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City Plan 2040 Regulation 19 Public Consultation | SAVE Britain's Heritage Response

Lydia Franklin [REDACTED]

Wed 5/29/2024 10:56 AM

To: Planning Policy Consultations <PlanningPolicyConsultations@cityoflondon.gov.uk>

1 attachments (206 KB)

240528 SAVE Response V2 City Plan 2040.pdf;

THIS IS AN EXTERNAL EMAIL

Dear Sir or Madam,

I attach SAVE Britain's Heritage's response to the Draft City Plan 2040 – Regulation 19 Public Consultation.

I would be grateful for receipt of this and that SAVE is kept updated with any further amendments under the current consultation.

Yours sincerely,

Lydia Franklin
Assistant Conservation Officer



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City of London Corporation
PO Box 270,
Guildhall,
London EC2P 2EJ

By email to: planningpolicyconsultations@cityoflondon.gov.uk

Our reference: 24041

28th May 2024

Dear Sir or Madam

City of London Corporation Regulation 19 Consultation for the 'City Plan 2040'.

SAVE Britain's Heritage writes to offer comments on the City of London's draft City Plan 2040. Our response is limited to comments on Section 11 'Heritage and Tall Buildings'. We regard policies HE1, S12 and S13 to be unsound on the grounds that these policies conflicts with the provisions of the Planning (Listed buildings and Conservation Areas) Act 1990 and do not meet the tests set out in para 35 of the NPPF (2023).

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

1. Tall buildings in conservation areas.

Policy S12(5) of the emerging plan states that, *'the suitability of sites for tall buildings within the identified areas and their design, height, scale and massing should take into consideration local heritage assets and other localised factors relating to townscape character and microclimate'*.

Under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 the Local Planning Authority (LPA) has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The current wording of the draft City Plan 2040, which states that tall buildings 'should' take into consideration local heritage assets does not adequately adhere to nor reinforce the duties as set out in the Planning (Listed buildings and Conservation Areas) Act 1990. The omission of conservation areas from Policy S12 does not meet the duty to preserve or enhance the character or appearance of a conservation area, which would be harmed by development of an inappropriate scale, height and massing.

We urge the City of London to re-instate policy CS14 of the existing City Plan 2015 which states that tall buildings within inappropriate areas, including conservation areas, will be refused. This policy has been dropped without explanation in the draft City Plan 2040 and has left Bevis Marks Synagogue once again open to the threat of large-scale development within its setting. Under the current policy CS14, the inappropriateness of a tall building on this site and the setting of the synagogue was clear. Without Policy CS14, this protection is now no longer as clear.

The loss of this policy has wider implications for conservation areas and listed buildings across the Square Mile. The City of London has an unusually large number (28) of often small conservation areas and over 600 listed buildings. In the context of well documented development pressure on almost every site (occupied or unoccupied), clarity over the appropriateness of tall buildings in these specific areas and their settings is critical if the special significance of the City's historic environment is to be preserved and its heritage policies robust enough to be enforceable. This should include a balanced approach to policy presumptions regarding areas which are appropriate for tall new development with obvious setting impacts and areas which are not. A truly constructive approach to policy should not preclude the use of clear and straightforward policy limitations such as the current Policy CS14.

Further to this, we note that the draft Policy S12 excludes para 3.14.4 of the adopted City Plan 2015 which acknowledges the cumulative harm multiple tall building proposals cause when they do not take account of the character of their surroundings.

Policy S12 cannot therefore be considered sound on these grounds. SAVE objects to the removal of reference to the cumulative harm caused by tall building proposals and the inappropriateness of tall buildings within conservation areas. These omissions within this policy would lead to development which would substantially harm the City's historic environment.

2. The Setting of the Bevis Marks Synagogue

The grade I listed Bevis Marks Synagogue is one of England's most important religious buildings and is of exceptional historic and architectural value of the highest significance. The sky view from within the Bevis Marks' courtyard has religious importance and allows daylight into the synagogue's interior. This natural daylight is drawn from a wider setting which is open to the sky and (currently) largely free from tall buildings. The adoption of the Creechurch Conservation Area in January 2024 recognised this point and is intended to provide a new layer of planning legislation to protect the building and its setting.

The current wording and scope of draft City Plan 2040 Policy HE1 (managing change to the historic environment) risks undermining the clarity and coherence of this setting protection.

Policy HE1(8) of the draft City Plan 2040 would only require that the 'immediate setting' of the synagogue be protected. Limiting protection to just the immediate setting of a grade I listed building conflicts with the provisions of the Planning (LBs & CAs) Act 1990 which sets out that LPAs have a duty to protect the entire setting of listed buildings and the character and appearance of conservation areas as a whole. This is equally reflected in the NPPF. The glossary of the NPPF (2023) defines the setting of a heritage asset as '*the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*' The term 'immediate setting' does not conform with national legislation or the NPPF.

By referring to the '*defined immediate setting of Bevis Marks Synagogue and The Monument*' in Policy HE1, a parallel is drawn between the complex settings of the two designated heritage assets. However, Policy S13(2) of the draft City Plan 2040 affords The Monument extensive and detailed policy protection on its setting in the widest sense, by requiring that '*significant local views of and from the Monument*' are protected and enhanced. Failing to achieve parity in the emerging policy detail for Bevis Marks Synagogue risks leaving the grade I listed building and new Creechurch Conservation Area as poorer relative to The Monument, at far greater risk of harmful and inappropriate development in the future. This also creates inconsistency within the draft policy.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

1. Tall buildings in conservation areas.

Policy S12(5) of the emerging plan provides that the suitability of tall buildings within the identified areas and should take into consideration local heritage assets. S12(8c) states that, "*tall buildings must have regard to the significance of heritage assets and their immediate and wider settings.*"

SAVE considers it to be of paramount importance that conservation areas are explicitly referred to in this text. The reinstatement of CS14, which states that planning permission should be refused "*for tall buildings within inappropriate areas, comprising: conservation area*" should be reinstated to adhere to section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

2. The Setting of the Bevis Marks Synagogue

Policy HE1(8) uses the phrase 'defined immediate setting' of Bevis Marks Synagogue and The Monument. The term 'immediate' should be removed from this policy. Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 does not employ this phrase, and refers only to, '*a listed building or its setting*'. This is equally reflected in the NPPF. 'Immediate setting' does not comply with the relevant legislation, or the National Planning Policy Framework.

The Bevis Marks Synagogue should be included in S13(2) of the emerging plan. As a grade I listed building within a conservation area, the local views of and from the synagogue should be afforded equal protection to The Monument. This would create consistency in planning decisions, as the two assets have been referred to collectively in Policy HE1.

Conclusion

We trust these comments will be of assistance and we ask that SAVE is kept updated with any further amendments under the current consultation.

Yours sincerely,



Lydia Franklin
Assistant Conservation Officer

