



Matter 7 Hearing Statement

On behalf of The S&P Sephardi Community

March 2025





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1.0 INTRODUCTION

- 1.1 Bevis Marks Synagogue (“BMS”) is one of the most important historic buildings in the City of London. It is Grade 1 Listed and located within the Creechurch Conservation Area. The Synagogue is the only Synagogue in Europe (possibly the world) to have maintained regular worship since 1701 without interruption, and it remains the focus of an active Jewish community.
- 1.2 The Synagogue is older than (the rebuilt) St Paul’s Cathedral, has been in continuous use for worship for over 300 years, is very largely unaltered, still the heart of a thriving but vulnerable community, and regarded as the “cathedral” of Anglo Jewry. Its Grade 1 Listing hardly does justice to its cultural significance.
- 1.3 All the above has been agreed by the City of London in its Statement of Common Ground with The S&P Sephardi Community. It is therefore both disappointing and inconsistent that the City Plan in its current form fails to give adequate protection to BMS and would facilitate development that would harm one of the City’s most significant heritage assets. For these reasons the draft Plan is fundamentally unsound.

2.0 RESPONSE TO INSPECTORS' QUESTIONS

Question 1: Are the Heritage and Tall Buildings policies justified by appropriate available evidence, having regard to national policy and guidance and local context; and are they in 'general conformity' with the LP?

- 2.1 No. In our view there are four key issues with regard to the Heritage and Tall Buildings policies within the draft City Plan:
- BMS is included within the Tall Buildings Area, without proper protection.
 - Policy towards Conservation Areas is weak, and in particular, the current presumption against tall buildings in Conservation Areas is dropped.
 - The Corporation proposes to protect the "immediate setting" of BMS. This concept has no basis in planning law or policy and the "immediate setting" is drawn so tightly that it is wholly inadequate.
 - BMS is denied even the level of protection afforded to The Monument, where views out and in are given protection.
- 2.2 These four issues result in the City Plan as it is drafted being fundamentally unsound. Further detail is provided below.

Question 2: Are the Heritage policies justified by appropriate available evidence, having regard to national guidance and local context; and are they in 'general conformity' with the LP?

- 2.3 No. London Plan Policy HC1 states that "*Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings*". The City Plan as drafted is not in 'general conformity' with the London Plan as it attempts to introduce the fundamentally misguided concept of 'immediate setting' which shows a lack of understanding of the relationship between heritage assets (in particular BMS) and their surroundings. Unlike setting in its broadest terms which is defined in the law, the 'immediate setting' concept has no basis in planning policy or legislation and is not justified by appropriate evidence.
- 2.4 The significance of the Synagogue derives from several factors, including the open view of the sky. The Hebrew name of the congregation of BMS translates as the Holy Congregation of the Gate of Heaven. Visual access to the heavens is therefore of great symbolic importance. The ability to see the stars and moon is also of practical significance. Specific prayers and blessings are associated with the stars and moon, including Kiddush Levana which is recited monthly at BMS upon the sighting of the new moon.
- 2.5 There remains a substantially open view of the southern sky which is appreciable by people standing in the Synagogue courtyard. This is critical to the relationship between BMS and its surroundings. This remaining view of the southern sky (and particularly the ability to see the passage of the moon and the appearance of certain stars) is of great importance in religious and cultural terms. The open view of the sky is also of great importance to the setting of the heritage asset, which was always intended to be the most dominant building in the locality.

- 2.6 The "immediate setting" proposed in the draft Plan is drawn very tightly and would do little to inhibit tall buildings affecting the Synagogue's sky view and setting. The proposed 'immediate setting' policy for the Synagogue is therefore misguided and insufficient for the reasons set out above.
- 2.7 The Synagogue and The Monument are given equal status as very important and sensitive heritage assets in policy HE1. However, subsequently, and specifically in policy S13 and para 11.5.11, The Monument is given significantly more protection than the Synagogue. In particular, Figure 16 shows protection given to views "of and from"¹ The Monument but the same does not apply to the Synagogue. The same principle should apply to the Synagogue as to The Monument, albeit special regard should also be paid to the culturally and religiously important setting of the Synagogue and the sky view.
- 2.8 Finally, the proposed policy towards Conservation Areas is weak. Policy HE1(6) states that opportunities to enhance conservation areas should be 'considered' - this conflicts with Policy HC1 of the London Plan which requires boroughs to deliver "*positive benefits that conserve and enhance the historic environment*". In addition, paragraph 203 of the NPPF requires plans to set out a positive strategy for the conservation and enjoyment of the historic environment. Rather than being merely 'considered' opportunities to enhance conservation areas should be positively sought and pursued in order to be in conformity with the requirements of the London Plan and the NPPF.

Question 3: Do the policies set a positive strategy for the conservation and enjoyment of historic environment in a manner appropriate to its significance?

- 2.9 No. Please see the response provided to Question 3.

Question 4: Is Policy HE1(8) clearly defined and unambiguous in regard to the setting of heritage assets so that it is evident how a decision-maker should react to development proposals in a manner consistent with the statutory requirements in the Planning (Listed Buildings and Conservation Areas) Act 1990 and which gives sufficient protection to heritage assets?

- 2.10 No. The insufficiency of the 'immediate setting' concept is set out above. In addition, there is a conflict between HE1(1) to preserve and where possible enhance the significance of heritage assets and their settings, and HE1(8) which imposes substantively the same duty '*preserve, and where possible, enhance the elements of setting that contribute to the significance of these heritage assets*' but only in respect of the 'immediate setting'.
- 2.11 On the basis that the specific overrides the general, then the protection of the Synagogue is weakened to concern only development within the tightly defined immediate setting. This would be contrary to national policy (the NPPF), and neither effective nor justified (since the policy disregards national policy and the statutory duties).
- 2.12 If HE1(1) prevails to protect the whole of the Synagogue's setting, then HE1(8) is otiose. It would not be effective and indeed, cause confusion for decision-makers. HE1(8) should be amended to specify that the whole setting of the Synagogue, and crucially the view of the open sky, should be protected.

¹ The wording is contained in Policy S13

- 2.13 The necessity for a clear policy for the protection of BMS within the City Plan is evident from the recently refused application at Bury Street (ref. 24/00021/FULEIA). This proposal for a 43-storey tower at Bury House in close proximity to BMS was recommended for approval by officers despite clear harms to BMS in terms of its impact of the important sky view, loss of daylight/sunlight within the synagogue and heritage harms by nature of its excessive and overbearing form. This recommendation was despite over 1,400 public objections alongside objections from notable individuals such as Rachel Blake MP and the Chief Rabbi Ephraim Mirvis, and all major heritage organisations. In addition, in recognition of the significant issues at stake, the Secretary of State issued an Article 31 Direction prohibiting the City of London from granting planning permission without her approval.
- 2.14 In December 2024 Members of the Planning Applications Sub-Committee resolved to refuse the application against officer recommendation and agreed five reasons for refusal, three of which relate directly to BMS. A previous application (ref. 20/00848/FULEIA) was refused on the same site in 2020, and representatives of BMS are acutely aware of other nearby sites where development could have an impact on the proposals which would harm the synagogue, such as 33 Creechurch where a previous application was withdrawn.
- 2.15 It is therefore critical that the City Plan contains clear policy which will make clear to developers the scale and nature of development that will be acceptable in proximity to the synagogue, and guide decision-makers on how to react to development proposals in an appropriate and consistent way with regard to the historic, cultural, religious, architectural, communal and archaeological significance of the synagogue. Critically, the sky view must not be blocked by new development and this should be enshrined in policy.

Question 5: Are the Heritage policies clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals?

- 2.16 No, as set out above.

Question 6: Is Policy S12 (Tall Buildings) consistent with Policy D9 of the London Plan and is it informed by a proportionate evidence base?

- 2.17 No. Policy S12 proposes to remove a long-standing provision in the City of London's development plan that tall buildings are inappropriate in Conservation Areas. This proposal is not justified within the evidence base and is understood to be proposed due to a perceived conflict with London Plan Policy D9, which requires plans to identify locations where tall buildings may be appropriate². Policy D9 does not in fact prohibit boroughs from identifying areas where tall buildings are inappropriate; in fact by identifying appropriate areas, other areas are identified as inappropriate by default. This reasoning is fundamentally flawed.

² This reasoning is set out in the City of London's signed SoCG with Historic England.

- 2.18 The Tall Buildings Topic Paper helpfully sets out the policy background regarding tall buildings in the City. This history demonstrates that since 1989, each Plan adopted by the City has contained a policy which states that tall buildings are inappropriate in Conservation Areas. This was also included in the Proposed Submission Draft City Plan 2036. However, the current draft City Plan proposes to drop this presumption against tall buildings in Conservation Areas, which is not sufficiently justified within the evidence base.
- 2.19 Part 5 of Policy S12 states that tall buildings must have regard to the significance of heritage assets and their immediate and wider settings. This is insufficient. The design and location of tall buildings should have full regard to the need to preserve or enhance the significance of heritage assets of all types. This is required to deliver the positive benefits that conserve and enhance the historic environment required by the London Plan, and to accord with the LPA's statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.20 Furthermore, it is inappropriate that the Tall Buildings Area and the related height contours in Figures 14 and 15 should imply that the development of tall buildings very close to the Synagogue is permissible. Either these Figures should be amended to exclude the setting of the Synagogue, or else a strong protection should be introduced elsewhere (including Figure 16) to override the generality of what is shown in these figures and to make it clear that the protection of the setting of the Synagogue is to take precedence.

Question 7: Are the policies relating to Tall Buildings clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals?

- 2.21 No, for the reasons outlined above.

Question 8: Is Policy S13 justified by appropriate available evidence, having regard to national guidance and local context; and are they in 'general conformity' with the LP?

- 2.22 *No response provided to Question 8.*

Question 9: Is the Policy S13 clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals to ensure adequate protect and enhance significant City and strategic London views?

- 2.23 *No response provided to Question 9.*

3.0 CONCLUSIONS

- 3.1 This Hearing Statement (along with our previous representations) identifies several deficiencies with the City Plan as drafted, with regard to heritage and tall buildings. In its present form it fails to deliver a positive strategy for the conservation and enjoyment of the historic environment as required by the NPPF and would facilitate development that would cause significant harm to the Synagogue. The recent decision by Members to refuse planning permission at Bury Street places further emphasis on the importance of ensuring adequate protections for BMS within the City Plan.
- 3.2 In our view, until these matters are resolved, and the Synagogue is given adequate protection, the plan is fundamentally unsound. We look forward to attending the Examination to discuss our position with the Inspectors and other participants.



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