

**Statement of Common Ground (SoCG) between
City of London Corporation and The S&P Sephardi Community**

Date 04.03.2025

Chapter 11 Heritage and Tall Buildings

1. Purpose of the Statement of Common Ground

- 1.1. The purpose of this SoCG is to update the local plan Inspectors and other parties in relation to matters raised within Regulation 20 representations. The topics covered in this SoCG are the approach to tall buildings and heritage, with particular reference to the degree of protection provided to the Bevis Marks Synagogue.
- 1.2. This SoCG has been prepared post submission of the City Plan 2040 on 29 August 2024. It highlights matters where agreement has been reached, and areas where agreement has not yet been reached but will be subject to further discussion at the local plan examination hearings.
- 1.3. This SoCG is in addition to any other matter statements to be produced during the course of the examination by either party.

2. Parties

- 2.1. The signatories to this SoCG are the City of London Corporation (City Corporation) and the S&P Sephardi Community.

3. Comments received at Regulation 20

- 3.1. This SoCG relates to the Bevis Marks Synagogue's representation reference R0096, with a focus on the comments listed below.

Comment ID	Summary
R0096/C0001	The draft City Plan fails to give sufficient weight to heritage considerations. The combined effects of policies make it easier to justify large scale new development and therefore policies should be strengthened for additional protection for heritage assets. The Monument is given significantly more protection than the Synagogue despite both being recognised as important and sensitive heritage assets in Policy HE1.
R0096/C0003	Bevis Marks Synagogue is one of the City's most significant heritage assets. It was deliberately designed so that the profile of the building is seen against the night sky, enabling worshippers to see the religiously significant moon and stars. Despite nearby development the most important southern/western sky view remains open and the Synagogue receives enough natural light for activities to continue.
R0096/C0004	The important sky view and natural light are under threat from proposed tall buildings in the vicinity of the Synagogue. The planning system including the City Plan should protect the Synagogue from this threat.

R0096/C0005	The City Plan contradicts the NPPF, the London Plan and the Planning (Listed Buildings and Conservation Areas) Act (1990). The City Plan pays lip service to recognising the significance of the Synagogue but would permit tall buildings which would cause substantial harm. As drafted, the City Plan is fundamentally unsound.
R0096/C0007	The presumption against tall buildings in Conservation Areas (in adopted Local Plan Policy CS14) should be maintained. The proposed policy towards Conservation Areas is weak.
R0096/C0008	The Immediate Setting proposal is inadequate as drawn too tightly, does not cover 31 Bury Street and pays no regard to important sky views
R0096/C0009	The Synagogue should have the same form of protection as the Monument, with views in and out given protection.
R0096/C0012	Wording of S12 (5) should be stronger than requirement to 'take into consideration local heritage assets'. Proposals for tall buildings should be required to pay full regard to the need to preserve or enhance the significance of heritage assets of all types. The proposed height contours would allow tall buildings very close to the Synagogue; this should be amended to exclude the setting of the Synagogue, or strong protection introduced elsewhere.

4. Matters on which parties agree

- 4.1. Bevis Marks Synagogue is one of the most important historic buildings in the City. It is Grade 1 Listed and located within the Creechurch Conservation Area. The Synagogue has been a place of regular worship for over 300 years without interruption, and it remains the focus of an active Jewish community.
- 4.2. Bevis Marks Synagogue is one of the City's most significant heritage assets. Older than (the rebuilt) St Paul's Cathedral, in continuous use for worship for over 300 years, 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. The significance of the Synagogue derives from a number of factors.
- 4.3. It is agreed that new development must ensure that the level of light into the Synagogue is not diminished to an unacceptable level.

5. Agreed proposed changes (if any)

Paragraph	Proposed change
11.2.6	<u>All new development, including tall buildings, within a conservation area will need to demonstrate how it would preserve and (where possible) enhance the conservation area.</u> In the design of new buildings or the alteration of existing buildings, developers should have regard to the character of conservation areas and their settings. This includes 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, including the effects of site amalgamation on scale, and hard and soft landscaping. Regard should be paid

	to the richness, variety and complexity of the architectural form and detailing of buildings and to the broader character of the area.
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6. Matters on which parties disagree

6.1. The objector agrees that the amendment set out above would represent an improvement. However, it is insufficient because it is merely an amendment to supporting text. The policy is unchanged.

Topic/matter	Bevis Marks Synagogue	City of London Corporation
The setting of the Synagogue and open sky views	<p>The significance of the Synagogue derives from a number of factors, a significant one of which is the open view of the sky.</p> <p>The Hebrew name of the congregation of Bevis Marks Synagogue translates as the Holy Congregation of the Gates 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 Bevis Marks upon the sighting of the new moon.</p> <p>There remains a substantially open view of the southern sky which is appreciable by people standing in the Synagogue courtyard. 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.</p>	<p>The City considers the most important element of setting to be the sense of seclusion created by the relationship between the Synagogue, its courtyard and the buildings surrounding it (all identified in the 'Immediate Setting' policy area) and the sense of precedence and prominence the Synagogue has in relation to these.</p> <p>The Synagogue, through its powerfully simple architecture and massing, continues to be the most prominent building seen from within the tight confines of the courtyard and continues to take precedence in these viewing experiences in relation to the generally lower, historic scale of the surrounding buildings.</p> <p>The tall buildings of the modern City Cluster beyond can be seen from the courtyard and their clearly modern scale and appearance means that they are comprehensible as another layer of the modern city in the background.</p> <p>It follows, from the general significance that the sky holds to the liturgical practices of the Bevis Marks community, and the name of the Synagogue ('The Gate of Heaven/Sky'), that there is a general affinity between the Synagogue and the sky or heavens. The Synagogue can be appreciated with sky above or behind it from numerous places within the courtyard.</p>

<p>The impact of tall buildings on the setting of the Synagogue</p>	<p>The Plan as drafted would facilitate tall buildings to the south of the Synagogue that could severely damage the sky view, the heritage setting and the ability to worship.</p>	<p>The location and potential heights of tall buildings as set out in the City Plan as drafted has been informed primarily in relationship to the three strategic landmarks: the Tower of London, St Paul’s Cathedral and the Monument. The Tower and St Paul’s are identified in the London Plan as Strategically Important Landmarks, and the Monument is identified as a landmark in the London View Management Framework.</p> <p>The City Plan is clear that any individual proposals for tall buildings within the Cluster must undergo rigorous, detailed assessment of their impacts, including on the settings and significance of all relevant heritage assets (HE1; S12 8 (c)). Such a process would – on relevant sites – include consideration of the impact on Bevis Marks Synagogue and its setting.</p>
<p>The role and efficacy of the Immediate Setting</p>	<p>The concept of "Immediate Setting" has no basis in planning policy or the legal framework. The NPPF (e.g. para 206) refers only to "Setting".</p> <p>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.</p>	<p>The purpose of the Immediate Setting policy is to explicitly identify and recognise the contribution to the Synagogue’s significance made by the buildings and spaces identified within this policy area (summarised above).</p> <p>It is not intended to ‘redraw’ or redefine the Synagogue’s entire setting. The Synagogue would, like all other heritage assets, continue to have an undefined ‘setting’ of which the ‘Immediate Setting’ is only one, important, part.</p> <p>The policy would not vary or alter the existing level of statutory protection that the Synagogue has as a grade I listed building, nor would it supersede the need for the impact of proposals anywhere within its undefined total ‘setting’ to be judged on a case-by-case basis as applications are received.</p>

		<p>Rather, the policy seeks to take a proactive approach in identifying and describing those elements which are especially important in contributing to the significance of the listed building, so that they can be recognised and accounted for at an early stage in developing proposals on the relevant sites, with the overall aim of preserving the contribution to significance made by setting.</p>
<p>The degree of protection provided</p>	<p>The Synagogue is not afforded as high a level of protection in the draft City Plan as St Paul's Cathedral and The Monument. All have protection as Grade I Listed buildings and are within Conservation Areas. However, St Paul's Cathedral and The Monument have their settings properly protected. The proposed 'Immediate Setting' policy for the Synagogue is misguided and insufficient for the reasons set out above.</p> <p>In a similar way that the Monument can be considered as a viewing gallery, the view of the sky from the Synagogue is religiously, culturally and historically significant. Policy in relation to the Synagogue should similarly suppress heights on sensitive sites in its vicinity.</p>	<p>As a grade I listed building, the Synagogue has the same level of protection as the Cathedral and Monument (both grade I) set out in national legislation and policy, which is reflected in the City Plan. However, they are fundamentally different buildings and have accordingly different settings and heritage significances. The specific type of development plan policy protection required for each site differs according to the particular circumstances of each of these important heritage assets.</p> <p>The Monument was built as a viewing gallery and so views from it are fundamental to its heritage significance. Its 'Immediate Setting' policy suppresses heights on the sites immediately adjacent to it so that its views are unobstructed.</p> <p>The Cathedral is subject to highly sophisticated, pan-London view protection mechanisms which reflect its status as an iconic symbol of London visible in a huge range of views across London. The 'St Paul's Heights' policy in the Plan and the LVMF in the London Plan serve the same aim, which is to maintain its international fame and commanding gravitas on the London skyline.</p> <p>By contrast, the Synagogue was built as a place of worship discreetly</p>

		<p>located in an off-street courtyard (in which it was consciously designed to take visual precedence in relation to the buildings surrounding it), and its Immediate Setting policy seeks to help maintain the sense of seclusion (and precedence amongst its courtyard buildings) thereby created.</p> <p>Notwithstanding the purposes of the immediate setting policy, policies in the City Plan are clear that any individual proposals for tall buildings within the Cluster must undergo rigorous, detailed assessment of their impacts, including on the settings and significance of all relevant heritage assets (HE1; S12 8 (c))</p>
<p>Light levels to the Synagogue</p>	<p>The Synagogue is heavily dependent upon natural light for its functioning. Much of the natural light that would once have lit the interior has already been taken away by tall buildings that have already been built, making it challenging to hold services and worship. Further tall buildings (not least the tower proposed at 31 Bury Street) would exacerbate this problem, and threaten the continued viability of the Synagogue as a place of worship and community focus.</p> <p>It is acknowledged that Policy DE7 is a generic policy which requires developments to demonstrate that daylight levels in places of worship would be acceptable. However, the requirements of one policy can very easily be negated by the weight that is attached to other policies and material considerations. That is why something that is particularly important, in this case the light levels within the Synagogue, requires additional protection in a Local Plan.</p> <p>The recent application at 31 Bury Street which was recommended for</p>	<p>While in theory tall buildings near to the Synagogue could have an impact on daylight levels, the City Plan 2040 includes a policy (DE7) that requires developments to demonstrate that daylight levels to 'sensitive receptors' (including places of worship) would be acceptable.</p>

	<p>approval by Officers despite harm to the Synagogue demonstrates that when policy is not sufficiently robust, unacceptable harms can be claimed to be outweighed by perceived benefits.</p>	
<p>Compliance with over-arching policy and legislation</p>	<p>Under the Planning (Listed Buildings & Conservation Areas) Act 1990, the Corporation has a duty to "have special regard to the desirability of preserving [a Listed] building or its setting or any features of special architectural or historic interest which it possesses". The duty is not restricted to the immediate setting. Implicitly, the Corporation must ensure that, when it draws up a new policy framework, it protects its ability to comply with the duty when dealing subsequently with planning applications.</p> <p>It is acknowledged that 'various aspects' of the City Plan set out a positive strategy for the conservation and enjoyment of the historic environment. However, the plan as a whole should comply with this requirement. The plan as drafted is analogous to an LPA designating land as Green Belt, but then having a policy that allows substantial development in the Green Belt.</p>	<p>It is agreed that the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates this requirement in relation to considering whether to grant listed building consent (section 16 of the Act), considering whether to make a listed building consent order (section 26F) and considering whether to grant planning permission (section 66). The Act does not stipulate such a requirement relating to plan-making.</p> <p>The National Planning Policy Framework sets out that local plans "should set out a positive strategy for the conservation and enjoyment of the historic environment" and that this should take into account (amongst other things) "the desirability of sustaining and enhancing the significance of heritage assets." (paragraph 196, NPPF 2023). Various aspects of the City Plan (and in particular policies S11, HE1, HE2, HE3, aspects of policies S12 and S13) provide for this positive strategy, which also seeks to set a suitable policy framework for sustaining and enhancing the significance of heritage assets, including their setting.</p>
<p>Former policy approach</p>	<p>Unlike the current City Plan, the draft Local Plan contains no presumption against tall buildings in Conservation Areas.</p> <p>This approach undermines the purpose of Conservation Areas. The long-accepted approach is that in a Conservation Area the starting point for planning decisions should be that the conservation of the heritage value of the Conservation Area is paramount. The City's</p>	<p>The City Plan has been prepared to be in general conformity with the London Plan (2021). Policy D9 of the London Plan sets out that plans should identify locations where tall buildings could be appropriate and set height expectations in those areas. This, alongside heritage and character considerations, has been the starting point for developing the approach to tall buildings in the City Plan, and is considered to be an appropriate and justified strategy.</p>

	<p>approach as drafted (Strategic Policy S12) makes heritage considerations merely a factor to be taken into account when the principle of the tall building has already been accepted.</p>	<p>The character of different parts of the City has informed the approach to tall buildings in the City Plan. A general presumption against tall buildings in conservation areas would completely rule out the possibility for further tall buildings being suitable in some instances in conservation areas. Both parties agree that tall building proposals would be acceptable within conservation areas only where it could be proven that such development would ‘preserve and enhance’ the conservation area, and that such circumstances are likely to be few in number.</p> <p>Instead, the City Corporation are of the view that the suitability of sites for tall buildings within the tall building areas and their design, height, scale and massing should take into consideration local heritage assets (which would include conservation areas) – as set out in policy S12. Policy HE1 further sets out that development in conservation areas should preserve, and where possible, enhance and better reveal the character, appearance and significance of the conservation area and its setting.</p>
<p>Capacity implications for changes to tall buildings cluster</p>	<p>Given the Synagogue's location vis-à-vis the Cluster, protecting the Synagogue's sky view would not reduce the amount of potential office development within the City by more than a marginal amount.</p>	<p>The City Corporation has modelled capacity for development utilising 3D modelling. This modelling includes sites in the vicinity of Bevis Marks. The capacity modelling has identified capacity for approximately 1.4m sqm new office floorspace across the square mile against the minimum requirement of 1.2m sqm (NIA). Given the challenges of meeting development need in the Square Mile (particularly the reliance on a relatively small number of sites, many of which would need to be tall buildings), the City Plan needs to seek to optimise the potential for capacity to come forward.</p>

		The City Corporation would welcome the opportunity to discuss the methodology and outputs of the Synagogue team's analysis of potential capacity in the vicinity of the Synagogue.
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Signed for the City of London Corporation:

Rob McNicol



Date: 4 March 2025

Signed for The S&P Sephardi Community

Roger Hepher, hgh Consulting



Date: 4 March 2025