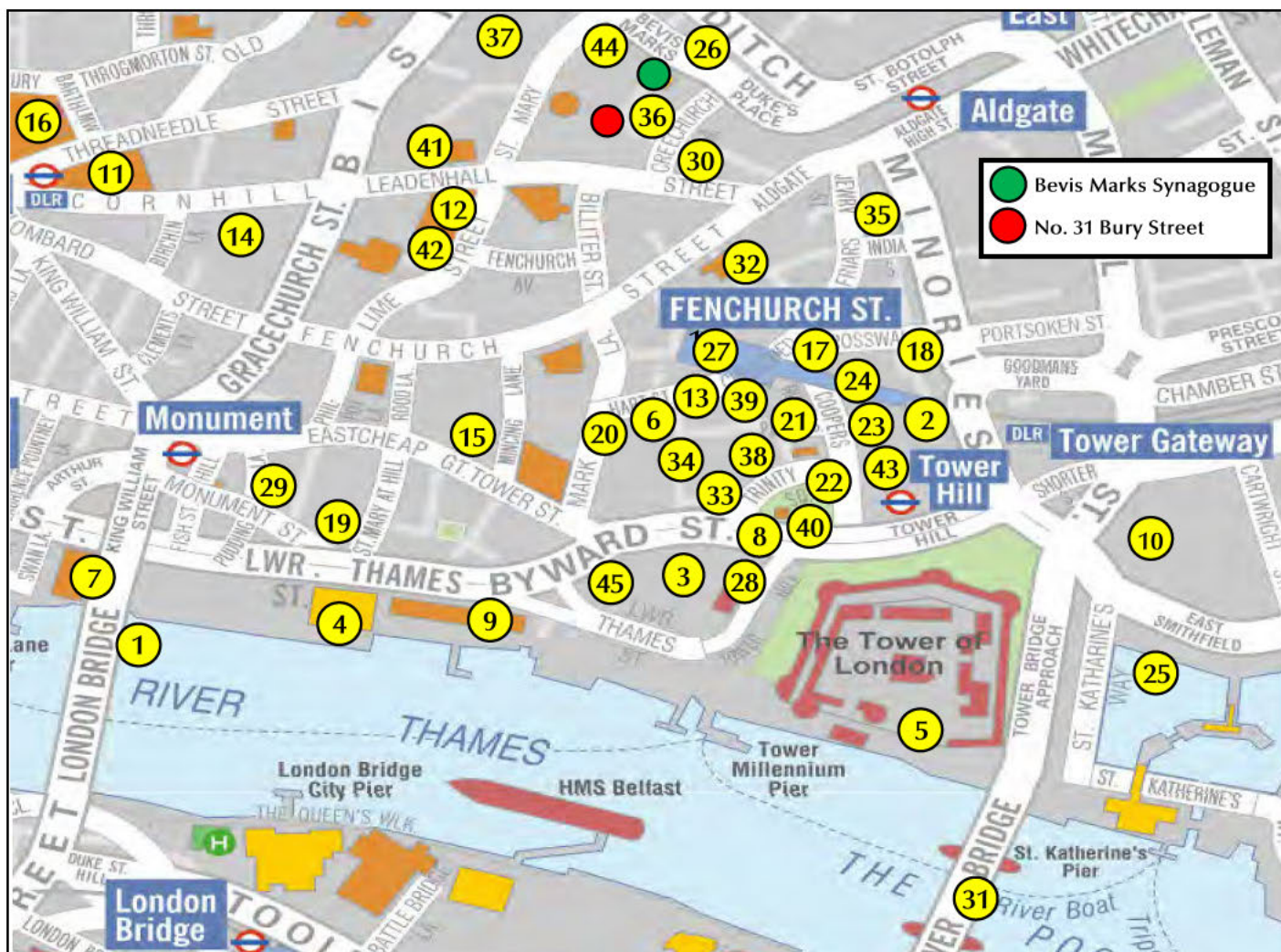


The Merchant Navy Memorial Second World War section, seen from Trinity Square Gardens

- 3.4 Rather than overshadow the adjacent First War section, designed by Sir Edwin Lutyens, the bronze panels of Sir Edward Maufe's design, Sir Charles Wheeler being the sculptor, are semi-recessed in the lawn of Trinity Square Gardens. Together with their 2,174 ships recorded, the names of the men and women commemorated, their ages ranging from 14 to 74, tell the story in particular of the longest continuous campaign of the War. On 3rd September 1939, 8hrs 25mins after war had been declared, the unescorted SS Athenia was torpedoed around 200 miles northwest of Ireland. Bound for Montreal, the liner had called at Belfast and Liverpool after leaving Glasgow. 1,418 were on board, 1,103 being passengers of whom three-quarters were women and children, all trying to escape imminent war. The Athenia sank slowly, allowing survivors to be rescued but the lives of 112 British, American and Canadian passengers and crew were lost, the first of the War. By an accident of the alphabet, the 18 crew members' names appear alongside two from the SS Avondale Park, a cargo vessel torpedoed on 7th May 1945, 1hr 20mins before VE-Day, the end of the War in Europe. Between them, the first and last British ships sunk, the Memorial bears witness to the five years, eight months and four days of which Prime Minister Winston Churchill, wrote, *The Battle of the Atlantic was the dominating factor all through the War. Never for one moment could we forget that everything happening elsewhere, on land, at sea or in the air depended ultimately on its outcome and amid all other cares we viewed its changing fortunes day by day with hope or apprehension.* During the Second World War, some 37,000 men and women of the Merchant Navy were killed, the majority in the Battle of the Atlantic. It represents a greater proportion, 20%, of its strength than that of any of the individual Armed Services. Other CWGC memorials honouring British Merchant Navy members whose grave is the sea are in Canada; Liverpool; India; Bangladesh; Hong Kong; Papua New Guinea; Australia and New Caledonia.
- 3.5 Unveiled in 2005 by the First Sea Lord, Admiral Sir Alan West, the Falklands Campaign section of the Memorial commemorates 17 men of the Merchant Navy lost in 1982 who have no grave but the sea. Supporting those of the Royal Navy, more than 70 Merchant Navy and Royal Fleet Auxiliary ships were involved, the latter being crewed by members of the Merchant Navy.
- 3.6 The Rt Hon Michael Gove MP, Secretary of State for the Department for Levelling Up, Communities and Housing, refused permission for construction of 'The Tulip' in 2021. A 305m/1002' high observation gallery, it would have dominated Trinity Square. The HCMM, amongst many others, objected. Grounds for refusal were excessive use of embedded carbon and harm to heritage with The Merchant Navy Memorial and other maritime sites mentioned. The Secretary of State's decision was published on 11th November, Armistice Day. The Planning Inspector also noted that the development would have amounted to an unwelcome eastward extension of the City's Eastern Cluster. The No 31 Bury Street development would be such an eastward extension, prompting the concern that it would set a precedent.



4. Sites of principally maritime significance in the area of No. 31 Bury Street EC3

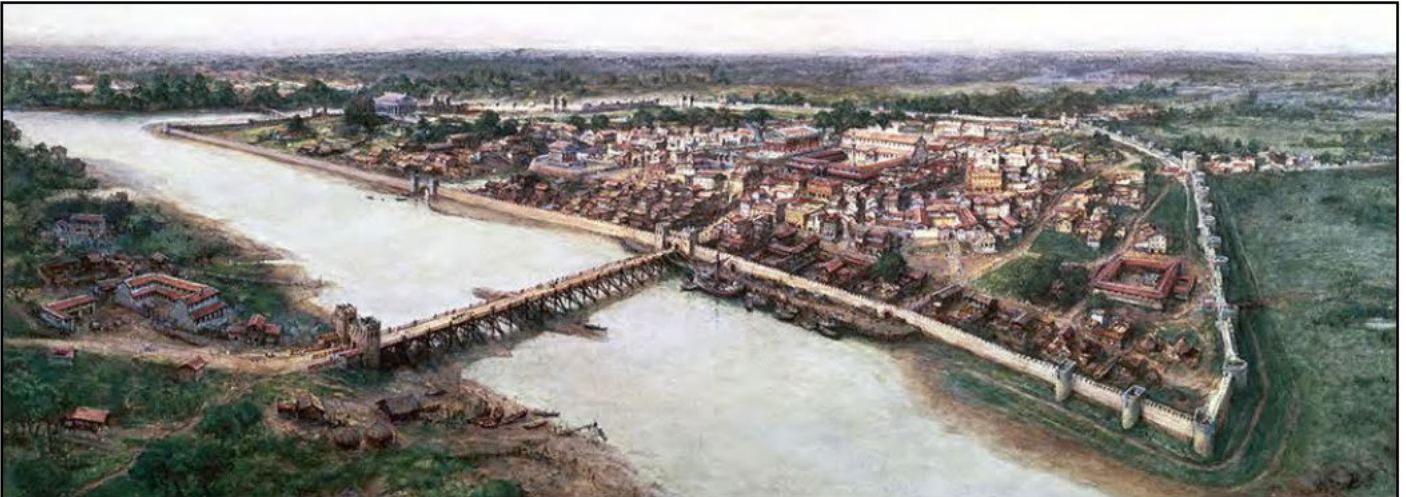


1. London Bridge 55AD	Grade II-listed	24. No. 41 Trinity Square early 19c.	Grade II
2. London Wall 200AD	Grade I	25. St Katherine's Dock 1828	Grade II
3. All Hallows by the Tower 675AD	Grade I	26. M. Samuel & Co 1833	
4. Billingsgate Market 1016	Grade II	27. Fenchurch Street Station 1841	Grade II
5. Tower of London 1078	Grade I	28. Mazawattee Tea Company 1864	
6. St Olave's Church 11c.	Grade I	29. W. Young & Son 1890	
7. Fishmongers' Hall 1310	Grade II*	30. 2-16 Creechurch Lane 1885	Grade II
8. Tower Hill Memorial 1381		31. Tower Bridge 1894	Grade I
9. Custom House 1382	Grade I	32. Lloyd's Registry 1901	Grade II*
10. Navy Victualling Yard 1560		33. Nos. 14 & 15 Trinity Square 1909	
11. Royal Exchange 1571	Grade I	34. Muscovy Street 1912	
12. East India Company 1600		35. India Street 1913	
13. Navy Office 1649		36. Holland House 1916	Grade II*
14. Jamaica Wine House 1652	Grade II	37. Captain Charles Fryatt MM Memorial 1917	
15. Lloyd's Coffee House 1686		38. Port of London Authority building 1922	Grade II*
16. Bank of England 1694	Grade I	39. Pepys Street 1923	
17. Cooper's Row 1750		40. The Merchant Navy Memorial 1928/1955/2005	G I & II*
18. America Square 1774		41. Nortraship 1940	Grade II
19. Watermen's Hall 1780	Grade II*	42. Lloyd's Building 1986	Grade I
20. 'The Ship' 1791	Grade II	43. Wakefield Gardens 1992	
21. Trinity House 1796	Grade I	44. Baltic Exchange 1995	Grade II
22. Trinity Square Gardens 1797		45. Malta GC Memorial 2005	
23. No. 43 Trinity Square 18c.	Grade II		

5. Notes on significant heritage sites in the EC3 area

1. London Bridge 55AD

London was built on the sea and trade. The initial settlement was centred around the point at which a seam of gravel allowed the Thames, then shallower and far wider since not embanked, to be forded, giving access from the marshy south bank to the north with its two low hills, now Ludgate Hill and Cornhill. Immediately downstream of the ford, deeper water allowed access by vessels already trading with the Continent before the arrival of the Romans - by sea - in 43AD. Developing trade further and establishing Londinium in 55AD the Romans built a wooden bridge at the fording point from near Billingsgate across to what is now Southwark. The location closely corresponds to today's London Bridge. To protect their burgeoning city, the Romans then built a defensive wall around it between 190 and 225AD as shown below (See 2.). After the Romans departed Britain around 410AD, the bridge fell into disrepair and much of Londinium was abandoned, settlement moving westward to the area of what is now the Strand and Aldwych. It was in 886AD that King Alfred re-established English rule in London, repairing the Roman wall, its defensive outer ditch and replacing the bridge. Viking invasion being the threat, the bridge had a defensive rôle in blocking access upstream. Utilising the Roman piles, the bridge thus was replaced around 900AD and again around 1056. Then, it was built of wood. Construction of the first stone London Bridge began in 1176, the 19-arched structure remaining in use until 1832. It was the only bridge in London until 1750 and the opening of Westminster Bridge. It was around this time too that the term 'Pool of London' began to be used, that deeper water downstream from the bridge that gave access to the world. *'Their metropolis is the city of London, which is situated on the bank of the aforesaid river, and is the mart of many nations resorting to it by sea and land.'* noted the Venerable Bede in the 7th century.



2. London Wall c. 200AD



Alongside Tower Hill station is one of the more prominent surviving sections of London Wall. Built by the Romans in 190-225AD, it ran in an arc inland from Tower Hill to Blackfriars, a length of 2½ miles. As shown above with the river Fleet to the west, it protected Londinium's 330 acres/133 ha and was built also as a sign of the city's status. Kentish ragstone was used, 1,750 boatloads being brought via the Medway from near Maidstone. The names Ludgate, Newgate, Bishopsgate, Cripplegate and Aldgate live on from former access points in the Wall. Saxon raids from boats led in 280AD to adding a section along the Thames shoreline. At Tower Hill, the Wall is 11m/35' tall, the lower 4m/14' being Roman as evidenced by the red tiles, the addition above being mediaeval. Thickness varied from 2.4m/8' to 3m/10'. Around the outside of the Wall ran a defensive ditch, 2m/6' deep and up to 4.5m/15' wide. Demolition of the Wall or incorporation into new structures began in the 18th century. Immediately north of this section, more of the Wall remains in Cooper's Row (See 17.). Grade I-listed and a Scheduled Monument.

3. All Hallows by the Tower 675AD



All Hallows by the Tower is the oldest church in the City of London, founded by the Abbey of Barking in 675AD. Grade I-listed, it houses an arch from a Saxon church and a section of Roman pavement. William Penn, founder of Pennsylvania, was baptised in 1644 and educated in the church; John Quincy Adams, the USA's sixth President, was married within it in 1797. The bodies of Sir Thomas More, Bishop Fisher, Archbishop Laud and others were taken to the church after execution on Tower Hill (See 8.). The church has maritime links with shipping companies' coats of arms set in windows and a Mariners' Chapel. Together with votive ship models, this holds the Memorial Book of the Maritime Foundation. The Rev Philip 'Tubby' Clayton, vicar from 1922 to 1962, was an Army chaplain in the First World War and in 1915 founded Talbot House, 'Toc H', an all-ranks soldiers' club at Poperinge in Belgium. During the Second World War, as honorary chaplain to the Anglo-Iranian Oil Co, now BP, he often sailed on its tankers between the UK, Gulf and back: 44 of the company's 93 ships were lost to enemy action together with 657 crewmembers. Clayton remains in the church, his effigy in the nave and ashes in the undercroft, and through the Tower Hill Improvement Trust which he co-founded, its president being Viscount Wakefield. They were neighbours at Nos. 41 and 43 Trinity Square. (See 22.,23., 24. & 28.).

4. Billingsgate Market 1016



Whilst the earliest documentary evidence of the Market's existence is from 1016, it dealt initially in corn, salt, malt, fish, coal, iron, wine, pottery and more with '*victuals and fruit*' later added. A 1698 Act allowed '*a free and open market for all sorts of fish whatsoever*' breaking the monopoly of a fishmongers' group upriver at Queenhithe. Wooden sheds grouped around a dock were replaced in 1850 by a trading hall, in turn replaced by the present structure in 1876. This was designed by the City Corporation's Architect, Sir Horace Jones, who was responsible also for the Smithfield and Leadenhall Markets as well as Tower Bridge (See 31.). Limitations of the building forced the Market's transfer to a new site on the Isle of Dogs in 1982, Billingsgate now being a function venue and Grade II-listed.

5. Tower of London 1078



The White Tower, the keep of the fortress, was constructed in 1078. It provided the Normans, invaders from the sea, not only a means of keeping check on the City to the west but, sited on a strategic bend in the Thames, guarded against attack upriver from the sea. A prison and the place of execution for royalty while those of lesser rank would be taken from imprisonment within to the scaffold on Tower Hill (See 8.). Samuel Pepys (See 13. & 39.) was held in the Tower in 1679, accused of passing naval secrets to the French. The charges being fabricated however, Pepys was released after six weeks. The last state prisoner to be held within was Rudolf Hess in May 1941; its last execution was of the German spy Josef Jakobs on 15 August 1941, while the Kray twins were among the last people to be held in the Tower, this in 1952 for failing to report for National Service. Grade I-listed, the Tower is a UNESCO World Heritage Site.

6. St Olave's Church 11c.



King Ethelred the Unready, deposed by Danish invasion in 1013, fought to reclaim his kingdom in 1014, with London and its fortified, guarded bridge (See 1.) his first objective. He had the support of Thorkell the Tall and his 45 longships. Óláfr Haraldsson, a Norwegian in Thorkell's Viking army, led longships fitted with 'roofs' of thatch or wicker to protect against the defenders' spears, arrows and large stones, upstream to the wooden bridge. To it, the crews attached grappling irons and ropes from their ships and then rowed to bring down the bridge beneath its weight of troops and piles of stones. The Danes' surrender restored London and his kingdom to Ethelred. Returning to Norway, Haraldsson became its king in 1016 or 1018 but was ousted by Cnut who had seized the English throne in 1016, Denmark's in 1018 and Norway's in 1028. Trying to regain his crown, Haraldsson died in battle in 1029 and after his burial, miracles attributed to him led to canonisation. Anglicised as St Olave and Norway's patron saint, six London churches were dedicated to him, this in Hart Street being built in wood in the 11th century on the site of the 1014 battle but rebuilt in stone in the 12th-13th; again around 1450 and extended in the 16th-17th. Untouched by the Great Fire of 1666, William Penn senior and Samuel Pepys (See 13. & 39.) demolishing buildings as firebreaks, it was gutted by bombing in 1941 but rebuilt in 1951-54. Pepys worshipped and is buried with his wife in the Grade I-listed church whose gateway prompted Dickens in 1860 to write of it as that of 'St Ghistly Grim'.

7. Fishmongers' Hall 1310



The Fishmongers' Company is one the 'Great Twelve', the oldest City of London Livery Companies. Founded in 1272, it has a key rôle in maintaining standards in fish and shellfish trading. Its philanthropic work includes support for the fishing industry and in other areas. The original Hall was replaced in 1434 but lost in the Great Fire while its 1671 successor was demolished so the new London Bridge could be built in 1827. Henry Roberts designed its replacement, opened in 1934. Severely damaged by bombing in 1940, it was restored by Herbert Austen Hall in 1943-1953. Grade II*.

8. Tower Hill Memorial 1381



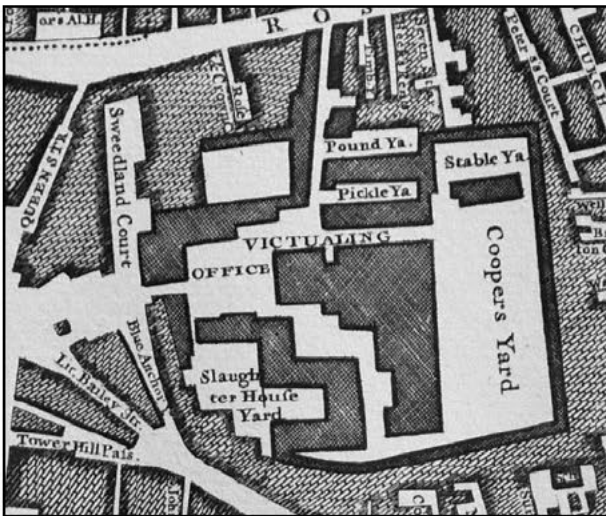
Tower Hill was the place of public execution of, principally, the nobility and gentlemen from 1381 to 1780, this usually following imprisonment in the Tower (See 5.). The Memorial marks the site of the scaffold. Beheading was the customary means but burning at the stake as well as hanging, with or without drawing and quartering, also were used. 100,000 spectators were typical of these occasions. Arising from such as the Peasants' Revolt; Wars of the Roses; Lollardism; claims to the throne by Perkin Warbeck and Lambert Simnel; Reformation; Pilgrimage of Grace; Monmouth Rebellion; Jacobite Rising and the Gordon Riots, some 125 executions are chronicled, including those of Sir Thomas More, Lord Chancellor, and Thomas Cromwell, Lord High Chamberlain, beheaded for treason in 1535 and 1540 respectively. Lord Lovat's execution for high treason in 1747 was the last judicial beheading in England, the final executions here being hangings in 1780. The Memorial's present form is thought to date from 1955. (See 22.).

9. Custom House 1382



Used for the collection of custom duties, the original 1382 building was located at Wool Quay, immediately downstream of the current Lower Thames Street site. Comptroller of the Customs of Wools, Skins and Tanned Hides at Wool Quay until 1386 was Geoffrey Chaucer. Following fires and an explosion, the Custom House was rebuilt four times before the David Laing's 1817 version occupied the present position but partial collapse in 1825 led to remodelling to Sir Robert Smirke's redesign. The work was completed in 1827 and Laing disgraced. Bomb damage on the night of 29th December 1940 led to the east wing being rebuilt in 1962-66. The Grade I-listed building was vacated by HMRC in 2020.

10. Navy Victualling Yard 1560



King Henry VIII, described as the 'Father of the Navy', increased its size tenfold and in 1546, established the Navy Board, one of its responsibilities being victualling. It was, however, his daughter, Queen Elizabeth I, who appointed in 1558 the first Surveyor General of the Victuals 'to take care always to have in store a stock of victuals to supply a thousand men at sea for one month at a fortnight's notice'. In 1560 the Queen established the first Victualling Office and Yard at Little Tower Hill after purchasing the manor of East Smithfield and a former monastery for £1,200 (£618,500 in 2020). The complex included storehouses, ovens, brew houses and bakeries. Milling took place in Rotherhithe while most other supplies came from private agents. An extract of John Rocque's map of 1746 is shown. As the Royal Navy grew in size, the need for a larger site meant moving the Victualling Yard to Deptford and that at Little Tower Hill closed in 1785. The buildings became government warehouses before the Royal Mint transferred there from the Tower in 1806. The Mint moved to South Wales in 1980 and the site is to become that of the Chinese Embassy. Within, the Seamen's Registry is Grade II*-listed.

11. Royal Exchange 1571



Sir Thomas Gresham, a merchant and member of the Mercers' Company traded in the Low Countries while the English Merchant Adventurers already had a headquarters in Antwerp. Believing a place for merchants and traders to meet instead of discussing business in the street would benefit the City and beyond, Gresham cited Antwerp's bourse in proposing one for London. Construction began in 1566 of an open courtyard ringed with galleries of small shops. Opened in 1571 by HM Queen Elizabeth I who conferred upon it the 'Royal' prefix. Soon showing its value for business, it was destroyed in the Great Fire in 1666 and its replacement opened in 1669. Letting the shops proving difficult, occupying much of the building during the 18th century were such as Royal Exchange Assurance; Lloyd's; and the East India Company, storing pepper in the vaults. Fire in 1838 meant a third building. Designed by Sir William Tite, it was opened in 1844 by HM Queen Victoria. Effectively closed in 1939, it was occupied later by Guardian Royal Exchange Assurance before becoming an exhibition centre with the courtyard roofed in 1990. The Royal Exchange reopened with luxury shops and offices in 2001.

12. East India Company 1600



The Royal Charter granted by Queen Elizabeth I on New Year's eve in 1600 gave a monopoly on English trade between the Cape of Good Hope and Magellan's Strait to the '*Company and Merchants trading to the East Indies*'. Initially occupying offices in its first Governor's Philpot Lane home, then Crosby Hall in Bishopsgate, followed by another Governor's home in Lime Street, it moved next door in 1648 to Craven House in Leadenhall Street. Becoming East India House, this was replaced on the site by larger and grander successors in 1729 and 1796 as shown. Becoming the world's largest commercial business, the Company changed Britain's use of wool for cotton and established the drinking of tea while swinging the balance of world trade in Britain's favour, aided by its private navy and army. Excesses however led to the Indian Mutiny of 1857, the Company being stripped of its powers and the Government establishing the British Raj in 1858. East India House was demolished in 1862, the Lloyd's Building now occupying the site. (See 15., 28., 32. & 42.)

13. The Navy Office 1649



From 1649 the Navy Board with a staff of some 60 clerks, occupied Walsingham House, formerly Sir Francis Walsingham's mansion, at the corner of Crutched Friars and Seething Lane. Lost in a fire in 1673, it was rebuilt by Sir Christopher Wren as shown and reopened in 1683. This new Navy Office provided living accommodation for the Commissioners and offices for various departments. The rear wing had its own entrance on Tower Hill and housed the Sick and Hurt Board. The Navy Treasury, also known as the Navy Pay Office, was located from 1664 in Old Broad Street, moving there from Leadenhall Street. Initially as Clerk to the Acts of the Navy Board, Samuel Pepys (See 5., 6., 21. & 39.) lived on the Crutched Friars site in a Seething Lane house opposite St Olave's (See 6.) from 1660 to 1673. Pepys significantly improved the standards of Navy administration and procurement. In 1789, all of these departments were relocated to Somerset House, the Navy Office then being demolished.

14. Jamaica Wine House 1652



While it is suggested that England's first coffee house had appeared in Oxford in 1651, this was the first in London, opened in the following year by Pasqua Rosée. Born in Dalmatia, now Croatia, he moved to Syria where he met a merchant Daniel Edwards, a Levant Company member and trader in Turkish goods. Employing Rosée as a manservant, Edwards brought him back to England together with a taste for Arabic coffee. At the time, that of Cromwell and Puritanism, alcohol consumption was discouraged so coffee soon became popular in the City, being restorative unlike the alternatives. The original premises were a 'shed' in the churchyard of St Michael's Cornhill. Proclaimed by a sign carrying Rosée's portrait, it was known as 'The Sign of Pasqua Rosee's Head' or 'The Turk's Head'. Moved nearby to the site of the present Grade II pub, the Jamaican link stems from Britain acquiring the colony in 1655, its sugar and slaves being subjects for discussion by traders meeting at the establishment. Pascal Rosée moved to Paris, opening the city's first coffee shop on the Place Saint-Germain in 1672.

15. Lloyd's Coffee House 1686



London's coffee houses were known already as places for serious discourse and business when in 1686, Edward Lloyd opened his in Tower Street, now Great Tower Street. Attracting shipowners, captains, merchants, bankers and later marine insurers, success brought a move in 1691 to No. 16 Lombard Street where in 1696, Lloyd began publishing 'Lloyd's News', a thrice-weekly bulletin of shipping news, movements, cargoes and foreign events. It lasted only some five months however due to the printer adding an unrelated libellous piece unbeknown to Lloyd whose growing list of contacts abroad nonetheless ensured the continuance of maritime intelligence for his patrons. On Lloyd's death in 1713, Thomas Jemson became proprietor and in 1734, he introduced 'Lloyd's List', a weekly shipping news bulletin. Concern for vessel build standards and safety led patrons to form the Society for the Registry of Shipping in 1760. Samuel Saunders then owned the coffee house and his death in 1763 began what the regulars considered its decline. The Society moved to No. 4 Sun Court, Cornhill, in 1768 (See 31.) while the merchants, underwriters and brokers opened the 'New Lloyd's Coffee House' at No. 5 Pope's Head Lane in 1769, promptly issuing the first edition of the 'New Lloyd's List'. In turn, the underwriters formed their own association, transferring to the Royal Exchange in 1774 (See 11. & 42.). Lloyd's Coffee House closed in 1785.

16. The Bank of England 1694



The Royal Navy's losses to the French at the Battles of Bantry Bay in 1689, Beachy Head in 1690 and Lagos Bay in 1693 left it in need of re-equipping. Hitherto, London's goldsmiths would have provided the necessary loans but experience of King Charles II in 1672 had left them unwilling or out of business. His successor, William III, was forced to consider new ways of raising capital to renew England's defences. The Government, wealthy merchants and nobility were consulted with the proposal of William Paterson, a Scottish merchant, chosen. Thus members of the public were invited to lend money to the Government with £1.2 million (£195,265,744 in 2024) being required. The sum was raised in 11 days by 1,268 members of the public, the Bank of England being formally established by Royal Charter on 27th July 1694. It opened on 1st August 1694 in temporary accommodation in the Mercers' Hall in Cheapside. Moving in 1734 to Threadneedle Street, its buildings designed by George Sampson and Sir John Soane were replaced in 1939 by that of Sir Herbert Baker which is Grade I-listed.

17. Cooper's Row 1750



Renamed from Woodruffe Lane in 1750 to reflect the local predominance of coopers and wine warehouses. First recorded in 2600 BC, the wooden barrel was the ISO container of the day, used on ships to transport grain, flour, fish, meat and more, not least liquids like water, wine or whale oil. Barrels' cost and weight, leakage, space, limitations on reuse and time needed for loading and unloading a ship told as demand for petroleum developed. The tanker resulted, replacing holds with tanks for liquid cargo. The first were the barques 'Great Western' and 'Atlantic' built in 1863 by John Rogerson & Co on the Tyne. (See 25.). While this dispensed with the barrel, the term remains as the unit of measurement for petroleum products and in 1866 was standardized at 42 US/35 Imperial gallons.

18. America Square 1774



Designed by George Dance the Younger for the developer, Sir Benjamin Hammett, based on Grosvenor and Cavendish Squares, the 16 houses of America Square were aimed at a similar market. Construction began in 1768, before the American War of Independence, and took six years. Both merchants and ships' masters engaged in American trade became residents. South of the Square, the Crescent and the Circus formed part of the scheme but Second World War bombing led to redevelopment of the Square.

19. Watermen's Hall 1780



The Company of Watermen and Lightermen of the River Thames is unlike other former City guilds in originating from an Act of Parliament in 1555. Unique in being so instituted and governed, it is not responsible to the City Corporation and thus has the distinction of being a Company without livery. London Bridge (See 1.) being the city's only Thames crossing until the advent of Westminster Bridge in 1750, watermen with their wherries provided the taxi service of the day, they being hailed with a cry of 'Oars!'. Hence Tudor London had about 30 landing places - 'steps' or 'stairs' giving access to the river - between the Tower and Westminster. In 1598, there were some 3,000 watermen with 2,000 boats, London's population then being around 200,000. By 1746, there were more than 100 landing places between Chelsea and Shadwell, the city's population approaching 750,000. That it took until 1750 for London to have a second bridge is due in part to watermen's opposition. Sedan chairs and hackney carriages were opposed too, as was the permitting of theatres to transfer from Southwark to the City, all designed to protect the trade. Its decline was inevitable however in the face of alternatives such that by 1827 London had seven bridges and only around 66 river stairs still in use. Watermen now crew the vessels used on the rivers services and leisure cruises. A lightermen's concern is not passengers but cargo, a lighter being a barge used to transfer it from ship to shore or for moving it within docks. Unpowered, a lighter was steered by oars, the waterman's skill being in utilising the river's tides and currents. The introduction beginning in the 19th century of enclosed docks and then the ISO container in the 1960s mean that few lightermen operate on the Thames today, their lighters now being towed by tugs. Originally, the Company's hall was in Upper Thames Street but it was lost in the Great Fire of 1666, being rebuilt in 1670 and 1720. Designed by William Blackburn, its present hall at 16 St Mary-at-Hill was built in 1780 and is Grade II*-listed. It is the only surviving Georgian guildhall in London.

20. 'The Ship' 1791



Pub closures nationwide have reduced their numbers so those in EC3 with maritime trade connections are fewer too. Gone therefore are 'Anchors' various; the 'Cape of Good Hope'; 'Bengal Arms'; 'Coopers' Arms'; 'Czar's Head'; 'Fishmongers' Arms'; 'India Arms'; 'Margate Hoy'; 'Ipswich Arms'; 'Steam Boat' and 'Yarmouth Arms'. Nonetheless, the 'East India Arms' (See 12. & 28.) and 'Old Tea Warehouse' remain as do two of some eight named as here. At No. 3 Hart Street, this 'Ship' was first recorded in 1791 but the present façade dates from 1887 and the building is Grade II-listed. The other 'Ship' in EC3 is in Talbot Court, on the site of 'The Talbot' lost in the Great Fire in 1666. Rebuilt, in recognition of the dock workers and deckhands who drank there, it was also renamed.

21. Trinity House 1796



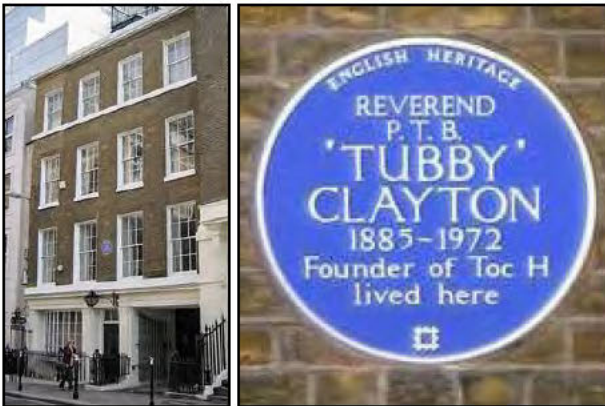
The General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar, the Corporation of Trinity House was granted its Royal Charter in 1514 by King Henry VIII. During his reign, Trinity House became known as 'the cradle of the Royal Navy' as merchant ships evolved into warships. Transferring from Deptford in 1618, Trinity House moved first to Ratcliff, between Shadwell and Limehouse, and in 1660 to Water Lane between Lower Thames Street and the river. These premises were lost in the Great Fire in 1666 but the 1671 replacement was damaged in another fire in 1718. Repairs followed as did the move to the present building for which William Pitt, Prime Minister, laid the foundation stone in 1793; he was then also the Master of Trinity House. Designed by Samuel Wyatt, the Grade I-listed building was constructed in 1794-6, giving its name to the square and gardens laid out by Wyatt to complement it in 1797 (See 22.). The Corporation's rôle continued in both World Wars, including laying 73 buoys across the Channel for D-Day. Albeit badly damaged by an incendiary bomb on 29th December 1940, the building remains its headquarters. Samuel Pepys (See 13. & 39.) was Master in 1676 and 1685, the appointment being held now by HRH The Princess Royal.

22. Trinity Square Gardens 1797



The final executions on Tower Hill (See 3., 5. & 8.) having taken place in 1780, Samuel Wyatt laid out the Gardens on the site in 1797 to complement his Trinity House design (See 21.). Originally, only subscribers from around the Square had access to the Gardens, depicted here in 1821. Nonetheless, mass meetings of striking dock workers were held there in 1911 and 1912, as well as of 4,000 in support of the Poplar Rent Strike in 1921 and of the General Strike of 1926. Harry Gosling, was prominent at them all, initially as a trade union leader then as Labour MP from 1923 for Whitechapel and St George's in Stepney. Gosling, a former waterman (See 19.), introduced to the Commons in 1926 a Bill calling for a memorial to Mercantile Marine members killed in 1914-18. The Service by then renamed, the Merchant Navy Memorial was unveiled by HM Queen Mary in 1928 (See 40.), joining in the Gardens the Tower Hill Memorial (See 8.).

23. No 43 Trinity Square 18c.



Grade II-listed, No. 43 is the vicarage for All Hallows by the Tower, the Reverend Phillip 'Tubby' Clayton being the incumbent from 1922 to 1962 (See 3). With Dr Bertram Leftwich in 1933, he published 'Pageant of Tower Hill' which 'outlined a scheme to improve Tower Hill by removing from it certain ugly buildings which at that time disfigured it and hampered its use..'. The Tower Hill Improvement Fund's formation followed, buying and demolishing buildings to provide gardens and public open spaces as well as importing 1,500 barge-loads of sand for a Tower Bridge beach in 1934. Very popular, it continued until 1939, and post-war until 1971. The Fund is now the Tower Hill Trust which continues to support projects in Tower Hamlets, providing most of the funding in 2002-3 for the restoration of Trinity Square Gardens (See 22., 24. & 28.).

24. No. 41 Trinity Square early 19c.



A plaque on his former house depicts, beneath a Toc H lamp, Viscount Wakefield of Hythe (1859-1941) who gave the Grade II-listed building to the church and local people in 1937. Charles Wakefield was an oil broker and in 1899 set up his own firm, C C Wakefield & Co., headquartered at Nos. 30-34 Cheapside. Specialising in lubricants, their use of castor oil leading to the 'Castrol' brand name. That name became wider known in the 1920s and '30s through Wakefield's financial support for the pioneering flights of Amy Johnson, Jean Batten and Sir Alan Cobham as well as for the setting of new land and water speed records by Sir Henry Seagrave, Sir Malcolm Campbell. and George Eyston. A remarkable philanthropist, Wakefield was created a baron in 1930 and viscount in 1934. As Lord Mayor of London, he visited the Western Front in 1916, a link furthered with his neighbour in No. 43, the Reverend 'Tubby' Clayton, vicar of All Hallows (See 3.) Clayton inspired the formation of the Tower Hill Improvement Fund, then Trust, of which Wakefield was president: he donated to it £30,000 in 1936 (£1.8 million in 2024). It bought and demolished buildings to provide gardens and public open spaces in the locality. (See 22., 23. & 28.)

25. St Katherine's Dock 1828



The ending of dock monopolies in the 1820s, especially that of nearby London Docks in Wapping, encouraged the development of a site nearer the City. Designed by Thomas Telford, St Katherine's Dock opened in 1828. Its twin basins with a common entrance from the Thames maximised quay frontage while its warehouses were designed by Phillip Hardwick so vessels could unload directly into them. Indian tea, wool from Australia, New Zealand and the Falkland Islands as well as exotic items like ivory, china, ostrich feathers, spices, tortoiseshell, mother of pearl, oriental carpets and perfume ingredients were amongst the imports in which the Dock specialised. The increasing size of ships and the Dock's limitations made operations uneconomic however and it closed in 1968. Grade II-listed, it is now a marina and residential, hotel, business and restaurant complex.

26. M Samuel & Co 1833



Marcus Samuel began business at No. 13 Upper East Smithfield (See 10.), selling curios and seashells bought from arriving ships. Conchology was a fashion, shells covering trinket boxes through to lining grottoes. M Samuel & Co was established at No. 31 Houndsditch by 1833, selling imported ornaments, toys and more but known best as 'The Shell Shop'. Often visiting the Far East, sourcing products and building a network of contacts he widened his scope by importing tin and selling machinery to Japan. He died in 1870, two sons, Marcus and Samuel, taking on the business and network. The shell trade continued but they also exported industrial plant and textiles while importing rice, consumer goods and minerals. Oil soon had their attention. Marcus visited Baku on the Caspian in 1890 where kerosene or paraffin for lamps came from the first well drilled in 1847. He saw potential but a transport problem too. The first tankers were at sea but for safety reasons barred from the Suez Canal which had opened in 1869. Sailing from the Black Sea to the Far East via the Cape of Good Hope meant 4,000 more miles. Further, emptied oil tanks were unfit for other cargo so ships returned empty. The Samuels commissioned a vessel to Lloyd's highest classification (See 32.) equipped for steam cleaning of its tanks. In 1892, it became the first tanker through the Canal, returning with rice and beating the Rockefellers, Nobels and Rothschilds. That ship was the 'Murex', the first of a fleet named after seashells operated by one now of the world's largest energy companies, Shell.

27. Fenchurch Street station 1841



The City's first railway station, Fenchurch Street opened in 1841. Sir William Tite designed it for the London & Blackwall Railway (L&BR) which offered a link between the City, the docks, shipyards and shipping services faster than the horse-drawn or river-borne alternatives. The seven other stations served on the 3½-mile route were Minories; Shadwell; Stepney; Limehouse; West India Docks and Poplar. Until steam locomotives were introduced in 1849, carriages were rope-hauled, the power provided by stationary steam engines at the Minories and Blackwall stations. Stations and junctions with other companies' services were added but the advent of the tram at the start of the 20th century ended the L&BR's passenger services in 1926. Grade II-listed, the present façade is that of the 1854 remodelling by George Berkeley. The station is managed now by c2c serving east London and south Essex with some of the L&BR's infrastructure used now by the Docklands Light Railway (DLR) such as viaducts and bridges with Tower Gateway being the renamed former Minories station, for example.

28. Mazawattee Tea Company 1864



Tea, synonymous with maritime trade, was introduced to Britain by the East India Company (See 12.), bringing 100lbs of China tea from Java in 1664. Demand brought a premium on the first of each year's crop, the 1850-60s' tea clippers and their races. Winning in 1866, the 'Taeping' sailed from Fouchow in China to London in 99 days. Its medicinal benefits led John Densham (1815-1886) to sell tea in his Plymouth chemist's shop. Moving to Croydon in the 1860s, he formed Lees and Densham, tea wholesalers in Philpot Lane, near the trade's Mincing Lane centre. John Densham & Sons followed in 1870 with offices at 49-51 Eastcheap and, after Guildhall research, a name in 1886 for their Ceylon blend, 'Mazawattee'. From the Hindi 'maza' or 'pleasure' and Sinhalese 'watee' for 'garden', it became the world's largest tea brand in 1886. Its 1864 warehouse was in the Tower Hill Improvement Fund's mind on forming in 1933 to remove *'from it certain ugly buildings which at that time disfigured it and hampered its use.'* (See 23., 24. & 43.) Shown in 1932, the warehouse was bombed in 1940 but planning permission for rebuilding denied, the now Trust bought and demolished it in 1950. Only the Tower Hill Vaults, Grade II-listed, remain.

29. W. Young & Son 1890



The company that is now Young's Seafood Ltd and the UK's largest supplier of fish started in 1805 with Elizabeth Martha selling fish on the Greenwich quayside. In 1811, she married William Young whose family had fished the Thames since the mid-18th century. Company success brought a move downriver to Leigh-on-Sea and by the 19th century's close, the business comprised fish retailing and wholesaling while its own fleet of boats fished for whitebait and shrimps. With supplying the City in mind, the company headquarters moved in 1890 to Lovat Lane opposite Billingsgate Market (See 4.) but when this was relocated in 1982, W Young & Son left too. Constructed in 1985, the current building on the site carries this weather vane of a Bawley, a type of vessel used by Young's and others for whitebait fishing on the Thames until 1950.

More maritime weathervanes in the area are on Trinity House (See 21.); St Katherine's Dock (See 24.); Billingsgate Market (See 4.) and Lloyd's Registry (See 32.) which has two, while others in London are on such as Liberty's; St Lawrence Old Jewry; Two Temple Place; St Nicholas Cole Abbey; the Mission to Seamen and St Olave's, Rotherhithe.

30. 2-16 Creechurch Lane 1885



Some of the iron swinging hoists retained, this five-storey Grade II-listed building is thought to be iron-framed and was originally a tea warehouse. (See 28.).

31. Tower Bridge 1894



Tower Bridge was designed by the City Corporation's Chief Architect, Sir Horace Jones and Sir John Wolfe Barry, the engineer, to meet the requirement for a river crossing downstream of London Bridge which still allowed access to the Upper Pool of London. Opened in 1894, construction took eight years and cost £1,184,000 (£128,563,471 in 2024). Typically, it is crossed daily by 40,000 motorists, cyclists and pedestrians. A combined bascule and suspension bridge, the largest in the world at the time, the upper walkway is 42m/138' above the Thames while the bascules open to 86° as shown. Originally, steam engines powered the hydraulic lifting system but were replaced by an electro-hydraulic system in 1976. Grade I-listed.

32. Lloyd's Registry 1901



The Society for the Registration of Shipping left Lloyd's Coffee House in Lombard Street (See 15.) in 1768 for No. 4 Sun Court, Cornhill. Providing merchants and underwriters (See 42.) standardised details of vessels' construction and equipment, it was the world's first marine classification society. With 215 Register Book subscribers, in 1797 it moved to No. 4 Castle Court, Birchin Lane. Updating then the classification system disadvantaged ships built outside London, prompting formation of the rival Society of Merchants, Shipowners and Underwriters which issued the 'New Register Book of Shipping' in 1799. Reconciliation came in 1834 with the inaugural meeting of the Committee of Lloyd's Register of British and Foreign Shipping. Reconstituted, Lloyd's Register opened for business at No. 2 White Lion Court, Cornhill. British shipping's growth and scrutiny needed of iron and steel steamship construction increased demand on the Register as the 19th century ended. New premises commissioned, the result was Thomas Collcutt's Grade II*-listed design at No. 71 Fenchurch Street. It is at the junction with Lloyd's Avenue, a former street of East India Company warehouses, remodelled and renamed by Collcutt and B Emmanuel in 1899. In 2000, the Richard Rogers Partnership-designed extension was opened.

33. Nos 15 & 14 Trinity Square 1909



On the corner of Byward Street and Trinity Square (See 21, 22., 23., 24. & 38.), No. 15 was built in 1908-9 as the General Steam Navigation Company headquarters. Ships' prows appear at first floor level while the eagle sculpture above acknowledges the company's 'Eagle Steamers', famous for day cruises from Tower Pier, calling at Greenwich, to such as Southend, Clacton, Ramsgate or Margate. In the 1930s, 'Golden Eagle'; 'Crested Eagle' and 'Royal Eagle' were the best known of its paddle steamers. All three were amongst the 1,300 vessels, 23 being paddle steamers, that took part in the evacuation of 338,266 British and French troops from Dunkirk. The 'Crested Eagle' was attacked on 29th May 1940, some 300 troops and crew, half of its complement, being lost. (See 38.) Post-war, 'no passport' day trips to France, particularly with the 'Royal Sovereign', renewed the GSNC's prominence until such operations ceased in 1966, eclipsed by air travel. The ground floor is now a pub, the upper floors flats. Adjoining, No. 14 was built for the Swedish Chamber of Commerce in 1920-21.

34. Muscovy Street 1912



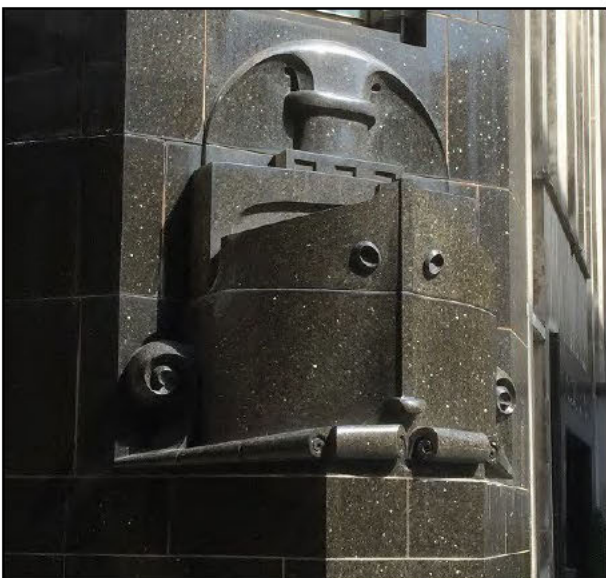
Muscovy Court was built after the 1673 fire destroyed the Navy Office and nearby buildings. The name came from the Muscovy Company formed in 1553 to find the northeast route to Cathay. Only one of its three ships reached Russia and the Czar, returning with his letter to Queen Mary granting privileges to English merchants. The Company receiving its charter in 1555, Muscovy House in Seething Lane became its base. Russian ambassadors and merchants visited as did Czar Peter the Great on his European tour in 1697-98. Wishing to modernise Russia, he spent four months at Deptford Dockyard studying shipbuilding. A pub at No. 48 Tower Street, now Great Tower Street, was renamed 'The Czar of Muscovy' in honour of his visits too. Construction of the PLA's headquarters (See 38.) allowed extension as Muscovy Street, linking Trinity Square and Seething Lane.

35. India Street 1913



Early 20th century redevelopment around Fenchurch Street involved some street renaming. George Street had housed warehouses of the East India Company (See 12.), dissolved formally in 1874, and acquired this new name in 1913 to acknowledge that history. Rangoon Street stems from similar renaming while elsewhere in EC3, Bengal Court; Plantation Lane, Fish Street Hill and Sugar Quay Walk further reflect maritime trade with more examples being found beyond in the City and Tower Hamlets in particular.

36. Holland House 1916



Wm H Muller & Co, a Dutch shipping company, chose Hendrik Berlage to design its London offices in Bury Street. Known as the 'father of Modern architecture' in the Netherlands, the result is said to have been the first steel-framed building in Europe. Berlage is thought to have taken inspiration from the work of American architect Louis Sullivan on a visit to the USA in 1911. External walls of grey-green terracotta tiles, made in Delft and shipped in company vessels, top a black granite base. A merchant ship sculpted by the Dutch artist Joseph Mendes da Costa appears at the southeastern corner of the building which is Grade II*-listed. Construction of the office block, begun in 1914 and completed in 1916, was made possible during the First World War by the Netherlands' neutrality. (See 37.) Among many other shipping companies (See 33.) to have had an EC3 presence is Cunard. Opposite Holland House is Cunard Place which links Bury Street with Leadenhall Street where the former Cunard House was built at No. 88 in 1930.

37. Captain Charles Fryatt MM 1917



The Netherlands' neutrality in the First World War (See 36.) allowed North Sea ferry services to continue, albeit resented by Germany. Dutch operators' withdrawal then left only the Harwich-Rotterdam sailings by the Great Eastern Railway Steamship Company. One of its captains was Charles Fryatt of the Mercantile Marine. Several times from March 1915, German submarines ordered Fryatt to stop his unarmed ship but instead he made to ram the U-boats or outran them, outraging Germany. Around 0300 on 22nd June 1916, German naval vessels stopped Fryatt and the SS Brussels outbound to Harwich. The ship, 45 crew, including five stewardesses, and 100 refugee passengers were taken to Bruges and interned. On 27th July, two hours after a summary court martial, Fryatt, a civilian non-combatant, was shot by firing squad. On 7th July 1919, Fryatt's body was repatriated by Royal Navy destroyer, escorted by two more, to Dover and by train to Charing Cross. The purple-lined luggage van used had served previously for nurse Edith Cavell's coffin and in 1920 for that of the Unknown Warrior. On 8th, Fryatt's coffin was drawn by Royal Navy ratings on a gun carriage, a State funeral honour, to St Paul's for the service, hundreds of thousands lining the streets. The burial was in Dovercourt, Harwich, Fryatt's home. A hospital and pub there bear his name but reaction to his 'murder' finds it too in Belgium, the USA, South Africa, Mauritius, Australia and New Zealand. In the Canadian Rockies, Mount Fryatt is close to Brussels Peak, named after his ship, while this memorial is on Liverpool Street station.

38. Port of London Authority building 1922



Designed by Sir Edwin Cooper in the Beaux Arts style, built by John Mowlem and Company and opened in 1922 by the Prime Minister, David Lloyd George, this was the headquarters of the Port of London Authority until 1970. At 53m/174', it was then one of London's tallest buildings and cost £909,000 (£52 million in 2020). Typically, it was visited daily by 1,200 shipping company staff paying port dues. Prior to unveiling the Merchant Navy Memorial in 1928 (See 40.), HM Queen Mary visited too, walking across Trinity Square to the Memorial in Trinity Square Gardens (See 22). In May 1940, Thames boatmen were summoned to the building to be asked to volunteer for a secret operation requiring them to be away for 'a few days'. All did and were put into coaches for Tilbury to be told of 'Operation Dynamo' and their imminent part in the evacuation of British and French forces from Dunkirk by helping crew the 850 'Little Ships' involved (See 33.). Later wartime bomb damage included the loss of the domed rotunda, its diameter greater than St Paul's dome, on 8th December 1940. In January 1946, the inaugural meeting of the United Nations General Assembly took place at the Methodist Central Hall in Westminster, delegates also attending a reception in the PLA building's boardroom. As the Four Seasons London at Ten Trinity Square, this Grade II*-listed building opened as a 5* hotel on 26th January 2017.

39. Pepys Street 1923



Building the Port of London Authority's headquarters in Trinity Square (See 38.) allowed Colchester Street to be extended, linking Cooper's Row and Seething Lane. It was renamed in 1923 in honour of Samuel Pepys who worked in the Navy Office (See 13.) in Seething Lane as Clerk of the Acts to the Navy Board 1660-73 and Surveyor-General of Victualling from 1665. As Secretary to the Admiralty 1673-79, (See 5., 6. & 21.) Pepys transferred to Whitehall to become Secretary for Admiralty Affairs 1684-89. He was also the MP for Castle Rising in 1673-8 and Harwich in 1679 and 1685-87.

40. The Merchant Navy Memorial 1928, 1955 and 2005



Sited alongside the Tower Hill Memorial (See 8.) in Trinity Square Gardens (See 22., 23. & 24.), the Merchant Navy Memorial bears more names than any other Commonwealth War Graves Commission memorial in the UK. The 36,551 commemorated, all with no grave but the sea, are merchant seafarers, fishermen and members of the lighthouse and pilotage authorities. Men and women, civilians all, their ages range from 13 to 74. The First World War section was unveiled in 1928 by HM Queen Mary, designed by Sir Edwin Lutyens and is Grade I-listed, its names representing at least 103 nationalities. Two named, Captains Frederick Parslow and Archibald Smith, are the only civilians awarded the Victoria Cross in the War. Grade II*-listed, the Second World War section, its bronze panels enclosed by a low wall, was designed by Sir Edward Maufe with sculpture by Sir Charles Wheeler and unveiled by HM The Queen in 1955. A Falklands Campaign section was unveiled by the First Sea Lord in 2005. Merchant Navy Day and Remembrance Day services are held at the Memorial annually in September and November.

41. Nortraship 1940

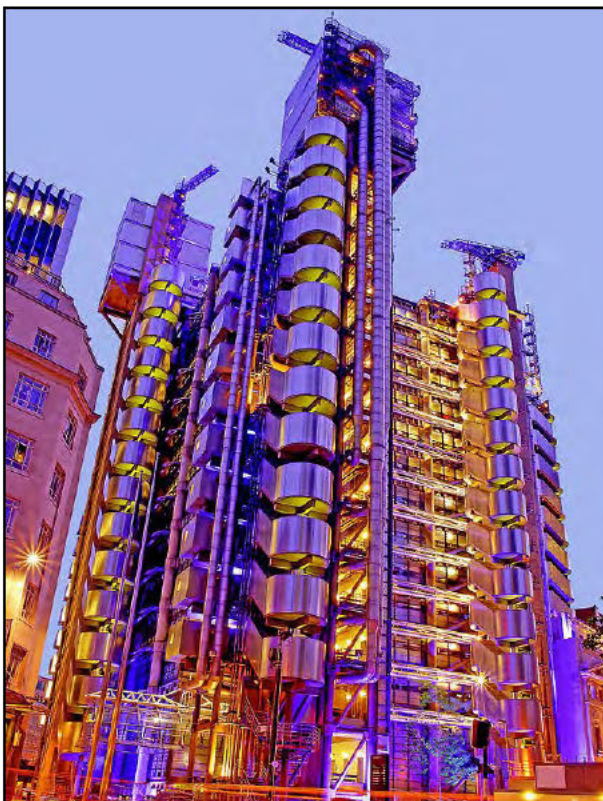


Following the German invasion of Norway on 9th April 1940, Nortraship was formed to administer the Norwegian merchant fleet, 85% of which remained outside areas under German control. To maintain Norway's neutrality, this fleet of some 1,000 ships and 30,000 seamen was chartered to the British Ministry of Shipping. Norway had the fourth-largest merchant fleet in the world after the UK, USA and Japan. Around 42% of the fleet comprised modern tankers, a total of 18% of the world tanker tonnage and of crucial importance to Britain. Nortraship established its London office at 144 Leadenhall Street on 19th April 1940. By that October it had 230 staff, increasing to 350 a year later; one-third were Norwegians. At the same time, its New York office had more than 200 personnel, most Norwegian. Nortraship had become the world's largest shipping company. 3,670 Norwegian merchant seamen and 977 foreign crewmen, many British, serving with Nortraship were lost to enemy action together with 706 ships. A plaque on the left of the building's facade states:-

'From 1940 to 1945 this building housed NORTRASHIP - The Norwegian Shipping and Trade Mission - established by the Norwegian Government in exile and Norwegian shipowners. NORTRASHIP operated the merchant fleet of more than 1000 ships which made a vital contribution to the Allied victory in World War II.'

Grade II-listed, this Lutyens design was built in 1929.

42. Lloyd's Building 1986



Like the Society for the Registry of Shipping (See 32.) in 1768, dismayed by the declining standard of the patrons, the merchants, insurance underwriters and brokers left Lloyd's Coffee House (See 15.) at No.16 Lombard Street in 1769 to open the 'New Lloyd's Coffee House' at No. 5 Pope's Head Lane and issue the first edition of the 'New Lloyd's List', its shipping news and intelligence bulletin. The underwriters next formed their own association, the Society of Lloyd's, transferring to the Royal Exchange in 1774. This was destroyed by fire in 1838 so Lloyd's moved to South Sea House in Threadneedle Street, returning to the rebuilt Royal Exchange in 1844. The next move came in 1928 to No. 12 Leadenhall Street, the first building Lloyd's had ever owned; it was designed by Sir Edward Cooper. Continued expansion led to acquiring adjacent Royal Mail House, another Cooper design, in 1936. Expansion brought a move in 1958 to a further new building, No. 51 Lime Street, the work of Terence Heysham. Even three buildings proved inadequate so Lloyd's opened a design competition in 1978. Required was the ability to expand or contract the building's space and facilities in response to market fluctuations. The winning design by the Richard Rogers Partnership puts the services on the structure's exterior to maximise internal space and flexibility. Opened in May 1986, it was built on the No. 1 Lime Street site of the Cooper building, which in turn had been that of the East India Company's headquarters (See 12. & 28.). In 2011, the building became the youngest to receive Grade I-listing. While marine insurance remains important, Lloyd's involvement in other fields too make it one of the leading insurance markets in the world. Similarly, having dropped the 'New' prefix in 1789, 'Lloyd's List' is now amongst the world's longest continually-published journals and has been digital since 2013.

43. Wakefield Gardens 1992



Land immediately south of Tower Hill Underground station was donated as public open space by the Wakefield Trust (See 23., 24. & 28.) in the 1930s for the benefit of local people. Opened in its present form as Wakefield Gardens in 1992, it is dominated by a 6m/20' diameter sundial commissioned by London Underground Ltd. Designed by John Chitty, Edwin Russell produced the bronze relief panels, which depict the story of London from the arrival of the Romans in 43AD through such as the Black Death 1348-49; Gunpowder Plot 1605; English Civil War 1642-51; Great Fire 1666; first police force 1829; Battle of Britain 1940; Blitz 1940-1941 and Festival of Britain 1951 to the Thames Barrier of 1982.

The delineation for the sundial's design, the mathematical and astronomical computations required, was the work of Captain Christopher Daniel, Master of the HCMM 1989-90.

44. Baltic Exchange 1995



The date of 1995 belies the Baltic Exchange's prior 221 years of history, the organisation having moved to No 38 St Mary Axe after the IRA bomb attack of 10th April 1992 on Nos 24-28 St Mary Axe, its Grade II-listed headquarters. Three were killed and 91 injured by the explosion which also caused £800 million worth of damage (£1.7 billion in 2024). The Baltic Exchange began however with the 'Virginia and Maryland Coffee House' at No 61 Threadneedle Street being renamed as the 'Virginia and Baltick Coffee-House' in May 1744, as frequented by such traders. Napoleonic War demands and tallow market speculation led in 1823 to codifying its trading practices and membership rules, leading to today's Baltic Code of Conduct. Expansion brought an 1825 move to No 58 Threadneedle Street when known as 'The Baltic Coffee House'. More expansion meant moving in 1857 to No 37 Threadneedle Street, 'South Sea House' (See 42.). Members dealt in hides, tallow, oil, indigo, tar and grain but included shipowners and agents. The advent of steamships also increased trade, the London Shipping Exchange being formed in 1891 by shipowners and operators. Merged, The Baltic Mercantile & Shipping Exchange Ltd followed in 1900 and Nos 24-28 St Mary Axe was opened in 1903. More than 3,000 members currently handle much of the world's markets in dry bulk, tanker, gas and container shipping as well as charter, sale and purchase. With offices from Houston to Shanghai, the Baltic Exchange is the world's only independent source of maritime market information for the trading and settling of physical and derivative contracts. Grade II-listed, the building, once No 40, is a 1922 design by Sir Edwin Cooper.

45. Malta GC Memorial 2005



That Malta underwent the heaviest, sustained bombing in the Second World War, 6,700 tons being dropped during 154 days and nights, is indicative of its strategic rôle. In April 1942 King George VI awarded Malta the George Cross, the highest civilian decoration, to 'bear witness to the heroism and devotion that will long be famous in history'. Little food and aviation fuel remained in mid-1942 when the Allies mounted 'Operation Pedestal', a convoy by way of a final attempt to save Malta: 7,000 civilian and military personnel were killed in the siege. The convoy's escort of 45 Royal Navy warships included four aircraft carriers. After five days of continuous attack, four cargo vessels and the tanker SS Ohio, sole survivors of the original 14 merchant ships, entered Grand Harbour on 15th August 1942, the feast of Santa Maria. George Crosses were awarded to three convoy members: Captain Dudley Mason of the Ohio; Apprentice John Gregson of the MV Deucalion and PO Cook Charles Walker, HMS Ledbury. A Distinguished Service Order; four Distinguished Service Crosses and seven Distinguished Service Medals also were awarded. Breaking the island's Axis siege allowed North Africa and then Sicily to be retaken, leading to the liberation of Italy and beyond. Located outside the western end of All Hallows by the Tower (See 3.), the Memorial's limestone is from Gozo in the Maltese archipelago. A service of commemoration takes place annually in August at the Memorial.

6. CONCLUSION

- 6.1 The Destination City website recommends the City Visitor Trail, 'a 90 minute self-guided tour'. It then offers the following Trail themes: Law and literature; London stories, London people; Culture vultures; Skyscrapers and sculpture and City Children's Trail. The City, indeed so much of the UK, was built on maritime trade of which evidence, past and present, is to be found across the City. Overlooking this for the Visitor Trail is not simply a significant omission but it suggests other themes also have been ignored. What of different periods of history in the City, not least the Roman? Street names similarly are a subject of interest as is architecture, for example. That Destination City was not launched until May 2022 adds to a concern that the Corporation's championing of heritage is not just recent but somewhat superficial if not cosmetic. Its encomium for 'The Tulip' is not forgotten nor is it that the application for No. 31 Bury Street effectively has been resubmitted. What does the Corporation really mean by 'unrivalled' heritage?
- 6.2 The Honourable Company of Master Mariners wishes respectfully to request that both of these applications are refused by the City of London Corporation.

END

To: City of London Planning Department

P.O. Box 270, Guildhall, London, EC2P 2EJ.

Email: anna.tastsoglou@cityoflondon.gov.uk

Dear Anna,

Re: Planning Application Reference: 24/00021/FULEIA.

1. I write to object in the strongest terms to the application for the proposed redevelopment of 31 Bury Street ("the Scheme"). The construction of a 45-storey tower on this site will cause unacceptable harm to the neighbouring Grade I listed Bevis Marks Synagogue.
2. I visit and worship at Bevis Marks Synagogue throughout the year and was married at the Synagogue. I have over 15 years' experience as a planning barrister and make these representations in a personal capacity.
3. This is at the least the fourth occasion on which I have made representations to the City in respect of planning applications for office developments adjacent to the Synagogue and which have each threatened the setting and future use of the historic Synagogue. Three years ago, I addressed the City of London's planning committee when the same developer proposed a very similar development on the same site. On that occasion, members of the planning committee commendably refused a very similar scheme. It is regrettable that we are back again.
4. The developer is seeking to get its way by a process of attrition. The Synagogue is a small religious institution which has had to incur significant cost and devote significant time in fighting these planning battles, resources which have had to be diverted from serving the Jewish and wider community who use and visit the Synagogue. That is unacceptable.
5. I make four main points in opposition to the Scheme:
6. **First, the Scheme is in direct conflict with the statutory development plan.** The application site is within the recently created Creechurch Conservation Area. Local Plan Policy CS14 provides that planning permission for tall buildings should be refused within inappropriate areas, comprising conservation areas. The Scheme is for a very tall building in the conservation area – it should thus be refused alone. Parliament requires development to be plan led - see s.38(6) of the Planning and Compulsory Purchase Act 2004). The purported "benefits" of what is an ordinary office redevelopment do not outweigh the fundamental conflict with the development plan.
7. **Second, the Scheme results in significant harm to the setting of the Grade I listed Synagogue and to the wider Creechurch Conservation Area.** The large office tower would loom over the Synagogue, deprive it of light, destroy its southern sky view and with it the sunlight and daylight received by the Synagogue's courtyard, which is vital for communal and religious ritual undermining those uses.

8. Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 require the City to pay “special regard” to the desirability of preserving the Synagogue and its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The importance of these statutory duties was underlined by the Court of Appeal in *East Northamptonshire DC & Barnwell Manor Wind Energy Ltd v Secretary of State* [2015] 1 WLR 45. The duties apply with particular force given that the Synagogue is a Grade I (a status enjoyed by only the elite 2.5% of listed buildings).
9. In the emerging City Plan 2040, Policy HE1 paragraph 8 provides that “*development in the defined immediate setting of Bevis Marks... should preserve, and where possible, enhance the elements of setting that contribute to the significance of these heritage assets*”. There are two points to make in this regard. First, the draft plan should be given very limited weight. Second, Policy HE1 appears to attempt to cut down the protection afforded to the Synagogue by the Creechurch Conservation Area whose boundaries include the development site. The intention of the authors of the draft plan is not entirely clear but in so far as their aim is to limit the protection of the Synagogue just to its courtyard or perhaps even less – such an attempt is impermissible. The term “immediate setting” is not recognised by conservation and planning law. Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 refer to the “setting”. The setting is the setting – it includes views in and views out of the Synagogue and the Conservation Area.
10. A building’s setting includes the nature, scale and siting of the development proposed, its proximity and likely visual relationship to the listed building, the architectural and historic characteristics of the listed building itself (see *R (Williams) v Powys County Council* [2018] 1 WLR 439 at [53]). In this case, the overshadowing and the overbearing presence of the adjacent proposed tower which would dwarf the Synagogue, the removal of the sunlight and daylight to the Synagogue courtyard and natural light to Synagogue’s interior result in harm which must be given great weight.
11. The proposed building would also damage the setting of other heritage assets in the local area and would compromise the qualities of the Conservation Area as a whole. The Scheme’s harm to the setting of Synagogue and the Conservation Area coupled with the conflict with the development plan is not outweighed by the public benefits of the Scheme.
12. The developers contend the Scheme provides planning benefits which outweigh the harm to the synagogue. However, what they propose is merely what is required by policy. For example - car free, demonstrating holistic environmental design, having consolidated deliveries – are features that would be expected in any modern commercial building, and they do not represent a public benefit.
13. **Third, the City must show consistency in its decision making. Having refused a very similar scheme three years ago, the City should refuse this latest Scheme.** The principle and desirability of consistency in planning decision-making is well

established. This matters in order to retain confidence in the development control process (see *North Wiltshire District Council v Secretary of State for the Environment* [1993] 65 P & CR 137, at 145).

14. The City rejected a very similar scheme at 31 Bury Street only three years ago. The new Scheme makes only a modest reduction in height to 45 storeys and has a larger footprint than the previous scheme which was rejected.
15. Moreover, since the previous Bury Street application was refused and, as discussed above, the City has adopted the Creechurch Conservation Area. That decision, supported by the Conservation Area Appraisal, reflected the uniqueness of Bevis Marks and purported to protect the Synagogue and its local setting. The City specifically decided that the boundary of the conservation area should include the Bury Street site and recognised the importance of the Synagogue's wider setting.
16. To approve this Scheme, in conflict with the local development plan and these previous decisions would be inconsistent and undermine confidence in the planning process.
17. **Fourthly, the City must have regard, in accordance with its Public Sector Equality Duty, to the disproportionate negative impact this Scheme will have on the Jewish community of Great Britain which worships at the Synagogue and for whom the Synagogue and surrounding Jewish sites hold incalculable religious and historic value.**
18. Bevis Marks Synagogue is the oldest functioning synagogue in the UK. Its establishment some 300 years ago reflects the return of Britain's Jews to this country in the 17th century following their expulsion in the medieval period. The Synagogue and its immediate setting is of enormous historic, architectural and religious value not just to the regular worshippers at the Synagogue but to the entirety of Anglo-Jewry. The Synagogue is the only protected non-Christian place of worship within the City. This Scheme would harm the Synagogue's setting and the conduct of religious and communal ritual at the Synagogue.
19. There has been an unprecedented response from across the Jewish community - including the Spanish and Portuguese community, the Chief Rabbi of the United Synagogue, former Lord Mayors and other leading Jewish cultural figures - in opposition to the latest Scheme and previous commercial office planning applications at 31 Bury Street and Creechurch Lane which were refused or withdrawn. In that context, refusing this latest application which has comparable impacts to those earlier applications represents an opportunity for the City to discharge its legal obligation under s.149(1)(a) and (c) and foster good relations between the Jewish community and other groups.
20. The City has come a long way in recent years in its understanding of Bevis Marks Synagogue and its unique role in British Jewish life. Approving this planning application would represent a huge error and reverse that progress. The Jewish community has been forced to fight these repeated planning battles through no fault

of its own. If the City wishes to uphold its legal duties and stand by its Jewish community it will reject the proposal.

Yours sincerely,

Sarah Sackman

From: [REDACTED]
Subject: [Planning Policy Consultations](#)
Date: Local Plan representation
31 May 2024 17:55:22

THIS IS AN EXTERNAL EMAIL

Although my wife and I live in Oxford, we are members of Bevis Marks Congregation.

I am concerned that the draft City Plan 2040 does not protect the close neighbourhood of Bevis Marks Synagogue, despite the recent rejection of a proposal for the construction of a tall building on a site very near to the Synagogue (31 Bury Steet).

A particular problem arises from the fact that there appears to be no presumption in the new Plan against tall buildings in Conservation Areas. Thus a new proposal for a tall building at 31 Bury Street would not be blocked automatically, as it should be given the crucial importance of the sky view from the Synagogue.

I hope the plan will be revised so as to strengthen the protection given to heritage sites within the City, and in particular to make clear that the Tall Buildings Area will never override the importance of heritage.

Michael Yudkin
12 Lonsdale Road,
Oxford OX2 7EW.

From: [Jonathan Ben Garcia](#)
To: [PLN - Comments](#)
Subject: Re: Objection to Planning Applications 24/00021/FULEIA & 24/00011/LBC
Date: 11 November 2024 11:36:35

THIS IS AN EXTERNAL EMAIL

Dear Ms Tastsoglou

I am writing to object to the re-consultation for planning application 24/00021/FULEIA for the proposed tower block at 31 Bury Street.

As I wrote in my previous objection to this application:

- Last year the Creechurch Conservation Area (CCA) was implemented. In the consultation prior to the CCA, there were several different options. One excluded 31 Bury Street from the CCA, another included 31 Bury Street in the CCA. The City agreed to the inclusion of 31 Bury Street in the CCA. Given that the options were clearly presented and a firm decision was reached, **this application should have been rejected before it even arrived at the consultation stage.**

Please also see my other concerns as highlighted in my objections to 20/00848/FULEIA for the proposed tower block at 31 Bury Street and 18/00305/FULMAJ for the proposed tower block at 33 Creechurch Lane in my emails below from November and December 2020.

Best regards
Jonathan

Jonathan Ben Garcia
11 Templars Ave, London NW11 0PB

On Mon, 22 Apr 2024 at 17:01, Jonathan Ben Garcia [REDACTED] wrote:

Dear Ms Tastsoglou

I am writing to object to the new planning application 24/00021/FULEIA for the proposed tower block at 31 Bury Street. Several of these points are the same as previous applications 20/00848/FULEIA for the proposed tower block at 31 Bury Street and 18/00305/FULMAJ for the proposed tower block at 33 Creechurch Lane (see emails below from November and December 2020).

To supplement my previous objection, I have the following additional comments:

- Last year the Creechurch Conservation Area (CCA) was implemented. In the consultation prior to the CCA, there were several different options. One excluded 31 Bury Street from the CCA, another included 31 Bury Street in the CCA. The City agreed to the inclusion of 31 Bury Street in the CCA. Given that the options were clearly presented and a firm decision was reached, **this application should have been rejected before it even arrived at the consultation stage.**

Best regards
Jonathan

Jonathan Ben Garcia

11 Templars Ave, London NW11 0PB

On Thu, 24 Dec 2020 at 16:24, Jonathan Ben Garcia [REDACTED] wrote:

Dear Mr Richards

I am writing to object to the new planning application 20/00848/FULEIA for the proposed tower block at 31 Bury Street. Several of these points are the same as the planning application 18/00305/FULMAJ for the proposed tower block at 33 Creechurch Lane (see email below from 21 Nov).

To supplement my previous objection, I have the following additional comments:

- As well as it being forbidden to use a microphone, there are also several sections of the service that involve silent meditation. Increased noise from pedestrian traffic and cyclists would interrupt these moments of silent meditation.
- Rabbi Morris has also released a new video regarding the impact of the proposed tower block on the Synagogue's lighting: <https://youtu.be/196tIlzTb2w>. As Bevis Marks Synagogue is Grade 1 listed, its environment should be preserved including the natural light on the eastern side and to its courtyard.
- As well as being used for religious worship, "civil services have been held at Bevis Marks for many occasions including the 50th anniversary of the Council of Christians and Jews, the 50th Anniversary of VE Day and the first visit to Britain of a president of Israel ... (in 1984 for the bicentenary of the birth of Sir Moses Montefiore and in 1965 for the death of Sir Winston Churchill." see <https://www.sephardi.org.uk/bevis-marks/history-design/>. The building works and subsequent tower blocks will impact on such future events.

Best regards

Jonathan Ben Garcia

Flat 6, Heathway Court
Finchley Road
LONDON NW3 7TS

On Sat, 21 Nov 2020 at 21:52, Jonathan Ben Garcia [REDACTED] wrote:

Dear Mr Richards

I am writing to object to planning application 18/00305/FULMAJ for the proposed tower block at 33 Creechurch Lane for the following reasons:

- Building works for the proposed tower block would impact on the ability of the community of Bevis Marks Synagogue to hold regular services and host weddings. On the Jewish Sabbath and Holy Days, it is forbidden to use a microphone, so it would be impossible to compete with the noise from the building site. It is also important that the synagogue be able to retain its step-free access from the entrance on Heneage Lane.
- The proposed tower block would significantly reduce the synagogue's lighting, by blocking natural light on the eastern side. Rabbi Morris has several videos dedicated to Bevis Marks' architecture

(www.youtube.com/channel/UCXBehglz-MVe4TpLDGCNcbg) and how these could be impacted by the proposed tower block. I would commend these to the planning committee when they come to their decision.

- Bevis Marks Synagogue is one of three Grade 1 listed Synagogues in the UK. It has been open for worship every year since 1701. For the Jews of the Spanish and Portuguese Congregation, the Synagogue surviving the Blitz is as much of a miracle as its Christian fellow, St Pauls, which was constructed at the same time.
- On a personal note, Bevis Marks Synagogue is very close to my heart. As a child, we would regularly attend the Synagogue on Sundays for its daily morning service. As a treble chorister, I was invited to sing in the 300th anniversary of the Synagogue. I wrote a project about the Synagogue of the Square Mile when I was eight, which I presented to my class at school (I have attached a copy). More recently, my wife and I were married in the Synagogue.

Best regards

Jonathan Ben Garcia

Flat 6, Heathway Court
Finchley Road
LONDON NW3 7TS



St Helen's Bishopsgate

Anna Tastsoglou
Department of the Built Environment
City of London Corporation
PO Box 270 Guildhall London
EC2P 2EJ

■ St Helen's Church
Great St Helen's
London EC3A 6AT

■ reception@st-helens.org.uk
+44(0)20 7283 2231

■ www.st-helens.org.uk

Dear Ms Tastsoglou

Re: 24/00021/FULEIA, Bury House 1 - 4, 31 - 34 Bury Street London EC3A 5AR

I write to acknowledge the proposed development at Bury House 1 - 4, 31 - 34 Bury Street, London EC3A 5AR and to provide comments on behalf of the churches of St Helen's Bishopsgate and St Andrew Undershaft.

Throughout the planning stages, we have been pleased with the constructive engagement demonstrated by BentallGreenOak. They have made an admirable effort to keep us informed of their plans, as well as addressing our concerns so far and we have appreciated their inclusive approach. In fact, the developers have kindly, on occasion, shared some of the space within the existing buildings, allowing us to continue running our ministries when our own space has been constrained.

Given the development's location, we do not foresee any direct impact on the churches' day-to-day functions, their structure or, most importantly, the running of their ministry. Based on our current understanding, the project appears to be situated far enough from our premises to avoid significant disruption.

As such, we wish to express, on record, that we currently do not have any objection to the proposed plans, while continuing to reserve the rights of the churches forthwith. We trust that the City of London will carefully evaluate all aspects of the proposed development in the best interest of the community.

Thank you for considering our input.

Sincerely,

Paul Conolly
Development Liaison Manager
St Helen's Bishopsgate

■ CHARITY NAME
The Parochial Church Council
of the Ecclesiastical Parish of
St Helen, Bishopsgate

■ REGISTERED CHARITY NO. 1131501

City of London Conservation Area Advisory Committee

Department of the Built Environment,
Corporation of London,
P.O. Box 270,
Guildhall,
London EC2P 2EJ

11th November 2024

Dear Sir/Madam,

At its meeting on 31st October 2024 the City of London Conservation Area Advisory Committee considered the following planning application and reached the decision given below:

**C.127 24/00021/FULEIA - Bury House, 1 - 4, 31 - 34 Bury Street, London EC3A 5AR
Creechurch Conservation Area/Aldgate Conservation Area. No Ward Club Rep.**

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/cafe (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.

The Committee confirmed that it strongly objected considering that the development proposals would result in the gross overdevelopment of this site in the Creechurch Lane Conservation Area, with a significantly negative impact on the character and appearance of the immediate Conservation Area and its setting. The proposals were considered to be highly damaging to the local townscape quality in the nearby street-scene context, with harmful consequences for important listed buildings that were in close proximity. The lack of architectural quality and refinement of the proposals was noted, together with their significant negative impact on wider townscape views and heritage context of the site's City/central London location.

I should be glad if you would bring the views of the Committee to the attention of the Planning and Transportation Committee.

Yours faithfully,



Mrs. Julie Fox
Secretary

Objections to proposals for a 43-storey tower at 31 Bury Street

Ref.24/00021/FULEIA

For some thirteen years until my retirement in 2017 I was a judge at the Central Criminal Court. I came to know and value the City and its buildings pretty well. In particular, I appreciate and value Bevis Marks Synagogue, a Grade 1 listed building in the Creechurch Conservation Area. I occasionally attend services there. I was and still am struck in the late afternoon by the gradual and moving change from natural lighting to candlelight.

For some years now I have attended the synagogue for the annual eve of the Day for Atonement service (Kal Nidrei) when that metamorphosis from daylight to candlelight is part of the religious experience.

I am also a Past Master of the Worshipful Company of Bakers. In my year as Master (2017-2018) the Company held its Election Service at the synagogue. It was an extremely affecting service. Members of the Company, both Jewish and non-Jewish, said at the time and for many months afterwards how moving they found the whole experience,

Accordingly, not only do I object to the proposals on the basis that the tower would completely overwhelm the synagogue and in doing so would overshadow both the building itself and the courtyard for much of the day thereby destroying the religious experience of which I have spoken above but also because of the potential damage it would cause to a world famous historic building.

Furthermore, it seems to me that the proposed development is in the wrong location not just for the reasons I have enumerated above but also because I question the need for yet another high rise edifice in the City when there is so much unused office space already with the Square Mile.

The existing building is only forty years old and it seems to me is capable, with sensible refurbishment if so desired, of providing for the needs of the developer for a good many years to come.

Finally, this is not the first time that this application has been made. It is not much different to the original one which was refused. The divergences are, in my opinion not enough to make the decision any different this time.

For the reasons I have set out above I object to the proposals.

HH Stephen Kramer KC
20th November 2024

**IN RESPECT OF
BEVIS MARKS SYNAGOGUE**

Advice on Equalities Statement for the proposed redevelopment of Bury House

Introduction

1. In instructions dated 17 October 2024, I was asked by Roger Hepher of hgh Consulting, on behalf of the S&P Sephardi Community at Bevis Marks Synagogue (“**BMS**”), to advise on the Equalities Statement accompanying the live planning application for the proposed redevelopment of Bury House, 1-4, 31-34 Bury Street, EC3A 5AR (ref. 24/00021/FULEIA) (“**the planning application**”). The purpose of the Equalities Statement is to assist the City of London in discharging its legal duties to consider the equality impacts of the planning application in its role as the planning authority.
2. The planning application and related application for listed building consent were submitted to the City of London in January 2024. 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.
3. I was specifically asked to advise on whether the Equalities Statement is sufficiently detailed on the potential impacts of the planning application on the Jewish community at BMS to discharge the legal requirement for decision makers to have due regard to equality considerations throughout the decision-making process.
4. My advice will first address the factual background, including the circumstances of BMS. I will then set out the legal framework and relevant caselaw governing the assessment of equalities impacts under the *Equality Act 2010* (“**EqA 2010**”) followed by my views on whether the Equalities Statement is sufficiently detailed.

5. This advice is my independent and impartial view of the application of the law to the facts of this case. If the S&P Sephardi Community at BMS decides to waive legal advice privilege and put this advice in the public domain, I kindly request that it avoid selective quotation, which may be taken out of context. If the advice is made public, I will not assume liability for any reliance by third parties.

Factual Background

BMS and the Jewish Community

6. BMS 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 and its importance both within the City of London and on a national level is recognised by its Grade I Listed status. This is the highest level of listing, meaning the building is deemed, on a national level, to be of ‘outstanding’ special architectural and historic interest. Indeed, the Historic England Grade 1 listing notes that the Synagogue’s *“little altered state is of exceptional historic interest.”*
7. 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. My instructions and supporting documents explain that the unobstructed night sky view from the courtyard serves an important spiritual and ritualistic purpose that is central to Jewish practice.
8. The weekly celebration of the Sabbath does not officially end until the average person can see three medium sized stars in the sky; a ritual that is consciously observed from the courtyard of BMS every week. Members of the congregation at BMS further rely on the appearance of three medium sized stars in the sky to fulfil their daily obligation of reciting the *Shema Yisrael* every evening. Although the congregation may rely on the clock when it is too cloudy to observe the appearance of the three stars, the centuries old practice of observing them from the courtyard is of fundamental importance to religious practice at BMS.

9. Similarly, the beginning of each new Jewish (lunar) month is marked by the appearance of the new moon. Each month, approximately one week after seeing the new moon, the BMS congregation gathers outside in the courtyard to recite a special blessing over the new moon. The permanent obstruction of the night sky view from nearby development would render it impossible to perform the prayers because the moon would no longer be visible from the courtyard for significant periods of time. A key ritual observed at this site for hundreds of years would therefore be permanently lost to the Synagogue community.
10. The sky view is also critical to ensuring that enough daylight reaches the interior of the Synagogue. Adequate natural light is key to religious worship at BMS given the intrinsic nature of reading a large quantity of printed texts to Jewish worship. Adequate light levels must be maintained within the Synagogue for this to continue. The amount of natural light in the Synagogue has already been reduced by the construction of higher buildings in the surrounding area and its status as a listed building greatly restricts the possibility of installing further electrical lighting. I understand from my instructions that any further reduction in natural light would jeopardise the ability of the congregation to read from the printed texts.
11. Furthermore, ample light is crucial to safely carrying out circumcisions at the Synagogue; a practice that has continued uninterrupted at BMS for over three hundred years. My instructions explain that those who conduct circumcisions at BMS have raised concerns that any further reduction to light levels would render it impossible to carry out circumcisions at BMS.

Previous planning decisions

12. In October 2021, the City of London's Planning and Transport Committee refused a previous, similar application by the same applicant (an application for a 48-floor tower at 31 Bury St). The refusal identified two harms. The first was harm to the setting and amenities of Grade-1 listed Bevis Marks Synagogue by reason of the "*overbearing and overshadowing impact of the development on the courtyard of the Synagogue.*" The second was harm to the World Heritage Site Tower of London.

13. The main difference between the new planning application and the application that was refused in October 2021 is a reduction in height of 19m and two high-level setbacks. BMS considers these modifications to be of little consequence given that the proposed development would be 178.7m high in any event. However, the newly designated Creechurch Conservation Area, within which BMS and the proposed development site at Bury Street sit since its formal designation in January 2024, is a key difference.
14. In November 2021, the Secretary of State refused permission for the ‘Tulip’ skyscraper in the City of London. BMS was amongst the heritage assets considered in the decision, with the Secretary of State finding that the setting of BMS is “*largely limited to what can be experienced from within its courtyard*” and the “*wider setting*” of the Synagogue “*includes a number of office towers, visible from the courtyard.*” Regarding BMS and a number of other heritage assets, the Secretary of State remarked that the Tulip would “*cause a marked exacerbation in the existing harm from tall buildings to the setting of the assets and the ability to appreciate their architectural or historic significance. The effect would be variously to create an overbearing presence from within the curtilage of the heritage asset (...)*” (in relation to BMS).

The City Plan 2040

15. The City Plan, which was submitted for examination on 29 August 2024, sets out the City Corporation’s vision, strategic objectives and planning framework to guide future development and decision-making in the City of London to the year 2040. Inspectors have been appointed to carry out the examination but the dates for examination have not yet been published.
16. The City Plan proposes to include the Synagogue within the Tall Buildings Area and remove the current presumption against tall buildings in the Conservation Area. It further proposes to protect only the “*immediate setting*” of the Synagogue. Weight is of course a matter for the decision-maker. However, given the draft City Plan is still in the relatively early stages of the decision-making process, it should be given no more than limited weight by the Committee when it comes to decide the planning application.

BMS' objection to the planning application

17. In May 2024, BMS submitted a detailed, 33-page objection to the planning application describing the interrelationship between the Synagogue's heritage and religious significance. The main objections included in this letter can be summarised as follows:

- (i) The proposed development would cause substantial harm in heritage terms to the significance of BMS and its setting, substantial harm to the character and appearance of the Creechurch Conservation Area, and less than substantial harm to a number of other heritage assets.
- (ii) The Synagogue is one of the most natural light-sensitive places in London, where extensive reading of printed scripts is fundamental to worship, and the proposal would have an unacceptable impact on internal daylight levels.
- (iii) The proposal would result in an unacceptable level of overshadowing to the courtyard of the Synagogue, which is used for a variety of community and religious uses.
- (iv) The view of the passage of the moon across the night sky is highly symbolic and intimately related to the traditions and rituals of the Synagogue. The proposal would block this critical view which is important to the functioning of the Synagogue.

Legal Framework

Primary Legislation

18. Section 149 of the EqA 2010 (which is referred to as the 'general equality duty') provides that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—*
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(...)

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(...)

(7) The relevant protected characteristics are—

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

19. It will be apparent from the above that having “*due regard*” to equalities impacts imposes positive obligations on decision makers to “***advance equality of opportunity***”, “***foster good relations***”, “***remove or minimise disadvantages***” and “***take steps***” to meet the needs of persons who share a protected characteristic [emphasis added]. It therefore follows that the starting point for decision makers subject to the PSED is to robustly consider the *positive steps* they can take to meet the needs of persons who share protected characteristics, remove or minimise disadvantages etc. It will not be sufficient for the purposes of s.149 to accept harm as a foregone conclusion and then merely

decide on the level of harm that will be acceptable to those sharing a relevant protected characteristic.

Guidance

20. The Equality and Human Rights Commission's 'Technical Guidance on the Public Sector Equality Duty: England' (updated in April 2023) explains at para 2.17 that the public sector equality duty ("PSED") *"applies to individual decisions as well as policy formulation (...)"* although *"this does not mean that what the duty requires those exercising the function to do in both these situations is the same. The courts have made it clear that the regard due when exercising a function will depend on the circumstances in which a function is being exercised."*
21. The Guidance clarifies at para 2.39-2.40 that to 'have due regard' means *"that in making decisions and in its other day-to-day activities a body subject to the duty must consciously consider the need to do the things set out in the general equality duty (...) How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general duty to the decision or function in question. The greater the relevant and potential impact, the higher the regard required by the duty."*
22. As to how the different needs of people with protected characteristics might be met when those needs differ from those without them, the Guidance clarifies that the duty is to meet 'needs' rather than any desires or preferences. The need must be intrinsic to the protected characteristic. In the context of the protected characteristic of religion or belief, the Guidance clarifies at para 3.30 that a relevant body *"may have to have regard to meeting needs which arise as a consequence of religious belief, where these arise in the context of a function which they do have."*
23. Complying with the general equality duty in practice entails ensuring a sound evidence base because in order to give proper consideration to the aims set out in the general duty, the relevant decision-making body will need to have sufficient evidence of the impact its policies and practice are having or are likely to have on people with protected characteristics (The Guidance at para 5.15). This entails sufficient understanding of the disadvantages or different needs of people who share a particular protected characteristic.

24. Importantly, it will be necessary to collate relevant information to have evidence-based decision-making and a body subject to the PSED will need to be able to show that it had adequate evidence to enable it to have due regard to its s.149 duty. Para 5.17 of the Guidance states that “*adequate and accurate equality evidence, properly understood and analysed, is at the root of effective compliance with the general equality duty. Without it, a body subject to the duty would be unlikely to be able to have due regard to its aims.*”
25. A proper evidence base allows a body to understand the effect of its policies, practices and decisions, to consider whether further research or engagement is necessary, to consider whether there are ways of mitigating any adverse impact identified and decide whether to modify or reconsider a policy, practice or decision (para 5.18 of the Guidance). A relevant body cannot hide behind a lack of evidence or information about a relevant issue to justify not being able to meet the PSED. If the body does not have sufficient evidence to have due regard under s.149, it will need to obtain it (para 5.23 of the Guidance).

Case Law

26. The above principles set out in the Guidance are derived from case law. The seminal cases on the general equality duty are summarised below.
27. In *Hotak v Southwark LBC* [2015] UKSC 30; [2016] AC 811 at [73-76], the Supreme Court identified “*valuable judgments in the Court of Appeal*” explaining what the PSED requires. For instance:
- (i) At [75], the Supreme Court referred to the case of *Bracking v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345, [2014] Eq LR 40 which clarifies that the PSED “*must be exercised in substance, with rigour, and with an open mind*” (per Aikens LJ in *R (Brown) v Secretary of State for Work and Pensions* [2008] EWHC 3158 (Admin), [2009] PTSR 1506 , para 92).
 - (ii) At [75], the Supreme Court further approved the principle set out in *R (Hurley & Moore) v Secretary of State for Business, Innovation and Skills* [2012] EWHC 201 (Admin) according to which, it is for the decision-maker

to determine how much weight to give to the duty: the court simply has to be satisfied that “*there has been rigorous consideration of the duty (...) the court cannot interfere ... simply because it would have given greater weight to the equality implications of the decision.*”

- (iii) Drawing the threads together, the Supreme Court remarked at [74] that having ‘due regard’ means take account of what is ““*appropriate in all the circumstances*” (...) *I do not think it is possible to more precise or prescriptive, given that the weight and extent of the duty are highly fact-sensitive and dependent on individual judgment.*”

Advice

The Equalities Statement

28. Taking the above legal framework into account, what counts as ‘due regard’ for the purposes of s.149 of the EqA 2010 depends on what is appropriate in the circumstances. The extent of the duty is highly fact-sensitive and will change from case to case. However, given BMS’ unique status as the oldest and most historically significant Synagogue in the country, its recognition as a ‘cathedral Synagogue’ with over three hundred years of continuous worship and its Grade I listing that reflects its exceptional heritage value, I consider that an Equalities Statement accompanying a proposed development of this scale would have to demonstrate a sufficient understanding of the specific potential impacts of the development proposal on the Jewish community at BMS.

29. Furthermore, given the positive obligations on decision makers subject to the PSED, the City of London will have to go beyond merely demonstrating an understanding of the religious practices of the Jewish community at BMS to actively considering the positive steps it can take through its decision making functions as a planning authority to meet the needs of those who worship at BMS, remove or minimise disadvantages facing them, foster good relations and advance equality of opportunity.

30. The Equalities Statement notes at paras 3.27-3.28 that 2% of the City of London’s residents are Jewish and BMS is one of a number of places of worship in close proximity to the site.

31. BMS is directly addressed from para 3.43 onwards where the Equalities Statement makes the following observations:

- (i) BMS is located approx. 30m north of the site. It is a place of worship and a community facility. It is the oldest Synagogue in the UK and the only Synagogue in Europe to have held regular services continuously for more than 300 years.
- (ii) It notes the times of Shabbat and the fact that the Synagogue is used for various celebrations, as well as the fact that it is of significance to the Jewish community because of its heritage.
- (iii) It remarks that the Synagogue is open to visitors and received a lottery grant in 2019.

32. The Equalities Statement notes in the table at page 19 that impacts of the proposed development may have different impacts on the protected characteristic of religion or belief due to how places of worship are used for religious ceremonies. Specific impacts to BMS are noted from para 4.38 and are said to include:

- (i) **Townscape and visual impact.** The Equalities Statement concludes that the proposed development will alter the visual backdrop to the Synagogue from the courtyard but that this does not impact on the use of the Synagogue or its courtyard for religious activities.
- (ii) **Noise.** However, the Equalities Statement notes that contractors will have close regard to the religious calendar to limit disruption during religious events.
- (iii) **Daylight and sunlight.** The Equalities Statement notes that the Synagogue is sensitive due to the reliance of candlelight only during religious ceremonies where the congregation need to be able to read from the Torah. However, it goes on to note that the Synagogue currently receives very low levels of light. It further states that as the proposed development would lead to a small reduction in the amount of daylight received, it is unlikely to affect the current use of these areas or increase the requirement for artificial lighting.

- (iv) **Night sky visibility.** The Equalities Statement addresses the proposed development's potential impact on the ability to observe the night sky during Shavuot, noting that the proposal will not materially affect the ability to observe the night sky from the courtyard. However, the Equalities Statement concludes that high levels of light pollution in London limit the potential for night sky observations.

33. The s.149 duty is primarily one of process rather than outcome ('have due regard'). I therefore consider that the Equalities Statement contains just enough information on the potential daylight and sunlight impacts of the proposed development for the reading of religious texts to discharge the PSED. However, it completely fails to address the potential daylight and sunlight impacts on the ability to continue carrying out circumcisions in the Synagogue. This was raised in BMS' objections so it should have been addressed in an updated Equalities Statement.
34. Concerning the night sky view, the Equalities Statement refers to the potential impacts on the continuing observance of Shavuot but is entirely silent on the importance of the night sky view to the weekly observance of Shabbat, the daily obligation to recite the *Shema Yisrael* and the monthly blessing on the appearance of the new moon. BMS' objection raised these specific points and explained the ways in which the development proposal's obstruction of the night sky view might prevent these religious practices from taking place.
35. Without giving "*rigorous consideration*" to these specific issues, it is hard to see how the Equalities Statement can safely conclude that the recognised alterations to the visual backdrop to the Synagogue from the courtyard would "*not impact on the use of the Synagogue or its courtyard for religious activities.*"
36. I consider on balance that the Equalities Statement is not sufficiently detailed on the potential impacts on the Jewish community at BMS to continuing worshiping in accordance with their faith. The failure of the Equalities Statement to address several key aspects of the night sky view and the importance of adequate lighting for circumcisions does not comply with the Guidance and case law which requires the PSED to be "*exercised in substance, with rigour*" (*Bracking*) and "*have regard to*

meeting needs which arise as a consequence of religious belief” (para 3.30 of the Guidance).

37. It is trite that planning authorities must carefully balance different (sometimes competing) factors and decide how they should weigh in the overall balance. However, certain factors will always weigh more heavily in the balance than others. The Guidance clearly states “*the greater the relevant potential impact, the higher the regard required by the duty.*” Considering the importance of the PSED and the extent of the potential impacts of the development proposal on the Jewish community at BMS, I consider that this is a case that warrants the heightened regard envisaged by policy and by extension, substantial weight in the overall planning balance.

Statement of Reasons

38. With some exceptions, planning committees are not generally required to give reasons for decisions to grant planning permission. The extent of the duty to give reasons for granting planning permission was discussed in *Dover DC v Campaign to Protect Rural England (Kent)* [2017] UKSC 79; [2018] 1 W.L.R. 108 where the at [59], the Court held “*(...) it should not be difficult for councils and their officers to identify cases which call for a formulated statement of reasons, beyond the statutory requirements. Typically there will be cases where, as in Oakley and the present case, permission has been granted in the face of substantial public opposition and against the advice of officers, for projects which involve major departures from the development plan, or from other policies of recognised importance (such as the "specific policies" identified in the NPPF - para 22 above). Such decisions call for public explanation, not just because of their immediate impact; but also because, as Lord Bridge pointed out (para 45 above), they are likely to have lasting relevance for the application of policy in future cases.*”

39. If the City of London decides to grant planning permission, I consider that such a decision would fall within the categories envisaged by the Supreme Court where a formulated statement of reasons would be required. This is because:

- (i) There is substantial public opposition to the proposals.
- (ii) A very similar proposal was refused in 2021 and the area now enjoys heightened statutory and policy protections due to its recent designation as a Conservation

Area. The proposal is therefore likely to involve major departures from the development plan and other policies of recognised importance.

- (iii) Given the City of London's recent decision to refuse a similar application and the recent designation of the Conservation Area, a formulated statement of reasons would be required to explain consistency of decision making.
- (iv) The decision would be likely to have both an immediate impact on the Jewish community at BMS (amongst others affected by the proposals) and lasting relevance for the application of policies relating to tall buildings and conservation areas in future cases.
- (v) Section 149 contains a positive duty to have 'due regard' to equalities impacts. In the absence of a formulated statement of reasons, it would otherwise be difficult to ascertain whether the City of London complied with this duty.

40. These observations on the duty to give reasons are relevant to understanding how an eventual decision to grant planning permission might be otherwise vulnerable to legal challenge. For the reasons stated above, a complete failure to give reasons in this case could be subject to legal challenge.

41. However, if reasons are given and the committee remedies the inadequacies of the Equalities Statement by robustly considering the specific potential impacts to BMS, it would be hard to argue that the PSED has not been discharged. That is unless the committee nonetheless gives irrational reasons for granting permission (a high hurdle). In any event, even if the committee robustly considers the potential equalities impacts on BMS but nonetheless decides to override the needs of the Jewish community in favour of the development proposal, I am of the view that a clear statement of reasons would be required.

Conclusions

42. My conclusions are as follows:

- (i) The Equalities Statement does not comply with s.149 of the EqA 2010 as it does not sufficiently address the potential impacts of the planning application on the ability of the Jewish community at BMS to continue worshipping in accordance with their faith. While it addresses some points (reading religious texts by natural light), it completely ignores several important potential impacts on the ability of the Jewish community at BMS to continuing worshipping in accordance with their faith.
- (ii) If planning permission is granted, I consider that a formulated statement of reasons will be required to demonstrate compliance with the PSED.

CLAIRE NEVIN

18 November 2024

Francis Taylor Building

Inner Temple

London EC4Y 7BY



**Historic
Buildings**

London and Middlesex Archaeological Society

c/o The Museum of London, London Wall, EC2Y 5HN
[REDACTED]

Ms Anna Tastsoglou
Environment Department
City of London
PO Box 270,
Guildhall,
London EC2P 2EJ

22 November 2024

Dear Ms Anna Tastsoglou;

Re: Bury House, 31 Bury Street, EC31 5AR
Full Planning Permission: 24/00021/FULEIA (Bury House 1 - 4, 31 - 34 Bury Street) and Listed Building Consent: 24/00011/LBC (Holland House 1 - 4, 32 Bury Street)

The LAMAS Historic Buildings Committee **object** to the planning application 24/00021/FULEIA (Bury House 1 - 4, 31 - 34 Bury Street) and listed building application 24/00011/LBC (Holland House 1 - 4, 32 Bury Street) on the grounds of the harm they would cause to the Bevis Marks Synagogue, a Grade I listed designated historic asset, and the loss of significance of the Creechurch conservation area.

We therefore recommend that these applications be refused.

The planning application 24/00021/FULEIA and associated application for listed building consent 24/00011/LBC includes for the demolition of Bury House and erection of a new building comprising of 4 basement levels, ground plus 43 storeys; partial demolition of Holland House and Renown House; erection of four storey extension resulting in ground plus 8 storeys at Holland House; and a three storey extension resulting in ground plus 5 storeys at Renown House.
24/00021/FULEIA (Bury House 1 - 4, 31 - 34 Bury Street).

We have written on previous occasions in 2021 expressing our objections to the planning application submitted for 20/00848/FULEIA Bury House, 31 Bury Street, London, EC3A 5AR. As you will know, this scheme was subsequently refused in June 2022, with the reason cited as:

1. 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).
2. The development would adversely affect the setting of the Tower of London World Heritage Site by reason of the less than substantial harm caused to LVMF view 10A.1 from the Tower Bridge North Bastion and the resulting harm to the Outstanding Universal Value of the World Heritage Site, as highlighted by Historic England in their letter of objection.

The application 24/00021/FULEIA for the demolition of Bury House and erection of a new building submitted in January 2024 and the subsequent variation submitted in October 2024 is, in our opinion, materially of little difference to the previous 2020 scheme. The committee therefore still remain of the opinion that:

- (a) The proposal for the 43-storey tower immediately adjacent to the grade I listed Bevis Marks Synagogue will still profoundly harm the exceptional significance of the Synagogue in its setting by further eroding its prominence in its immediate surroundings. The reason as stated in paragraph one of the letter of rejection therefore still relates.
- (b) Whilst it is acknowledged that the proposed building has a slightly amended profile, we do not consider that this provides sufficient mitigation to change the less than substantial harm on the London View Management Framework view as stated in paragraph two of the letter of rejection.
- (c) The variation submitted in October 2024 makes no material alterations to the proposals 24/00011/LBC (Holland House 1 - 4, 32 Bury Street) Holland House is a Grade II* listed building first listed in June 1972 and amended in September 1997. The scheme 24/00011/LBC proposes the 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.

The City of London Local Plan January 2015; Core Strategic Policy CS12: Historic Environment identifies the need: To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors, by safeguarding the City's listed buildings and their settings, while allowing appropriate adaptation and new uses.

The City of London Local Plan January 2015; Policy DM 12.2 Development in conservation areas identifies that: Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area. Contrary to that stated in the applicants DAS Vol 1; page 14, the proposed development is within the Creechurch conservation area.

Policy DM 12.2 further identifies that: In the design of new buildings or alteration of existing buildings, developers should have regard to the size and shape of historic building plots, existing street patterns and the alignment and the width of frontages, materials, vertical and horizontal emphasis, layout and detailed design, bulk and scale. The construction of a four-storey roof extension would, in our opinion, significantly alter the vertical emphasis, bulk and scale of the Grade II*listed Holland House. Policy DM 12.3 Listed buildings states:

- To resist the demolition of listed buildings.
- To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.

Para 3.12.14 further identifies that: Where extensions are proposed, in order to be acceptable, they should be located where they minimise the effect on the listed building concerned and should always be appropriate in scale and character. The bulk, height, location and materials of roof extensions will be particularly critical and should be appropriate to the period and style of the building and its setting. This has been reinforced by the establishment of the Creechurch conservation area, which encompasses both the Grade II* Holland House and the Grade I listed Bevis Marks synagogue.

The application for listed building consent 24/00011/LBC for the partial demolition of the Grade II* Holland House and the construction of four further storeys would cause a significant detrimental effect on the Grade II* listed building, in contravention of Policy DM 12.3 Para 3.12.

The proposed development is within the Creechurch conservation area, and in the opinion of the committee, will have a significant detrimental impact on the character and appearance of the conservation area, in contravention of Policy DM 12.2.

For the reasons set out above, the LAMAS Historic Buildings Committee therefore continue to object to the planning application 24/00021/FULEIA (Bury House 1 - 4, 31 - 34 Bury Street) and application 24/00011/LBC (Holland House 1 - 4, 32 Bury Street) for listed building consent on the grounds of the harm they would cause to the Bevis Marks Synagogue, a Grade I listed designated historic asset, and the loss of significance of the Creechurch conservation area.

We recommend that these applications be refused.

Yours sincerely,

Vicki Fox (Hon. Secretary)
LAMAS – Historic Buildings & Conservation Committee

From:
To:
Cc:
Subject: Proposal for 43 storey tower at 31 Bury Street (ref 24/00021/FULEIA)
Date: 27 November 2024 15:46:45

THIS IS AN EXTERNAL EMAIL

Dear Sirs,

I wish to register my strongest objections to your proposal for the development of the above project. Please take these comments into account.

- The proposed development would cause substantial harm in heritage terms to the significance of Bevis Marks Synagogue and its setting, substantial harm to the character and appearance of the Creechurch Conservation Area, and less than substantial harm to a number of other heritage assets.
- The Synagogue is one of the most natural light-sensitive places in London, where extensive reading of printed scripts is fundamental to worship, and the proposal would have an unacceptable impact on internal daylight levels.
- The proposal would result in an unacceptable level of overshadowing to the courtyard of the Synagogue, which is used for a variety of community and religious uses.
- The view of the passage of the moon across the night sky is highly symbolic and intimately related to the traditions and rituals of the Synagogue. The proposal would block this critical view which is important to the functioning of the 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 from 1701 and is the oldest and most historically significant synagogue in the country. It is widely recognised as being of outstanding communal, architectural, artistic, historic and archaeological significance.

This application follows a previous, similar application by the same applicant (ref. 20/00848/FULEIA) which was refused in 2022 for two reasons, relating to the impact of the proposal on the setting of Bevis Marks Synagogue, and the setting of the Tower of London. The reasons for refusal in 2022 apply today.

The applicants say they have made changes to the design and are now

providing space that can be used by community groups and small businesses, which represents public benefits that tip the planning balance in their favour. However, the design changes will make hardly any difference to the impact on the Synagogue, and in any event are counterbalanced by the fact that the heritage 'bar' is now even higher as the Synagogue has recently gained the added status of being within a Conservation Area. The 'public benefits' would confer little to no benefit upon the Synagogue and the community it supports, and - whilst they may benefit some people - would hardly begin to counter the damage the tower would cause.

Please register my strongest objection to this proposal and inform me of your decision by return.

Many thanks,

Ketty Ozer
6 Huson Close
London
NW3 3JW

**PLANNING APPLICATION (24/00021/FULEIA) - OBJECTION
BURY HOUSE, 31 BURY STREET**

From:
PNatali
14LeasideAvenue
London
N103BU

Date: 27 November 2024

Application Reference:	24/00021/FULEIA
Address:	Bury House 1 - 4, 31 - 34 Bury Street London EC3A 5AR
Proposal:	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.
Case Officer:	Anna Tastsoglou

I object to this planning application (24/00021/FULEIA) at Bury House, 31 Bury Street.

I have previously objected to a similar application (20/00848/FULEIA) on the same site.

The previous application (20/00848/FULEIA) was refused on 22 June 2022 by the City Corporation, in part, because “*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), contrary to Local Plan Policy CS10.1 (ensuring buildings are appropriate to the setting and amenities of surrounding buildings and spaces); Local Plan Policy CS12 (conserving or enhancing the significance of the City's heritage assets and their settings and providing an attractive environment to the City's communities) and London Plan Policy GG1 (Building strong and inclusive communities, promoting fairness, inclusivity and equality).*”.

I objected to the current application on 2 April 2024. That application has now been amended and additional information submitted (as per your letter of 8 October 2024).

The current application (24/00021/FULEIA) is of no greater merit than the previous, refused, application; the current application would also have an overbearing and overshadowing impact on the Synagogue and its courtyard and it would be at the expense of the Jewish community. I am therefore very concerned about the current application.

Bevis Marks is the oldest continually functioning Synagogue in the UK, with families able to trace their roots back to the early days of the community in the 17th century. It is an important part of this country's multi-faith heritage and is an active and vibrant Synagogue and community. It is a pity that the wannabe developer is seeking to obtain planning consent for a scheme that will be detrimental to the Synagogue, its community and its wider place in Britain's heritage.

My objections to the current proposals are many and include, in part, the following:

- The proposed 40+ storey tower would completely overwhelm the Grade 1 Listed Synagogue building, which is of enormous historic and cultural significance.
- The proposed tower would overshadow the Synagogue and its courtyard for much of the day. It would further reduce the already minimal daylight that penetrates into the Synagogue, making it even more difficult to conduct worship. It would also reduce the ability for the Synagogue's courtyard to be used for rituals and celebrations.
- Although the wannabe developer's Design and Access Statement sets out (at 5.4a3) that the current proposals include a height reduction from the previous proposals such that, it is claimed "*The height reduction and stepped form of the upper sections are purposely designed to minimise any adverse impact to views from the [Synagogue's] courtyard*", this is disingenuous as the wannabe developer is incorrect viz in order to minimise any adverse impact to views from the Synagogue's courtyard there should be NO new development visible from the Synagogue's courtyard. (See also comments concerning light above.)
- Irrespective of any qualities of design or sustainability, a building of the size and scale proposed is simply inappropriate to be built so close to a Grade 1 Listed Synagogue building; a similar approach would not be permitted adjacent to St Paul's Cathedral and there is no good reason for such an approach to be acceptable adjacent to Bevis Marks Synagogue.
- The City of London's heritage, and the Jewish community's centuries old ability to worship at the Synagogue, should not suffer at the expense of alleged benefits that the wannabe developer contends might become available elsewhere in the area. Britain's Jewish community and its heritage do matter and must be preserved.
- The development site is within the Creechurch Conservation Area. Current planning policy is not to allow tall buildings in Conservation Areas, so there is a direct conflict between the proposed development and the statutory development plan. The City Corporation would be disingenuous were it, on the one hand, to create the Creechurch Conservation Area and, on the other hand, to remove the very restrictions pertaining to the Creechurch Conservation Area that benefit the Synagogue and its setting.

Further, I note the following:

- The objection to the application that appeared in The Times on 26 November 2024 (Appendix A, attached), the terms of which I wholeheartedly agree.
- The Ministry of Housing, Communities and Local Government has now restricted the granting of permission by the Corporation, to allow the government to consider the case: <https://www.bbc.co.uk/news/articles/cgr08wq4qn0o>.
- It is high time that the Corporation put an end to the repetitive actions of wannabe developers seeking to harm Bevis Marks and the Jewish community. It is unconscionable that year on year wannabe developers' actions leave the Jewish community and its supporters feeling under constant threat of development taking place around Bevis Marks, which results in so much energy having to be devoted to defeating the wannabe developers at every turn, all at the expense of the community wishing to be able to continue with its continuing peaceful worship at Bevis Marks.

I request that the City Corporation rejects the proposed development.

Thank you for your attention.

APPENDIX A

Letter in The Times 26 November 2024

Synagogue in peril

Sir,

For more than 300 years the Grade I listed Bevis Marks Synagogue has been at the heart of British Judaism. It is one of the most natural light-sensitive places in London, where extensive reading of printed texts is fundamental to worship. That may become impossible, especially in the winter months, if a 43-storey tower is built at 31 Bury Street, overshadowing the synagogue and its courtyard. The proposal will be considered by the City of London planning committee on December 13. A similar proposal was rejected in 2022 because of the damaging impact on the synagogue and the Tower of London. The former is now included in a conservation area, which ought to give further protection, but the City of London is trying to undermine this. More than 1,340 objections have been received and we urge the committee to reject the plan.

Sir Michael Bear, lord mayor of London 2010-11; **Lord Levene of Portsoken**, lord mayor of London 1998-99; **Rachel Blake**, MP for the Cities of London & Westminster; **the Right Rev Sarah Bullock**, Bishop of Shrewsbury; **Sir Stuart Lipton**; **Professor Sir Simon Schama**; **Baroness Deech DBE KC**; **Lord Dyson**; **Rt. Hon Lord Howard of Lympne CH KC**; **Baroness Neuberger DBE**; **The Rt. Hon Lord David Triesman**; **Lord Wolfson of Tredegar KC**, shadow attorney-general; **Phil Rosenberg**, president of the board of deputies of British Jews; **Keith Black**, chair of the Jewish leadership council; **Professor Lucy Noakes**, president of the Royal Historical Society; **Professor Miri Rubin**, president of the Jewish Historical Society of England; **Rabbi Shalom Morris**, Bevis Marks Synagogue; **Rabbi Joseph Dweck**, senior Rabbi S&P Sephardi Community; **The Very Rev Prof Sarah Foot**, Dean of Christ Church, Oxford; **The Rev Laura Jorgensen**, St. Botolphs without Aldgate and area dean of the City of London; **The Rev Josh Harris**, Priest-in-Charge at St Katharine Cree; **Sadiya Ahmed**, founder of Everyday Muslim Heritage and Archive Initiative; **Tom Holland**, FRSL; **Simon Sebag Montefiore**; **Professor Sir Christopher Clark**, regius professor of History at Cambridge University; **Professor David Feldman**, Director of Birkbeck Institute for the study of antisemitism; **Dr Jaclyn Granick**, senior lecturer in modern Jewish history, Cardiff University; **Abigail Green**, professor of Modern European History at Oxford University; **Professor Tony Kushner**, The Parkes Institute, University of Southampton; **James Parkes**, professor of History; **Professor Laura Leibman**, Princeton University, Leonard J. Milberg '53 professor in American Jewish studies and president of the Association of Jewish studies; **Professor Peter Mandler**, professor in Modern Cultural History at Cambridge University; **Professor Lyndal Roper**, Regius professor of History, Oxford University; **Dr Mia Spiro**, head of Theology and Religious Studies at Glasgow University and president of the British and Irish association for Jewish Studies; **Dr Tom Stammers**, reader in Art and Cultural History at the Courtauld Institute; **Professor Zoe Waxman**, professor of Holocaust Studies at Oxford University; **Professor William Whyte**, professor of Social and Architectural History at Oxford University.

**PLANNING APPLICATION (24/00021/FULEIA) - OBJECTION
BURY HOUSE, 31 BURY STREET**

From:
PNatali
14LeasideAvenue
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N103BU

Date: 27 November 2024

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APPENDIX A

Letter in The Times 26 November 2024

Synagogue in peril

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Anna Tastsoglou
Planning Team
Environment Department
City of London
PO Box 270
Guildhall
EC2P 2EJ

15 November 2024

Dear Ms Tastsoglou,

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

On behalf of our client, The S&P Sephardi Community, we write further to our previous letter dated 15 May 2024, in relation 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.

This letter comprises a follow-up objection including:

Further evidence in relation to daylight/sunlight which has been prepared on behalf of our client; and

Responses to the letter prepared by the Applicant's agents DP9 dated 27th September 2024, specifically in relation to the GIA Lunar Transit Study;

A letter from Professor Barry Stiefel, Professor of Historic Preservation & Community Planning at the College of Charleston, regarding the significance of the sky view for Bevis Marks Synagogue; and

The findings of a review of the applicant's Equalities Statement prepared by the barrister Claire Nevin.

Generally

Our client's position remains that the proposals would have a substantial and wholly unacceptable impact on the historic, Grade I Listed Bevis Marks Synagogue and the Creechchurch Conservation Area within which it sits; and a less than substantial and unacceptable impact upon other heritage assets in the vicinity. The revised proposals do not overcome this heritage harm or come anywhere close to delivering sufficient public benefits to outweigh it.

As you are aware, 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. It is abundantly clear that the building now proposed will have just as much impact upon the Synagogue and the other heritage assets as the one proposed previously, and that the only material change in circumstances is that the area is now designated as a Conservation Area, which means that heritage impacts should attract even greater weight, and Policy CS14(2) of the City Plan (which contains a strong presumption against tall buildings in Conservation Areas) is engaged.

It is clear the applications should be refused, for the following reasons (inter alia):

1. The impact upon the Synagogue (the first previous Reason for Refusal) has not been overcome; the new scheme would be little different from the previous one in its impact. There is now even stronger evidence of adverse impact, including a better articulated objection concerning the heritage/religious/cultural significance of the sky view, and empirical evidence of poor daylighting.
2. The impact on the World Heritage Site (the second previous Reason for Refusal) has not been overcome; the modelling of the new scheme is a little different, but it still has more-or-less the same substantial impact on a very important view of the Tower of London.
3. The site is now in a Conservation Area, meaning that the scheme's heritage impact (especially on the Synagogue, which is in the same CA) should be given even more weight. City Plan Policy CS14 is very specific in saying that tall buildings proposed in Conservation Areas will be refused.
4. The claimed heritage benefits amount to nothing of substance: it is ridiculous to claim that a 43 storey tower will enhance the Conservation Area, and adding a 4 storey upward extension to Holland House represents harm to that heritage asset, not sensitive restoration.
5. The claimed other public benefits must be viewed with deep scepticism, and certainly don't amount to something to which "very great weight" should be attached. For example, the three storeys of "public access" appears to be nothing more than a meanwhile use.
6. Insofar as there could be some heritage/public benefit, no attempt has been made to demonstrate that the proposed development is the minimum necessary to achieve it. The applicants maintain they are not running an enabling development argument but, in fact, they are. They are arguing to be allowed to erect a building that is specifically contrary to development plan policy, on the basis that their claimed public benefits outweigh the policy presumption and other material considerations. The planning system should only ever accept such an argument if it is demonstrated that what is proposed is the minimum necessary to achieve the claimed benefits.
7. The building is believed to be substantially unviable, and the small size of the site is such that it is unlikely a tall building would ever be viable, let alone one that relies upon substantial expenditure upon public benefits for its justification. Planning permission should not as a matter of principle be granted for developments that are unlikely ever to be built (or unlikely to be built except with significant amendment of the proposal and/or the package of claimed benefits which accompanies it).

As planning officers of undoubted integrity, I trust you and your colleagues will recognise the above, and also that any attempt to justify recommending approval would be both improper and wide open to legal challenge.

Bevis Marks Synagogue Daylight Report

On behalf of our client, Prof John Mardaljevic and Dr Stephen Cannon-Brookes (respectively of Daylight Experts and Cannon-Brookes Lighting and Design) have prepared a report regarding the daylight position in the Synagogue. The report (enclosed at Appendix 1) provides an assessment of the existing daylight levels in Bevis Marks Synagogue and considers how these would be likely to be affected by proposed development.

It represents the only empirical study of the Synagogue undertaken by anyone. All assessments made by third party consultants are based on assumptions and estimates.

The study was originally commissioned in 2022 in the wake of the then planning applications for very damaging tall office towers on the sites of 31 Bury Street and 33 Creechurch. Whilst the original planning applications for those sites have since been refused/withdrawn, there is now a fresh planning application for 31 Bury Street; hence the study results, which cover a two-year period, are of considerable topicality.

Background

The Synagogue was originally designed to be well daylit, with large windows on all four sides which satisfied both the spiritual and functional aspects of worship. Members of the congregation expect to be able to read during services using daylight. The point is well made by this illustration from 1884.



Figure 1: Bevis Marks Synagogue, 1884

Over the years, tall buildings have been constructed on neighbouring sites which has had a significant effect on the daylighting of the interior. The surrounding courtyard has increasingly been shaded from the sky, and this has resulted in a progressive lowering of internal daylight levels within the Synagogue.

Methodology

The report is informed by a long-term assessment of the lighting levels at the Synagogue which was carried out between 26th February 2022 to 2nd April 2024. The assessment was carried out using two illuminance meters, which are widely used to record light levels in museums and other heritage buildings.

The illuminance meters were placed in the central area of the ground floor (Sanctuary), both at a height normal for holding a prayer book. The two locations were selected to capture typical daylight levels experienced on the ground floor of the Synagogue. Light levels were recorded at five minute intervals continuously throughout the monitoring period.

Daylight is measured in lux units (lx), which can be understood as follows:

Below 25lx - many occupants, particularly the elderly, will experience difficulty reading. The Synagogue is likely to appear drab and gloomy.

Between 25lx - 50lx - many occupants may be able to read printed paper, provided the text is not too small. 50lx is generally regarded as sufficiently dark that most museum exhibits will not be harmed by exposure to that amount of light.

Between 50lx - 100lx - most/all of the occupants are likely to be able to read printed paper, and the Synagogue is likely to begin to appear pleasantly daylight.

Above 100lx - the Synagogue will be perceived as having a more pleasant/daylit appearance.

Existing Daylight Levels

The results of the assessment of existing daylight over a two+ year period showed that:

The Synagogue is a fundamentally daylight building. Some electric lighting was installed in the 1920s, but artificial lighting is culturally inappropriate, and furthermore there is little if any scope to install more lighting in what is now a Grade 1 Listed building of the highest significance. In winter, the daylight levels are barely adequate.

In general, daylight levels at the Synagogue are at a 'tipping point' where additional shadowing by nearby proposed developments could plunge the Synagogue into permanent winter daylight conditions, or worse.

Figure 2 in the report shows the typical daily hours lux levels achieved over the monitoring period:

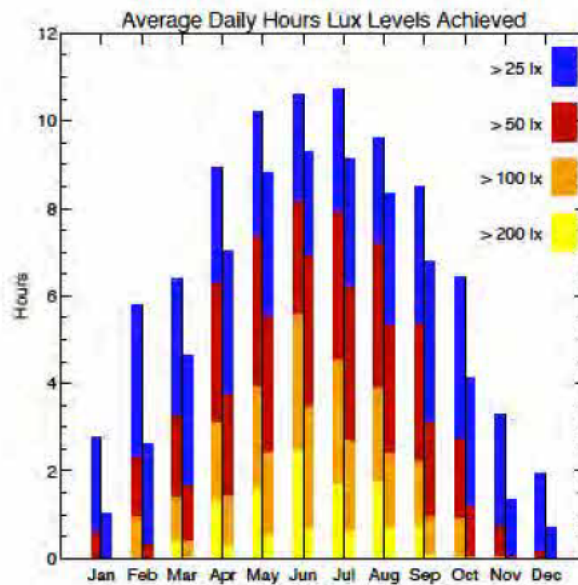


Figure 2: Average Daily Lux Levels Achieved

It is clear that in the winter months particularly, daylight in the Synagogue is very limited. Indeed, for a quarter of the year, the light levels never exceed 100lx (i.e. they are always blue or red on the graph above). Even in the summer months, much of the daylight is still at or below 100lx.

The report also considers how surrounding development that overshadows the courtyard of the Synagogue has an impact on internal light levels. On sunny days, the results show a pattern of a large dip in internal light level readings between around 08:30 to 10:00¹, after which light levels rise again. This is a result of the overshadowing of the Synagogue by neighbouring buildings.

Figure 5 in the report, below, demonstrates that when the courtyard is shaded by the very tall neighbouring building at One Creechurch Place, this has a significant and direct impact on internal light levels. For example, at 09:00 on 8 May 2022, the courtyard was fully in shadow. The illuminance levels (shown by the red and blue lines representing each illuminance meter) therefore dropped significantly (to below 25lux in one case, and below 50lux in the other); at 10:00, when the courtyard was no longer in shadow, the illuminance levels recovered.

The report confirms that this is a persistent pattern across the monitoring period which could not be explained by cloud patterns etc. This demonstrates the significant impact that the development of tall buildings in the vicinity of the Synagogue has already had on internal light levels.

¹ The timing will vary according to the date, but the phenomenon will occur in any event

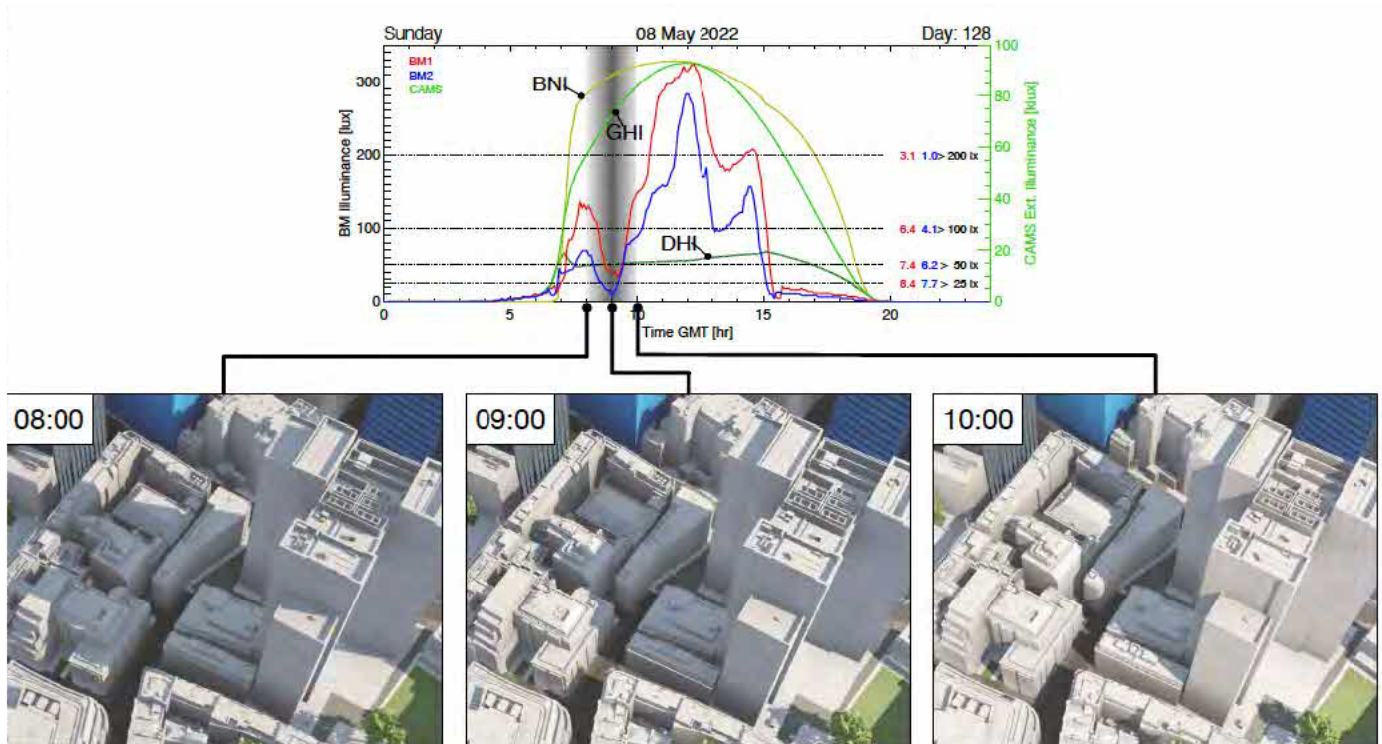


Figure 3: Impact of One Creechurh Place shadow on Bevis Marks

Potential Impact on Daylight Levels

The report goes on to consider the potential further impact on daylight levels within the Synagogue, should the proposed tall building at 31 Bury Street be approved and built. Figures 4 and 5 below show that for 31 Bury Street, on the same day (i.e. 8 May 2022), its shadow would begin to encroach on the Synagogue courtyard area around 11:00, and between 12:00-13:00 the courtyard area is heavily shaded, with shadow gradually receding until 14:00. Figures 4 and 5 relate to light monitors BM1 and BM2 respectively, with the pink and bright blue lines showing the position with 31 Bury Street in place.

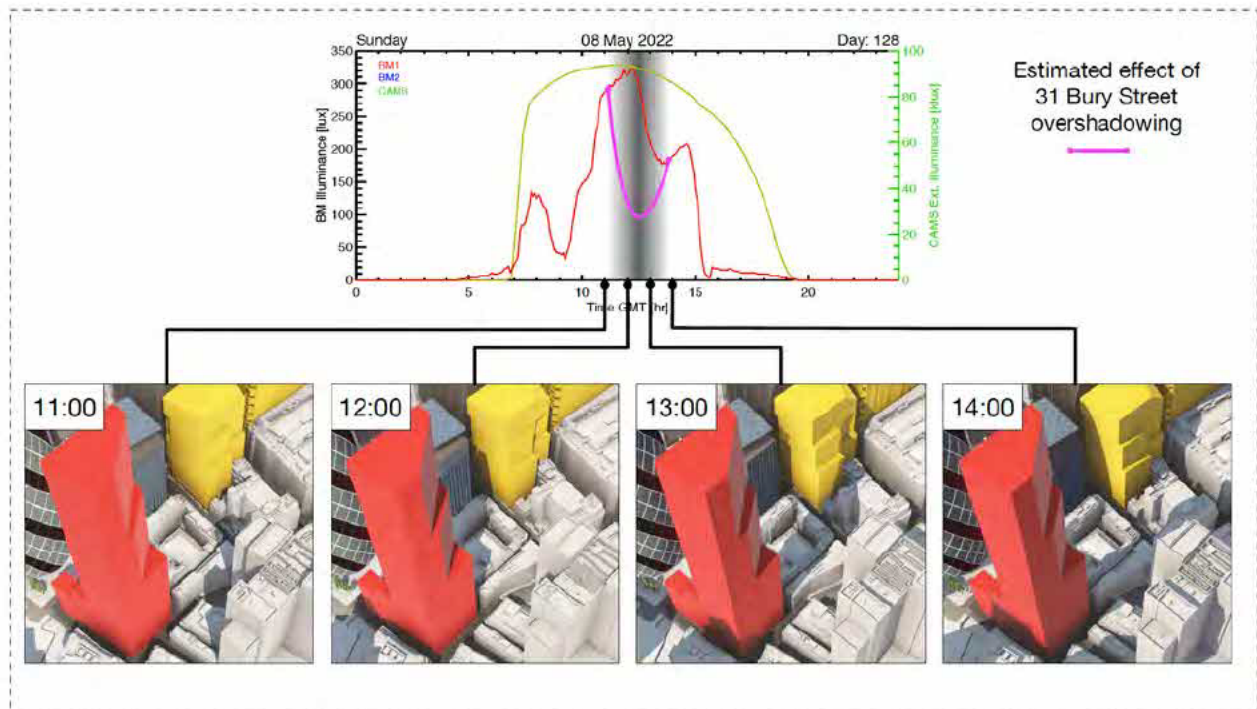


Figure 4: Progression of shadow cast by proposed development on Bevis Marks on light monitor BM1

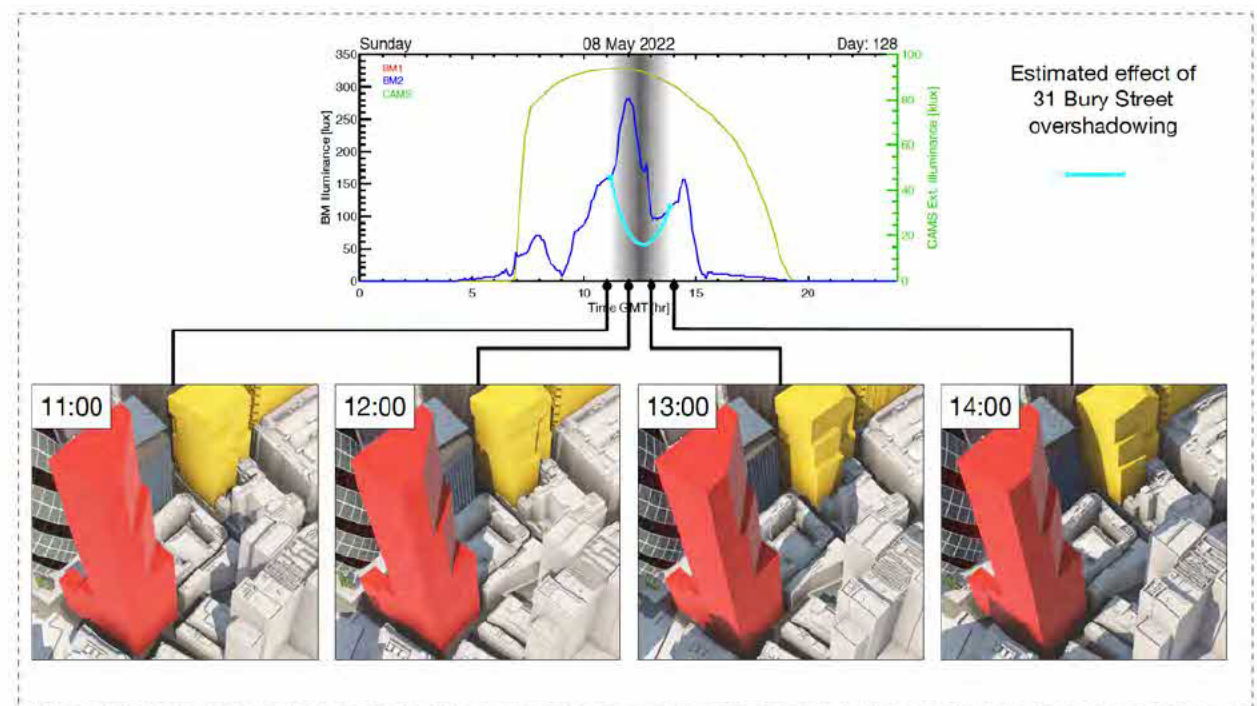


Figure 4: Progression of shadow cast by proposed development on Bevis Marks on light monitor BM2



The cumulative effect of the proposed development with One Creechurch Place is severe and would result in an unacceptable loss of light to the Synagogue.

Conclusions Regarding Daylight

This report contains the most thorough data available regarding the existing position of daylight in the Synagogue. It confirms that daylight levels at the Synagogue are at a 'tipping point' where additional shadowing by nearby proposed developments could plunge the Synagogue into something close to permanent winter daylight conditions, or worse. The projection that has been done for the effect of the proposed tower at 31 Bury Street shows a dramatic worsening of the Synagogue's daylight, resulting in an unacceptable cumulative effect.

This new evidence is of sufficient importance that we request formally that you require the applicants to respond to it in detail.

Response to DP9 letter dated 27th September 2024

The Applicant's agent, DP9, has prepared a detailed response to our previous letter dated 15th May 2024. This includes at Appendix 3 a Lunar Transit Study prepared by GIA.

Lunar Study

Rabbi Morris of Bevis Marks Synagogue has reviewed GIA's lunar study in great detail, and raises a number of issues with the way that the data has been presented, in relation to the practical matters that affect the Synagogue and its special requirements. His assessment is enclosed at Appendix 2.

GIA have reported that London has cloudy conditions 58% of the time based on information gained from the website <https://weatherspark.com>. As a result, they conclude that the moon is only visible 2.2% of the time from Bevis Marks Synagogue's courtyard. In reality, cloud cover is by no means a binary matter - it often changes over short periods of time, and often the moon can be seen through a veil of cloud. In contrast, buildings are fixed; once a building is constructed, for all intents and purposes it becomes perpetually densely 'cloudy' with respect to the lunar visibility.

Beyond this, the variability of climate conditions itself plays an important role in the monthly 'Kiddush Levana' rituals. Jews go outside after dark looking to see whether or not the moon is visible, wherein a cloudy sky is considered to be a bad omen, and a clear sky a positive one, as it allows for the prayer to be recited. The fixed reduction of visibility by the proposed tower would be a permanent obstruction, removing this variability which is central to the meaning of the ritual.

Furthermore, as reciting the prayer only takes a quarter of an hour, the preservation of sufficient unobstructed sky allows for the possibility that any cloud cover will pass, thus enabling the prayer to be recited despite earlier cloudy conditions.

Rabbi Morris has reviewed GIA's data and finds that the proposed development would prevent visibility of the moon in, on average, three months of the year when it is currently visible. At present, the Kiddush Levana prayer can be recited on average in nine months of the year. This is therefore a very significant reduction in the number of months of the year in which it is possible to recite the prayer.

GIA go on to claim that the moon is currently only visible for 2.2% of the time, and the proposed development would reduce that only to 1.8%, implying this is such a small change that it is of little consequence. However, that is a complete mischaracterisation of the position. Even if the figures were correct, the reduction amount is considerable. It is trite to say so, but as something gets smaller, it becomes more precious, and so the sensitivity to further loss becomes more acute.

It is noted that BRE has also been instructed to review the GIA report on behalf of the City of London, and that they reach a similar conclusion to the rabbi:

“With both the consented and proposed developments in place (in the cumulative scenario), the opportunity to view the moon from the observer location used by worshippers at Bevis Marks Synagogue when reciting Kiddush Levana would reduce by 51% on average throughout a full lunar cycle, compared to the existing baseline.”

Finally, and very importantly, this is a matter which is deeply entwined with the history of Judaism and of the Synagogue. Below is a woodcut from 1695, showing Jews revering the moon and the stars at the synagogue in Amsterdam.



Figure 5: 1695 Woodcut

The synagogue shown is a relatively low building, open to the sky, exactly as Bevis Marks Synagogue was when it was built around the same period.

Below is another image, showing the same phenomenon at a synagogue in Germany in 1726.



Figure 6: Illustration of a synagogue Germany (1726)

Enclosed at Appendix 3 is a letter from Professor Barry Stiefel, Professor of Historic Preservation and Community Planning at the College of Charleston. Professor Stiefel is a leading expert in Western Sephardi Synagogue architecture. Professor Stiefel's letter sets out in detail the cultural and religious significance of the sky view for the community at Bevis Marks Synagogue, with reference to religious observances, daily prayers, festivals, and its cultural, historic, mystical and symbolic significance. Professor Stiefel concludes that even partially blocking the important sky view would lead to disruption for the Sephardic Jewish community at Bevis Marks Synagogue.

What we have here is not only very important to the modern day religious and cultural rituals of a minority ethnic group, but something which is fundamental to the significance of the heritage asset. The sky view is not just a matter of aesthetics; it serves a purpose which has always been an important and integral part of the functioning of the building.

Enabling Development and Viability

The letter prepared by DP9 states that they do not make an 'enabling development' argument and we understand from our previous discussions that viability evidence has not been requested from the applicant. We have sought advice from Lord Banner K.C. on this matter and his advice (enclosed at Appendix 4) is that:

"it would be amply open to the Council to take the view that the "clear and convincing justification" for the harm to the significance of Bevis Marks Synagogue and the Tower of London does not exist without (clear and convincing) evidence that the benefits relied upon cannot be achieved without the extent of harm that would be caused - including viability evidence."

We therefore remain of the view that the applicant should provide viability evidence to demonstrate that the claimed benefits (including heritage benefits) of the scheme cannot be achieved without the extent of harm that would be caused. It is indisputable that a very tall building on the 31 Bury Street site would cause considerable harm to Bevis Marks Synagogue and the Tower of London. The applicants are effectively arguing that the benefits of the proposed development (including heritage benefits) would, in their opinion, outweigh those harms as well as clear conflict with the statutory development plan. For the Corporation to be able to consider that argument, it will require robust evidence that a building of the dimensions proposed (a) can deliver the benefits claimed, and (b) is no taller than necessary for the balance to be capable of being tipped in its favour, i.e. viability evidence.

We again formally request that you require proper evidence from the applicants. If such information is not provided, we put you on notice that this will form part of any legal challenge in due course.

Equalities

Our previous objection raised concerns regarding the Equalities Statement submitted as part of the application. We note DP9's response which states their view that the submitted Statement is sufficient. We have instructed Claire Nevin, a barrister specialising in environmental and human rights law, to carry out a review of the Equalities Statement (enclosed at Appendix 5). The review sets out, in summary, that *"the Equalities Statement is not sufficiently detailed on the potential impacts on the Jewish community at BMS to continuing worshipping in accordance with their faith. The failure of the Equalities Statement to address several key aspects [...] does not comply with the Guidance and case law"*. The review concludes that were the City of London to rely on this Equalities Statement alone to discharge their Public Sector Equality Duty (PSED), it would be in breach of the duty.

The decision maker (i.e. the City of London's Planning Committee) must have due regard to the factors set out at Section 149 of the Equalities Act 2010. Ms Nevin concludes that if the City of London were to decide to grant planning permission, a formulated statement of reasons would be required in accordance with the Supreme Court's ruling in *Dover DC v Campaign to Protect Rural England (Kent) [2017]*. A formulated statement of reasons would be required because:

There is substantial public opposition to the proposals.

A very similar proposal was refused in 2022 and the area now enjoys heightened statutory and policy protections due to its recent designation as a Conservation Area. The proposal is therefore likely to involve major departures from the development plan and other policies of recognised importance.

Given the City of London's recent decision to refuse a similar application, and the recent designation of the Conservation Area, a formulated statement of reasons would be required to explain consistency of decision making.

The decision would be likely to have both an immediate impact on the Jewish community and lasting relevance for the application of policies relating to tall buildings and conservation areas in future cases.

Section 149 contains a positive duty to have ‘due regard’ to equalities impacts. In the absence of a formulated statement of reasons, it would otherwise be difficult to ascertain whether the City of London complied with this duty.

It is therefore important that Members of the Planning Committee are made aware that a formulated statement of reasons should be provided in the event that they were minded to resolve to grant permission for the application.

Ms Nevin’s review also draws comparisons between the current application at 31 Bury Street, and the application for the ‘Tulip’ skyscraper, which was refused by the Secretary of State in November 2021 (ref. APP/K5030/W/20/3244984). Bevis Marks Synagogue was amongst the heritage assets considered in the decision, with the Secretary of State finding that the “wider setting” of the Synagogue *“includes a number of office towers, visible from the courtyard.”*

Regarding Bevis Marks Synagogue and a number of other heritage assets, the Secretary of State remarked that the Tulip would *“cause a marked exacerbation in the existing harm from tall buildings to the setting of the assets and the ability to appreciate their architectural or historic significance. The effect would be variously to create an overbearing presence from within the curtilage of the heritage asset (...)”*. This clear view expressed by the Secretary of State is a material consideration that must be taken into account when determining the application at 31 Bury Street.

Ms Nevin concludes that: *“It is trite that planning authorities must carefully balance different (sometimes competing) factors and decide how they should weigh in the overall balance. However, certain factors will always weigh more heavily in the balance than others. The Guidance clearly states “the greater the relevant potential impact, the higher the regard required by the duty.” Considering the importance of the PSED and the extent of the potential impacts of the development proposal on the Jewish community at BMS, I consider that this is a case that warrants the heightened regard envisaged by policy and by extension, substantial weight in the overall planning balance.”*

Conclusions

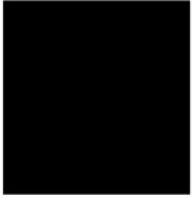
In summary, none of the material produced by the applicant or their agent in response to our previous objection changes our client’s position and our strong objections previously set out. The additional evidence enclosed with this submission provides further reasons why the application should not be approved.

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, and because the significance of the sky view is now better understood. The revised proposals do not begin to overcome the heritage harm or deliver sufficient public benefits to outweigh it, let alone to justify a clear conflict with City Plan Policy CS14.

The applications should be refused. However, in order for you to be in a position properly to report them to Committee, we reiterate our request that you require the applicants to respond in detail to the empirical evidence on daylight, and to produce a viability assessment to justify their *de facto* enabling development case. You might also think it appropriate to suggest they produce a robust Equalities Statement to assist you in your reporting on this most important and sensitive matter.



Yours sincerely,



Roger Hepher
Executive Director



Appendix 1 - Bevis Marks Daylight Report 2024

Bevis Marks

Daylight Report 2024

Prof. John Mardaljevic

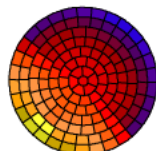
PhD FSL FIBPSA

Dr. Stephen Cannon-Brookes

PhD FSL

Prepared for the Sephardi and Portuguese Congregation

FINAL VERSION: 26/ 10/ 2024



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Executive Summary



Bevis Marks Synagogue, 1884 (John Crowther)

In order to determine if the Bevis Marks Synagogue is at risk from significant loss of daylight due to proposed nearby developments, it is necessary to establish two matters of fact:

1. The current levels of daylight provision in the Synagogue.
2. The expected reduction in daylight provision to the Synagogue caused by the proposed developments.

The first can only be determined reliably by direct measurement of daylight levels in the Synagogue over extended periods. The second can only be estimated using a realistic prediction method which minimises the uncertainty in the outcome.

This report focuses on the findings of a long-term measurement campaign to quantify the daylight provision in the core of the Bevis Marks Synagogue. The measurements, using two conservation grade light meters, were carried out over a two year period from 26th February 2022 to 2nd April 2024. The results attest to the fact that the Synagogue is a functionally daylight building for considerable periods of the year: over winter the daylight levels are barely adequate, but they improve considerably for the other nine months of the year. The data also show that the daylight levels in the Synagogue are at a 'tipping point' – significant additional shadowing by nearby proposed developments could plunge the Synagogue into permanent winter daylight conditions, or worse. The report also provides guidance regarding the selection of a suitable prediction method to estimate the loss of daylight provision to the Synagogue caused by the proposed developments.

1 Introduction

To set the picture, the Synagogue was designed to be well daylit with large windows on all four sides to meet spiritual and functional aspects of worship. That the latter has always involved the congregation reading during services is confirmed by the presence of lockers beneath every seat, some of which predate the Synagogue and that are still in use. Members of the congregation expect to be able to read during services using daylight, which as of tradition plays a role in the timing of services. This helps to explain why the generous number of original chandeliers were not electrified during the 20th century, since, as in early the 18th century, appropriate candles are expensive and their use is reserved for special services. Furthermore, it is the minimal level of material change since then that earned the current Grade 1 listing of the building, its fabric and furnishings.

Whilst the building and its use remain largely unchanged the same cannot be said for its surroundings and this has had a substantial effect on the daylighting of the interior. The narrow surrounding courtyard has maintained a perimeter of space though one increasingly shaded from the sky by the rising height of adjacent buildings. The consequences of this can be read in the interior with redundant boxes above the upper level windows on the SE and SW walls. In the past these housed blinds to diffuse direct sunlight, now largely blocked by adjacent buildings. Change has been incremental, but always in the direction of lower daylight levels as the height of these buildings increased. An earlier report by surveyor GIA presented the current conditions showing how little direct view of the sky remains from the Synagogue's windows.

Site measurements of light levels indicate that the interior is on the cusp of losing workable levels of daylight under most sky conditions. Review of existing conditions and schematic modelling indicates that the daylighting in the Synagogue is now largely dependent on reflected light from the surfaces of the buildings surrounding the courtyard. This is most obvious during periods of sunlight, the absence of which is easily perceived since levels are considerably lower when sky is overcast. At these times, the current and relatively sparse electric lighting on the columns is utilised, but, as reported, even when members of the congregation tend to congregate around the columns, light levels are insufficient for these to be an effective alternative means of illumination.

2 Measuring the Daylight Levels in Bevis Marks

Illuminance is a measure of the amount of light (i.e. the luminous flux per unit area) under normal viewing conditions. Illuminance has units of flux (often shortened to lx). Illuminance is the quantity most commonly used to assess illumination levels in buildings. For example, to specify the artificial lighting in an office, usually something in the range 300lx to 500lx. Verification of an artificial lighting system would be carried out using a light meter, e.g. taking measurements at various desks to ensure that the design intent (say, 300lx across the desks) has been achieved.

In contrast to artificial lighting, verification of daylight levels in a building is far more complex. The quantity and quality of daylight in buildings is continually varying due to the natural changes in sun and sky conditions from one moment to the next. These changes have components that are: random (e.g. individual cloud formations); daily (i.e. progression from day to night); and, seasonal (e.g. changing day length and prevailing weather patterns). Accordingly, to be reliable, any measurement of daylight provision in a building must be taken over a period of at least a full calendar year. Daylight levels measured outside vary enormously.¹ For example, in the Midlands (UK), typical daylight levels at noon vary from ~60,000lx in summer to around ~10,000lx in winter. Peak values under the sunniest conditions can reach in excess of ~90,000lx. Half an hour after sunrise (or half an hour before sunset), daylight levels will be around ~1,000lx. Thus, any meaningful assessment of daylight provision indoors must describe the degree of occurrence of,

¹ Here we refer to measurements taken on the horizontal plane in an unobstructed outdoor setting, i.e. with a full view of the hemispherical sky vault.

usually, particular daylight levels throughout the year. How this was achieved for Bevis Marks is described in the sections that follow.

2.1 Daylight Measurement Strategy

Two logging illuminance meters (referred to as BM1 and BM2) were used to record the daylight levels in the Synagogue. The meters employed were newly purchased Hanwell ML4701 LUXBUGS, which are widely used to record light levels in museums and heritage buildings. They were placed in the central area of the ground floor (Sanctuary), as can be seen in Figure 1. BM1 was located on the edge of the Bimah and BM2 on the pew closest to the Ark, both at the height normal for holding a prayer book. These locations were selected to capture the range of daylight levels across the core of the ground floor area of the Synagogue. Perimeter areas, under the balconies were not considered as scaffolding was present around the ground floor windows at the start of monitoring. Light levels were recorded at five minute intervals continuously throughout the monitoring period. There were occasional losses of data due to the practicalities of long-term light monitoring in an occupied space. For example, due to internal memory overflow. And one occasion when BM1 was misplaced for a number of weeks following a wedding.

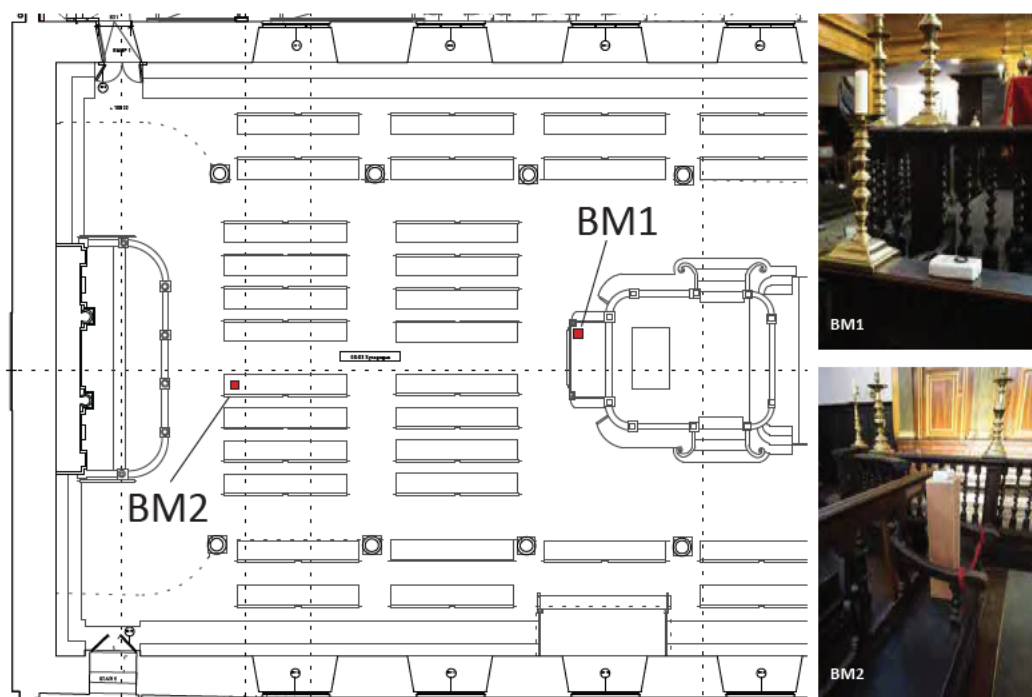


Figure 1: Location of Hanwell loggers BM1 and BM2

2.2 Determining Daylight Provision from the Measured Illuminance Data

The monitored illuminance data used to quantify the long-term daylight provision in the Synagogue were recorded between 26th February 2022 and 2nd April 2024 by logging meters BM1 and BM2. In total, there were 767 full days of measurements where either one or both loggers were recording (equivalent to approximately 2.1 years of data). The rationale for processing the data into metrics that characterises the overall daylight provision in the Synagogue was as follows:

- i. All the measured data should be used to avoid bias in the presentation of the results, i.e. no 'cherry-picking' of measurements.
- ii. Results should be presented on a monthly basis to reveal how the daylight levels vary across the year.

- iii. For each month, the average daily occurrence in hours of key daylight levels should be determined from the measurements.
- iv. The key daylight levels used should relate to human visual performance requirements and preferences.
- v. Results are normalised to monthly totals, but there should be no interpolation/ estimation of missing data.

The key illuminance levels used to characterise the daylight provision are: 25lx, 50lx, 100lx and 200lx. The minimum key value of 25lx is approximately the lowest illuminance level advised for use in public spaces when lighting needs to be strictly limited, invariably for conservation purposes in museums and art galleries to protect particularly delicate artworks, fabrics, etc. A more typical illuminance level used for all but the most delicate artefacts is 50lx. Daylight illuminance levels around 50 to 100lx are typical in many residential rooms under moderately bright overcast skies. Under daylight illumination levels of 50–100lx, occupants may often be content to read books/ newspapers without additional lighting providing the eye has adapted and there are no contrast issues (e.g. bright window in the field of view). All the same, they might *prefer* illuminances greater than 100lx, particularly if reading for extended periods. Note that the response of the human eye is such that a doubling of brightness is perceived as a significant change, whereas a smaller incremental edition might be difficult to notice. Accordingly, the final illumination level for consideration is set to 200lx.

The likely implications for the occupants of the Synagogue experiencing the various illuminance ranges are summarised as follows:

- Below 25lx many occupants, particularly the elderly, will experience difficulty reading. Those who are not too elderly and with good eyesight may manage to read provided the daylight levels are above 10lx.² The Synagogue is likely to appear drab and gloomy.
- Between 25–50lx many of the occupants may be able to read printed paper, provided the text is not too small. The Synagogue is likely to appear dim at the lower end of the range (~25lux), but noticeably brighter at the upper end (~50lux)
- Between 50–100lx most/ all of the occupants are likely to be able to read printed paper without undue discomfort, unless they have marked visual impairment. The Synagogue is likely to begin to appear pleasantly daylight.
- Between 100–200lx there are likely to be few significant improvements in visual performance for the majority of occupants. However, the synagogue is likely to be perceived as having a markedly more pleasant/ daylight appearance.
- Illuminances greater than 200lx probably not needed for the majority of tasks carried out in the Synagogue. However, the additional brightness imparted would be perceived as further 'enlivening' the Synagogue, and therefore welcomed by the occupants.

²Young adults with standard vision can generally read fairly well down to illuminance levels in the range 5–10lx. However, as visual acuity declines by roughly a factor of three between the ages of 20 and 60, older people invariably need multiples of these light levels to read, often supplemented by eye correction (glasses etc).

2.3 Daylight Monitoring Results

The illuminance levels in the Synagogue recorded at locations BM1 and BM2 in the period between 26th February 2022 and 2nd April 2024 are presented in both tabular and graphical form. The data were processed to show the average daily occurrence in hours that the four key illuminance levels were achieved (i.e. exceeded) on a monthly basis. A summary of the complete analysis is shown in Table 1. For example, for the month of February, an illuminance of 25lx was achieved (on average) for 5.8hrs (BM1) and 2.6hrs (BM2).³ Whereas an illuminance of 50lx was achieved (on average) for 2.3hrs (BM1) and 0.3hrs (BM2).

Month	BM 1				BM 2			
	Hours lux value achieved				Hours lux value achieved			
	> 25lx	> 50lx	> 100lx	> 200lx	> 25lx	> 50lx	> 100lx	> 200lx
Jan	2.8	0.6	0.0	0.0	1.0	0.0	0.0	0.0
Feb	5.8	2.3	0.9	0.0	2.6	0.3	0.0	0.0
Mar	6.4	3.2	1.4	0.4	4.6	1.7	0.4	0.0
Apr	8.9	6.3	3.1	1.3	7.0	3.7	1.4	0.3
May	10.2	7.4	3.9	1.6	8.8	5.5	2.4	0.5
Jun	10.6	8.2	5.6	2.5	9.3	6.9	3.5	0.7
Jul	10.7	7.9	4.5	1.7	9.1	6.2	2.6	0.6
Aug	9.6	7.2	3.9	1.8	8.3	5.3	2.4	0.7
Sep	8.5	5.4	2.2	0.7	6.8	3.1	1.0	0.1
Oct	6.4	2.7	0.9	0.0	4.1	1.2	0.0	0.0
Nov	3.3	0.8	0.0	0.0	1.3	0.0	0.0	0.0
Dec	1.9	0.2	0.0	0.0	0.7	0.0	0.0	0.0

Table 1: Average daily hours key illuminance values achieved on a monthly basis

The data in Table 1 are presented graphically in Figure 3. Two bars are shown for each month, the left hand is data from BM1 and the right from BM2. Colour coding is employed to show the number of hours achieved for the four threshold light levels (25, 50, 100 and 200lx). Note the 'bars' are superposed rather than stacked – see illustration in Figure 2. For example, in July, 25lx is achieved (on average) for 10.7hrs (BM1) and 9.1hrs (BM2). Whereas 200lx is achieved for 1.7hrs (BM1) and 0.6hrs (BM2).

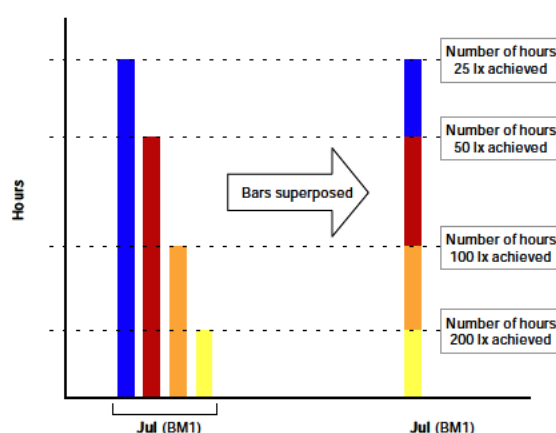


Figure 2: Illustration showing superposition of bars in Figure 3

³Decimal hours are shown, e.g. 1.5hrs equals 1hr 30mins.

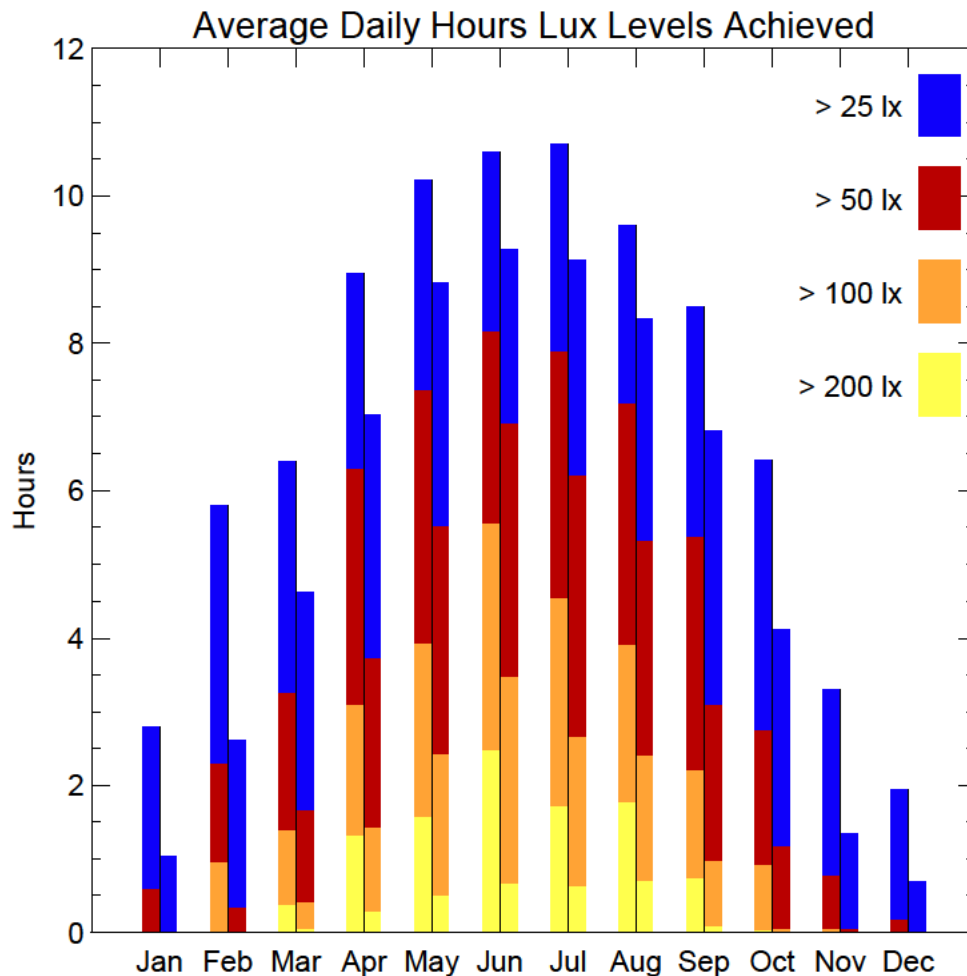


Figure 3: Typical daily hours lux levels achieved. Monitoring period 26th February 2022 to 2nd April 2024

2.4 The Importance of Reflected Sunlight

It was revealing to compare the measured internal illuminance values with simultaneous data for the sun and sky conditions at the same location. The external condition data used were global horizontal irradiation, diffuse horizontal irradiation and beam normal irradiation at 15 minute intervals for the entire monitoring period to date. The global and diffuse horizontal irradiation data were sourced from the Copernicus Atmosphere Monitoring Service (CAMS). This service provides freely available satellite-derived radiation data covering Europe, Africa, the Middle East and parts of South America at various time resolutions. The period of record is February 2004 to the present day (with up to two days delay). CAMS satellite irradiation data has undergone numerous validation studies and shown to be a reliable indicator of conditions on the ground.^{4,5}

CAMS irradiation data for the precise latitude/ longitude coordinates of the Synagogue were

⁴German Salazar et al. "Solar irradiance time series derived from high-quality measurements, satellite-based models, and reanalyses at a near-equatorial site in Brazil". In: *Renewable and Sustainable Energy Reviews* 117(2020), p.109478.

⁵Laurent Vuilleumier et al. "Accuracy of satellite-derived solar direct irradiance in Southern Spain and Switzerland". In: *International Journal of Remote Sensing* 41.22(2020), pp.8808-8838.

downloaded from the Solar Radiation And Meteorological Data Services website.⁶ The CAMS irradiation data for the duration of the monitoring period (26th February 2022 to 2nd April 2024) were converted to illuminance values using the Perez luminous efficacy models. Global horizontal illuminance (GHI) is a measure of the total light from the sun and sky received by an (unobstructed) horizontal surface. Diffuse horizontal illuminance (DHI) is the same as global horizontal illuminance but excluding the contribution of solar radiation. When the two quantities are plotted, the amount by which GHI is greater than DHI indicates the degree of sunniness. A bell-shaped curve for GHI indicates largely clear sky conditions throughout the day. If however the lines of GHI and DHI overlap (i.e. when GHI equals DHI), this indicates that the sky at that time was largely overcast with no significant solar contribution, i.e. $GHI \approx DHI$. The beam normal illuminance (BNI) is a measure of the direct sun intensity measured normal to the direction of the sun. The BNI can often exceed GHI on clear days at times when the sun altitude is low – and thus its contribution to horizontal illuminance is small compared to its intensity measured normal to the beam.

Our use of the CAMS-derived illuminance data is illustrative. However, examination of the correspondence between the internal daylight levels and the (external) illumination levels confirmed our hypothesis that reflected sunlight makes a significant contribution to the daylight inside the Synagogue. And also that the effect is important throughout the year. An example plot of the data collected on 8th May 2022 is used to illustrate the substantial contribution of reflected sunlight to the internal daylight levels in the synagogue, Figure 4. The red and the blue lines show the illuminance measured at points BM1 and BM2, respectively, at 5 minute intervals. The time axis shows GMT.

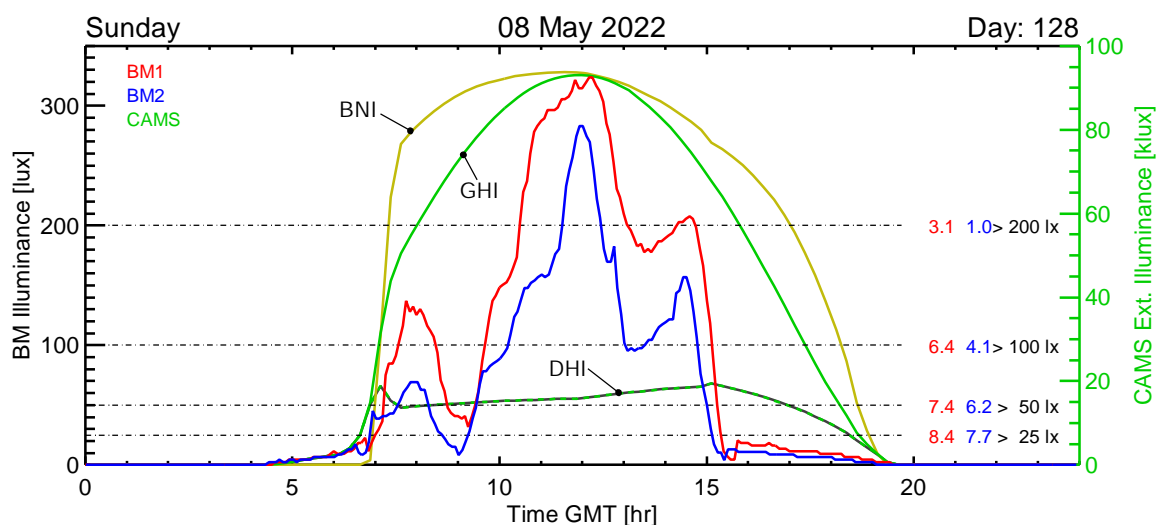


Figure 4: Example data plot for 8th May 2022. The external sun and sky conditions – derived from satellite data – are indicated by the green and yellow lines. The solid green line shows the global horizontal illuminance (GHI), and the dashed green/grey line shows the diffuse horizontal illuminance (DHI). The yellow line shows the beam normal illuminance (BNI).

For this bright day, the maximum recorded illuminances were ~ 320 lux (BM 1) and ~ 280 lux (BM 2), at the same time around 12:00. The key illuminance values are indicated by horizontal dashed lines. The CAMS-derived external illumination data is over-plotted using the same time axis, however the scale used is now the right-hand y-axis in green, with units of klux, i.e. thousandsof lux. For this day, The peak GHI (and, coincidentally, peak BNI) were both ~ 95 klux (i.e. ~ 95,000 lux) around noon. Whereas DHI (the illuminance from the sky only on

⁶<https://www.tsv.soda-pro.com>

the horizontal) was ~ 20,000lux. The data shows that this was a largely clear, sunny day with just a small degree of cloud around dawn (07:00). All 767 daily plots of illuminance measurements in the Synagogue showing also the satellite-derived external illuminance conditions are presented in Appendix B of the report.⁷

A conspicuous feature evident on many of the sunny days (see Appendix B) is a large dip in both internal light level readings around 08:30 to 10:00, followed by another rise. This distinct dip is quite broad (lasting approximately two hours) and does not result from reduced external irradiation – GHI is steadily increasing until around noon. Instead, it is evident that this feature results from the progression of the path of the sun and its interaction with the surrounding buildings. It appears that, on this day from around 06:00 and until 08:00, the Synagogue receives reflected sunlight from the surrounding buildings. Then, between 08:30 and 09:30, the reflected sunlight decreases to a minimum because the sun is being blocked by a nearby surrounding building – One Creechurch Place (~ 80m tall from ground level). Thereafter, when the sun has progressed past the obstructing building, the reflected sunlight increases as rapidly in the next hour as it declined in the previous hour. Such a persistent feature cannot be explained by random variations such as cloud patterns, etc.

This assertion is confirmed by examining the internal illuminance plot (Figure 4) alongside simulated time-lapse images for that day which show the progression of sunlight and shadow around the immediate vicinity of the Synagogue. The illustration given in Figure 5 shows renderings of the shadow patterns for the hours 08:00, 09:00 and 10:00.⁸ These renderings reveal the important contribution of reflected light from the immediate surroundings to the daylight levels in the Synagogue. At 08:00 the shadow cast by One Creechurch Place has begun to encroach on the Synagogue courtyard, and the measured daylight levels begin to decline steeply. At around 09:00 the shadow cast by One Creechurch Place results in the maximum reduction in daylight levels recorded at both locations in the Synagogue: below 50lux for BM1 and below 25lux for BM2. At 10:00 the shadow cast by One Creechurch Place begins to recede from the courtyard, and the illuminance levels measured in the Synagogue begin to rise steeply, eventually attaining values around 300lux each.

The example above showing the overshadowing effect of One Creechurch Place on daylight levels in the Synagogue can be used to illustrate the likely effect that (proposed building) 31 Bury Street would have on Synagogue daylight levels on a similarly clear day during the middle of the year. The illustration is shown in Figure 6 using the same presentation to that employed for One Creechurch Place. For 31 Bury Street, its shadow would begin to encroach on the Synagogue courtyard area around 11:00, and between 12:00–13:00 the courtyard area is heavily shaded. By 14:00 the shadow from 31 Bury Street has largely receded from the Synagogue courtyard area. The illuminance plot used previously is repeated, but now the likely effect on the measured daylight levels at BM1 and BM2 (caused by 31 Bury Street) has been illustrated by superposing on the BM1/ BM2 lines ‘best guess’ estimates indicating how they might change – magenta curve for BM1, cyan curve for BM2. The *actual* degree of light reduction could be less or greater than that shown – but, given the similarities with the example of One Creechurch Place, it is likely to be of that order. The same data for BM1 and BM2 are shown disaggregated (with the less significant details removed) in Figures 7 and 8, respectively.

The contribution of reflected sunlight might appear to be a subtle aspect of the daylight dynamics in the Synagogue. However, it is revealing of a wider reality that the *prevailing* (i.e. yearly) daylight in Bevis Marks depends overwhelmingly on reflected sunlight and skylight from nearby building surfaces. Consequently, any reduction of the daylight provision in the Synagogue that might result from additional overshadowing can therefore only be assessed using a computer simulation technique that accounts adequately for reflected sunlight and skylight.

⁷Note, two versions of the report have been prepared: with and without the 64 pages containing the 767 daily plots.

⁸The shadow pattern images were generated using the VuCity software and supplied with permission for use by HGH Consulting.

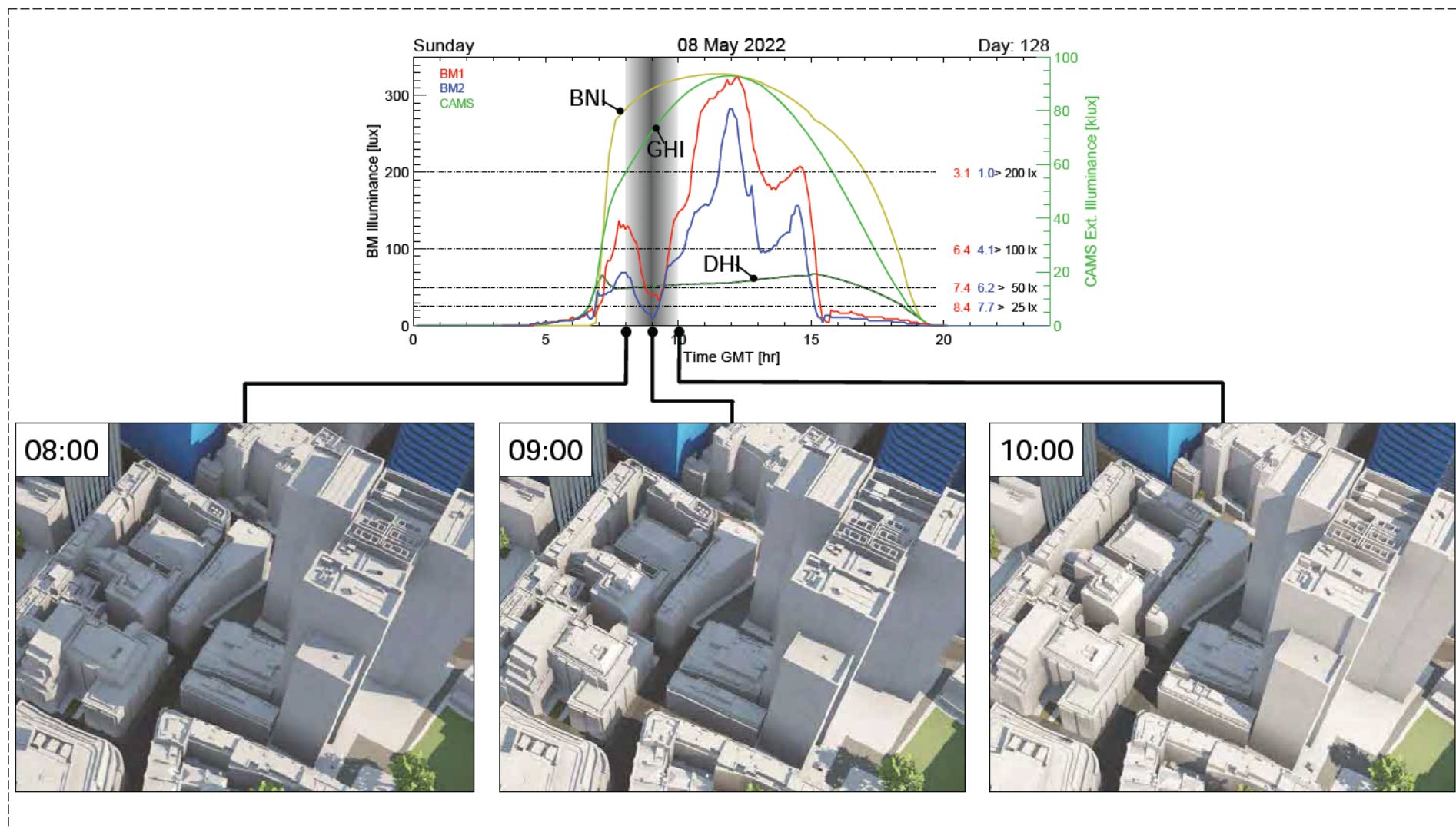


Figure 5: Renderings showing the progression of shadow cast by One Creechurch Place on Bevis Marks for a clear sky day (8th May) between the hours 08:00 and 10:00 (GMT). The significant effect of the overshadowing on measured Bevis Marks illuminance levels is readily apparent.

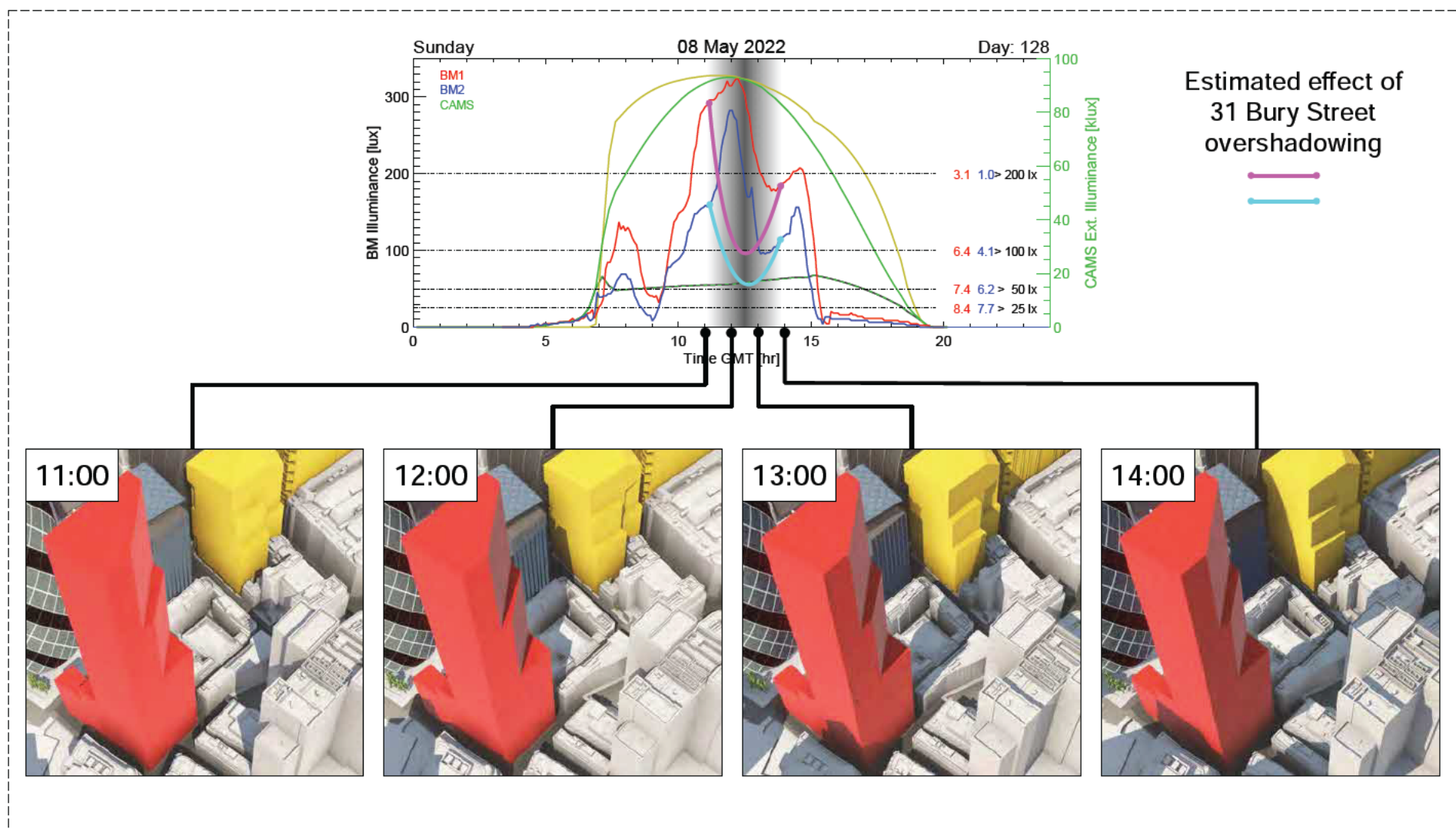


Figure 6: Renderings showing the progression of shadow cast by 31 Bury Street (red tower) on Bevis Marks for a clear sky day (8th May) between the hours 11:00 and 14:00 (GMT), and estimated likely reduction in measured Bevis Marks daylight levels caused by the overshadowing on such a day.

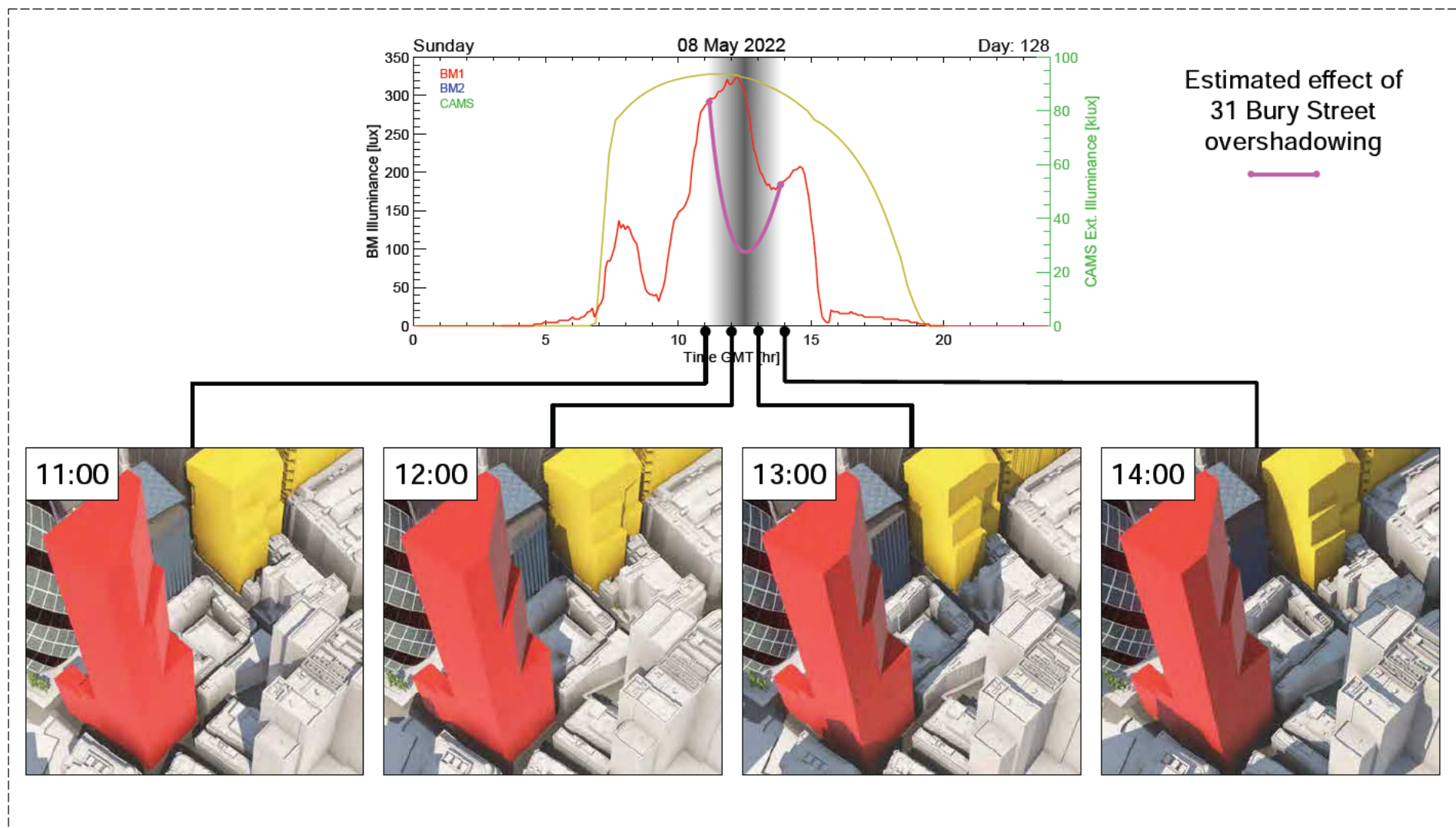


Figure 7: Data from Figure 6 focussing on illuminance at BM1. Renderings as before showing the progression of shadow cast by 31 Bury Street (red tower) on Bevis Marks for a clear sky day (8th May) between the hours 11:00 and 14:00 (GMT).

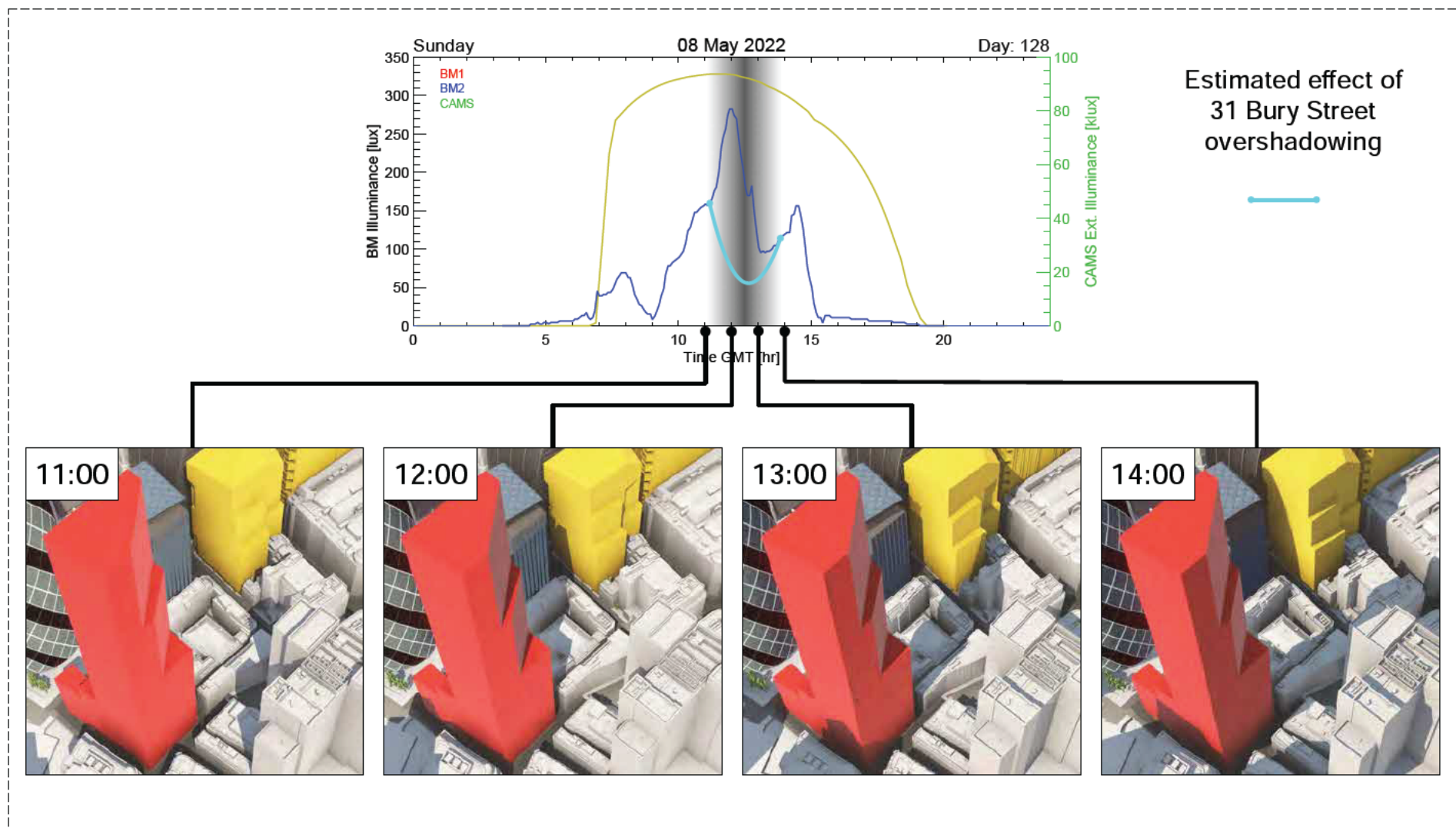


Figure 8: Data from Figure 6 focussing on illuminance at BM2. Renderings as before showing the progression of shadow cast by 31 Bury Street (red tower) on Bevis Marks for a clear sky day (8th May) between the hours 11:00 and 14:00 (GMT).

3 Predicting Daylight Levels in Bevis Marks

As noted in the Executive Summary, the reduction in daylight provision to the Synagogue caused by any proposed development(s) can only be estimated using a realistic prediction method which minimises uncertainty in the outcome. In other words, the prediction method used must be able to faithfully model the prevailing nature of the daylight levels experienced by the occupants of the synagogue – and as proven by direct measurement.

Commonly used prediction methods employed by surveyors at the planning stage do not model actual daylight levels, i.e. illuminance lux levels. Instead, they model various proxies of daylight provision under enormously simplified conditions. For example, a single unchanging sky condition (uniform or standard overcast brightness pattern) with no contribution from sunlight. These methods do not predict absolute levels of illuminance (e.g. as measured in the Synagogue), instead they predict percentage ratios. The basis and intrinsic limitations of these methods are described in Appendix A.

3.1 Climate-Based Daylight Modelling

In the mid to late 1990s, Mardaljevic developed and validated a daylight simulation approach that would later become known as Climate-Based Daylight Modelling, or CBDM.^{9,10} The CBDM ‘engine’ developed by Mardaljevic was founded on the *Radiance* Lighting Simulation System.¹¹ Although lacking a formal definition, CBDM is widely taken to be the prediction of any luminous quantity (illuminance and/ or luminance) using realistic sun and sky conditions derived from standardised climate data, i.e. hourly annual weather files. Thus, CBDM predicts annual profiles of absolute quantities, such as illuminance, which are directly comparable to what can be measured in buildings. For example, with a suitably detailed 3D model, it would be possible to predict daylight levels at points in the Synagogue, and then process the annual simulation data to produce plots of daylight provision similar/ identical to that shown in Figure 3.

The widespread adoption of the *Radiance* lighting simulation system¹² and, ultimately, CBDM was due in part to the outcomes from validation studies which demonstrated quite remarkable prediction accuracy, e.g. within $\pm 10\%$ of measured values.¹³ Around this time, the accuracy of physical scale models for daylight assessment was called into question, with validation studies showing large discrepancies between illuminances measured in a scale model and the full-size building under the same conditions.¹⁴ CBDM as a tool for practical application steadily gained traction during the first decade of the millennium. Landmark projects such as daylighting the New York Times Building¹⁵ and the Central Park Tower daylight injury evaluation¹⁶ (also in New York) helped to demonstrate the potential of this powerful new technique.

In 2013 the UK Education Funding Agency (EFA) made CBDM a mandatory requirement for the evaluation of designs submitted for the Priority Schools Building Programme (PSBP). School designs submitted to the PSBP must achieve certain ‘target’ criteria for the useful daylight illuminance metric. This was believed to be the first major upgrade to mandatory daylight

⁹J. Mardaljevic. “Simulation of annual daylighting profiles for internal illuminance”. In: *Lighting Research and Technology* 32.3(2000), pp.111–118.

¹⁰Working independently and a little later, Christoph Reinhart also developed a similar technique, but with a different formulation and, arguably, less rigorously validated.

¹¹G.W. and Larson et al. *Rendering with Radiance: The Art and Science of Lighting Visualization*. San Francisco: Morgan Kaufmann, 1998.

¹²*Ibid.*

¹³J. Mardaljevic. “The BRE-IDMP dataset: a new benchmark for the validation of illuminance prediction techniques”. In: *Lighting Research and Technology* 33.2(2001), pp.117–134.

¹⁴S. W. A. Cannon-Brookes. “Simple scale models for daylighting design: Analysis of sources of error in illuminance prediction”. In: *Lighting Research and Technology* 29.3(Sept.1997), pp.135–142.

¹⁵J. Mardaljevic, L. Hesong, and E. Lee. “Daylight metrics and energy savings”. In: *Lighting Research and Technology* 41.3(2009), pp.261–283.

¹⁶J. Mardaljevic, G. M. Janes, and M. Kwartler. “The ‘Nordstrom Tower’: A landmark daylight injury study”. In: *CIE 28th Session, Manchester, UK* (2015).

requirements since the introduction of the daylight factor more than half a century ago. In the US, a climate-based daylight metric approved by the IESNA has appeared in the latest version of LEED. The 2018 European Standard for Daylight in Buildings (EN 17037) is the first major standard where the basis for daylight assessment is founded on the annual occurrence of absolute measures of illuminance.¹⁷ This marked a step-change from the traditional daylight factor approach. To assess the daylighting performance of a building design against EN 17037 criteria, the evaluated spaces are rated in terms of the spatial extent and the (CBDM predicted) degree of occurrence of target illuminance values as a fraction of the daylit year.

3.2 Outline CBDM Evaluation of Bevis Marks

In September 2021 we carried out climate-based daylight modelling (CBDM) simulations of an approximate scenario based on the Synagogue and its current surroundings. A 3D model of the Synagogue was created based on detailed drawings, and the nearby buildings estimated to create a simple 'massing' model for the surroundings. The 3D model therefore should be considered to be an approximation until a 3D laser scan of the Synagogue is carried out and a detailed massing model acquired. Accordingly, the CBDM results generated using this 3D model should be considered as illustrative until more accurate building geometry is available. Nevertheless, we believe the 3D model is sufficient to reveal 'broad brush' characteristics of the daylight illumination in the Synagogue. More importantly, the findings support our assertion that the methods commonly used to assess daylight provision in buildings – both for rights of light and planning – are not applicable for the particular case of Bevis Marks because they cannot adequately reveal the *actual* degree of daylight loss resulting from the proposed developments. The rationale for our assertion – given below – necessitates an appreciation of the distinction between directly received light (from the sun or sky) and indirectly received light, i.e. that which arrives from the sun or sky following multiple reflections.

The quantity referred to here as the total annual illumination (TAI) is a measure of all the daylight illumination received at a point in a building for a period of a full year. It is a useful summary metric since it reveals the totality of daylight illumination – from the sun and sky – over a representative period of a full year. Total annual illumination is one of the many metrics that can be predicted using CBDM to indicate the daylighting performance of a space. The CBDM formulation used here is a research-grade daylight simulation tool developed by Mardaljevic and known as the 4 Component Method (4CM). This tool is widely regarded to be the most rigorously validated of all daylight simulation tools, and so serves as a benchmark to assess the accuracy of other CBDM formulations. The 4 Component Method is called so because it predicts, at a point in a space, the total daylight in terms of its four components:

- i. Direct sun – light that arrives directly from the sun (usually through a window).
- ii. Indirect sun – light from the sun that arrives following one or more reflections, usually from both external (e.g. surrounding buildings, ground, etc.) and internal surfaces (e.g. walls, ceilings, etc.).
- iii. Direct sky – light that arrives directly from the sky (usually through a window).
- iv. Indirect sky – light from the sky that arrives following one or more reflections, usually from both external (e.g. surrounding buildings, ground, etc.) and internal surfaces (e.g. walls, ceilings, etc.).

Analysing the CBDM predictions for TAI in terms of the four components can, depending on the scenario, greatly enhance the understanding the importance of the various light transfer mechanisms, and how they contribute to the light experienced by the occupants of a building.

The TAI predictions for the core of the Synagogue revealed that around ~1% of the daylight received over a full year was that arriving directly from the sky, no direct sunlight at all was received. Thus, ~99% of the daylight illuminating the core of the synagogue is light from the sun

¹⁷European Committee for Standardization. *EN 17037:2018 - Daylight in Buildings*. 2018.

and the sky reflected off adjacent buildings. Of the reflected light illuminating the core of the Synagogue, about $\frac{3}{5}$ is comprised of reflected skylight and the remaining $\frac{2}{5}$ by reflected sunlight. We would expect a fully detailed 3D model to give some variation in the relative amounts of the illumination components. However, even if the total of the direct components were predicted to be several times greater, say, 5%, it would not alter the key finding that daylight illumination is dominated by *reflected* light – originating from the sun and the sky in roughly equal proportions. Note, walking around the core of the Synagogue, at best only tiny slivers of sky are directly visible through the windows. Thus, the potential for direct illumination by skylight is very small indeed, and for direct sunlight it must be negligible/zero. And since the estimated massing model of the surroundings was partial, it is not improbable that the direct components of total daylight in the core of the Synagogue could amount to even less than the ~1% predicted by the illustrative model.

4 Conclusions

4.1 Daylight Measurement

The following assertions can be made from the daylight monitoring evidence collected between 26th February 2022 and 2nd April 2024:

- a) The measured daylight levels support the claim made by the users of the Synagogue that it is experienced as functionally daylit space for the majority of the months of the year.
- b) The daylight levels during the winter months, however, are often only barely exceeding the threshold needed to perform visual tasks, e.g. reading, appreciation of the space, etc.
- c) The measured data supports our observations from site visits that daylight in the core of the Synagogue is comprised almost entirely of reflected light. Reflected sunlight makes a significant contribution to the prevailing daylight levels in the Synagogue, even on partially sunny days which occur much more often than entirely clear-sky days.

It is reasonable therefore to describe the prevailing daylight provision in the Synagogue at present as being at or very close to a ‘tipping point’. Consequently, any additional reduction in daylight provision caused by the proposed developments carries the significant risk that the prevailing daylight levels inside the Synagogue could be pushed beyond this ‘tipping point’, with the Synagogue ceasing to be a *functionally daylit* space. Were that to happen, it could profoundly affect the character, perception and use of the space – bringing into question the continued survival of the only Synagogue in Europe to have held regular services continuously for more than 300 years.

4.2 Daylight Prediction

The evidence collected during the monitoring campaign clearly demonstrates that the only way to reliably predict the daylight loss due to proposed developments is to use Climate Based Daylight Modelling (CBDM). In contrast to the traditionally used methods (see Appendix A), CBDM has the potential to reliably predict the totality of daylight illumination – including the important reflected sun and sky contributions – over representative periods of at least a full year.

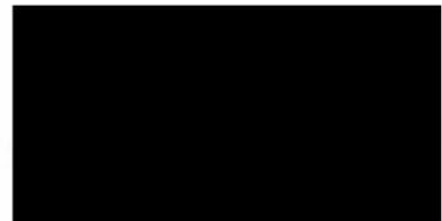
Statement of Compliance and Declaration

The authors of this report have prepared it in compliance with norms expected for an expert witness, including possible use of the material in court:

- I. We confirm that our report includes all facts which we regard as being relevant to the opinions which we have expressed, and that attention has been drawn to any matter which would affect the validity of those opinions.
- II. We confirm that our duty to the Court (should it become a legal matter) as expert witness overrides any duty to those instructing or paying us, that we have understood this duty and complied with it in giving my evidence impartially and objectively, and that we will continue to comply with that duty as required.
- III. We confirm that we are not instructed under any conditional fee arrangement.
- IV. We confirm that we have no conflicts of interest of any kind other than those already disclosed in my report.
- V. We confirm that our report complies with the expected norms for academic practice with regard to acting as Expert Witness.
- VI. We confirm that, insofar as the facts stated in our report are within our knowledge, we have made clear which they are and we believe them to be true, and that the opinions we have expressed represent our true and complete professional opinion.
- VII. We aware of the requirements of CPR Part 35, practice direction 35 and the Guidance for the Instruction of Experts in Civil Claims 2014.



Prof. John Mardaljevic



Dr. Stephen Cannon-Brookes

24th October 2024

Appendix

A Critique of the Waldram and Daylight Factor Methods

The following contains material from two peer reviewed articles:

- P Tregenza and J Mardaljevic. "Daylighting buildings: Standards and the needs of the designer". In: *Lighting Research & Technology* 50.1(2018),pp.63–79
- J.M ardaljevicand J.Christoffersen."Climateconnectivity'in thedaylightfactorbasis ofbuildingstandards".In: *Building and Environment* 113(2017),pp.200–209

A.1 Waldram, Trotter and the daylight factor

Quantitative measures of daylighting provision evolved from the methods devised in the 19th century to determine some objective basis for the degree of daylight injury (that is, reduced daylight illumination) caused to an existing space by the introduction of some obstruction, e.g. a new building. The Prescription Act 1832 provides for the creation of a right to light where light has been enjoyed for the period of 20 years before a claim to the easement is made.¹⁸ Once a right to light (with regard to a particular window) is determined to exist, the owner of the right is entitled to "sufficient light according to the ordinary notions of mankind". Whilst the 1832 Act essentially enshrined in Common Law the notion of a 'right to light', the determination of what constitutes an "ordinary notion" of sufficiency was, initially, largely a matter of judgement supplemented by rough rules of thumb such as the 45° rule, i.e. the vertical angle of sky visible at the centre of the window. The attempts to systematise the assessment of daylight injury date back to at least 1865.¹⁹

In the 1920s, Percy Waldram determined what was intended to be a precise and objective measure of an "ordinary notion" of sufficiency for daylight illumination. This was based on measurements of daylight illumination in buildings combined with subjective determination of sufficiency by a jury of experts. From this study, Waldram determined the so-called "grumble point", i.e. the point in a space at the boundary between sufficient and insufficient daylight from a window. The "grumble point" was defined in terms of the illumination received at that boundary as a percentage of the unobstructed horizontal illumination from a notional average (assumed uniform luminance) sky. The percentage value at the "grumble point" was determined by Waldram's jury to be 0.2%. For practical application of Waldram's "grumble point" in 'rights of light' disputes, surveyors commonly apply the "50/50 rule" to determine if a space is adequately daylit, i.e. no more than half of the space at table-top height should receive less than 0.2% of the sky illumination. Additionally, the percentage value is referred to as the sky factor since, for evaluation purposes, it is a measure of the illumination on a horizontal surface resulting from any direct view of a uniform luminance sky, expressed as a percentage of the horizontal illumination from an unobstructed view of the sky. Neither reflected light nor attenuation from any glazing are accounted for in the 'rights to light' schema.

Whilst Waldram's work is widely credited as providing the basis for the daylight factor, it appears that the idea of using a ratio between inside and outside was first proposed in 1895 by Alexander Pelham Trotter (1857–1947).²⁰ The origin of the daylight factor (DF) are actually somewhat hazy since there does not appear to have been a seminal paper introducing the approach. The reference to its introduction in 1895 appears to be an anecdotal and recalled number of years later. The daylight factor was conceived as a means of rating daylighting performance

¹⁸The Prescription Act 1832. "(Regnal. 2 and 3 Will 4)". In: *The Stationery Office, London* (1832).

¹⁹R.M. Kerr. *On Ancient Lights: And the Evidence of Surveyors Thereon : with Tables for the Measurement of Obstructions*. J.Murray, London, 1865.

²⁰J. A. Love. "The evolution of performance indicators for the evaluation of daylighting systems". In: *Industry Applications Society Annual Meeting, 1992., Conference Record of the 1992 IEEE* (1992), 1830–1836 vol.2.

independently of the actually occurring, instantaneous sky conditions. Hence the daylight factor DF was defined as the ratio of the internal horizontal illuminance E_{in} to the unobstructed (external) horizontal illuminance E_{out} , usually expressed as a percentage:

$$DF = \frac{E_{in}}{E_{out}} 100\% \quad (1)$$

However, the external conditions still need to be defined since the luminance distribution of the sky will influence the value of the ratio. At the time that the daylight factor was first proposed it was assumed that heavily overcast skies exhibited only moderate variation in brightness across the sky dome, and so they could be considered to be of constant (that is, uniform) luminance. The assumption of a uniform sky is, of course, in keeping with the notion of rating the performance independently of sky conditions. In the second half of the 20th Century the daylight factor formulation switched from using the uniform sky to the CIE Standard Overcast Sky.

A.2 Absolute and relative values of illumination

In a 1937 paper P. J. Waldram claimed that: *“The eye is affected by ratio only, and is scarcely aware of huge variations in amount.”*²¹ The evidence for this was based on an assessment of the daylight adequacy of 20 spaces carried on both a “bright day” and a “dull day” by a ‘jury’ of six members (i.e. the data used previously to determine the “grumble point”). Waldram’s claim appears to have become the foundation for what is now an ‘article of faith’ among a number of practitioners, i.e. that there is no need to make any consideration of absolute values – the daylight factor ratio is all that is required. Waldram’s assertion and the evidence in support of it were examined in a 1955 CIE paper by R. O. Phillips.²² Phillips notes that:

If this investigation did, in fact, support the view that the daylight factor is more important than the actual illumination in determining the adequacy of the lighting, then the values of the daylight factor determined would be substantially the same on both types of day. If on the other hand, it is the illumination which is the more important, a higher value of the daylight factor would be required on a dull day than on a bright one.

The original report of the ‘jury’ findings presented by Waldram included the curve shown in Figure A1. This was intended to *“summarise the results concisely and to deduce a figure of daylight factor which may fairly be said to represent the average opinion of the observers”*.²³ Phillips decomposes this curve into the data taken on the bright and dull days respectively. They clearly show different distributions, with a marked preference for a higher daylight factor value on a dull day compared to a bright one: the means were 0.20% (dull day) and 0.09% (bright day). Applying a paired *t*-test on the data, Phillips notes that: *“Since such a value could only arise by chance once in several millions of cases, the hypothesis that there is no difference must logically be rejected”*. In short, Phillips’ analysis of the data makes the convincing case that, contrary to Waldram’s assertion, the subjects were in fact expressing a preference for adequate absolute daylight levels rather than relative ones (i.e. daylight factors).

Phillips’ paper is potentially of great significance since it offers a robust challenge to a rarely unquestioned assertion that has long been held as a fundamental tenet of daylighting design/ evaluation. That is being so, a question presents itself: why has this paper been consigned to near-obscurity? This finding from the Phillip’s paper is included here because Waldram’s assertion has been so influential that it has framed much of the development of methodologies for the evaluation and testing of daylight performance in spaces. In particular for the case of

²¹P. J. Waldram. “Measuring and predetermining daylight illumination”. In: *The Builder* (1937), p. 598.

²²R. O. Phillips. “An historical outline of the concepts and terminology of daylight”. In: *Proc. CIE v2, Zurich, Switzerland* (1955).

²³*Ibid.*

Bevis Marks, the preference for *higher* levels of absolute illumination (say, 100lx rather than 25lx) would appear to be in accord with what was *actually* determined by Waldram's 'jury'.

It needs to be recalled that, at the time that Waldram's jury carried the assessments, notions of illumination adequacy were very different from what they are today. However, that consideration does not alter the significance of Phillips' re-evaluation of the Waldram study. This and related studies by Waldram also serve as the basis for the "rights to light" schema devised for the determination of daylight injury. In recent years the methodology employed by Waldram has been severely critiqued in a number of papers.^{24,25,26,27}

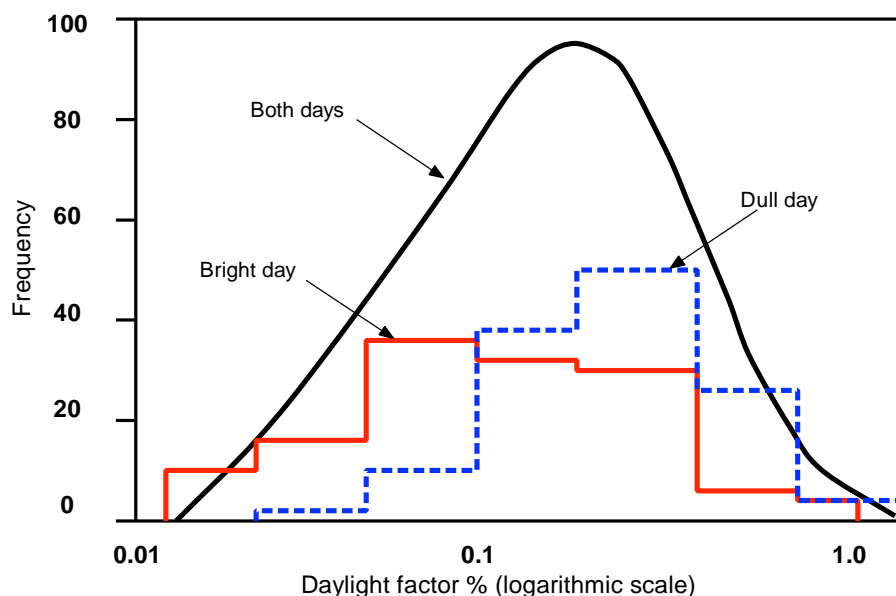


Figure A1: Distribution of preferred daylight factor values (after Phillips R. O. Phillips. "An historical outline of the concepts and terminology of daylight". In: *Proc. CIE v2, Zurich, Switzerland* (1955))

B Daily Plots of Illuminance Data

DESCRIPTION ONLY – SEE COMPLETE REPORT FOR THE DAILY PLOTS

Appendix B presents all 767 complete days of monitoring data recorded between 26th February 2022 and 2nd April 2024 by logging meters BM1 and BM2. Data are presented where there is a complete day for either one or both of the meters. For the first period of monitoring, 26th February 2022 to 7th June 2022, the contribution of electric lighting used by contractors during maintenance work was subtracted from the values recorded by BM1 and BM2. For the remaining period, it can be seen that a number of days show the small contribution (~10lux) of electric lighting at various times. This will have a small effect (i.e. slight 'uplift') on the results presented in Section 2.

As described in Section 2.4, the plots also contain illustrative external illuminance conditions (GHI, DHI and BNI) derived from satellite remote sensing.

²⁴P. Chynoweth. "Progressing the rights to light debate – Part 1: a review of current practice". In: *Structural Survey* 22.3(2004), pp.131–137.

²⁵P. Chynoweth. "Progressing the rights to light debate: Part 2: the grumble point revisited". In: *Structural Survey* 23.4(2005), pp.251–264.

²⁶Paul Chynoweth. "Progressing the rights to light debate: Part 3: judicial attitudes to current practice". In: *Structural Survey* 27.1(2009), pp.7–19.

²⁷P. Defoe and I. Frame. "Was Waldram wrong?" In: *Structural Survey* 25.2(2007), pp.98–116.



Appendix 2 - Response to GIA Lunar Study

the S&P HARDI community Bevis Marks



Planning application ref. 24/00021/FULEIA;
proposed 43 storey tower at 31 Bury Street

Response to the Lunar Transit Study and
Additional Information produced by GIA

14 November 2024

Rabbi Shalom Morris

Rabbi, Bevis Marks Synagogue

PhD Candidate, King's College London,
Dept of History



Introduction

This note sets out the findings of a review of the 'Lunar Transit Study' and 'Additional Information' produced by GIA (12 Sept and 17 Oct respectively). It is beyond the scope of this report to consider the validity of the data provided by GIA. However we reserve the right to later interrogate this data in more detail, should this be necessary.

Our review of the data provided found that significant harm will come to the Bevis Marks Synagogue should the planning application be approved.

GIA's report attempts to demonstrate that the harm caused to the Bevis Marks Synagogue would be negligible. However, this conclusion does not stand up to scrutiny in light of the nature of the Kiddush Levana ritual. The fundamental point is that the prayer is recited once each month after nightfall, when the waxing moon is visible. While GIA's findings give the impression of negligible change in the current conditions, this outcome is rooted in their considering the impact of the proposal on views of the moon throughout the entire lunar transit, from moonrise to moonset, over an eighteen year cycle.

GIA's 'wide-net' analysis not only skews their results, it also fails to consider the month on month practical impact of the proposed tower on the ability of the community to worship, which would be significant. The proposed tower would lead to the cessation of the synagogue's ritual several months a year, and further degrade the community's ability to worship in the remaining months.

This determination has been corroborated by the BRE's independent review of the GIA report (commissioned by City of London Corporation, 4 Nov)) and will be referred to in further detail in our conclusion.

We therefore ask that officers carefully consider the analysis presented below when considering this application, taking special account of the equality impacts of it on the Jewish community.

Rabbi Shalom Morris

Bevis Marks Synagogue

14 November 2024

Kiddush Levana

What follows in this section is a description of the:

1. Kiddush Levana prayer and ritual.
2. What is unique about its recital in the traditions of Bevis Marks Synagogue.
3. How the ritual has been recorded and altered in Europe, highlighting:
 1. The relationship between the ritual and synagogue.
 2. The impact of unpredictable climactic conditions.

Kiddush Levana in Judaism

Judaism's calendar is lunar, linking Jewish practices and festivals each month throughout the year to the moon's cycle. The appearance the new moon is:

1. Anticipated with a prayer on the Sabbath prior (Kiddush Hahodesh)
2. Celebrated upon its return (Rosh Hodesh)
3. Marked with a prayer of renewal (Kiddush Levana)

Kiddush Levana is Hebrew for 'Sanctification of the Moon,' and is a prayer recited each month by Jews. The prayer is a call for renewal, hence the link to the new moon which is becoming increasingly visible during this part of the month. Therefore, the prayer is said when the waxing moon is visible in the night sky, commonly from day 3 to 15 of the lunar cycle.

The prayer is recited whilst standing outside, under an open sky, and requires sight of the moon. If the moon is blocked by either buildings or clouds, the prayer cannot be recited. However, if the moon is visible through a cloud, one can still recite the prayer.

Kiddush Levana takes about fifteen minutes to recite. It is typically recited following the evening service at a synagogue, so that it can be said with a prayer quorum. It is ideally also recited on a Saturday night when the congregation is still wearing their Sabbath finest.

Kiddush Levana is only recited from day ten in the Hebrew month of Av (typically July/August), and from the 11th in Tishri (typically

September/October), on account of the mourning/repentance that takes place during the first days of those months. This is because the prayer is meant to be recited whilst in a joyous spirit. In contrast, as the prayer is considered to be a petition, it is generally avoided on the eves of Sabbaths and Festivals when petition prayers are considered inappropriate.

Kiddush Levana at Bevis Marks Synagogue

Kiddush Levana has been practiced in the Bevis Marks Synagogue community since the 1600s. Evidence of this can be found in several Jewish sources.

1. Rabbi Jacob Sasportas, first rabbi of the London community (1663), writes of the practice in his Responsa *Ohel Yaakov* (67).
2. The prayer is included in the first Hebrew/English Spanish & Portuguese (Sephardi) prayer book published by Alex Alexander in England in 1772 (pg 202).
3. David Aaron de Sola, reader of the Bevis Marks Synagogue congregation, includes the prayer in his 'Book of Blessings' published in 1829.
4. Rabbi Shemtob Gaguin, Chief Judge of the Spanish & Portuguese Jewish community in London includes discussions of the community's Kiddush Levana traditions in his work 1934 *Keter Shem Tob* (Vol 2.)

There are several particular traditions in Bevis Marks Synagogue with respect to Kiddush Levana. These peculiarities reinforce the risk posed to the congregation's unique cultural heritage should a development be approved that interferes with the community's worship.

1. At Bevis Marks Synagogue Kiddush Levana is *ideally* said from day seven of the lunar cycle until the middle of the month, as the moon is giving off more light in the second quarter of its cycle than it does at day 3, thereby giving more meaning to the prayer of renewal. See *The blessings, or, Expressions of praise and thanksgiving said by all Israelites on various occasions with an interlineary translation* published in 1829 by Bevis Marks Synagogue minister David Aaron de Sola (page 83). This is in accordance with the ruling of the authoritative R Yosef Karo (Shulhan Arukh), who along with the rest of the Iberian Jewish community was expelled from Spain in 1492. When climactic conditions are difficult, it is permitted to recite even from day 3.

2. Furthermore, in departure from other Jewish communities, there are nuances to the liturgy of the prayer, as well as the absence of certain mystical repetitions. See *Keter Shem Tob* by Rabbi Shemtob Gaguine, chief judge of the of the London Spanish & Portuguese Jewish community in the first half of the twentieth century (Part 2:1). This reflects the authentic Iberian tradition of Sephardi Judaism that is preserved at Bevis Marks Synagogue.

3. Finally, in the tradition of Bevis Marks Synagogue the prayer is called 'Birkat Levana', the 'Blessing of the Moon', and not 'Sanctification' or 'Kiddush' as it is more commonly called.



Germany 1726
Georg Puschner from Kirchners Judisches Ceremoniel

Kiddush Levana in European History

The peculiarity of this Jewish tradition caught the attention of European observers of Judaism during the early modern era. This can be seen in both visual and literary depictions. Indeed, the European context also influenced the practice and meaning of this ritual.

As stated above, the Kiddush Levana prayer is typically recited following the evening prayers whilst standing outside of the synagogue. This is depicted in historical drawing and prints of the ritual being performed in Europe in the seventeenth and eighteenth century, the years when Bevis Marks Synagogue was established. This reflects the relationship between the prayer and synagogue.



1695 Amsterdam
Haggadah

Literary observers of Judaism also recorded the tradition. The following account by English Christian religious writer John Allen in his 1816 work *Modern Judaism; or a Brief Account of the Opinions, Traditions, Rites, and Ceremonies of the Jews in Modern Times*, depicts the ritual with scorn (pg 379).

'On the first Saturday evening in the month, if the moon is then visible, or on the first evening after, when the sky is bright enough to have a clear view of her, the Jews assemble in the open air, for what is called "the consecration of the new-moon:" when some grave rabbi pronounces the following benediction, in which he is joined by all the company...'

Furthermore, the variability of weather patterns in Europe, became a central to the relationship of European Jews to the meaning of the prayer. For European Jews, cloud cover, a common concern, was seen as a bad omen, whilst a clear night was considered a positive sign, as the prayer for renewal could then be recited.

Finally, proximity in the northern hemisphere has made the recital of 'Kiddush Levana' notoriously difficult in locations like England during July and August with it short summer nights and associated lower arc of the moon.

The GIA Report

GIA's report was carried out on behalf of the applicant to consider the impact of the proposed redevelopment on the synagogue's worshipping community's ability to recite the monthly prayer Kiddush Levana which requires sight of the moon. The report considers views of the moon from two positions, N and P, as well as during both the major and minor lunistics.

In analysing the data, GIA concludes that at the current baseline the synagogue only retains views of 2.2% of the lunar arc during a major lunistic. With the proposed building and previously approved buildings, this would decrease to 1.3%. These numbers take into account average atmospheric conditions which include cloudy skies. Slight variations to these results based upon major or minor lunistics and position P or N can be found in GIA's Table 01.

This note questions the data assumptions used by GIA to reach their percentage conclusions, the relevance of climatic conditions in their analysis, and mostly importantly considers the overall impact on ability of the community to continue to recite the Kiddush Levana prayer.

Climate Conditions

The Kiddush Levana prayer can only be recited when the moon is visible. Therefore, if obstructed by clouds or buildings, the prayer cannot be recited. Based upon the website <https://weatherspark.com> GIA reported (pg 7) that London has cloudy conditions 58% of the time. As a result, they conclude that while in position N the moon should be visible 5.1% of the time, in practice this is likely to only be the case 2.2% of the time.

This conclusion is not robust. In practice cloud is not a "black or white" matter. Sometimes clouds are patchy; sometimes the moon can be seen behind a veil of cloud; furthermore, climate change is a dynamic and present consideration. In contrast, buildings are fixed. In other words, sometimes it is cloudy, sometimes it is not, but once a building is constructed, for all intents and purposes it becomes perpetually 'cloudy' with respect to the lunar visibility. The possibility of cloudy skies should therefore not be considered relevant when considering the impact of perpetually reducing lunar views. A comparison may be made with trees: in planning, trees are disregarded when visual impacts are assessed, because they are impermanent.

Beyond this, the variability of climate conditions themselves plays an important role in the Kiddush Levana ritual. Jews go outside after dark to see whether or not the moon is visible, whereupon a cloudy sky is considered to be a bad omen, and a clear sky a positive one, as it allows for the prayer to be recited. The fixed reduction of visibility by the proposed tower would be a permanent obstruction, removing this variability which is central to the meaning of the ritual.

Furthermore, as reciting the prayer takes approximately a quarter of an hour, the preservation of sufficient unobstructed sky allows for the possibility that any cloud cover will pass, thus enabling the prayer to be recited despite earlier cloudy conditions. This would not be the case should the view be obstructed by a permanent building.

GIA Percentages

GIA concludes (pg 37) '*Additional obstructions in the Future Baseline and Cumulative scenarios will lead to a small absolute reduction in visibility of the lunar bracelet.*' This conclusion, without critiquing the method of analysis itself, is highly misleading. The data provided allows for different percentage conclusions to be reached, depending on which data is considered. In GIA's instance, they've stated (pg 3): '*In order to capture all possible lunar position across the sky, a period of 18.6 years has been studied. This is the length of time needed to conclude a full lunar cycle. All possible locations of the moon's passage have been captured within a lunar bracelet depicted in the sky (see fig . 1). Once the obstructions already visible from the Synagogue's courtyard are considered, once the passage of the moon during daylight hours are discounted, and the probability of cloudy skies taken into account, the opportunities to see the moon's passage to recite "Kiddush Levana" are limited to 2.2% of the time over 18.6 years.*'

In other words, GIA's percentages are based upon all potential visibility of the moon over the horizon throughout the night sky during this 18.6 year window. In very few settings would the moon ever remain visible constantly throughout this time as any buildings, or landscape features, would reduce this visibility. Of greater consequence is consideration of the amount of time the moon is visible over the Bevis Marks Synagogue, and what impact would the proposed tower have on it.

In this respect, according to GIA the reduction from the current baseline to the future conditions, would be a decrease of 41% - nearly half - marking a very significant reduction in lunar visibility for the synagogue community.

Level of Obstruction

GIA state “*During a minor lunistice, the opportunities of seeing the passage of the moon above the Synagogue are further reduced to 1.8% of the lunar bracelet, owing to the lower transit of the moon in the sky. This means that the passage of the moon will not be visible above the Synagogue’s sky, for most months each year.*”

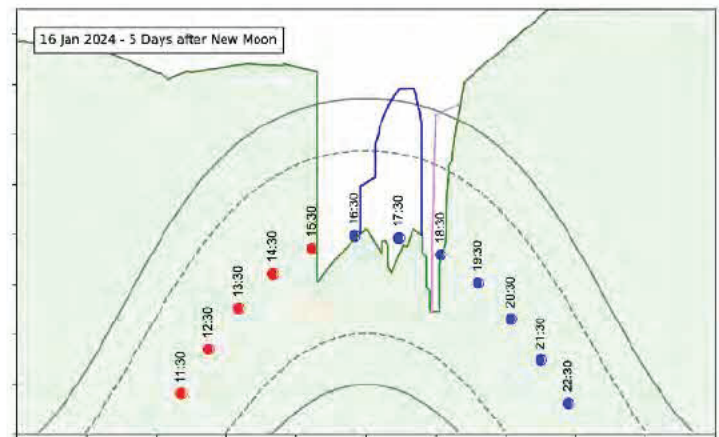
GIA furthermore claim “*during each observation period, the lunar transition will be remain observable, assuming that it would have been in the Baseline scenario, even with the consented 100 Leadenhall and the proposed 1-4, 31-34 Bury Street in place.*”

Both of these claims are unsupported by the data provided (daily graphical representations of the moon passage set against the backdrop of proposed and approved buildings, as made available in their “Additional Information”, see Appendix-1 below, and graph to the right). According to GIA’s own data, the moon is visible over Bevis Marks Synagogue most months of the year. Furthermore, should the proposed tower be approved, the moon would not be observable in the night sky for at least 3 months a year, when it is currently visible. This is the case in May, June and September during both major and minor lunistics. In some instances it would no longer remain visible in April and October either. During a minor solstice, the reduction of lunar visibility caused by the proposal would be even more dramatic owing the the lower amounts of current visibility.

Furthermore, even during the months when the moon would remain visible, the proposed tower would reduce the numbers of days, and hours in those days, when the moon is visible in the night sky. In some months it would reduce it to one or two days, when the possibility of cloudy conditions would then have a significant impact on the ability to recite the prayer anymore in those months, particularly as the remaining hours of visibility will be quite brief, at times not even long enough to recite the prayer or to make it unlikely to perfectly time a service to ensure visibility.

This point has been born out in the BRE review which found that even in months when some moon views remained, these were of extremely short duration (thirty minutes over two days). This would render the ability and likelihood of being able to recite the Kiddush Levana as improbable, and as such the proposed tower would result in a scenario even those months as akin to blocking out the moon completely.

In this regard, the proposed tower, would result in a quantifiable reduction in the community’s ability to worship. Assuming the prayer can currently be recited on average 10 months a year, and in the proposed conditions at most 6 months a year, and more likely only 4 or 5 times, the impact of the proposal would result in a considerable reduction in worship of 40% to 60% of the time.



Conclusion

GIA mischaracterises the negative impact of the proposed tower by casting a wide net of data points, which present a skewed picture of the current ability of the community to worship, and the degree of harm it would experience should the scheme be approved. In practice, the proposed tower would reduce overall visibility of the moon from the current baseline by 40%-60%. GIA acknowledge a 40% loss.

The data provided by GIA though makes it clear that in absolute terms, the proposed tower would reduce the ability of Bevis Marks Synagogue to worship as it has since 1701 by at least 3-5 months per year, causing a reduction in the times the community can worship of 30%-50%, possibly even by 60%.

The BRE report corroborates this conclusion. 'With both the consented and proposed developments in place (in the cumulative scenario), the opportunity to view the moon from the observer location used by worshippers at Bevis Marks Synagogue when reciting Kiddush Levana would reduce by 51% on average throughout a full lunar cycle, compared to the existing baseline.

According to the BRE, 'Based on the results reported in the GIA lunar transit study..the relative reduction in the hourly visibility of the lunar bracelet from the Synagogue courtyard would be significant with the proposed development in place'.

It is clear then that the proposed tower would cause significant harm to the historic community of Bevis Marks Synagogue. The proposed tower would undermine its centuries-long history of worship on this site, and their ability to maintain of their unique Spanish & Portuguese Jewish traditions.

Put into heritage terms, the planning system is concerned with the *significance* of heritage assets. The sky view as an entity of cultural/religious importance in Judaism is surely a very important contributor to the Synagogue's significance as a working synagogue. This is made all the more significant as Bevis Marks Synagogue is likely the only one in the world in continual use dating back to 1701, and is the oldest synagogue in the UK. Hence, if these sky views are severely impaired, not only does our minority community suffer damage to our culture, but the heritage asset (the Grade-1 Listed Bevis Marks Synagogue) loses significance. This is in addition to the substantial loss of significance in conventional heritage terms.



Kiddush Levana, 14 Nov 2024



Image of proposed tower blocking out essential clear-sky backdrop

Appendix 1 - Month on Month Analysis of Lunar Visibility in Number of Visible Days

P Major

Month	Current Days	Projected Days	Percent Loss
January	11	8	27.2727272727273
February	11	8	27.2727272727273
March	10	8	20
April	8	4	50
May	4	0	100
June	2	0	100
July	0	0	0
August	0	0	0
September	1	0	100
October	4	2	50
November	4	3	25
December	8	6	25
Total	63	39	38.0952380952381

P Minor

Month	Current	Projected	Percent Loss
January	11	8	27.2727272727273
February	11	8	27.2727272727273
March	10	7	30
April	6	3	50
May	4	0	100
June	2	0	100
July	0	0	0
August	0	0	0
September	3	1	66.6666666666667
October	5	3	40
November	7	4	42.8571428571429
December	9	7	22.2222222222222
Total	68	41	39.7058823529412

N Major

Month	Current	Projected	Percent Loss
January	11	7	36.3636363636364
February	12	8	33.3333333333333
March	11	6	45.4545454545455
April	6	2	66.6666666666667
May	4	0	100
June	1	0	100
July	0	0	0
August	0	0	0
September	1	0	100
October	3	0	100
November	5	2	60
December	7	4	42.8571428571429
Total	61	29	52.4590163934426

N Minor

Month	Current	Projected	Percent Loss
January	11	7	36.3636363636364
February	12	5	58.3333333333333
March	10	4	60
April	6	0	100
May	3	0	100
June	2	0	100
July	0	0	0
August	0	0	0
September	1	0	100
October	5	0	100
November	6	3	50
December	8	5	37.5
Total	64	24	62.5



Appendix 3 - Letter from Professor Barry Stiefel



Hgh Consulting
45 Welbeck Street, London W1G 8DZ

11 November 2024 / 10 Heshvan 5785

Subject: The Effects of Tall Development Too Close Qahal Kadosh Sha'ar ha-Shamayim / Bevis Marks Synagogue

Dear Bella Tidswell and Rabbi Shalom Morris,

This letter is in response to your correspondence from 8 November 2024 / 7 Heshvan 5785 regarding the significance of the sky view from Qahal Kadosh Sha'ar ha-Shamayim / Bevis Marks Synagogue, a Grade I listed building. This is of consequence, considering that the congregation's Hebrew name, Qahal Kadosh Sha'ar ha-Shamayim, translates as the Holy Congregation of the Gates of Heaven. Visual access to the heavens is thus of great importance in the deliberations regarding compliance with the National Planning Policy Framework regulations, especially paragraphs 205 and 206.

The moon, stars, and sun hold significant cultural and religious importance for Sephardic Jews, as they do for many Jewish communities, with Qahal Kadosh Sha'ar ha-Shamayim / Bevis Marks Synagogue being an epitomic example as the oldest Jewish congregation in the British Isles. To begin with, the Jewish calendar is primarily lunar, meaning it is based on the cycles of the moon. This affects the timing of Jewish holidays, including Passover, Sukkot, and Rosh Hashanah. The sighting of the new moon is particularly important as it marks the beginning of a new month (Rosh Chodesh). Sephardic Jews, like other Jewish communities, recite a special series of blessings called Kiddush Levana. This blessing is said once a month, typically after the appearance of the new moon but before it reaches its full phase. It is a moment of reflection and gratitude for the natural world and its cycles.

In Jewish mysticism (Kabbalah), the moon often symbolizes the *Shekhinah*, the divine presence. The phases of the moon can represent different spiritual states and the relationship between the divine and the Jewish people. Historically, the observation of celestial bodies was crucial for navigation and agriculture. For Sephardic Jews, who have lived in various parts of the world, from the Iberian Peninsula to North Africa and the British Isles, understanding the stars and the moon was essential for daily life and survival. Some Sephardic communities have unique customs and traditions related to the moon and stars. These might include specific prayers, songs, or rituals that have been passed down through generations. For Sephardic Jews, the stars in the sky hold both practical and symbolic significance. Historically, stars were essential for navigation, especially for Sephardic Jews who navigated across the British Atlantic World and beyond. The stars helped determine directions and seasons, which was crucial for travel and agriculture. Stars are often seen as symbols of God's creation and the vastness of the universe. They remind

the Jewish people of their place in the cosmos and the greatness of the Creator. The stars are mentioned in various parts of the Torah and other Jewish texts. For example, God's promise to Abraham that his descendants would be as numerous as the stars in the sky (Genesis 15:5) is a powerful symbol of continuity and divine blessing.

In some Sephardic traditions, specific prayers and blessings are associated with the stars. These practices can vary by community but often include expressions of awe and gratitude for the natural world. In Kabbalistic thought, stars can represent spiritual entities or forces. They are sometimes seen as channels through which divine energy flows into the world. Certain Jewish holidays and rituals are tied to the appearance of stars. For example, the end of Shabbat is marked by the appearance of three stars in the sky, signaling the beginning of a new week.

The sun also holds significant religious, cultural, and practical importance for Sephardic Jews. The sun's cycle dictates the timing of daily prayers. For example, the Shacharit (morning prayer) is recited after sunrise, and the Mincha (afternoon prayer) is said before sunset. The sun's position helps structure the rhythm of daily religious life. The setting of the sun marks the beginning and end of the Sabbath (Shabbat) and Jewish holidays. Shabbat begins at sunset on Friday and ends at sunset on Saturday, making the sun's cycle integral to these observances. Once every 28 years, a special blessing called Birkat Hachama is recited to thank God for the creation of the sun. This rare event is a significant moment of reflection and celebration in the Jewish calendar. The sun is often seen as a symbol of God's power and the light of divine wisdom. It represents the consistency and reliability of God's presence in the world. Historically, the sun was crucial for agriculture, which was a central part of life for many Sephardic Jewish communities. The sun's light and warmth were essential for growing crops and sustaining life. Some Sephardic traditions have specific customs and rituals associated with the sun. These might include prayers or blessings said at sunrise or sunset. In Kabbalistic thought, the sun can represent various spiritual concepts, such as the divine light that sustains the universe. Its daily journey across the sky is seen as a metaphor for spiritual enlightenment and the journey of the soul.

Regarding Qahal Kadosh Sha'ar ha-Shamayim / Bevis Marks Synagogue, blocking out the sky with new development (even partially) could pose several problems for Sephardic Jews, given the cultural and religious significance of celestial objects:

1. **Interference with Religious Observances:** The sighting of the moon is crucial for marking the beginning of new months and for reciting the Kiddush Levana blessing. If the sky is obstructed, observing these important religious practices would be challenging.
2. **Disruption of Daily Prayers:** The sun's position is essential for timing daily prayers. Obstructions that block the view of the sun could make it difficult to determine the correct times for Shacharit (morning prayer) and Mincha (afternoon prayer).
3. **Impact on Sabbath and Festivals:** The setting of the sun marks the beginning and end of the Sabbath and Jewish holidays. If the view of the sunset is blocked, it could complicate the observance of these sacred times.
4. **Loss of Symbolic Connection:** The stars, moon, and sun are powerful symbols in Jewish tradition, representing God's creation, divine presence, and spiritual enlightenment. Blocking the view of these celestial bodies could diminish the sense

of connection to these symbols. This is especially crucial for Qahal Kadosh Sha'ar ha-Shamayim / Bevis Marks Synagogue, the Holy Congregation of the Gates of Heaven.

5. **Cultural and Historical Disruption:** For Sephardic Jews, who have historically relied on the stars for navigation and timekeeping, obstructing the sky could sever a link to their cultural heritage and historical practices.
6. **Challenges to Mystical Practices:** In Kabbalistic thought, the celestial bodies are seen as channels of divine energy. Obstructing the view of the sky could interfere with mystical practices and the spiritual significance attributed to these celestial objects.

Overall, blocking out the sky with new development could significantly disrupt the religious, cultural, and spiritual practices of Sephardic Jews, making it difficult to maintain their traditions and observances. Therefore, I highly recommend that disruptions to the sky view from Qahal Kadosh Sha'ar ha-Shamayim / Bevis Marks Synagogue be minimized and mitigated as much as possible. Addressing these efforts should be done in consultation as much as possible with the congregation and its spiritual leaders as the law permits. Do let me know if you have any further questions or concerns.

Sincerely,

[Redacted Signature]
Barry L. Stiefel, Ph.D.
Professor of Historic Preservation & Community Planning
Department of Art & Architectural History
Jewish Studies Program Affiliate
College of Charleston
[Redacted Address]



Appendix 4 - Advice from Lord Banner K.C.



Fwd: Bevis Marks Synagogue

1 message

From: **Charles Banner KC** [REDACTED]
Date: Fri, 4 Oct 2024 at 12:44
Subject: RE: Bevis Marks Synagogue
To: Roger Hephher [REDACTED]
Cc: Bella Tidswell [REDACTED], Rabbi Shalom Morris [REDACTED], Michael Bear [REDACTED]
Michael Keats [REDACTED], Tilla Crowne [REDACTED], Julian Cooper [REDACTED]

Dear Roger,

Thank you very much for your message. My starting point for considering your questions is para. 206 of the NPPF, which (giving effect to the Planning (Listed Buildings and Conservation Areas) Act duties), requires a "clear and convincing justification" for any harm to the significance of a heritage asset.

In the circumstances you describe below, and in light of how the proposed development is pitched, it would be amply open to the Council to take the view that the "clear and convincing justification" for the harm to the significance of Bevis Marks Synagogue and the Tower of London does not exist without (clear and convincing) evidence that the benefits relied upon cannot be achieved without the extent of harm that would be caused – including viability evidence.

Very best wishes,

Charlie

Lord Banner K.C.

KEATING
CHAMBERS

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I often work late hours and weekends but I do not expect others to: if you receive this message outside normal working hours, there is no need for an immediate response.



Appendix 5 - Advice from Claire Nevin

**IN RESPECT OF
BEVIS MARKS SYNAGOGUE**

Advice on Equalities Statement for the proposed redevelopment of Bury House

Introduction

1. In instructions dated 17 October 2024, I was asked by Roger Hepher of hgh Consulting, on behalf of the S&P Sephardi Community at Bevis Marks Synagogue (“**BMS**”), to advise on the Equalities Statement accompanying the live planning application for the proposed redevelopment of Bury House, 1-4, 31-34 Bury Street, EC3A 5AR (ref. 24/00021/FULEIA) (“**the planning application**”). The purpose of the Equalities Statement is to assist the City of London in discharging its legal duties to consider the equality impacts of the planning application in its role as the planning authority.
2. The planning application and related application for listed building consent were submitted to the City of London in January 2024. 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.
3. I was specifically asked to advise on whether the Equalities Statement is sufficiently detailed on the potential impacts of the planning application on the Jewish community at BMS to discharge the legal requirement for decision makers to have due regard to equality considerations throughout the decision-making process.
4. My advice will first address the factual background, including the circumstances of BMS. I will then set out the legal framework and relevant caselaw governing the assessment of equalities impacts under the *Equality Act 2010* (“**EqA 2010**”) followed by my views on whether the Equalities Statement is sufficiently detailed.

5. This advice is my independent and impartial view of the application of the law to the facts of this case. If the S&P Sephardi Community at BMS decides to waive legal advice privilege and put this advice in the public domain, I kindly request that it avoid selective quotation, which may be taken out of context. If the advice is made public, I will not assume liability for any reliance by third parties.

Factual Background

BMS and the Jewish Community

6. BMS 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 and its importance both within the City of London and on a national level is recognised by its Grade I Listed status. This is the highest level of listing, meaning the building is deemed, on a national level, to be of ‘outstanding’ special architectural and historic interest. Indeed, the Historic England Grade 1 listing notes that the Synagogue’s *“little altered state is of exceptional historic interest.”*
7. 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. My instructions and supporting documents explain that the unobstructed night sky view from the courtyard serves an important spiritual and ritualistic purpose that is central to Jewish practice.
8. The weekly celebration of the Sabbath does not officially end until the average person can see three medium sized stars in the sky; a ritual that is consciously observed from the courtyard of BMS every week. Members of the congregation at BMS further rely on the appearance of three medium sized stars in the sky to fulfil their daily obligation of reciting the *Shema Yisrael* every evening. Although the congregation may rely on the clock when it is too cloudy to observe the appearance of the three stars, the centuries old practice of observing them from the courtyard is of fundamental importance to religious practice at BMS.

9. Similarly, the beginning of each new Jewish (lunar) month is marked by the appearance of the new moon. Each month, approximately one week after seeing the new moon, the BMS congregation gathers outside in the courtyard to recite a special blessing over the new moon. The permanent obstruction of the night sky view from nearby development would render it impossible to perform the prayers because the moon would no longer be visible from the courtyard for significant periods of time. A key ritual observed at this site for hundreds of years would therefore be permanently lost to the Synagogue community.
10. The sky view is also critical to ensuring that enough daylight reaches the interior of the Synagogue. Adequate natural light is key to religious worship at BMS given the intrinsic nature of reading a large quantity of printed texts to Jewish worship. Adequate light levels must be maintained within the Synagogue for this to continue. The amount of natural light in the Synagogue has already been reduced by the construction of higher buildings in the surrounding area and its status as a listed building greatly restricts the possibility of installing further electrical lighting. I understand from my instructions that any further reduction in natural light would jeopardise the ability of the congregation to read from the printed texts.
11. Furthermore, ample light is crucial to safely carrying out circumcisions at the Synagogue; a practice that has continued uninterrupted at BMS for over three hundred years. My instructions explain that those who conduct circumcisions at BMS have raised concerns that any further reduction to light levels would render it impossible to carry out circumcisions at BMS.

Previous planning decisions

12. In October 2021, the City of London's Planning and Transport Committee refused a previous, similar application by the same applicant (an application for a 48-floor tower at 31 Bury St). The refusal identified two harms. The first was harm to the setting and amenities of Grade-1 listed Bevis Marks Synagogue by reason of the "*overbearing and overshadowing impact of the development on the courtyard of the Synagogue.*" The second was harm to the World Heritage Site Tower of London.

13. The main difference between the new planning application and the application that was refused in October 2021 is a reduction in height of 19m and two high-level setbacks. BMS considers these modifications to be of little consequence given that the proposed development would be 178.7m high in any event. However, the newly designated Creechurch Conservation Area, within which BMS and the proposed development site at Bury Street sit since its formal designation in January 2024, is a key difference.
14. In November 2021, the Secretary of State refused permission for the ‘Tulip’ skyscraper in the City of London. BMS was amongst the heritage assets considered in the decision, with the Secretary of State finding that the setting of BMS is “*largely limited to what can be experienced from within its courtyard*” and the “*wider setting*” of the Synagogue “*includes a number of office towers, visible from the courtyard.*” Regarding BMS and a number of other heritage assets, the Secretary of State remarked that the Tulip would “*cause a marked exacerbation in the existing harm from tall buildings to the setting of the assets and the ability to appreciate their architectural or historic significance. The effect would be variously to create an overbearing presence from within the curtilage of the heritage asset (...)*” (in relation to BMS).

The City Plan 2040

15. The City Plan, which was submitted for examination on 29 August 2024, sets out the City Corporation’s vision, strategic objectives and planning framework to guide future development and decision-making in the City of London to the year 2040. Inspectors have been appointed to carry out the examination but the dates for examination have not yet been published.
16. The City Plan proposes to include the Synagogue within the Tall Buildings Area and remove the current presumption against tall buildings in the Conservation Area. It further proposes to protect only the “immediate setting” of the Synagogue. Weight is of course a matter for the decision-maker. However, given the draft City Plan is still in the relatively early stages of the decision-making process, it should be given no more than limited weight by the Committee when it comes to decide the planning application.

BMS' objection to the planning application

17. In May 2024, BMS submitted a detailed, 33-page objection to the planning application describing the interrelationship between the Synagogue's heritage and religious significance. The main objections included in this letter can be summarised as follows:

- (i) The proposed development would cause substantial harm in heritage terms to the significance of BMS and its setting, substantial harm to the character and appearance of the Creechurch Conservation Area, and less than substantial harm to a number of other heritage assets.
- (ii) The Synagogue is one of the most natural light-sensitive places in London, where extensive reading of printed scripts is fundamental to worship, and the proposal would have an unacceptable impact on internal daylight levels.
- (iii) The proposal would result in an unacceptable level of overshadowing to the courtyard of the Synagogue, which is used for a variety of community and religious uses.
- (iv) The view of the passage of the moon across the night sky is highly symbolic and intimately related to the traditions and rituals of the Synagogue. The proposal would block this critical view which is important to the functioning of the Synagogue.

Legal Framework

Primary Legislation

18. Section 149 of the EqA 2010 (which is referred to as the 'general equality duty') provides that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—*
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(...)

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(...)

(7) The relevant protected characteristics are—

age;

disability;

gender reassignment;

pregnancy and maternity;

race;

religion or belief;

sex;

sexual orientation.

19. It will be apparent from the above that having “*due regard*” to equalities impacts imposes positive obligations on decision makers to “*advance equality of opportunity*”, “*foster good relations*”, “*remove or minimise disadvantages*” and “*take steps*” to meet the needs of persons who share a protected characteristic [emphasis added]. It therefore follows that the starting point for decision makers subject to the PSED is to robustly consider the *positive steps* they can take to meet the needs of persons who share protected characteristics, remove or minimise disadvantages etc. It will not be sufficient for the purposes of s.149 to accept harm as a foregone conclusion and then merely

decide on the level of harm that will be acceptable to those sharing a relevant protected characteristic.

Guidance

20. The Equality and Human Rights Commission's 'Technical Guidance on the Public Sector Equality Duty: England' (updated in April 2023) explains at para 2.17 that the public sector equality duty ("PSED") *"applies to individual decisions as well as policy formulation (...)"* although *"this does not mean that what the duty requires those exercising the function to do in both these situations is the same. The courts have made it clear that the regard due when exercising a function will depend on the circumstances in which a function is being exercised."*
21. The Guidance clarifies at para 2.39-2.40 that to 'have due regard' means *"that in making decisions and in its other day-to-day activities a body subject to the duty must consciously consider the need to do the things set out in the general equality duty (...)* How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general duty to the decision or function in question. The greater the relevant and potential impact, the higher the regard required by the duty."
22. As to how the different needs of people with protected characteristics might be met when those needs differ from those without them, the Guidance clarifies that the duty is to meet 'needs' rather than any desires or preferences. The need must be intrinsic to the protected characteristic. In the context of the protected characteristic of religion or belief, the Guidance clarifies at para 3.30 that a relevant body *"may have to have regard to meeting needs which arise as a consequence of religious belief, where these arise in the context of a function which they do have."*
23. Complying with the general equality duty in practice entails ensuring a sound evidence base because in order to give proper consideration to the aims set out in the general duty, the relevant decision-making body will need to have sufficient evidence of the impact its policies and practice are having or are likely to have on people with protected characteristics (The Guidance at para 5.15). This entails sufficient understanding of the disadvantages or different needs of people who share a particular protected characteristic.

24. Importantly, it will be necessary to collate relevant information to have evidence-based decision-making and a body subject to the PSED will need to be able to show that it had adequate evidence to enable it to have due regard to its s.149 duty. Para 5.17 of the Guidance states that “*adequate and accurate equality evidence, properly understood and analysed, is at the root of effective compliance with the general equality duty. Without it, a body subject to the duty would be unlikely to be able to have due regard to its aims.*”
25. A proper evidence base allows a body to understand the effect of its policies, practices and decisions, to consider whether further research or engagement is necessary, to consider whether there are ways of mitigating any adverse impact identified and decide whether to modify or reconsider a policy, practice or decision (para 5.18 of the Guidance). A relevant body cannot hide behind a lack of evidence or information about a relevant issue to justify not being able to meet the PSED. If the body does not have sufficient evidence to have due regard under s.149, it will need to obtain it (para 5.23 of the Guidance).

Case Law

26. The above principles set out in the Guidance are derived from case law. The seminal cases on the general equality duty are summarised below.
27. In *Hotak v Southwark LBC* [2015] UKSC 30; [2016] AC 811 at [73-76], the Supreme Court identified “*valuable judgments in the Court of Appeal*” explaining what the PSED requires. For instance:
- (i) At [75], the Supreme Court referred to the case of *Bracking v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345, [2014] Eq LR 40 which clarifies that the PSED “*must be exercised in substance, with rigour, and with an open mind*” (per Aikens LJ in *R (Brown) v Secretary of State for Work and Pensions* [2008] EWHC 3158 (Admin), [2009] PTSR 1506 , para 92).
 - (ii) At [75], the Supreme Court further approved the principle set out in *R (Hurley & Moore) v Secretary of State for Business, Innovation and Skills* [2012] EWHC 201 (Admin) according to which, it is for the decision-maker

to determine how much weight to give to the duty: the court simply has to be satisfied that “*there has been rigorous consideration of the duty (...) the court cannot interfere ... simply because it would have given greater weight to the equality implications of the decision.*”

- (iii) Drawing the threads together, the Supreme Court remarked at [74] that having ‘due regard’ means take account of what is ““*appropriate in all the circumstances*” (...) *I do not think it is possible to more precise or prescriptive, given that the weight and extent of the duty are highly fact-sensitive and dependent on individual judgment.*”

Advice

The Equalities Statement

28. Taking the above legal framework into account, what counts as ‘due regard’ for the purposes of s.149 of the EqA 2010 depends on what is appropriate in the circumstances. The extent of the duty is highly fact-sensitive and will change from case to case. However, given BMS’ unique status as the oldest and most historically significant Synagogue in the country, its recognition as a ‘cathedral Synagogue’ with over three hundred years of continuous worship and its Grade I listing that reflects its exceptional heritage value, I consider that an Equalities Statement accompanying a proposed development of this scale would have to demonstrate a sufficient understanding of the specific potential impacts of the development proposal on the Jewish community at BMS.

29. Furthermore, given the positive obligations on decision makers subject to the PSED, the City of London will have to go beyond merely demonstrating an understanding of the religious practices of the Jewish community at BMS to actively considering the positive steps it can take through its decision making functions as a planning authority to meet the needs of those who worship at BMS, remove or minimise disadvantages facing them, foster good relations and advance equality of opportunity.

30. The Equalities Statement notes at paras 3.27-3.28 that 2% of the City of London’s residents are Jewish and BMS is one of a number of places of worship in close proximity to the site.

31. BMS is directly addressed from para 3.43 onwards where the Equalities Statement makes the following observations:

- (i) BMS is located approx. 30m north of the site. It is a place of worship and a community facility. It is the oldest Synagogue in the UK and the only Synagogue in Europe to have held regular services continuously for more than 300 years.
- (ii) It notes the times of Shabbat and the fact that the Synagogue is used for various celebrations, as well as the fact that it is of significance to the Jewish community because of its heritage.
- (iii) It remarks that the Synagogue is open to visitors and received a lottery grant in 2019.

32. The Equalities Statement notes in the table at page 19 that impacts of the proposed development may have different impacts on the protected characteristic of religion or belief due to how places of worship are used for religious ceremonies. Specific impacts to BMS are noted from para 4.38 and are said to include:

- (i) **Townscape and visual impact.** The Equalities Statement concludes that the proposed development will alter the visual backdrop to the Synagogue from the courtyard but that this does not impact on the use of the Synagogue or its courtyard for religious activities.
- (ii) **Noise.** However, the Equalities Statement notes that contractors will have close regard to the religious calendar to limit disruption during religious events.
- (iii) **Daylight and sunlight.** The Equalities Statement notes that the Synagogue is sensitive due to the reliance of candlelight only during religious ceremonies where the congregation need to be able to read from the Torah. However, it goes on to note that the Synagogue currently receives very low levels of light. It further states that as the proposed development would lead to a small reduction in the amount of daylight received, it is unlikely to affect the current use of these areas or increase the requirement for artificial lighting.

- (iv) **Night sky visibility.** The Equalities Statement addresses the proposed development's potential impact on the ability to observe the night sky during Shavuot, noting that the proposal will not materially affect the ability to observe the night sky from the courtyard. However, the Equalities Statement concludes that high levels of light pollution in London limit the potential for night sky observations.

33. The s.149 duty is primarily one of process rather than outcome ('have due regard'). I therefore consider that the Equalities Statement contains just enough information on the potential daylight and sunlight impacts of the proposed development for the reading of religious texts to discharge the PSED. However, it completely fails to address the potential daylight and sunlight impacts on the ability to continue carrying out circumcisions in the Synagogue. This was raised in BMS' objections so it should have been addressed in an updated Equalities Statement.
34. Concerning the night sky view, the Equalities Statement refers to the potential impacts on the continuing observance of Shavuot but is entirely silent on the importance of the night sky view to the weekly observance of Shabbat, the daily obligation to recite the *Shema Yisrael* and the monthly blessing on the appearance of the new moon. BMS' objection raised these specific points and explained the ways in which the development proposal's obstruction of the night sky view might prevent these religious practices from taking place.
35. Without giving "*rigorous consideration*" to these specific issues, it is hard to see how the Equalities Statement can safely conclude that the recognised alterations to the visual backdrop to the Synagogue from the courtyard would "*not impact on the use of the Synagogue or its courtyard for religious activities.*"
36. I consider on balance that the Equalities Statement is not sufficiently detailed on the potential impacts on the Jewish community at BMS to continuing worshiping in accordance with their faith. The failure of the Equalities Statement to address several key aspects of the night sky view and the importance of adequate lighting for circumcisions does not comply with the Guidance and case law which requires the PSED to be "*exercised in substance, with rigour*" (*Bracking*) and "*have regard to*

meeting needs which arise as a consequence of religious belief” (para 3.30 of the Guidance).

37. It is trite that planning authorities must carefully balance different (sometimes competing) factors and decide how they should weigh in the overall balance. However, certain factors will always weigh more heavily in the balance than others. The Guidance clearly states “*the greater the relevant potential impact, the higher the regard required by the duty.*” Considering the importance of the PSED and the extent of the potential impacts of the development proposal on the Jewish community at BMS, I consider that this is a case that warrants the heightened regard envisaged by policy and by extension, substantial weight in the overall planning balance.

Statement of Reasons

38. With some exceptions, planning committees are not generally required to give reasons for decisions to grant planning permission. The extent of the duty to give reasons for granting planning permission was discussed in *Dover DC v Campaign to Protect Rural England (Kent)* [2017] UKSC 79; [2018] 1 W.L.R. 108 where the at [59], the Court held “(…) *it should not be difficult for councils and their officers to identify cases which call for a formulated statement of reasons, beyond the statutory requirements. Typically there will be cases where, as in Oakley and the present case, permission has been granted in the face of substantial public opposition and against the advice of officers, for projects which involve major departures from the development plan, or from other policies of recognised importance (such as the “specific policies” identified in the NPPF - para 22 above). Such decisions call for public explanation, not just because of their immediate impact; but also because, as Lord Bridge pointed out (para 45 above), they are likely to have lasting relevance for the application of policy in future cases.*”

39. If the City of London decides to grant planning permission, I consider that such a decision would fall within the categories envisaged by the Supreme Court where a formulated statement of reasons would be required. This is because:

- (i) There is substantial public opposition to the proposals.
- (ii) A very similar proposal was refused in 2021 and the area now enjoys heightened statutory and policy protections due to its recent designation as a Conservation

Area. The proposal is therefore likely to involve major departures from the development plan and other policies of recognised importance.

- (iii) Given the City of London's recent decision to refuse a similar application and the recent designation of the Conservation Area, a formulated statement of reasons would be required to explain consistency of decision making.
- (iv) The decision would be likely to have both an immediate impact on the Jewish community at BMS (amongst others affected by the proposals) and lasting relevance for the application of policies relating to tall buildings and conservation areas in future cases.
- (v) Section 149 contains a positive duty to have 'due regard' to equalities impacts. In the absence of a formulated statement of reasons, it would otherwise be difficult to ascertain whether the City of London complied with this duty.

40. These observations on the duty to give reasons are relevant to understanding how an eventual decision to grant planning permission might be otherwise vulnerable to legal challenge. For the reasons stated above, a complete failure to give reasons in this case could be subject to legal challenge.

41. However, if reasons are given and the committee remedies the inadequacies of the Equalities Statement by robustly considering the specific potential impacts to BMS, it would be hard to argue that the PSED has not been discharged. That is unless the committee nonetheless gives irrational reasons for granting permission (a high hurdle). In any event, even if the committee robustly considers the potential equalities impacts on BMS but nonetheless decides to override the needs of the Jewish community in favour of the development proposal, I am of the view that a clear statement of reasons would be required.

Conclusions

42. My conclusions are as follows:

- (i) The Equalities Statement does not comply with s.149 of the EqA 2010 as it does not sufficiently address the potential impacts of the planning application on the ability of the Jewish community at BMS to continue worshipping in accordance with their faith. While it addresses some points (reading religious texts by natural light), it completely ignores several important potential impacts on the ability of the Jewish community at BMS to continuing worshipping in accordance with their faith.
- (ii) If planning permission is granted, I consider that a formulated statement of reasons will be required to demonstrate compliance with the PSED.

CLAIRE NEVIN

18 November 2024

Francis Taylor Building

Inner Temple

London EC4Y 7BY



Anna Tastsoglou
Planning Team
Environment Department
City of London
PO Box 270
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28 November 2024

Dear Ms Tastsoglou,

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

On behalf of our client, The S&P Sephardi Community, we write further to our previous letters dated 15 May 2024 and 15 November 2024, in relation 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.

This letter accompanies two further documents supporting our client's objection to the proposals:

- An assessment of the impact on the Synagogue of the proposed development in Heritage/Townscape terms, prepared by Donald Insall Associates (Appendix 1); and
- A paper by Rabbi Shalom Morris providing further contextual detail on Bevis Marks Synagogue and its setting (Appendix 2).

This letter briefly summarises these additional documents and reiterates our client's objection to the proposed development.

Heritage/Townscape Impact Assessment

Donald Insall Associates has been instructed by The S&P Sephardi Community to prepare a professional third-party assessment of the heritage impacts of the proposals, particularly the impact of the proposed development on the significance of Bevis Marks Synagogue. The report finds that, in summary, the proposals for the Bury Street tall building have a serious adverse impact on the setting and by implication on the special architectural and historic interest of the Grade I-listed Bevis Marks Synagogue.

Guidance on assessing heritage significance in the NPPF (2023) and PPG (2019) defines significance as *'the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting'*.

This report finds that the significance of the building relates to its architectural quality and its historic significance: it has outstanding historic interest as the oldest purpose-built and continuously-operational synagogue in the UK, and it has special architectural interest as an accomplished Georgian building, but also as a building where this historic use is manifest in the fabric, including its generous extent of fenestration, as well as its courtyard setting which frames the building and allows community and religious activities to take place.

The report concludes that the proposals for a tall building close to the site would cause a high level of harm to the significance of the Grade I-listed synagogue. This harm would result from overshadowing which would efface or seriously affect historic elements of the spatial quality of the architecture, namely the bathing of the interior in light from the south; harm the setting of the synagogue through dominating its important southern backdrop and preventing views to the sky and the moon; and finally, potentially jeopardise or at least diminish the use of the building by the community through reducing its ability to serve as a religious centre through reducing light to the interior and the ability to carry out certain services, including the Kiddush Levana which rely on views of the moon and, therefore, an open sky setting.

Setting Study

Rabbi Shalom Morris has prepared a study of the setting of Bevis Marks Synagogue, with reference to its specific cultural and religious context and Jewish sources. The report draws on sources including Jewish religious law and the communal records kept at the Metropolitan Archives, alongside discussion of the community over time and how it operates today. Reflecting on these sources, the report explains the wide-ranging harm that the proposed tower would cause to the significance of the Synagogue, in terms of harm to:

- The original architectural intent of the Synagogue's design;
- Religiously important sky views;
- Interior light levels necessary for prayer;
- The purposeful functioning of the architecturally significant windows;
- The amenity of the communally important courtyard;
- The meaning of the Synagogue's name; and
- The economic viability of the site.

Summary

The documents enclosed further support our client's position that the proposals would 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 a less than substantial and unacceptable impact upon other heritage assets in the vicinity. The revised proposals do not overcome this heritage harm or come anywhere close to delivering sufficient public benefits to outweigh it.

We have previously set out the reasons for which the application should be refused; we repeat these here for emphasis. It remains clear the applications should be refused, for the following reasons (inter alia):

1. The impact upon the Synagogue (the first previous Reason for Refusal) has not been overcome; the new scheme would be little different from the previous one in its impact. There is now even stronger evidence of adverse impact, including a better articulated objection concerning the heritage/religious/cultural significance of the sky view, and the sensitivity of the Synagogue to changes in light levels.
2. The impact on the World Heritage Site (the second previous Reason for Refusal) has not been overcome; the modelling of the new scheme is a little different, but it still has more-or-less the same substantial impact on a very important view of the Tower of London.
3. The site is now in a Conservation Area, meaning that the scheme's heritage impact (especially on the Synagogue, which is in the same CA) should be given even more weight. City Plan Policy CS14 is very specific in saying that tall buildings proposed in Conservation Areas will be refused.
4. The claimed heritage benefits amount to nothing of substance: it is ridiculous to claim that a 43 storey tower will enhance the Conservation Area, and adding a 4 storey upward extension to Holland House represents harm to that heritage asset, not sensitive restoration.
5. The claimed other public benefits must be viewed with deep scepticism, and certainly don't amount to something to which "very great weight" should be attached. For example, the three storeys of "public access" appears to be nothing more than a meanwhile use.
6. Insofar as there could be some heritage/public benefit, no attempt has been made to demonstrate that the proposed development is the minimum necessary to achieve it. The applicants maintain they are not running an enabling development argument but, in fact, they are. They are arguing to be allowed to erect a building that is specifically contrary to development plan policy, on the basis that their claimed public benefits outweigh the policy presumption and other material considerations. The planning system should only ever accept such an argument if it is demonstrated that what is proposed is the minimum necessary to achieve the claimed benefits.
7. The building is believed to be substantially unviable, and the small size of the site is such that it is unlikely a tall building would ever be viable, let alone one that relies upon substantial expenditure upon public benefits for its justification. Planning permission should not as a matter of principle be granted for developments that are unlikely ever to be built (or unlikely to be built except with significant amendment of the proposal and/or the package of claimed benefits which accompanies it).

As planning officers of undoubted integrity, I trust you and your colleagues will recognise the above, and also that any attempt to justify recommending approval would be both improper and wide open to legal challenge.

Yours sincerely,



Roger Hepher
Executive Director



Appendix 1 - Donald Insall Associates Heritage Assessment



Donald Insall Associates
Chartered Architects and Historic Building Consultants

**Bury Street Development Proposals
(24/00021/FULEIA)**

Assessment of the Heritage Impact on Bevis Marks Synagogue

For Spanish & Portuguese Jews Synagogue

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<i>Project Ref:</i>	BEMS.01
<i>Version:</i>	Draft
<i>Issue date:</i>	November 2024
<i>Prepared by:</i>	ERJ
<i>Checked by:</i>	CZ
<i>Version description:</i>	For comment

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1.0 Introduction

1.1 Background

Donald Insall Associates were commissioned by the Spanish & Portuguese Jews Synagogue in November 2024 to review proposals on land near Bevis Marks synagogue, namely for the demolition of Bury House and the erection of a new tall office building on the site (24/00021/FULEIA) submitted to the City of London Corporation on 8 January 2024. The proposals are currently under consideration. The site incorporates the Grade II*-listed Holland House and includes proposals for a four storey extension for this listed building (24/00011/LBC). These applications follow a scheme to replace Bury House (20/00848/FULEIA) that was refused on 22 June 2022 on the grounds of its adverse impact on the setting of Bevis Marks Synagogue and on the setting of the Tower of London World Heritage Site.

The proposed building on Bury Street is situated c. 25 metres to the south of the Grade I-listed Bevis Marks Synagogue and sits within the Creechurch Conservation Area **[plate 1]**. These heritage assets are protected by the law and national and local policy.

This short report is a professional third-party assessment of the heritage impacts of the proposals, particular the impact of the proposed development on the significance of Bevis Marks Synagogue.

The submitted applications are as follows:

24/00021/FULEIA 8 January 2024 Under Consideration

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.

RE-CONSULTATION due to the submission of additional information and revised drawings

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.

RE-CONSULTATION due to the submission of additional information and revised drawings

This report sets out: the history of Bevis Marks Synagogue (in Section 2), its significance (Section 3), provides an analysis of the Bury Street scheme proposals (Section 4) and outlines the impact of the Bury Street scheme on the significance of Bevis Marks Synagogue and the Creechurch Conservation Area (Section 5).

1.2 Summary of Findings

The report finds that, in summary, the proposals for the Bury Street tall building have a serious adverse impact on the setting and by implication on the special architectural and historic interest of the Grade I-listed Bevis Marks Synagogue.

Guidance on assessing heritage significance in the NPPF (2023) and PPG (2019) defines significance as *'the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting'*¹. This report finds that the significance of the building relates to its architectural quality and its historic significance: it has outstanding historic interest as the oldest purpose-built and continuously-operational synagogue in the UK, and it has special architectural interest as an accomplished Georgian building, but also as a building where this historic use is manifest in the fabric, including its generous extent of fenestration, as well as its courtyard setting which frames the building and allows community and religious activities to take place.

The proposals for a tall building close to the site would cause a high level of harm to the significance of the Grade I-listed synagogue. This harm would result from overshadowing which would efface or seriously affect historic elements of the spatial quality of the architecture, namely the bathing of the interior in light from the south; harm the immediate setting of the synagogue through dominating its important southern backdrop and preventing views to the sky and the moon; and finally, potentially jeopardise or at least diminish the use of the building by the community through reducing its ability to serve as a religious centre through reducing light to the interior and the ability to carry out certain services, including the Kiddush Levana which rely on views of the moon and, therefore, an open sky setting.

1 <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>



Plate 1

- Site plan of proposals under 24/00021/FULEIA
- Grade II listed
- Grade II* listed
- Grade I listed
- Creechurch Conservation Area

2.0 History of Bevis Marks Synagogue

Bevis Marks Synagogue was constructed in c. 1701 as the first purpose-built synagogue in London and followed the resettlement of Jewish communities in England in the late seventeenth century.

2.1 Re-admittance of Jews and Early Worship in Creechurch Lane

Jews were expelled from Britain in 1290 under an edict issued by Edward I. In the early seventeenth century, Jews from the Iberian peninsula (Spain and Portugal, known as 'Sephardi Jews') settled in the City having left Spain and Portugal in response to the Inquisition. Several came to England via Amsterdam, where they had also gone to escape persecution.² These were predominantly Jewish communities who had had to hide their religion in Spain, pretending to be Christian, and continued to do the same in England.³ However, this community petitioned Oliver Cromwell – initially unsuccessfully – for official readmittance. A second petition, in c. 1656, appears to have received verbal assurance that 'they might meet privately for Jewish worship, acquire a burial-ground, trade as brokers on the Exchange, and enlarge their Community by bringing into England some more Sephardi (i.e. Spanish Jewish) merchants of good standing'.⁴ It has been noted that this interview between Cromwell and the petitioners 'in effect, established the Jewish Community of England'.⁵

The Sephardi community first worshipped in a synagogue on Creechurch Lane, to the east of the present-day Bevis Marks Synagogue. This space was located in the upper floors of a pre-existing house and thus represented the ad hoc adaptation and alterations of a structure to the needs of the ever growing community.⁶ In 1699, the Sephardi community acquired a 99-year lease of the present-day site of Bevis Marks Synagogue. The site was already occupied by a dense network of buildings fronting onto 'Berry Street', 'Beavis Lane' and Bevis Marks. These buildings backed onto a central courtyard with a central building accessed from alleys from the latter two streets, as can be seen in William Morgan's 1682 map [plate 2]. Under the terms of the lease, the community was permitted to demolish the existing buildings in order to construct a purpose-built synagogue along with, it appears, ancillary community buildings.

2 Sharman Kadish, *The Synagogues of Britain and London* (London: Yale University Press, 2011), 3.

3 Richard D. Barnett and Abraham Levy, *The Bevis Marks Synagogue* (Oxford: for the Society of Heshaim at University Press, 1970), 1-4.

4 Ibid.

5 Ibid.

6 Ibid., 5.



Plate 2 Morgan Map of London, 1682 with the approximate location of the future Bevis Marks Synagogue marked and showing the tight urban grain which was demolished to make way for the Synagogue (Layers of London)

2.2 Construction of the Synagogue

The synagogue was constructed between 1699 and 1701 under the supervision of Joseph Avis, a 'Christian master builder'.⁷ Little is known about Avis and his precise role in the design of the synagogue remains obscure.⁸ Avis is known to have been a 'Cittizen and Merchant Taylor of London' and worked on the Wren city church St Bride's Fleet Street, St James's Piccadilly and the Merchant Taylors' hall.⁹ At the synagogue, Avis collaborated with several other craftsmen who had also worked on Wren churches and likely other City projects, situating the project within the broader building tradition of late seventeenth-century London in which the boundaries between architect, builder and craftsmen were blurred.¹⁰

The construction of the synagogue took place against the background of the increasing prosperity of the Sephardi Jewish community in London. Their ability to construct a purpose-built synagogue indicates the degree of social and economic security they had achieved by the late seventeenth century, giving them the funds and ability to commission a place of worship. The synagogue was built by a prosperous and growing community and within a society with fewer restrictions on Jewish worship following their readmittance to England. The choice of a builder within the establishment of British craftsmen connected to the Wren churches and broader rebuilding of the post-fire City and use of a fashionable, up-to-date architectural style demonstrates the ambition of their patronage. All of these factors mean, therefore, that Bevis Marks Synagogue can be taken in some ways as an ideal synagogue: one which was purpose-built with sufficient funds and one which could therefore respond to established Jewish law, religious practices and traditions, whilst also following current architectural practices in England.

2.3 Design of the Synagogue

While it is not within the scope of this study to delve extensively into the precedents of the architecture, much has been made of the stylistic affinities between Bevis Marks Synagogue and the Sephardi synagogue in Amsterdam, the *Esnoga*, which the Bevis Marks congregation was a daughter of and with which the early leaders of the community had close familial ties.¹¹ This synagogue has a comparable brick-faced exterior and equally substantial fenestration to illuminate the body of the synagogue which itself is set into a tightly built up townscape. The two synagogues also have similar internal arrangements, namely being accessed through a 'small panelled porch' that opens straight onto the prayer hall.¹² Equally, the synagogue has clear architectural affinities with the new city churches of Christopher Wren. However, it is also significant how the building responds to ideas about worship laid out in Jewish texts that would have guided those responsible for constructing the synagogue. This is dealt with extensively in Rabbi Morris' Objection Letter on Significance and

7 The building contract for the site was signed on 12 February 1699, the foundation stone laid on 21 August 1700 and the Synagogue consecrated on 30 September 1701. Kadish, *The Synagogues*, 6-7. The attribution of the synagogue is discussed at length in the synagogue's CMP.

8 Ibid.

9 Ibid.

10 Ibid., 15.

11 Ibid., 3.

12 Ibid., 11.

Rabbi Joseph Dweck's letter appended to the HGH report (15 May 2024), both available on the planning portal. For the purposes of our analysis three elements are most important and will be discussed in detail below:

1. The setting in a private courtyard, which provided
 - a. An extension of the internal Synagogue space, where religious worship could happen such as prayers on the appearance of the new moon (Kiddush Levana) which require a view of the night sky
 - b. A private space that acted as a buffer between the sacred space of the synagogue and the secular outer world, an effect which was augmented through the entry into the courtyard through a narrow arched passage which opened into a wider courtyard
2. The domination of the synagogue over surrounding buildings, which accorded with Jewish tradition that enshrined that the synagogue ought to be the tallest/most prominent building in a city
3. The provision of generous natural light to the interior and views to the outside world from the interior, which responded to the requirement in the Talmud that 'a person should pray only in a house with windows' (Berakhot 34b), a requirement that had both spiritual and functional objectives.

As originally constructed, the synagogue was situated in the centre of a courtyard and seems to have been originally – or at least from an early date – surrounded by low buildings that were used for other functions of the community such as almshouses, orphanages and schools. The earliest surviving plan of these community structures is from the late-nineteenth century **[plate 3]**. The plan shows the synagogue at the heart of a wider complex of physically and organisationally interlinked structures that supported the Sephardi community in different ways. The arrangement of the synagogue at the heart of a courtyard is first shown on John Rocque's 1746 Map, which shows the rectangular 'Jews Synagogue' accessed through a narrow alley from Bevis Marks which widened into a generous U-shaped courtyard that surrounded the synagogue to the north, west and south **[plate 4]**. This linked to a subsidiary space to the south which was accessed from Heneage Lane.

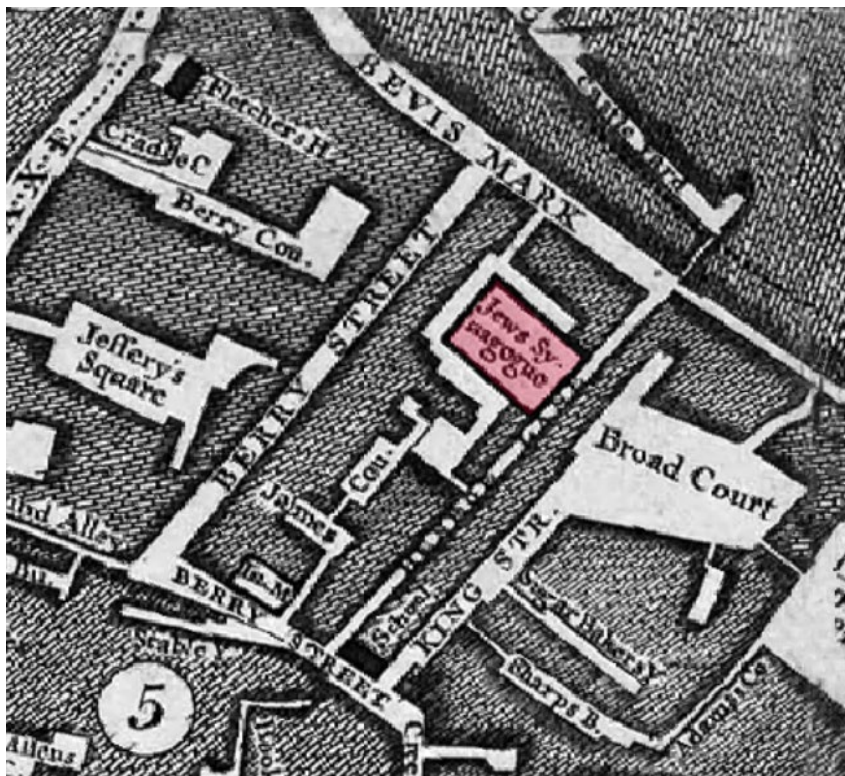
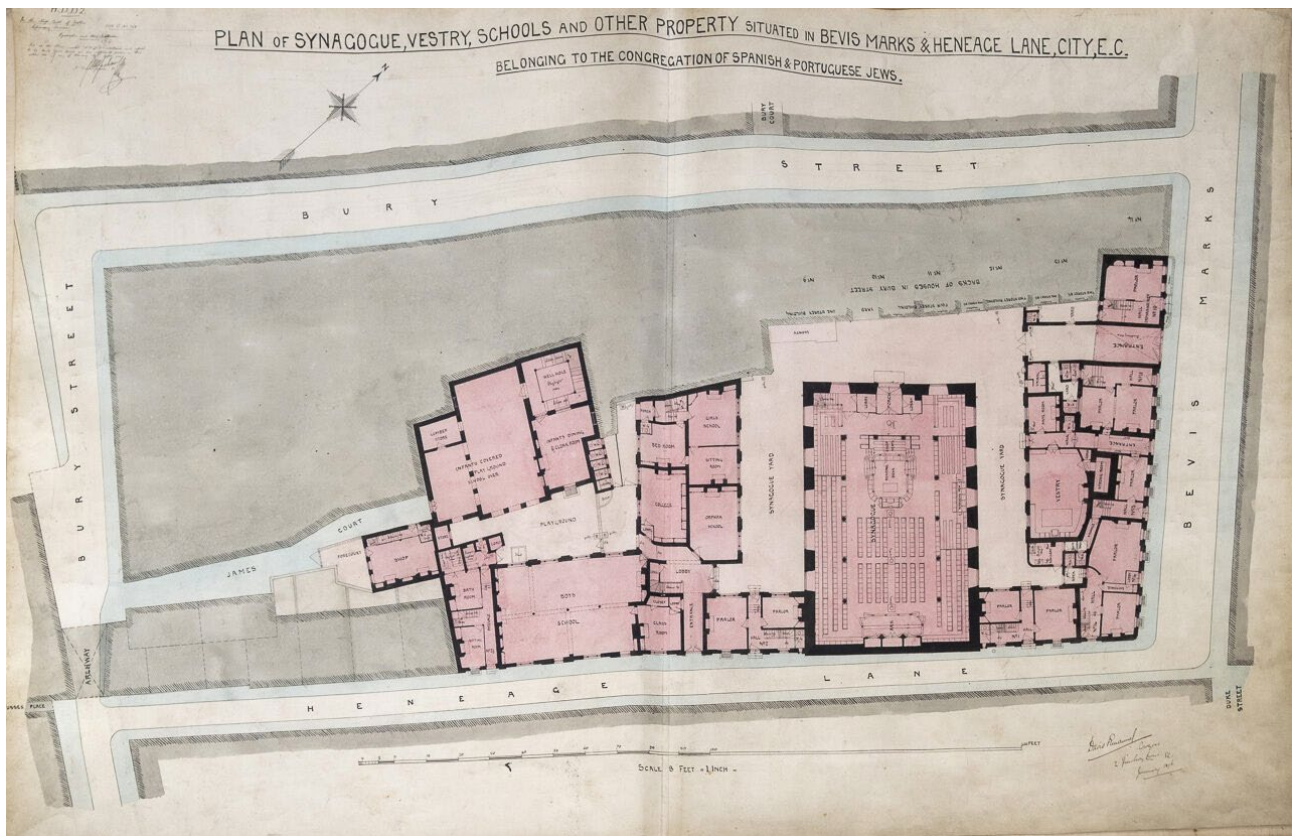


Plate 3 Plan of Synagogue, Vestry Schools and Other Property Situated in Bevis Marks and Heneage Lane, City, E.C., belonging to the Congregation of Spanish & Portuguese Jews, 1876 (Bevis Marks Synagogue)

Plate 4 Rocque Map of London Westminster and Southwark, 1746. Note the presence of the U-shaped courtyard around the Synagogue (Layers of London)

The courtyard appears to have always been considered a central space of the synagogue with early references to it being paved in free stone and a stone mason recorded as having paved the courtyard.¹³ The explicit reference to the treatment of the courtyard in early documentation makes clear that this was conceived as part of the commission for the synagogue itself and was intended to be closely linked to the synagogue's architectural impact and religious function. Moreover, it has been noted that in typical synagogue architecture, a vestibule separates the street from the prayer hall. In the Sephardic tradition, however, the vestibule did not develop as part of the building typology, in part following the model of the Esnoga, the Sephardi synagogue in Amsterdam.¹⁴ In these buildings 'the lack of vestibule' is compensated for 'by the existence of a courtyard'; hence, the courtyard was seen as an extension of the building itself.¹⁵ While it has been suggested that the location of the synagogue within the courtyard was because of restrictions placed on the construction of synagogues on high streets, its position clearly had significance for the liturgical function of the building itself.¹⁶

This arrangement – of the synagogue in a courtyard surrounded by community buildings – was maintained throughout the eighteenth and nineteenth centuries and is shown on the Goad map of 1887. This shows how the synagogue related to neighbouring buildings and highlights that, despite the presence of larger warehouses to the synagogue's west, many of the surrounding structures were still low-rise [plate 5].



Plate 5 Goad Map, 1887. Note that several surrounding buildings were still in use by the Sephardic Community and that most buildings were still of a modest scale (Layers of London)

13 Ibid., 6.

14 Ibid., 10-12.

15 Ibid.

16 Ibid., 5.

The exterior of the synagogue is shown in a contemporary print which shows the synagogue rising above the surrounding buildings **[plate 6]**. The view in the print shows the building from the northeast, the angle that the visitor or worshipper first perceives when entering the private courtyard through the arched entrance on the public street, Bevis Marks. From this angle, the building clearly was intended to dominate over its surrounding structures.

The form of the building itself was informed by the religious needs of the community. It was dominated on the interior and exterior by large multi-pane windows. On the north and south elevations, there were smaller windows that lit the ground floor and larger round headed windows at the level of the internal gallery. Windows on the eastern side were elevated above the Arc and on the western side, above the entrance porch. Early images emphasise that the space was configured to be flooded with light, which served both spiritual purposes and functional purposes as it provided light for people to read prayers. These images include an early nineteenth-century print which shows the play of light and shadow across the floor **[plate 7]**, an 1884 watercolour that shows the even lighting achieved due to the generous windows on all sides **[plate 8]** and a late nineteenth-century print which literally renders the beams of light emanating from above through the southern windows, casting light onto the Arc and seats which would house the congregation during services **[plate 9]**. The images make clear, as is still the case in the synagogue today, that the space was dominated by these large, clear windows. Besides the light from the windows, the interior was historically lit by seven chandeliers. These chandeliers are, today, fairly inaccessible and take an hour to light and an hour to extinguish by hand. It could be presumed that they were predominantly used at night and that the interior was light enough for worship during the day without the aid of artificial light.

Not only was the provision of light important, views of the outside world were also important in Jewish worship. As is outlined in Rabbi Morris' report on the setting of the synagogue, also available on the planning portal, views of the outside were significant because of the importance of knowing the time of day, traditionally understood through views of the sun and night sky, to instigating Jewish prayer. In particular, the appearance of stars in the night sky traditionally was used to demarcate the end of the Sabbath, whilst the passage of the sun in the daytime was used to indicate times for prayer and worship. The large and multiple windows in the synagogue, then, both permitted views to the outside world that permitted the demarcation of the passage of time and thus the call to prayer as well as serving a functional purpose of lighting the interior.

While elements of the fabric of the interior and exterior have been renewed – namely the pane glass and the paving to the courtyard – the overall configuration of the building envelope and much of the courtyard have remained the same, reflecting the enduring use by the same community of Sephardi Jews who built the synagogue over 300 years ago.¹⁷

17 The Synagogue's Conservation Management Plan discusses alterations in detail.

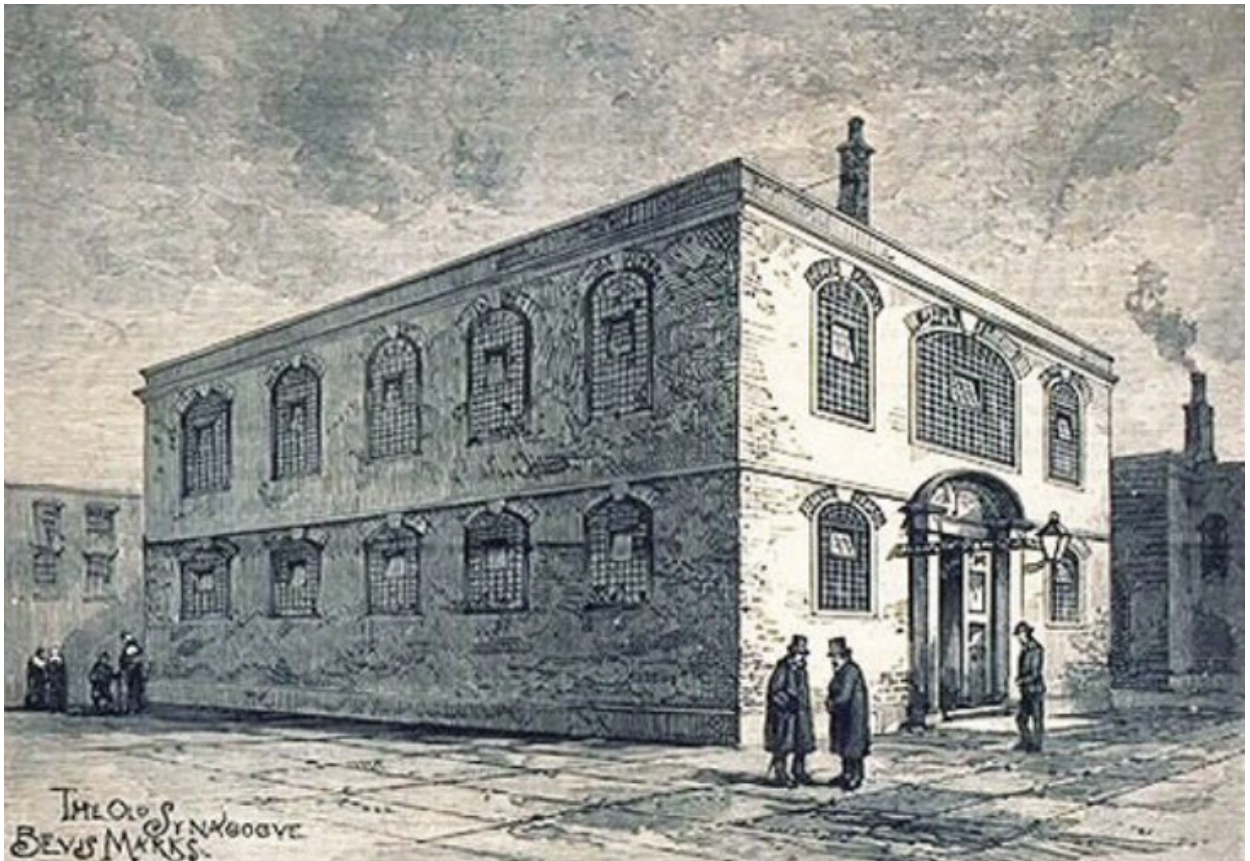


Plate 6 View of Bevis Marks Synagogue from the northwest in 1891, showing the Synagogue's original setting in an open courtyard with low ancillary buildings to its south and east (Bevis Marks Synagogue)



Plate 7 Print after Belisario of the interior of Bevis Marks Synagogue showing two visitors. Note the play of light on the floor (MeisterDrucke)



Plate 8 Watercolour of the interior of Bevis Marks Synagogue, 1884. Note the even light cast through the windows and the importance of the bright light coming through the windows to the appearance of the space (LPA)

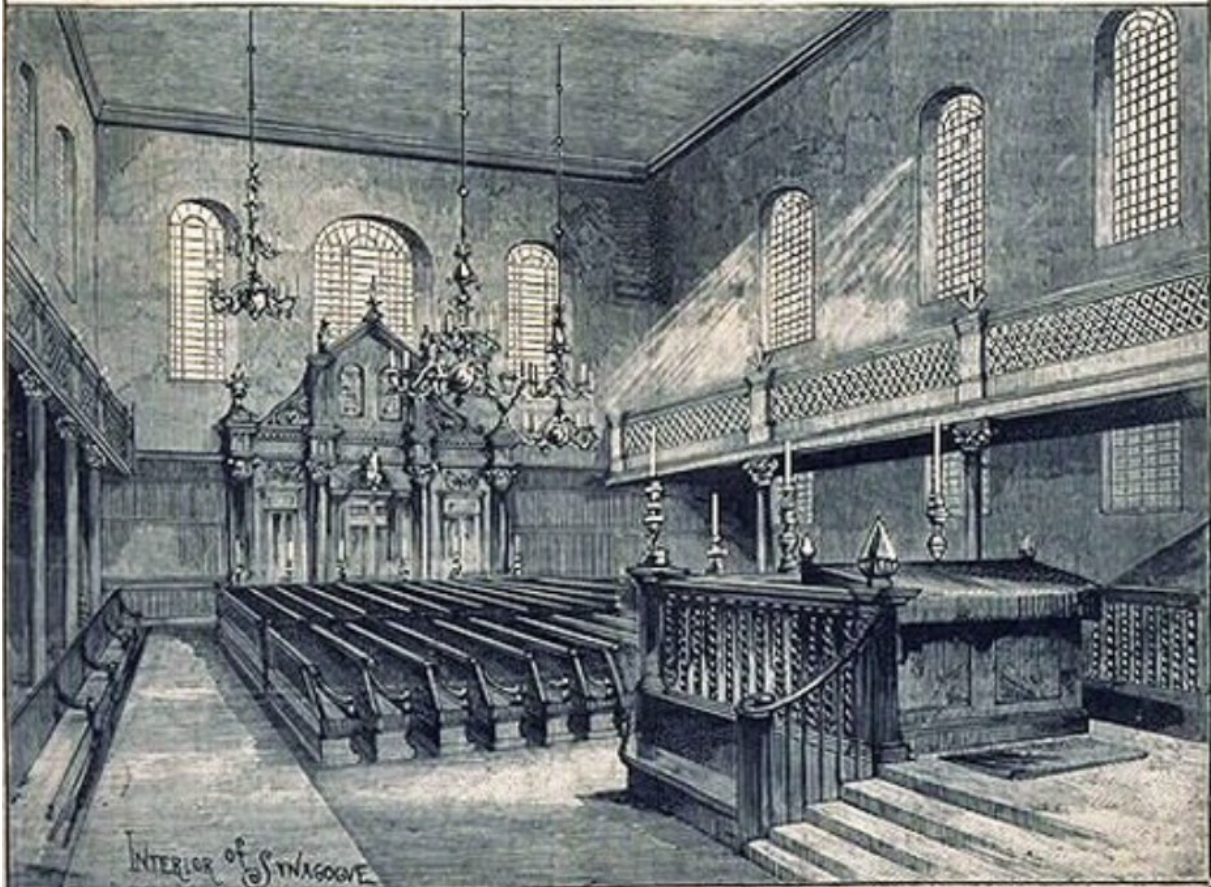


Plate 9 Print of the interior of Bevis Marks Synagogue in 1891, with emphasis placed on light streaming in through the southern windows (Bevis Marks Synagogue)

2.4 Later Changes to the Synagogue's Setting

The wider setting of the synagogue has evolved, firstly in the late nineteenth century when it itself was threatened by demolition in 1886.¹⁸ This ultimately led to the demolition of some of the surrounding buildings and their replacement with new structures, such as the houses and offices that flank the synagogue on its eastern side and open onto Heneage Lane. Comparison of the OS Town Plan from 1896 [plate 10] and that from 1916 [plate 11] shows the infilling of the open space to the rear of some of the buildings to the west of the synagogue thus creating a solid wall to the south of the synagogue as well as broader redevelopment in the area such as the replacement of small blocks on Bury Street with the larger Holland House.

The setting has continued to evolve through piecemeal redevelopment of neighbouring plots over the course of the twentieth and twenty first centuries. Except for the Victorian buildings that flank the synagogue on the eastern side, the courtyard is now entirely surrounded by relatively modern buildings. However, these buildings remain of a fairly modest scale, despite being taller than the synagogue. This means that they still permit views to the sky and do not feel overbearing. It is notable that the buildings that form the southern side of the courtyard seem to have been intentionally designed to respond to the height of the synagogue [plate 12]. While both are taller than the synagogue, they have clearly delineated lower storeys and mansard roofs. The cornice line of the lower storeys is similar to the height of the synagogue, especially when seen from an oblique angle, and the mansard roofs are sloped away from the synagogue, thereby allowing the synagogue to still feel as if it is the dominant building in the courtyard. To the immediate south of the synagogue, the courtyard was infilled in the twentieth century with a glazed structure which has since been replaced with a single-storey visitors' centre and museum for the synagogue, due to be completed in 2025.

In the wider settings, there are tall buildings to the south constructed in recent years which are visible from the courtyard. These include 40 Leadenhall and 52-54 Lime Street. Because they are further from the site than the proposed Bury Street tall building, their impact on its setting is more limited and there is still sky seen between them and a sense of distance maintained between these buildings and the courtyard. There are also modern tall buildings to the east and west of the synagogue.

So, in summary, the synagogue represents a purpose-built religious building that articulated the aspirations of the burgeoning Sephardi Jewish community in the late seventeenth and early eighteenth centuries and which can be understood as an ideal synagogue structure due to its correlation to statute in Jewish texts. The form of the synagogue and courtyard were fundamentally related to its use as a synagogue in the period of its construction and in the subsequent centuries to the present day, and its open courtyard with sky views forms an intrinsic part of the significance of the synagogue, both spatially and functionally.

18 Barnett and Levy, *The Bevis Marks Synagogue*, 9.

3.0 Assessment of Significance of Bevis Marks Synagogue and its Setting

3.1 Policy Context

The purpose of this section is to provide an assessment of significance of Bevis Marks Synagogue in order to evaluate the impact of the proposals for a new tall building on Bury Street on that significance in section 5.

This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as:

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological (potential to yield evidence about the past), architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. It provides relevant guidance as to how to assess the significance and setting of a heritage asset. On significance the PPG says:

Paragraph 6: What is "significance"?

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **archaeological interest:** *As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*
- **architectural and artistic interest:** *These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.*

- **historic interest:** *An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.*

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

And on setting:

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

3.2 Assessment of Significance of Bevis Marks Synagogue

Bevis Marks Synagogue is a Grade I-listed building located within the Creechurch Conservation Area. It was constructed between 1699 and 1701 as the first purpose-built synagogue of the Sephardi Jewish community in England and has been in continuous use as a synagogue by the community since. The building is rectangular and constructed of brick, with generous multi-paned windows on all four sides, informed by the church architecture of Sir Christopher Wren and the architecture of the Sephardi *Esnoga* in Amsterdam which had strong links to the London Sephardi community in the seventeenth century. It is situated within a courtyard accessed from Bevis Marks and its rear elevation fronts onto Heneage Lane.

As a Grade I-listed building, Bevis Marks Synagogue has been recognised to have an **exceptional¹⁹ degree of architectural and historical interest and significance**. Its historical interest lies in its status as the oldest purpose-built synagogue in Britain in continuous use. The building's historical and architectural interests are closely intertwined. As discussed in section 2, there are three elements of the synagogue that were likely informed by the functional and liturgical needs of the congregation, when first constructed, namely:

- its setting within a private, open courtyard with sky views which formed a spatial and functional extension to the interior of the synagogue,
- the domination of the synagogue over its surroundings,
- and the provision of ample natural light to the interior which had liturgical and functional importance.

These needs dictated the form that the building took and its situation in a generous courtyard. Internally, the provision of large multi-paned clear plate glass windows, opening onto the courtyard and unobstructed by surrounding buildings, defined the spatial quality of interior, making it feel like a light, open space connected to the outside world. These elements related closely to the historical uses of the building.

The building survives largely intact both internally and externally, with these key features still well-represented, if somewhat obscured by encroaching development. Whilst there have been alterations, such as the introduction of some artificial light in the 1920s, likely in part to alleviate the task of lighting and extinguishing the chandeliers which takes several hours, the configuration of the structure has remained legible. As such, the original function of the building is manifest in its fabric and form and this allows us to understand how the space was used historically. Hence, architectural and historic significance of the building is **exceptional** as it illustrates how Sephardi Jewish communities have worshipped in Britain for the past 300 years in a building of high quality.

Moreover, the building remains in use by the community for whom it was constructed and this continuing use by the Spanish and Portuguese Sephardi Jewish community forms an inherent part of its significance. Historic England, the government's statutory advisor for heritage matters, provides guidance on how such elements of significance should be assessed in *Conservation Principles* (2008). It describes 'communal

19 Definitions of statutory listing grades are provided here: https://assets.publishing.service.gov.uk/media/5beef3c9e5274a2b0b4267e0/Revised_Principles_of_Selection_2018.pdf

value' as a tool for assessing significance, which includes social value ('associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence') and spiritual value which is defined as:

59. Spiritual value attached to places can emanate from the beliefs and teachings of an organised religion, or reflect past or present-day perceptions of the spirit of place. It includes the sense of inspiration and wonder that can arise from personal contact with places long revered, or newly revealed.

60. Spiritual value is often associated with places sanctified by longstanding veneration or worship, or wild places with few obvious signs of modern life. Their value is generally dependent on the perceived survival of historic fabric or character of the place, and can be extremely sensitive to modest changes to that character, particularly to the activities that happen there.

In the case of Bevis Marks Synagogue, these criteria are central to understanding the significance of the building. The building's exceptional special interest and significance resides primarily in its status as the UK's oldest synagogue, the UK's first purpose-built synagogue and its continuing use as a synagogue for the same community who built it, those for whom it has social, communal and spiritual value. The contribution of the **use** of the building to its significance, then, is of **exceptional** importance. The enduring relationship between the fabric of the building and the functioning of the community is essential to its significance.

The building's **setting**, in particular, its courtyard, but also its wider setting visible from the building and the courtyard, make a **very strong contribution** to its significance and speak to the building's historic function, architectural interest and present-day use. The courtyard outside the building has been its setting since it was constructed and it seems evident that it was specifically conceived to have functional and liturgical purposes. The building's setting in this enclosed courtyard maintains the historic setting of the building and therefore contributes strongly to its **historic and architectural interest**. The courtyard afforded the synagogue a high degree of privacy, which was important to its historic use.

Not only is the courtyard the space from which the synagogue is meant to be seen, it also was conceived to ensure the provision of light into the interior of the synagogue and to form an external extension of the building in which services could take place. These services and the provision of light were predicated on the relationship to the broader setting. This is recognised to be an element of setting protected by the law, as explained in NPPG (2019), which states that '*the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.*' Environmental factors can be taken to include light and landscape, which includes the sky, and, in the case of the synagogue, these are factors that contribute strongly to the building's significance. The relationship between the building and its surrounding environment, namely retained sky views which have liturgical and functional importance, are an important part of its significance. That these were recognised by the original community who used the synagogue is perhaps made evident by the synagogue's name, 'the Gate of Heaven', which could be taken symbolically to gesture towards the relationship between the building

and the sky above The importance of this sky view for the practising community today is paramount, because the courtyard is a space of arrival, prayer and community gatherings. While the synagogue's setting has been negatively impacted by the construction of towers to its south and west, it still retains a sense of open-ness, in large part because these towers are set back from the site and do not dominate its setting.

The synagogue's setting, then, is defined by both its physical relationship to its historic courtyard and immediate surrounding low-rise buildings, but also by its relationship to its broader environment which includes elements of the natural environment experienced by the viewer and worshipper on site, including the sky views and natural light.

It should be noted that the draft City of London Local Plan 2040, currently under inspection, has attempted to define the 'immediate setting' of Bevis Marks synagogue in a policy map (figure 27). The synagogue's 'immediate setting' is referenced in Strategic Policy S21: City Cluster and Policy HE1:Managing Change in the Historic Environment. The Plan identifies solely the blocks immediately abutting the synagogue's courtyard as the 'immediate setting' of the building (thereby excluding Bury House and the sites of other towers to the south of the Synagogue). This assessment has already been challenged by Historic England as well as the synagogue and it is important to note that the wider setting, not just the buildings abutting a listed building, is considered part of the setting of a building as assessed in policy.²⁰

In summary, the building is of **exceptional national significance**, significance which is derived from **architectural and historical interest, communal value** and **the building's setting**.

20 Historic England's comments on the 'immediate setting' proposal contained in HE1 and S21 are in LD8 Consultation Statement Appendix 9 (<https://www.cityoflondon.gov.uk/assets/Services-Environment/LD8-Appendix-9-City-Plan-2040-Regulation-19-Consultation-Responses.xlsx>).

4.0 Bury Street Proposals

The proposals contained within application 24/00021/FULEIA cover the site of Bury House, Holland House and Renown House, located between Bury Street to the west, Bury Street to the south, Creechurch Lane to the east and Valiant House to the north. The proposals, designed by Stiff + Trevillion, seek to demolish Bury House, a post-war office building, and replace it with a new tall building which would consist of 4 basement levels, ground floor and 43 storeys. It is proposed that the new tall building which would have facades comprised of rows of rectangular windows and be clad in terracotta tiles between the PPC glazed windows. The site of the new tall buildings is about 25 metres to the south of Bevis Marks Synagogue.

The proposals also seek to make alterations to Holland House and Renown House which involve partial demolition and the construction of extensions. For the Grade II*-listed Holland House, which is also subject to a listed building consent application (24/00011/LBC), it is proposed to *inter alia* add a four-storey extension. This restoration includes the 'removal and reinstatement of external faience', reopening a historic entrance on Bury and, in part, also refers to internal demolition which is proposed of features identified as later alterations, as well as the removal of other modern interventions. Demolition to facilitate interconnection between the three buildings is also proposed as well as other internal alterations. A three-storey extension is proposed for Renown House which is an unlisted historic building.

The project's Design and Access Statement summarises the benefits proposed by this scheme. These include: the provision of a floor of affordable workspace in Holland House, the creation of routes including the extension of Heneage Lane, creation of further active frontage, and new public space, and heritage benefits which entail the repair and restoration of Holland House and the unlisted Renown House. The DAS additionally highlights the sustainability, biodiversity, delivery and transportation, SME and economic provisions of the project.

5.0 Impact of the Bury Street proposals on the significance of Bevis Marks Synagogue, its setting and the Creechurch Conservation Area

5.1 Impact of the Proposals on the Significance of Bevis Marks Synagogue

The proposed scheme for the construction of a 43-storey tall building on Bury Street would have an adverse impact on the significance, including setting, of the Bevis Marks Synagogue.

Several grounds for heritage objections to the scheme have been raised by Historic England and other statutory bodies and other objectors. The report produced by Alex Forshaw and appended to HGH's objection letter outlines the impact of the scheme on the setting and significance of various designated and non-designated heritage assets, including, notably the Grade II*-listed Holland House to which proposed extensions would cause harm. We concur that the proposals for a 4-storey extension to Holland House would create harm to its significance because of the considerable extent of the proposed roof extension set above the building's fine street frontage.

This report deals primarily with the impact on the setting of Bevis Marks Synagogue and how this impact would affect the significance of Bevis Marks Synagogue.

As identified in section 3, the synagogue's significance lies in its exceptional historic and architectural special interest as the first purpose-built synagogue in Britain and one which is largely still intact and thus reflects the historic worship practices of the Congregation, in its continued use by the community and in its setting which was central to the functional and liturgical uses of the building historically and in the present day. As we identified in section 3, in accordance with the NPPG, the setting of the synagogue is not formed solely by the buildings immediately abutting its courtyard, but rather encompasses a wider environment which includes the light conditions and views to the sky and the moon, currently present on the site. The HTVIA provided by the applicant incorrectly identifies the setting as limited to the courtyard, writing that *'the contribution that setting makes to the heritage significance of Bevis Marks Synagogue is very localized, and the wider setting, beyond Heneage Lane and the courtyard, where the Site lies, does not contribute to this significance.'* This assessment does not take into account all available information about how the setting relates to the building's use and significance.

Indeed, the assessment of the setting provided in the refusal of the previous application for a tall building on the site – which was not substantially different to the current proposal – acknowledged that the building's setting is wider than the immediate courtyard. The refusal letter states:

1. *The development would adversely affect the setting of the Grade I 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.*

In the case of this application, the proposed benefits did not outweigh the public benefits of the proposals and thus ran contract to Local Plan and London Plan policies. So, it has been previously acknowledged that the setting contributes to the significance of the building, as we have also found in this report.

The proposed scheme would impact on the historic and architectural significance of the synagogue, its setting and its use, principally through overshadowing. The new tall building would:

1. Impact the setting of the synagogue which was historically characterised as open to the sky, a characteristic which has survived, albeit in slightly lesser form due to some new, taller buildings in the vicinity, to the present day. The openness to the sky is important to the courtyard as it communicates that it was intended to be a space of worship, particularly in relation to the moon (and would therefore be harmed by the tall building blocking views of the moon), and a space for communal gatherings which would be compromised by the additional overlooking and the overbearing character of a very tall building in close proximity;
2. Provide a new backdrop to the synagogue and harm its architectural interest, as tall building would be very close and out of scale to the buildings fronting the courtyard and the synagogue itself, as the synagogue was intended to be dominant in its setting, responding to Jewish religious law;
3. Impact the provision of natural light and views to the sky from inside the synagogue which may compromise the continued use of the synagogue by its community and would reduce the building's functionality by reducing the usable space.

These amount, cumulatively, to serious harm to the heritage asset's significance.

National legislation and policy impose duties upon local planning authorities to consider the impacts of proposals upon listed buildings and conservation areas.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision making on applications that relate to the historic environment. Section 66 of the Act imposes a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and their settings. It states that:

In considering whether to grant 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.

The National Planning Policy Framework (NPPF) (December 2023) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF requires that, with regards to the significance of a heritage asset:

201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Local planning authorities are required to take into account 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' (paragraph 203) in determining applications. Should a proposal cause harm to the significance of a designated heritage asset, the Local Planning Authority is required to give 'great weight' to 'the asset's conservation (and the more important the asset, the greater the weight should be)' (paragraph 205). The NPPF continues to note that harm to a designated heritage asset must be justified:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.' (paragraph 206).

So, national legislation and policy requires that decision makers consider the impact of proposals on the significance of surrounding heritage assets; it is evident that the impact of the Bury Street proposals on the Grade I-listed Bevis Marks Synagogue's architectural and historic significance through the impacts on its setting, therefore, must be considered fully by the City of London Corporation and inform the determination of the application.

There is genuine concern amongst the community that uses Bevis Marks Synagogue that the harm to the setting and interior of the synagogue that would be caused by the approval of this tall building could lead to the synagogue no longer being a suitable and functional space of worship, as certain rituals could not be performed, such as the prayer said to the waxing moon, and as parts of the interior would be plunged into darkness, making difficult or even preventing their use by the Congregation. Were the Congregation to leave the synagogue, this would impact greatly the significance of the structure, which, as we have discussed above, is closely tied to its status as the oldest purpose-built synagogue in the UK and its continued use by the Sephardi community. In turn, the long term conservation of the building would be put at risk. These are impacts to the listed building that the City Corporation should also take into consideration when determining this application.

As discussed above, legislation and national policy requires that Local Planning Authorities take into consideration the impact of proposals on the significance and setting of heritage assets. Local and Neighbourhood Plans are the means through which Local Planning Authorities articulate how they will apply national policy to local situations and refine the requirements put in place by central government. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The London Plan (March 2021) and City of London Local Plan (January 2015) have policies which are relevant to the issues at hand.

The London Plan's Policy HC1 Heritage conservation and growth requires that

'(C) 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. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process'.

Also relevant to the proposals is the London Plan's Policy D9 Tall buildings which states that

'(d) proposals [for tall buildings] should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area.

The City of London's Plan (January 2015) similarly protects the setting and significance of heritage assets.

Core Strategy Policy CS12: Historic Environment states the need

'to conserve or enhance the significance of the City's heritage assets and their settings and provide an attractive environment for the City's communities and visitors, by:

- 1. Safeguarding the City's listed buildings and their settings, while allowing appropriate adaptation and new uses [...]*

Policy DM 12.1 relates to the need to manage change affecting all heritage assets and spaces and states the desire

- 1. To sustain and enhance heritage assets, their settings and significance.*
- 2. Development proposals [...] that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development [...]*
- 3. [...]*
- 4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.'*

It is essential, then, that the decision makers, in line with national and local policies, evaluate the impact that the proposals for the tall building on Bury Street would have on the setting and, in turn, the significance of Bevis Marks Synagogue.

Based on our analysis, we believe that these proposals would cause serious harm to the Grade I listed heritage asset, and therefore, require that the harm be outweighed by the public benefits put forward by the scheme. The public benefits of the scheme, however, in our view fall short of outweighing the serious harm to the synagogue.

Following the NPPF, 'great weight' must be given to the conservation of the Grade I listed building. These proposals would fail to do so. Instead, they would adversely impact the setting and its contribution to the significance of the synagogue, and cause harm the architectural and historical interest of the building, and thus the proposals, as they stand, threaten the building's conservation.

5.2 Impact of the Proposals on the Creechurch Conservation Area

The proposed development would also impact the character and appearance of the Creechurch Conservation Area which was designated in 2024. The Conservation Area Character Summary and Management Strategy is currently under preparation by the City Corporation.²¹

The area is characterised by predominantly mid-rise buildings and is dominated by historic buildings and street patterns; the Creechurch Conservation Area Proposal identifies, in particular, the late nineteenth century warehouses on Creechurch Lane and Mitre Street, the Edwardian Aldgate School, the three religious buildings (most importantly Bevis Marks Synagogue) and several open spaces as defining the area's character and appearance, which is also notable for its association with the history of Jewish communities in Britain.

The legislation and policy discussed above also have requirements for the decision makers when dealing with development within conservation areas.

Section 72(l) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

[...] with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

A Conservation Area constitutes a designated heritage asset in its own right and therefore the policies discussed above in the NPPF are also relevant here and the Local Planning Authority must give 'great weight' to 'the asset's conservation'.

However, the NPPF does also state in paragraph 213 that:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Hence the loss of Bury House, which does not contribute to the Conservation Area, is not in itself problematic. However, the impact of the replacement building is.

21 [Creechurch Conservation Area - City of London](#)

The City of London Local Plan (January 2015) states in Policy DM 12.2 Development in conservation areas that *'1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.'*

In Core Strategic Policy CS14: Tall Buildings the conditions in which a tall building will be acceptable or unacceptable are stated:

'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, enhancing 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 St. Paul's Heights area; St. Paul's protected vista viewing corridors; and monument views and setting, as defined on the Policies Map.*
- 3. Elsewhere in the City, planning proposals for tall buildings only on those sites which are considered suitable having regard to: the potential effect on the City skyline; the character and amenity of their surroundings, including the relationship with existing tall buildings; the significance of the heritage assets and their settings; and the effect on historic skyline features.'*

While the site of Bury House is located within the City's Eastern Cluster, the site is clearly not a 'suitable' one due to its proximity to Bevis Marks Synagogue and the impact of the proposals on its setting and significance. Moreover, the policy explicitly states that planning permission will be refused in conservation areas making this a doubly inappropriate site for the construction of a tall building.

The draft City Plan 2040 is being prepared for examination by the Planning Inspector on behalf of the Secretary of State. The Draft Plan's Strategic Policy S12: Tall Buildings removes the presumption of refusal for tall buildings in Conservation Areas, though there remains the requirement that *'8. Tall buildings must have regard to: [...] c. the significance of heritage assets and their immediate and wider settings.'* This policy remains in draft and has attracted significant objection from inter alia Historic England. Therefore, the current Plan's policy against tall buildings in conservation areas must be followed, which would require this application to be refused. However, even if one applied the draft policy to which little weight can be attached at present, it seems evident that the proposed building does not have due regard to the significance of the Grade I listed Bevis Marks Synagogue.

5.3 Conclusion

In summary, we find the proposals for the construction of a 43-storey tall building to replace Bury House cause serious harm to the exceptional special interest of the Grade I-listed Bevis Marks Synagogue. The NPPF requires that 'great weight' is given by decision makers to the conservation of the Grade I listed building, and that schemes that would cause harm to such a structure could only be granted consent in the situation in which clear and convincing justification has been provided, and where public benefits outweigh such harm. In the case of the impact on the synagogue, the heritage harm is serious, and would affect both the immediate and long term functioning of the synagogue, and may compromise the future use of the building which is an important part of its significance. The proposals do not show evidence of having given great weight to the conservation of the significance of Bevis Marks, nor do they appear justified, or outweighed by public benefits, and therefore do not apparently accord with the heritage policies set down in the NPPF, nor those in the local plan which in its current iteration does not allow for tall buildings in conservation areas. These concerns are also set out in Historic England's response to the current application, and mirrored in many objections to the scheme.

It is our professional view that the proposals fall short of the national and local policy requirements for designated heritage assets.

Appendix I - Statutory List Description

Synagogue, Bevis Marks EC3

Heritage Category: Listed Building

Grade: I

List Entry Number: 1064745

Date first listed: 04-Jan-1950

Date of most recent amendment: 10-Nov-1977

Details

BEVIS MARKS EC3 1. 5002 (South Side) Synagogue (Formerly listed as Synagogue of Spanish and Portuguese Jews, No 4 Heneage Lane)

TQ 3381 SW 11/363 4.1.50.

I

2. 1701. Plain, rectangular building of red brick with modest dressings of Portland stone. 2 tiers of windows, segmentally arched below and round-arched above, with semi-elliptical heads to larger, central openings in east and west elevations. Simple cornice and parapet. West doorway with segmental pediment on consoles and lamp on decorative iron bracket. Plain interior with gallery supported on Doric columns to 3 sides. Ceiling altered apparently in C19. Fittings remarkably complete and little altered from original arrangement, some being older than present building. They include wainscot, benches, railings, very finely carved echal or reredos, and 7 large brass chandeliers. This was the 2nd synagogue erected in England after the resettlement of 1656 and in its little altered state is of exceptional historic interest.

Listing NGR: TQ3339581257

Holland House, 1-4 and 32, Bury Street EC3

Heritage Category: Listed Building

Grade: II*

List Entry Number: 1064724

Date first listed: 05-Jun-1972

Date of most recent amendment: 29-Sep-1997

Details

TQ 3181 SW 627-0/11/362

BURY STREET Nos.1-4 and 32 (Holland House)

05/06/72

II* 1914, by Berlage. No 32 has narrow frontage with short return to east. Nos 1 to 4 form a long, separate frontage, connected at rear. Six storeys, Nos 1 and 2 set back. Polished black marble to base, doorways etc. Upper faced with faience: pronounced vertical ribs with sunk panels beneath windows and pierced parapet. Entrance to No 32 now blocked: carved corner feature with stylised prow of ship. Main entrance has wall decoration in glazed brick and tile and panels of mosaic to beamed ceiling. Rear of premises rebuilt to greater height.

Listing NGR: TQ3334881228



Appendix 2 - Bevis Marks Synagogue Setting Study

the **S&P**HARDI community **Bevis Marks**

Planning application ref. 24/00021/FULEIA;
proposed 43 storey tower at 31 Bury
Street

**Bevis Marks Synagogue in Judaism and
Heritage: A Setting Study With
Perspectives from Jewish Sources**

20 November 2024

Rabbi Shalom Morris
Rabbi, Bevis Marks Synagogue
PhD Candidate, King's College London,
Dept of History

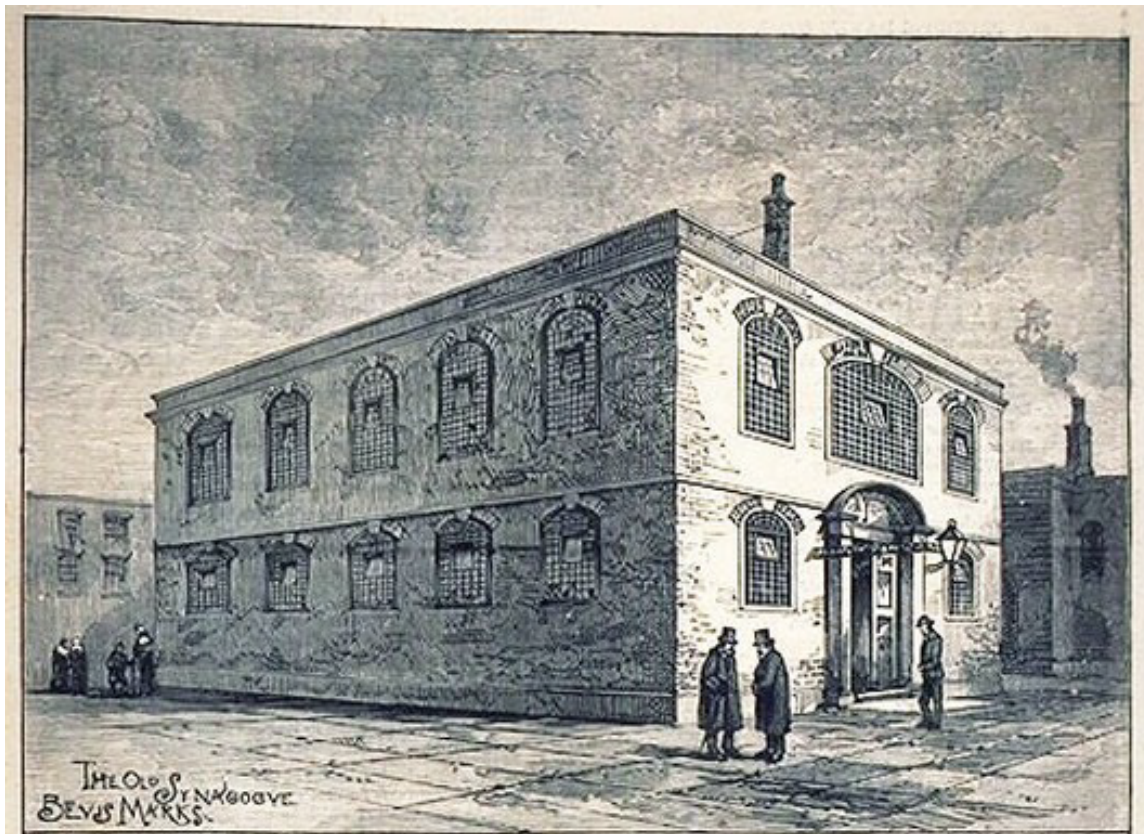


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Chapter 1 - Introduction: Harm and Significance

One of the the most important elements of the significance of Bevis Marks Synagogue is the interplay between the historic building, its setting, and the community who have always worshiped there. However, the setting of the synagogue, its architectural purity, and the ability of its community to continue to use it for worship are at risk due to tall development to its south, notably at 31 Bury St.

As the original custodians of Bevis Marks Synagogue, we hope this paper will sufficiently explain elements of the synagogue's significance that are at risk due to developments that infringe on its remaining southern sky-view. It is our contention that this space must be protected at all costs to ensure the continuing significance, including functioning, of Bevis Marks Synagogue. In this sense, this is an existential matter both for the synagogue's future wellbeing, and for the Jewish community's continuing presence in the City of London, a place they have called home since the Resettlement of Anglo-Jewry began in 1656.

A. Significant Harm to Bevis Marks Synagogue

Grade-1 Listed Bevis Marks Synagogue is the UK's most historically-important synagogue. This is rooted in the synagogue's history, architecture, communal value, and religious traditions.

These elements of its significance, however, are at grave risk due to a planning application to construct of 43-story tower at the site of 31 Bury St, just to the synagogue's south.

The proposed tower will cause harm to the synagogue's:

1. Original architectural intent, which is its physical prominence over its setting. This prominence is important architecturally, historically, and religiously.
2. Religiously important sky views.
3. Interior light levels necessary for prayer.
4. The purposeful functioning of the synagogue's architecturally significant windows.
5. The amenity of the communally important courtyard.
6. The meaning of the synagogue's name.
7. The economic viability of the site.

These harms will be explained to in detail in the pages that follow. As Bevis Marks Synagogue is a site of such national and international significance, it is wholly unacceptable to cause this extent of harm to it. It breaches local and national planning policies, and inflicts particular harm to the country's Jewish community who relate to the synagogue much as the Church of England does to St Pauls' Cathedral.

B. The Synagogue's Unparalleled Significance

Bevis Marks Synagogue is the most historically significant synagogue in the United Kingdom. It was the first purpose-built synagogue constructed in England after Jews were readmitted to the country by Oliver Cromwell in 1656. Even until today, it is the only non-Christian house of worship in the City of London, and its existence represents both the City's and the country's history of religious tolerance.

The construction of Bevis Marks Synagogue began in 1699 in the years following the Great Fire of London. It was built in the style of Sir Christopher Wren and blends both Jewish and English architectural motifs. The synagogue was completed in 1701, before St Paul's Cathedral, making it one of the country's most-important houses of worship. It is a Grade-1 Listed building.

Bevis Marks Synagogue is also one of the most important synagogues in the world. Bevis Marks Synagogue is the world's only synagogue to have maintained regular worship dating back to its opening in 1701. Its congregation is comprised of descendants of families who have worship there throughout its centuries of existence. Bevis Marks Synagogue therefore is world Jewry's last remaining unbroken link to the pre-modern era.

This continuity has also allowed the synagogue's congregation to maintain its unique religious heritage and traditions, one of the last vestiges of Spanish & Portuguese Jewry. Furthermore, its ritual is a blend of ancient Iberian Jewish traditions and English culture, making its intangible heritage of extreme significance to both Judaism and Britain.

C. This Report

A thorough understanding of a heritage-asset's significance is essential for planning authorities to make decisions that might harm said asset. Each heritage site's significance is unique to its particular history, location, function, etc. There are various contributing factors that include heritage, cultural understanding, function, and viability.

This becomes even more crucial when considering potential harm to a listed building, particularly one which is Grade-1 Listed. In such instances substantial harm should be wholly unacceptable, and where less than substantial harm would be caused, it must be outweighed by public benefits of equal significance. These are high bars to overcome.

Of particular concern is 31 Bury St, where a 43-storey tower is proposed. This site sits just twenty-five meters to the synagogue's south. In Historic England's objection letter to this scheme, they consider the harm that would result to the synagogue on account of its: 'intangible associations with its surroundings', 'patterns of use', and 'intentional intervisibility with other historic and natural features'.

This concern has already been confirmed by the City of London's Planning Committee in

their decision in 2022 to refuse permission to a scheme on the same site of similar scale. This position is reinforced by the planning inspectors determination to refuse the Tulip proposal (to the synagogue's west) on account of the harm it would cause to the setting of the synagogue.

It is our understanding that Historic England offered to conduct a study in cooperation with the City of London to explore the contributors to the synagogue's significance, but that this offered was not accepted. The following work therefore documents the significant harm that overshadowing from 31 Bury St would cause to the synagogue's significance. This is rooted in an understanding of the unique history, religious meaning, architecture, and use of the site.

This work considers sources that may be unfamiliar to planning officers due to their unfamiliarity with Jewish texts, and records associated with Bevis Marks Synagogue. It is our hope that officers will see this as an opportunity to become better acquainted with wider range of materials than they've previously encountered, and as such will find themselves better acquainted with the significance of Bevis Marks Synagogue, and therefore why infringement to its remaining sky-view is wholly unacceptable in planning terms.

Chapter 2: Important Sources

In order to understand the significance of Bevis Marks Synagogue, it is essential to be familiar with both Jewish religious traditions and sources, as well as the collections of Bevis Marks Synagogue. On account of barriers associated with cultural understanding, language, and accessibility, many of these materials will be largely inaccessible to those outside of the Jewish community, and indeed outside of the Bevis Marks Synagogue community. The following paragraphs therefore set out a brief introduction to them.

A. Religious Law

The primary text of Jewish law is the Hebrew Bible, though more specifically the Pentateuch (Five Books of Moses). This is often referred to as the Written Law. This distinguished it from what is otherwise called the Oral Law, which are Jewish religious traditions found in later Jewish works, in particular in the massive work called the Talmud (Babylonia, 6th century). The Talmud includes interpretations of the Biblical word, as well as additional rabbinical traditions, that together comprise the form that Judaism takes in its post-Biblical era.

In medieval times, additional Jewish communities took root outside of the Middle East, in particular in Spain and in France. These became known as Sephardi and Ashkenazi, respectively, and while largely the same, each community evolved in somewhat different ways religiously and culturally. For Sephardi Jews, the primary religiously legal work that outlines and directs their traditions is the *Shulhan Arukh* (R Yosef Karo, 16th century).

Beyond these sources, more localised traditions evolved following the Spanish Inquisition, particularly amongst those Sephardi Jews who remained in the West (the Atlantic), and those who settled in the former Ottoman Empire. The Western Sephardi Jews were known for their acculturation and rational Judaism, and those in the east for their religious mysticism.

The Western Sephardi Jews are otherwise known as the Spanish & Portuguese Jews, and are those who re-established London's Jewish community in 1656. They then opened Bevis Marks Synagogue in 1701, England's

first purpose-built synagogue since Jews were expelled in 1290 by King Edward I.

B. Communal Records

The community at Bevis Marks Synagogue kept detailed records of their activities. As the only Jewish community, the 'synagogue' oversaw all of the needs of its community. Their records therefore include minutes from all of this various activities which includes education, health, charity, and worship. These records are housed in the Metropolitan Archives and can be accessed with permission from the Spanish & Portuguese Jewish community.

The archives at large (kept in several other locations) also include historic photographs, prints and paintings, as well as religious objects produced by skilled craftsman, including Huguenot silver and fabric makers, and other archival materials.

Recordings of the synagogue's musical traditions have also been made and are freely available on its website. This is an incredibly important element in the community's intangible heritage, which is preserved and maintained at Bevis Marks Synagogue.

Of course, the most important element of the collection, is Bevis Marks Synagogue itself, which, together with its setting, remains largely as it was when it was opened in 1701.

Taken together, the collection makes up one of the most intact and important community Judaica collections in the world. The collections are vast. Those who study them are always discovering new materials and insights into the history, functioning and nature of this important community.

However, what makes the collection most remarkable is the living nature of it. That is to say, the interplay between the tangible and intangible heritage in a living historic community, that has remained active in its synagogue, in the City of London, for over three centuries. If any one element of this interplay is lost, then the collection in its entirety decreases in its value and significance.

Chapter 3: Brief Introduction to the Bevis Marks Synagogue and Community:

As stated above, one of the most important elements of significance to Bevis Marks Synagogue is the interplay between the historic building, its setting, and the community who has always worshiped there. The setting of the synagogue, its architectural purity, and the ability of its community to continue to use it for worship are therefore key to understanding the synagogue's significance. This section lays out a brief history of the synagogue itself and its community.

A. The Synagogue Site

Bevis Marks Synagogue was built by Spanish & Portuguese Jews, who first settled in London in the 1650s. The community was fleeing persecution in Spain and Portuguese due to the Inquisitions that had been established there in the preceding centuries. In London they found safety and the freedom to worship openly. They first worshiped in makeshift conditions in a converted synagogue in Creechurch lane, opened in 1657. As the community grew, they sought to construct a purpose-built synagogue on Bevis Marks. To this end they initially leased the land called Plough Yard, and later in the 1700s successfully purchased it outright.

Bevis Marks Synagogue was built from 1699-1701. It is the oldest synagogue in the UK, the only non-Christian house of worship in the City of London, and likely the only synagogue in Europe, or the world, in regular use dating back to its opening in the early eighteenth century. The synagogue was constructed by master builder Joseph Avis, likely according to the design of a Mr. Ransy produced in the years before the synagogue was built.

The synagogue was situated prominently in a courtyard and surrounded by a series of low-rise communal buildings, including schools, housing, offices, ritual baths, and a kosher shop. Through these, the community maintained numerous charitable organisations, including alms houses, medical facilities, and burial facilities on Mile End Road. The community continues to maintain many of these institutions, though their locations have moved across London. Some of the site was redeveloped in the late nineteenth century, though the contours of the site remain largely the same as they were in 1701, with the synagogue dominating its setting.



B. The Community Over Time

Over the centuries many important English Jews have attended Bevis Marks Synagogue, including Prime Minister Benjamin Disraeli, Philanthropist Sir Moses Montefiore, and national boxing champion Daniel Mendoza. Members of the community fought for Britain in the World Wars, including the first Jew to be awarded the Victoria Cross, Frank de Pass. Over sixty members of the community lost their lives fighting for Britain and their names appear on the synagogue's outer wall next to its main doorway. Bevis Marks Synagogue is widely considered the 'Cathedral Synagogue' of British Jewry, akin to St Paul's Cathedral for the Church of England.

The synagogue continues to function as regular place of Jewish worship, in line with its original traditions, and is populated with descendants of those who worshipped there when the synagogue was first opened in 1701.

This community is augmented by other Jews living in Central London, City workers, students and visitors to London. The synagogue is also used for weddings, Bar and Bat Mitzvahs, Livery instillation services, national Jewish commemorations, major guest speakers, and other similar events.

Over the past number of years the synagogue has been constructing a new visitor centre with support from the NLHF. Due to this disruption the synagogue has been forced to scale back some of its services that were in place pre-covid. It continues to be open for some weekday services, and for all Sabbaths and Festivals. It is the intent of the community to resume full services with the opening of its centre in May 2025. The visitor centre hopes to welcome over 25k visitors each year, with weekday mornings dedicated to school groups from across the country and local area coming to learn about Judaism.

**Typical Anticipated Week at Bevis Marks Synagogue. Does Not Include Many Additional Festivals.*

*	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
8am	Morning Prayers	Morning Prayers	Morning Prayers	Morning Prayers	Morning Prayers	Morning Prayers	Morning Prayers
9am	Morning Prayers						Morning Prayers
10am	Visitors	School Visits	School Visits	School Visits	School Visits	Visitors	Morning Prayers
11am	Visitors	School Visits	School Visits	School Visits	School Visits	Visitors	Morning Prayers
12pm	Visitors	Visitors	Visitors	Visitors	Visitors	Visitors	Morning Prayers
1pm	Visitors/Prayer	Visitors/Prayer	Visitors/Prayer	Visitors/Prayer	Visitors/Prayer	Visitors/Prayer	Morning Prayers
2pm		Visitors	Visitors	Visitors	Visitors	Visitors	
3pm	Special Events	Visitors	Visitors	Visitors	Visitors	Visitors	
4pm	Special Events	Visitors	Visitors	Visitors	Visitors		
5pm	Special Events						
6pm	Special Events/Prayer	Lectures/Prayer	Social Event/Prayer			Sabbath Prayers	Sabbath Afternoon Prayers
7pm	Special Events	Lectures	Social Event			Sabbath Prayers	Sabbath Afternoon Prayers
8pm		Lectures	Social Event			Sabbath Prayers	
9pm			Social Event				

Chapter 4: Massing and Scale: The Synagogue's Setting

It is clear from a variety of sources that Bevis Marks Synagogue was constructed to dominate its setting. For those coming to it, the scale of the synagogue would have dominated amongst its surrounding. The following section sets out an understanding of the synagogue in relation to the area around it, and why further massing, particularly set behind it from the viewpoint of the courtyard entry area, would undermine this historic and religious setting.

This perspective was confirmed by the last planning decision in 2022 that ruled that a tall building at 31 Bury St was inappropriate on account of its overbearing nature on the Bevis Marks Synagogue. This goes beyond the notion of the juxtaposition of new and old, but particularly the experience of Bevis Marks Synagogue as viewed from within the synagogue courtyard.

Indeed, the Tulip inspection confirmed this notion by stating that every additional visible tall building further erodes the historic character of the courtyard setting. This is surely the case, when considering a tall building that would constitute the backdrop to the 1701 synagogue, and as such its massing would cause a grievous harm to the synagogue's protected setting which is necessary for understanding its historic, architectural and religious value. As such it would cause significant harm to its significance.

A. Historic Setting: Secluded Courtyard

Bevis Marks Synagogue is set in a courtyard. According to historians from the past century, this was for the purpose of secluding it from view on account of persistent anti-Jewish sentiment that had remained despite the Jewish community having already been established in the City of London for over four decades. According to some, there may have even been a regulation that required the synagogue be hidden from view off the main street.

More recently, some have suggested that placing the synagogue in a courtyard may have been reflective of the synagogue's prominence, as a way of giving it breathing room and removing it from the clatter and mess of the thoroughfare. Indeed, originally the synagogue courtyard was likely closed off with a solid wooden door, though since the nineteenth century this has been an iron gate permitting glimpses of the synagogue inside.

Whilst public buildings surround the courtyard, they are largely out of view as one enters the courtyard, thus maintaining this historic sense of seclusion. This historic experience can only be maintained by keeping the synagogue's backdrop clear of any overbearing intrusion, a context that would be lost should 31 Bury St be granted approval. There is an important difference between a secluded and an oppressive setting.



B. Religious Intent

According to Jewish religious tradition, a synagogue is meant to be the tallest building in an area. This is codified in Shulhan Arukh chapter 150 (OH). The chapter heading is 'The Building of a Synagogue and that it Should be Tall'. Below you can see the regulations requiring that the synagogue maintains this prominent position, even to the point of restricting heights of buildings constructed afterwards.

150:2 - The synagogue must be built at the height of the city, and it should be raised until it is taller than the usable parts of all other buildings,

150: 3 - If someone built/raised his house higher than the synagogue, some say that we force him to lower it.

The objective of these rulings are to ensure that the synagogue, and what it represents remains prominent amongst those coming to worship. Erosion to this sense of scale, erodes both the religious values that the synagogue's physical prominence represents, and its historic setting.

While no renderings have been found of the road Bevis Marks, a drawing from 1890 shows that at least in relation to the buildings next to the synagogue, the synagogue rose in view above them. At the very least, this sense of prominence would have been felt from within the courtyard setting, with no other buildings in view rising around it. It is this sense of scale, that must be preserved to maintain this important religious sense of prominence of Bevis Marks Synagogue mandated by Jewish tradition.



Bevis Marks Synagogue, 1890



Amsterdam Synagogue



Templo Model With the Temple Situated Atop a Buttressed Temple Mount

C. Architectural Intent

Beyond this, the synagogue's prominence on the urban landscape, at least from within the courtyard itself, was architecturally part of the original intent of its construction. The plan for Bevis Marks Synagogue was being crafted already in the 1690s. This took place following the Glorious Revolution when William of Orange came to the throne of England in 1688. This led to an increase in migration from the Netherlands and the Sephardi community located there. Amsterdam's Portuguese Jews had themselves completed construction of a new synagogue just a few years before in 1675.

The Amsterdam synagogue largely followed the model constructed by Rabbi Jacob Judah Leon. Leon was more widely known as Templo on account of a plan he drew of Solomon's Temple. It caused a stir and was even exhibited to King Charles II of England. The model placed the ancient Temple in a courtyard surrounded by ancillary buildings, with the Temple sitting prominently in the middle. This model was followed in the Amsterdam synagogue, as the contemporary synagogue in Jewish thought is considered a miniature of the ancient Temple.

Bevis Marks Synagogue, constructed shortly afterwards, largely followed this paradigm, setting the synagogue in a courtyard, with prominence in relation to the buildings in view all around it. This prominence was not achieved in the manner of church spires, but through the massing of the synagogue itself in contrast to the buildings in view around it. This prominence is only maintained by ensuring its scale continues to dominate its surroundings, by carefully managing visible growth around it.

Chapter 5: The Sky View in the Synagogue's Setting

The protection of the synagogue's clear sky-view backdrop helps ensure the synagogue retains its historically important prominence as experienced from within the synagogue courtyard. The framing of the synagogue with the sky is what ensures this. However, beyond this, the sky view itself is intrinsic to the understanding of the synagogue and its use.

A. The Synagogue Name

The synagogue is commonly known as Bevis Marks on account of its location on this street. However, the synagogue's actual name is *Sha'ar Hashamayim*. This is Hebrew for 'The Gate of Heaven/Sky'. The origin of this term for a synagogue is in Genesis and the dream of Jacob and the ladder, where he views angels ascending and descending. Upon waking, Jacob exclaimed, 'How awesome is this place! This is none other than the house of God, and this is the gate of heaven' (Gen 28:17). According to Jewish tradition this location was Temple Mount in Jerusalem, hence the connection between House of God and Gate of Heaven.

In Hebrew the word *Shamayim* means both heaven and sky (as in the first verse in Genesis). This is rooted in a religious perspective that relates to heaven as it does to sky, hence the common looking upward to the sky when referring to God or heaven. As such, the sky backdrop is essential to understand the very essence of the synagogue congregation 'The Gate of Heaven/Sky' with its name etched in Hebrew above the synagogue gate and door.

The erosion of this sky view, in such a central location, set immediately behind the synagogue, that would result from 31 Bury St, should therefore be considered a significant harm to the synagogue's significance, and as such should be avoided.



B. The Synagogue Emblem

Beginning in the seventeenth century London's Sephardi community annually presented the Lord Mayor with a silver gift. While the exact design of this gift evolved over time, it always included the depiction of a Biblical scene, that of a sentry standing outside the Biblical Tabernacle/Meeting Tent, set in nature. The scene includes clouds and a tree..

The emblem was the official seal of the congregation, and was used on synagogue stamps, and on other communal objects. In these smaller objects the scene was reduced in size, making the original version important for understanding its full meaning.

The Tabernacle traveled with the Israelites as they encamped in the desert for forty years between their exodus from Egypt and eventual arrival in the Holy Land. It continued to serve as the central place of worship until ancient Israel constructed their permanent Temple in Jerusalem. As stated above, the modern-day synagogue is considered a miniature version of these earlier national temples.

That the community chose to illustrate the ancient Tabernacle with a demonstrable sky-setting, and then adopt it as their community's emblem, reinforces the degree to which the sky view is an intrinsic element of the synagogue's significance. Indeed, in the community emblem, the Hebrew name of the congregation 'Gate of Heaven/Sky' is written around it.



C. Religious Worship

The Sky view is also integral to Jewish religious worship. Each month members of the Jewish community go outside during the waxing moon. Upon viewing the moon in the night sky, a prayer is recited (*Kiddush Levana*). It is a prayer for renewal that relates to the moon's renewal during this phase of the moonscape. The prayer is typically said after the evening service, outside of the synagogue, as is both common today and as is depicted in historic drawings of the ritual from the time when the synagogue was constructed.

The synagogue has produced an extensive study of this ritual in the community's history and the negative impact that would be caused by tall buildings to the synagogue's south. These conclusions largely match those of BRE's independent review of GIA's report. However, in brief we will restate several points here.

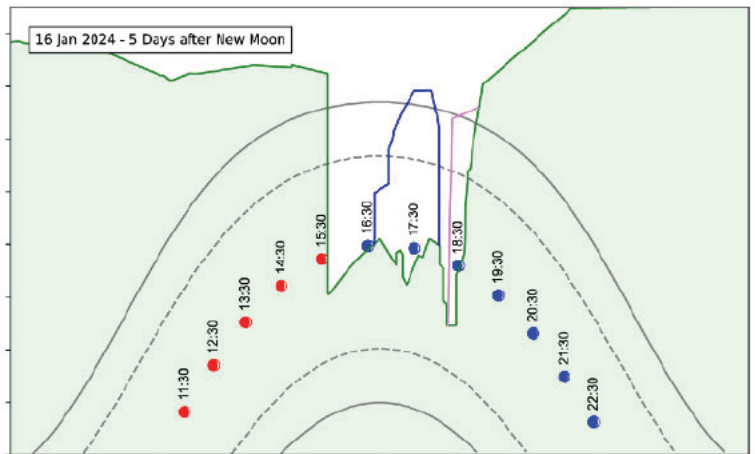
The prayer can only be recited on certain days of the month, and should 31 Bury St be permitted, it would obstruct these views entirely during several months of the year, and significantly reduce them in the remaining months. As such it would cause significant harm to the worship of this ancient Jewish community.

D. Religious Meaning

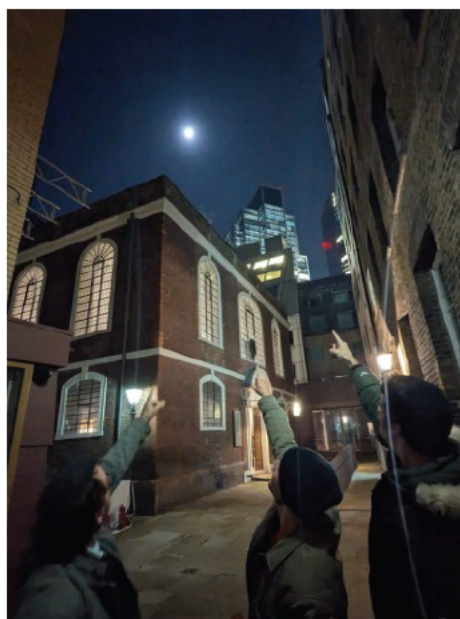
The use of the synagogue for Jewish worship is intrinsic to its significance. Part of that ritual requires views of the sky, and therefore any obstruction of this view must be considered a significant harm to the synagogue's significance.

Beyond this, views of the sky are important religiously and culturally in Judaism. Traditionally Jews observe the appearance of stars in the night sky to determine the conclusion of the Sabbath, and the position of the sun in the daytime sky to determine the times for prayer.

Construction of a large tower to the synagogue's south would largely block-out these culturally important views, as the celestial bodies cross the sky along the southern horizon.



1695 Amsterdam
Haggadah



Chapter 6: Courtyard Viability: At Risk

The courtyard at Bevis Marks Synagogue plays an important role in both the community's religious and communal activities, and for the synagogue's new heritage centre and cafe. The community at Bevis Marks Synagogue make regular use of the synagogue's courtyard for celebrations and gatherings. Furthermore, the courtyard will function as an important feature on the synagogue's new NLHF supported Heritage Centre, as both a key point for interpretation, and as a setting for its cafe.

The amenity of this space is therefore of utmost importance for the continued vitality and economic viability of this historic community. While it is difficult to quantify amenity, clearly the courtyard is a more enjoyable space with open sky, and without imposing and oppressive buildings overbearing and overshadowing the site. The degradation of the site that would be caused by the proposed tower is therefore both wholly inappropriate, and against planning policy that protects the viability of heritage assets. This negative impact should therefore be avoided.

A. Communal Use and Value

The courtyard at Bevis Marks Synagogue serves several different functions beyond just an access point for the synagogue and as the key location for appreciating the synagogue in its historic settings. The courtyard is also where the community gathers on regular occasion throughout the year.

The courtyard is often used by the worshipping community as a place to hold outdoor receptions following services, whether on a regular Sabbath, or on occasions when the congregation is celebrating a Bar or Bat Mitzvah. The community also utilises the courtyard for the celebration of Succot,



Tabernacles, which is celebrated by enjoying food in the outdoor *succah*, hut. Beyond this, the courtyard is also used for Jewish after-work gatherings such as BBQs and other social events.

Additionally, the courtyard is utilised as part of wedding celebrations, which are held regularly at the synagogue throughout the year. In this space people take their first photographs as a married couple, attendees cheer as a couple makes their way out of the synagogue and into the vehicle awaiting them in the courtyard, and some even hold their wedding reception in this space.

B. Economic Impact

A core element in the synagogue's future viability, is its ability to generate income through weddings rentals, heritage visitors and new cafe. This will allow the community to maintain its Listed Building status, which would be at risk without this additional support.

The importance of the courtyard for weddings has already been explained. Beyond this, the courtyard will serve as an important function in the community's new heritage centre. It is here that visitors will purchase their entry tickets and collect their audio guides. In the courtyard the site's interpretation will begin with an introduction to the synagogue and an explanation of its setting.

Finally, another key component of the heritage centre's success is its new cafe. This will include outdoor seating, which is expected to be an important feature in encouraging visitors to purchase food and drink and to extend their visit.



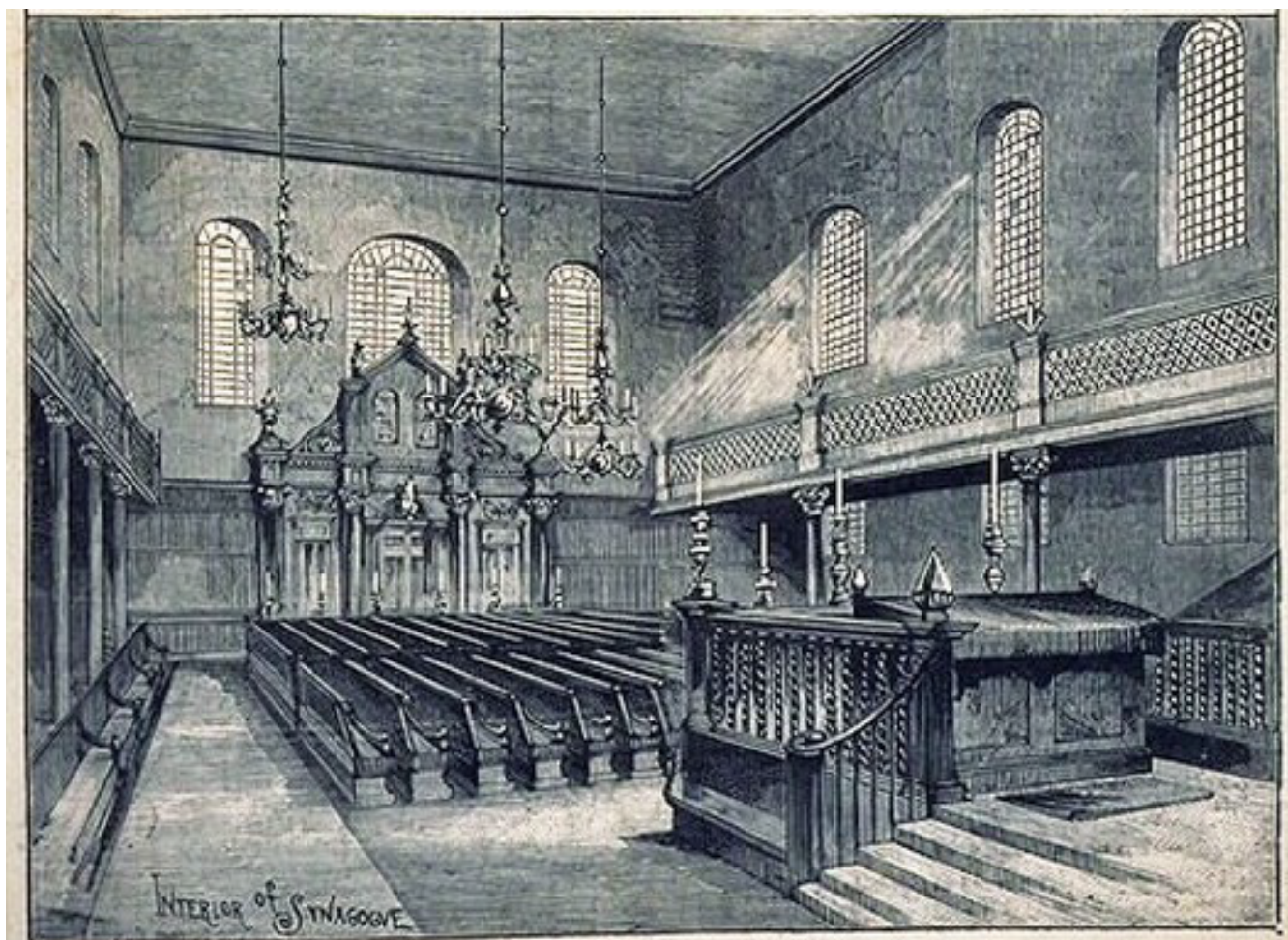
Chapter 7: Light, Windows, and the Synagogue's Architecture

While the majority of this study has focused on the exterior of the synagogue as it pertains to setting, setting within the framework of Bevis Marks Synagogue also pertains to its interior. This is because the synagogue was constructed with its relationship to its setting as central to a user's experience of the interior.

According to the Talmud, 'A person should pray only in a house with windows' (Berakhot 34b). Rabbi Yosef Karo in his work *Bet Yosef* quotes a number of explanations for this law. They include reasons that relate to the practical use of windows for light, as well as the religious significance of views to the outside during prayer through the windows.

For these reasons, further obstructing the synagogue's windows would cause a practical, architectural and religious harm to the synagogue, that relates to its very significance as a heritage and communal site of the greatest value. Most importantly, further reduction in synagogue's daylighting will render parts of the synagogue largely unusable for worship, the core function of the synagogue.

It is clear from historic drawing and paintings of the synagogue's interior that the synagogue was once bathed in light, as it was intended, both religiously and architecturally. Further reducing this feature should be considered a substantial harm to the synagogue's significance as the section below explains.



Bevis Marks Synagogue, 1890

A. Lighting Levels

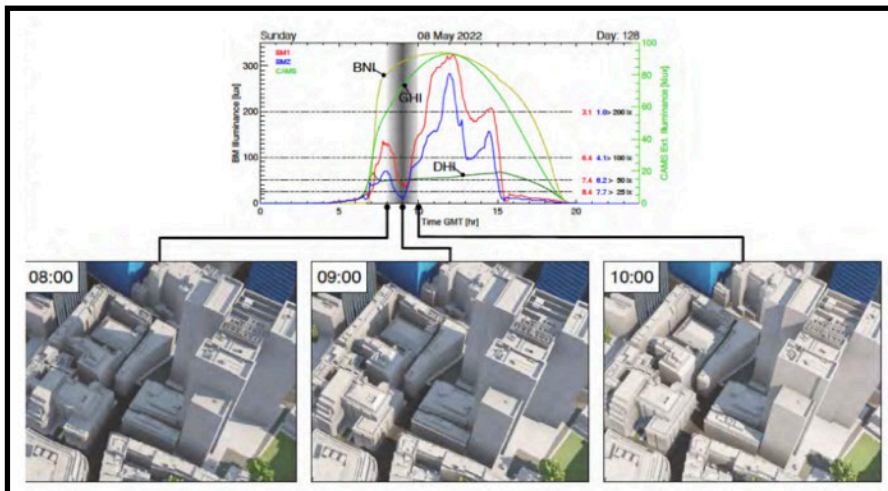
Rabbi Jonah of Gerona (thirteenth-century, Catalonia) explains the reason for requiring windows in a synagogue is that one's (religious and devotional) intention is better when there is light. Indeed, the Shulhan Arukh rules that 'One who builds facing a window of a synagogue, it is not sufficient to leave 4 cubits space, because it (ie. the synagogue) needs a lot of light' (OH 150:4).

Of course, sufficient light is necessary even for the most basic uses of the synagogue, such as the ability to read the prayer book. The synagogue's lighting is reliant on diffused light. Without this, congregants are forced to huddle beneath the limited artificial lighting that was added by the synagogue's columns in the 1920s. This is the case during an after-dark service (aside for special occasions when the synagogue lights its chandeliers, which takes hours to do so, and days to replace). However, during the day, when the congregation's main services are conducted, it is possible to sit anywhere throughout the synagogue and still read the prayers.

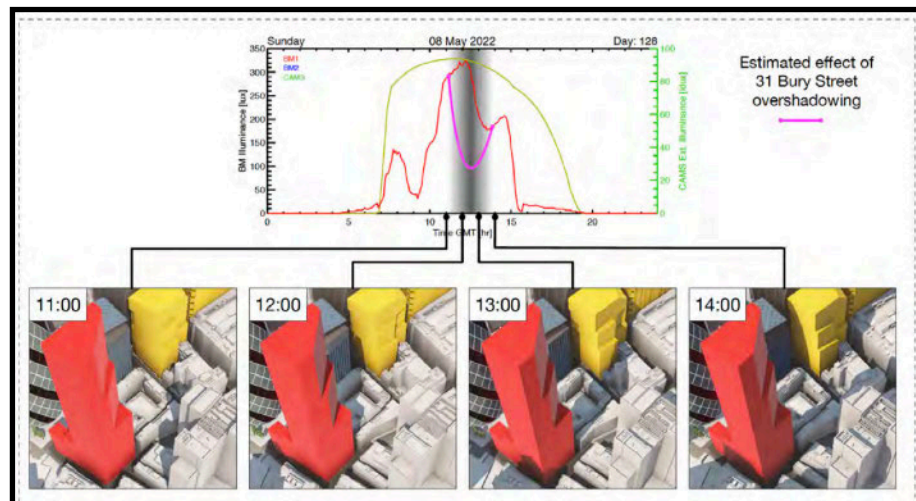
The synagogue has taken interior light-measure readings over the past two years with surprising results. The readers demonstrate that at times interior light levels can reach several hundred lux of light during the morning/midday hours. However, the readers also show a significant drop in light levels in the morning, a phenomenon which is explained by the construction of a tall building (1 Creechurch) twenty-five meters to the synagogue's east less than a decade ago.

It is reasonable to predict a similar impact would be caused by the proposed 31 Bury st as it would be located to the synagogue's south, at a similar distance away, and which will be twice in height as the previously mentioned tower.

Should light levels be further reduced during the daytime, this would render large areas of the synagogue as unusable for worship, the core function of the synagogue. This would constitute a significant harm to the synagogue as it infringes on the synagogue's core significance as a working synagogue, the only one in the world in continual use dating back to 1701.



1 Creechurch Impact



B. Interior Sky Views and their Religious Value

According to the preeminent Talmudic commentary Rashi (Rabbi Shlomo Yitzhaki, France, 11th century) the purpose in requiring a synagogue to have windows is because it exposes the sky, reminding us of our subordination to Heaven. Direct views of the sky still remain from the synagogue gallery. However, these views would be largely lost should permission be granted to 31 Bury St.

Furthermore, the ability to perceive change in the time of day is also important for the language of Jewish prayer. Indeed, as Jews pray three times a day, in morning, afternoon and evening, the language of Jewish prayers reflect these times of day for meaning. These include optimism at new beginnings (morning), endurance (midday), and protection from danger (night).

The ability to perceive the changing times of day is therefore integral to the Jewish tradition and the original construction of the synagogue as its windows on all four sides enabled this. The construction of taller buildings immediately surrounding the synagogue have historically all been capped at their current heights, with sloped roofs, to help preserve these remaining views. If taller buildings are constructed beyond these, these benefits will be lost.

C. Architectural Heritage

The synagogue's windows are an important architectural feature of the building. Its prominent Wren style windows are common amongst important buildings of this era. Their clear-pane glass was considered an innovation, improving upon the wonky glass of medieval times. It is for this reason that earlier churches often had small windows, and employed stained-glass, as the relatively opaque windows of the time were of little other value.

Strikingly, with the innovations of the era, prominent buildings began to feature large clear windows, that both allowed light to enter, and enabled views through them. This had a noticeable impact on the experience of places of worship, changing them from foreboding places with dark interiors, to light-filled spaces.

However, the increase in massing of the synagogue's surrounding area has led to a degradation of the synagogue's interior lighting and views out. Aside for the religious implications of this change, this eroding condition is rendering the synagogue's windows as increasing pointless, undermining their architecture interest and utility. This is a harm to the very fabric of the synagogue, as the lack of use of the windows in their original manner constitutes a harm to the ability to 'read' the space and its architectural intent and significance.



Chapter 8: Conclusion

The above study has demonstrated the wide-ranging harm that the proposed tower at 31 Bury St would cause to the significance of Grade-1 Listed Bevis Marks Synagogue. On account of its massing to the synagogue's south it would undermine the architectural, cultural, and religious integrity of the site and its continued use as a functioning synagogue.

The proposed tower will cause harm to the synagogue's:

1. Original architectural intent, which is its physical prominence over its setting. This prominence is important architecturally, historically, and religiously.
2. Religiously important sky views.
3. Interior light levels necessary for prayer.

4. The purposeful functioning of the synagogue's architecturally significant windows.
5. The amenity of the communally important courtyard.
6. The meaning of the synagogue's name.
7. The economic viability of the site.

The harms are so far reaching, and relate to the core significance of the synagogue in both architectural, historical and communal terms, that it is difficult to classify these harms as anything but substantial.

For these reasons, it should be clear that a tall building on the site of 31 Bury St is completely inappropriate in planning terms and should be refused just as it was two years ago.

