

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 11 February 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>The Victoria Tower Gardens, Millbank, London, SW1P 3YB,</b>		
<b>Proposal</b>	Installation of the United Kingdom Holocaust Memorial and Learning Centre including excavation to provide a basement and basement mezzanine for the learning centre (Class D1); erection of a single storey entrance pavilion; re-provision of the Horseferry Playground and refreshments kiosk (Class A1); repositioning of the Spicer Memorial; new hard and soft landscaping and lighting around the site; and all ancillary and associated works.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Secretary of State for Housing, Communities & Local Government		
<b>Registered Number</b>	19/00114/FULL	<b>Date amended/ completed</b>	7 January 2019
<b>Date Application Received</b>	7 January 2019		
<b>Historic Building Grade</b>	Grade II Registered Park & Garden		
<b>Conservation Area</b>	Westminster Abbey And Parliament Square		

## 1 BACKGROUND

The planning application for installation of the United Kingdom Holocaust Memorial and Learning Centre has been submitted by the Secretary of State for Housing, Communities and Local Government.

On 5 November 2019, the Government notified the council of its decision to call in the planning application for its own determination following a public inquiry. The council no longer has the authority to determine this planning application.

The inquiry will be held by a planning inspector. The inspector will write a report which will include his or her conclusions and make a recommendation on whether planning permission should be granted (with or without conditions) or refused. The report will be sent to the Secretary of State to make the final decision. The Secretary of State will publish his decision. As part of that decision he can be expected to set out his reasons for accepting or rejecting the recommendations of the inspector.

The council is expected to provide evidence supporting its position to the inquiry. Subject to the committee's agreement, the recommendations set out in this report will form the basis of the council's case.

## 2 RECOMMENDATION

### A. For Committee's consideration:

Had the application not been called in by the Secretary of State for Housing, Communities and Local Government, does the Committee agree that, although the principle of a national memorial and learning centre to the Holocaust is supported, the proposed memorial and learning centre, is, because of its size, design, location and associated activity, an inappropriate form of development for the following reasons:

#### i. **Heritage:**

Because of its location, size and design, the proposed Holocaust Memorial and Learning Centre would cause harm to the significance of Victoria Tower Gardens, the Westminster Abbey and Parliament Square Conservation Area, the setting and significance of Buxton Memorial (and other memorials in the Gardens) and the neighbouring grade 1 listed Palace of Westminster, and the setting, significance and outstanding universal value of the Palace of Westminster and Westminster Abbey including Saint Margaret's Church World Heritage Site. This harm, which is assessed to be less than substantial, is considered not to be outweighed by the public benefits of the proposed development.

This would not meet policies S25 and S26 of Westminster's City Plan (November 2016) and DES 1, DES 9, DES 10, DES12 and DES 16 of our Unitary Development Plan that we adopted in January 2007. The proposal is also contrary to policy 7.8 and 7.10 of the London Plan (2016) and policies HC1 and HC2 of the Intend to Publish London Plan 2019. This is contrary to section 16 of the NPPF.

**Or**, if the trees are lost or damaged:

Because of its location, size and design, the proposed Holocaust Memorial and Learning Centre would cause substantial harm to the significance of Victoria Tower Gardens, the Westminster Abbey and Parliament Square Conservation Area, the setting and significance of Buxton Memorial (and other memorials in the Gardens) and the neighbouring grade 1 listed Palace of Westminster, and the setting, significance and outstanding universal value of the Palace of Westminster and Westminster Abbey including Saint Margaret's Church World Heritage Site. It would also harm the settings and significance of the Smith Square Conservation Area, the adjacent listed buildings, Norwest House, Nos. 1 and 2 Millbank and the river embankment wall. This substantial harm is not outweighed by public benefits.

This would not meet policies S25 and S26 of Westminster's City Plan (November 2016) and DES 1, DES 9, DES 10, DES12 and DES 16 of our Unitary Development Plan that we adopted in January 2007. The proposal is also contrary to policy 7.8 and 7.10 of the London Plan (2016) and policies HC1 and HC2 of the Intend to Publish London Plan 2019. This is contrary to section 16 of the NPPF.

#### ii. **Trees:**

Inadequate and conflicting information has been submitted which is not sufficient to permit a proper assessment of the impact of the proposed development on trees within Victoria Tower Gardens, together with the effectiveness of suggested mitigation. As such it has not been satisfactorily

demonstrated that unacceptable harm to, and/or loss of, trees would not arise as a result of the proposed development. Damage to or loss of trees would be contrary to policies S25 and S38 of Westminster's City Plan (November 2016), ENV 16 and DES 9 of our Unitary Development Plan that we adopted in January 2007, 7.12 of the London Plan (2016) and G7 of the Intend to Publish London Plan 2019. Moreover, damage and/or loss to trees would be detrimental to the visual amenities of the area, and would have a further adverse effect on the significance of heritage assets (as referred to within reason (i) above).

**iii. Open Space:**

The proposed development and associated increased visitor activity would result in the loss of public open space and would harm the function of the Victoria Tower Gardens as an open space for active recreation and relaxation. This would be to the detriment of those who live in, work in, and visit the area.

This would not meet policies S35 of Westminster's City Plan (November 2016), ENV15 of our Unitary Development Plan that we adopted in January 2007, and the advice set out in Westminster's open spaces and biodiversity strategy - 'A Partnership Approach to Open Spaces and Biodiversity in Westminster' (March 2019). The proposal is also contrary to Paragraph 97 of the NPPF; policy 7.18 of the London Plan (2016) and G4 of the Intend to Publish London Plan 2019 which aim to protect and enhance open spaces.

**B.** In the event that the Secretary of State grants permission following the inquiry, the Director of Place Shaping and Town Planning is authorised to seek to secure planning conditions (pursuant to s72 of the TCPA) and a s106/ s278 legal agreement to secure inter alia the following:

- i. All highway works immediately surrounding the site required for the development to occur, including any necessary changes to foot way levels, on-street restrictions, (legal, administrative and physical);
- ii. Public realm improvements;
- iii. A financial contribution towards carbon offsetting;
- iv. Management Plan (including security, operational, pre-booking system for learning centre and free public access in perpetuity);
- v. A financial contribution towards the Westminster Employment Service;
- vi. A financial contribution of (sum to be confirmed) towards updating Legible London signage payable on commencement;
- vii. s106 monitoring costs.

### **3 SUMMARY**

Victoria Tower Gardens is a Grade II registered park and garden, bounded by Abingdon Street and Millbank to the west, the Thames to the east, Lambeth Bridge to the south, and Black Rod's Garden with the Houses of Parliament to the north. The park is managed by the Royal Parks and is accessible to the public during daylight hours. The Gardens lie within the Westminster Abbey and Parliament Square Conservation Area, and adjoin the Smith Square Conservation Area. The Gardens are also immediately adjacent to the Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage Site, and form an important part of its setting including, in particular, that of the grade I listed Palace of Westminster.

The key issues with this application are:

- The principle of introducing development of the size and form proposed within Victoria Tower Gardens, which is a Grade II registered park and garden and area of public open space and recreation;
- The impact on the significance of heritage assets, including the registered Victoria Tower Gardens and its associated listed memorials, the Westminster Abbey and Parliament Square Conservation Area, the Smith Square Conservation Area, the World Heritage Site (including its Outstanding Universal Value), and adjacent listed buildings including the grade I listed Palace of Westminster;
- The impact on trees;
- The impact on the surrounding highway network.

The proposal has attracted thousands of consultation responses both in support and opposition. The majority of comments including objectors are in favour of the applicant's aims to improve Holocaust remembrance and education. Many supporters are in favour of the proposal to build the Holocaust Memorial and Learning Centre beside Parliament as they feel it will give the memorial prominence. Whilst many objectors agree that there is a need for Holocaust remembrance and education, a primary concern is that Victoria Tower Gardens is the wrong site for a development of the size and form proposed, and the proposals will change forever and harmfully the use of a much used and cherished public park. Objectors are also concerned that the proposals would harm trees, increase security risks, increase traffic, and harm the character and appearance of Victoria Tower Gardens and the setting of the adjacent World Heritage Site and Palace of Westminster.

The principle of a national memorial and a learning centre to the Holocaust is supported by the council. The horrific events of the Holocaust must never be forgotten and Westminster council is fully supportive of the applicant's aims to advance Holocaust remembrance and education.

However, the proposal, whilst of national and international significance, is, because of its location, size, design and associated activity, an inappropriate form of development within this Grade II registered park and garden. The proposal would result in harm to the significance of :

- the registered Victoria Tower Gardens and its associated listed memorials, especially the Buxton Memorial;
- the Westminster Abbey and Parliament Square Conservation Area and Smith Square Conservation Area;
- the World Heritage Site (its Outstanding Universal Value and setting);
- the grade I listed Palace of Westminster
- the listed buildings on Millbank, Norwest House and Nos. 1 and 2 Millbank; and
- the river embankment wall.

It would have the potential to lead to the loss or damage to valuable trees in Victoria Tower Gardens and it would lead to the loss of public open space and recreational land which would harm the character and function of the Victoria Tower Gardens.

The applicant considers that the national and international significance of the United Kingdom Holocaust Memorial and Learning Centre would constitute a major public benefit which would more than outweigh any of these harms.

The council agrees that the creation of a national Holocaust memorial and learning Centre is, in principle, a substantial public benefit, to the nation, and indeed globally.

However, the central question is whether or not the proposed location is suitable for the current proposal having regard to its impact and extant planning policies. The council considers that the current proposal causes harm to the significance of a range of heritage assets of the highest importance and that this harm is not outweighed by the public benefits which a Holocaust memorial and learning centre, as proposed, will generate. That the development would not cause loss of or harm to trees has not been satisfactorily demonstrated. The proposed development would also give rise to a loss or and harm to well used public open space.

It is considered that the Victoria Tower Gardens may be a suitable place, in principle, for a form of memorial to the Holocaust, provided that it was of modest size and caused much less harm than the current proposal. If the Holocaust Memorial and Learning Centre has to be of the scale and form proposed then alternative locations should be found for it.

Whilst proximity to Parliament may be considered desirable, given the harm which will be caused to the Victoria Tower Gardens and other heritage assets by the current proposals, it is considered that the public benefit of the Holocaust Memorial and Learning Centre does not outweigh the harm caused.

#### 4 LOCATION PLAN

Site Plan 1 Victoria Tower Gardens



Site Plan 2 showing Victoria Tower Gardens and World Heritage Site



**5 PHOTOGRAPHS**

View towards Parliament



View north along the riverbank



View towards Horseferry Playground



View of Buxton Memorial towards Parliament





View of Buxton Memorial looking south towards Horseferry Playground



View of Buxton Memorial from Dean Stanley Street



Emmeline Pankhurst Memorial



View towards Burghers of Calais Memorial



Spicer Memorial



Aerial view showing Victoria Tower Gardens and Houses of Parliament



## 6 CONSULTATIONS

### List of consultee responders:

Environment Agency  
Greater London Authority (GLA)  
Historic England  
Historic England: Greater London Archaeological Advisory Service (GLASS)  
International Council on Monuments & Sites UK (ICOMOS)  
Lambeth Council  
London & Middlesex Archaeological Society  
London Parks & Gardens Trust  
Met. Police (Designing Out Crime Officer)  
Natural England  
Port of London Authority  
Thames Water  
The Gardens Trust  
The London Parks & Gardens Trust  
The Royal Parks  
The Thorney Island Society  
The Victorian Society  
The Westminster Society  
Transport for London (TfL)  
WCC Arboricultural Manager  
WCC Environmental Sciences  
WCC Employment Service/ Economy Team  
WCC Highways Planning Manager  
WCC Waste Projects Officer

### Adjoining Owners/ Occupiers

No. Consulted: 2069  
Total No. of replies: 4452  
Total No. of objections: 1194  
Total No. in support: 3246  
Total No. of comments neither objecting or supporting: 15

### Petition

A petition has been submitted by 'Save Victoria Tower Gardens Campaign' with 12,868 signatures opposing development within Victoria Tower Gardens.

### First consultation

14 January 2019:  
First consultation with consultees and adjoining owners/occupiers in addition to the display of site notices and a newspaper advert.

No. Consulted: 2069  
Total No. of replies: 1069  
No. of objections: 935  
No. in support: 133  
No. of comments neither objecting or supporting: 3

## Second consultation

26 April 2019:

The applicant formally submitted revised proposals making the following amendments:

- Revised design for the Entrance Pavilion;
- Adjustments to the design of the Memorial Courtyard and associated landscaping;
- Rationalisation of the Learning Centre basement footprint;
- Extension of the Learning Centre basement mezzanine level; and
- Repositioning of the skylight within the landscape.

30 April 2019:

Second consultation with consultees and adjoining owners/occupiers in addition to the display of site notices and a newspaper advert.

No. Consulted: 2069

Total No. of replies: 3383

No. of objections: 259

No. in support: 3113

No. of comments neither objecting or supporting: 12

(From 30 April 2019 circa 3000+ consultation responses have been submitted purportedly on behalf of individuals by an organisation called Big Ideas Co. This includes circa 3000 support comments, 58 objections, and 4 neutral comments.)

## Third consultation

26 October 2019:

The applicant formally submitted clarifying and further information to supplement the Environmental Statement:

- Revised Archaeological Desk Based Assessment
- Revised Flood Risk Assessment
- Transport Assessment Addendum
- Response to Review of Environmental Statement

30 October 2019:

A further consultation took place to advertise clarifying and further information was submitted to supplement the Environmental Impact Assessment. A site notice and newspaper advert were displayed in addition to consultations with the relevant consultees (Historic England (GLAAs), Environment Agency, Natural England and Transport for London).

## Summary of consultee responses

### **THE THORNEY ISLAND SOCIETY:**

“The Thorney Island Society is not in any way against improving memorialisation of the Holocaust. We also agree that improved education about the Holocaust is essential. However, we think the choice of Victoria Tower Gardens as the site is deeply wrong. A development of this size, freighted with the appalling reality of the Holocaust, will profoundly and completely change the nature of this well-loved local park.

We are aware of several alternative sites which would be more suitable and make a better use of resources than excavating a large hole in a public park. The Imperial War

Museum is the obvious site: they offered to incorporate the Memorial and Learning Centre into their plans for renewing their galleries. This would have been a much more effective use of the government's pledged £50m but the offer was rejected."

The objection raises the following issues:

- Consultation - There was no proper consultation regarding the choice of site. No regard had to fact this is open space and a public park. Aware of alternative sites which would be more suitable such as The Imperial War Museum;
- Insufficient Detail - Consider planning submission is inadequate in respect of insufficient drawings, CGIs, and the Environmental Statement does not contain sufficient detail and is therefore non-compliant with the EIA Regulations (relating to site selection and consideration of comparative impacts of alternative sites);
- Appearance/ design - memorial will harm the character and appearance of the Conservation Area and the setting of the World Heritage Centre and existing memorials;
- Loss of the intrinsic character of the park: VTG is Grade II listed, it's existing status and ambience should be protected. The simple expanse of grass, created to give an uninterrupted view of the Palace of Westminster, will be destroyed by changes in level;
- Loss of green space: Areas of hard landscaping increased at the expense of valued grass areas (consider more grass areas would be lost than set out in application);
- Changes to the children's playground - Consider the relocated playground area would be reduced in size and cut off from main grass area, and the volume of people using the café before or after visiting the learning centre may affect playground users;
- Damage to Plane Trees - Barrell Tree Consultancy Report considers insufficient testing has been carried out for roots. The Society has been informed by Arboricultural experts that piling and excavations are likely to damage tree roots, more so on river side, where roots are constrained by the embankment wall;
- Security - increased security risk/ terrorist target and concerns about proximity of playground to memorial (A Security, Crime & Disorder Assessment prepared for The Thorney Island Society & Save Victoria Tower Gardens 20/06/2019);
- Difficulties during construction - the park may be inaccessible during construction;
- Traffic - increased traffic from coaches and servicing will pose a danger to cyclists;
- Pedestrian Overcrowding - Increased volume of pedestrians/ visitors will add to existing overcrowding;
- Flooding - risk of basement flooding;
- Sustainability - the construction and operation of the underground learning centre is contrary to national policies to reduce waste and energy and resource consumption;
- Construction Management Plan - spoil should be removed via the river and conditioned. Concern construction work will take place over Root Protection Areas and distress trees;
- Loss of open space contradicting national, London and local planning policies - Consider the impact on the park will be more than the figure of 7% loss of open space. 'The feeling of openness will be gone';
- Impact on Architectural and Cultural Heritage;
- WCC Monument Saturation Zone (MSZ) - The applicant's reason that there is meaningful link between the Holocaust and Parliament does not constitute an 'exceptionally good reason' to qualify as an exception to the MSZ policy. MSZ policy states many proposals seek a Westminster location for prestige only, while other sites in London or the UK would have greater relevance to the subject matter.

- Conservation Area - consider the proposal does not preserve or enhance the character or appearance of the Westminster Abbey & Parliament Square CA & adjacent Smith Square CA;
- Other Matters - VTG is managed by The Royal Parks and regulated as Open Space under 1997 Parks Regulations and is therefore not land available for development; s106 to secure funding to ensure Holocaust Memorial and Learning Centre is properly maintained;

The Thorney Island Society do not consider the building to be so exceptional that all planning issues can be disregarded.

**THE WESTMINSTER SOCIETY:**

“Share the desire of this application to see built a national Holocaust Memorial & Centre for study but are appalled by the catastrophic choice of site”.

Object for the following reasons:

“(a) Victoria Tower Gardens is a peaceful park highly cherished by all who live and work nearby. Parks aren't convenient sites for appropriation, even for noble projects. This proposal ignores Royal Parks protections, overrides the location's particular significance in history, and overpowers its two existing historical monuments, the Buxton Memorial and the Burghers of Calais.

(b) The sizeable demand for admission, visitor coach congestion and intensified security measures that will be added to those already required by Parliament will impair successful public access to both.

(c) Though the proposed design's quality as such may not be deemed a planning issue that Westminster is prepared to comment on, planners must consider the size of site related to suitable use, particularly in a design intended for the public at large. Part of a well-conceived Holocaust Memorial, we believe, should be a quiet and amply sized working library for scholars, as well as a learning centre for schoolchildren and visitors off tour buses.

(d) The choice of site is severely short-sighted in that it ignores Parliament's own likely future requirements in 10 to 50 years. Parliament's proposed expenditure of billions for the refurbishment of the Palace of Westminster has earmarked nothing for an adopted masterplan that should determine enhancement to the entire parliamentary precinct, including, for example, how Victoria Tower Gardens might be enlarged by rerouted traffic and improved by pedestrianisation that could begin from Parliament Square. A masterplan, which every decent university and corporation undertakes, is vital to determining needs and connections and designing for the future. An approved masterplan should self-evidently precede an application like this.”

**THE BELGRAVIA SOCIETY:**

“We strongly SUPPORT the location of the Holocaust Memorial being in Victoria Tower Gardens. We strongly OPPOSE current design of the Holocaust Memorial. We would ask that WCC refuse the planning application, but indicate that outline consent would be given for the development of the site for a Holocaust Memorial and a suitable application should be submitted.”

**THE CATHEDRAL AREA RESIDENT'S GROUP:**

Object on grounds the proposed site is unsuitable and unacceptable for the following reasons:

- Loss of green space;
- Conservation area and existing memorials devalued;
- Loss of mature trees;
- Playground devalued;
- Park overcrowded;

- Increased traffic in the neighbourhood.

**THE VINCENT SQUARE RESIDENT’S ASSOCIATION:**

“The Vincent Square Residents' Association is united in its opposition to this proposal, which is in my experience reflective of the pretty much unanimous antipathy to this project locally. Westminster (in the village sense) has almost no green spaces, and it beggars belief that anyone can seriously propose a plan (apparently explicit, in the architect's own words) to disturb and disrupt, and quite probably destroy, the whole wonderful - and health-giving -experience of visiting a riverside park such as this.

No one, to be clear, is against the idea of the memorial per se, but almost everyone is against the location and style of a project which appears to demonstrate 'Garden Bridge' levels of vain gloriousness and lack of transparency. We urge the council to disregard the political support for the project, which comes from people who don't live near the park they propose to destroy, don't have children who need somewhere to run around, and so on. It is an easy win for politicians to signal virtue by supporting a project which involves them in no personal cost. We hope the council will stand up for the locals, and refuse to approve this destructive project.”

**GREATER LONDON AUTHORITY:**

The application broadly complies with both the London Plan and draft London Plan. Further consideration should be given to inclusive design, energy efficiency improvements, and vehicular access to the site.

**TRANSPORT FOR LONDON:**

Recommend:

- A Coach Parking Management Plan should be secured by Condition.
- A s106 contribution of £1m is expected towards the Lambeth Bridge improvements and protective security is required by the applicant to improve safety around the site, this would be secured by s.278 agreement.
- A financial contribution toward ‘Legible London’ signage should be secured and a Travel Plan, Delivery and Servicing Plan and Construction Logistics Plan should also be secured by Condition.

**HISTORIC ENGLAND:**

The proposals would cause less than substantial harm to the significance of designated heritage assets, including the registered park, listed buildings and conservation area. However, it is unclear to what extent the proposals would impact on archaeological deposits that may be of national importance, as well as on historic trees that form a significant component of the registered landscape.

Recognise the importance of the Holocaust Memorial and Learning Centre to London and the nation, and the public benefits it could bring. Advise that the harm to heritage would be less in a less constrained and historically significant site. Advise that the harm to designated heritage assets needs to be weighed against the public benefits of the proposals in accordance with para 196 of the NPPF.

**HISTORIC ENGLAND: GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE (GLAAS):**

The construction of a substantial basement in this archaeologically sensitive location will inevitably harm undesignated heritage assets of archaeological interest. The scheme’s promoters have now provided sufficient information to assess the likely risk. The known archaeological assets affected are non-designated assets to which paragraph 197 of the NPPF would apply requiring a balanced planning judgment having regard to the scale of harm and significance of the asset. This would include



recognising that there is still a low residual risk of harm to as yet undiscovered non-designated heritage assets of archaeological interest equivalent to a scheduled monument arising from the sensitivity of the location and the impracticality of digging deep trial trenches there. It would also involve providing for the public interest in a major excavation in a highly public place.

Recommend a pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of a written scheme of investigation (WSI) before works begin on site would provide clarity on what investigations are required, and their timing in relation to the development programme. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199.

#### **INTERNATIONAL COUNCIL ON MONUMENTS & SITES UK (ICOMOS-UK):**

Object. In principle, support the creation of a national Holocaust Memorial, but do not support its siting in Victoria Tower Gardens (VTG). Consider that the proposed memorial and underground Learning Centre would cause substantial harm to VTG, and to their contribution to the setting of the Westminster World Heritage Site (WHS) and support for its Outstanding Use Value (OUV).

Just as the WHS needs a setting to allow a full understanding of its value, so too in ICOMOS view, does a memorial to the Holocaust, to ensure there is space for quiet contemplation, not confused with other uses & messages. Such a space for reflection could not be achieved for a memorial squeezed into the confines of VTG.

#### **THE ROYAL PARKS:**

Object. Strongly support the principle of creating a new Holocaust memorial and Learning Centre and agree with the compelling reasons for doing so. The Royal Parks (TRP) consider that VTG is not an appropriate location given the impact the proposal will have on a popular public amenity space in an area with few public parks.

- The scale, design and loss of public space, would have significant harmful impacts on the character and function of VTG.
- Concerned about the Arboricultural and Ecological impacts.
- The construction will have a negative impact on visitor's enjoyment of the park, with large areas, or the entire park closed during construction.
- Increased footfall pressure will lead to congestion near entrances and impact the enjoyment of existing park visitors.
- Concerns about site selection expressed to TRP by stakeholders.
- Overall, the sombre nature of the memorial, the large structure and the necessary security measure around the curtilage of VTG will change the nature of what is currently a relaxed park alongside a unique riverside location.

#### **LONDON PARKS & GARDENS TRUST:**

Object. The scale of the proposed development, the size and massing of its structures, its juxtaposition and obscuration of the Buxton Grade II\* Memorial, Spicer Memorial, and designed open views to Grade I Victoria Tower and Parliament from the south of the Gardens, will result in significant negative and harmful changes to the Gardens. It will turn a calm garden space into a cluttered, visually congested, urbanised landscape, especially at the south end. This will put further pressure on the rest of the landscape, currently characterised by its open nature. Furthermore, trees protected by their inclusion in the Conservation Area, are at considerable risk during and after the development. The loss of play and open space is clearly in contravention to WCCs own planning policies. In destroying its tranquillity, the proposal will fundamentally damage the character of the Registered Gardens.

LPGT considers that the application constitutes substantial harm to this historic Garden and the setting for the associated heritage assets. The scale of this harm outweighs the public benefit provided by the development.

**THE GARDENS TRUST:**

Object. While in principle support the project on a more suitable site, strongly object to the proposal for this site.

- Victoria Tower Gardens forms a key part of the setting of the Palace of Westminster and Westminster Abbey World Heritage Site (WHS).
- Consider the site is already overloaded with symbolism, and to add a monument of such magnitude, gravity and size, would diminish the importance and meaning of the other monuments.
- All sense of an uncluttered, calm expanse of public open space in the centre of the city, with long views in several directions is totally lost amongst the mass of different textures and activity: visually dominant tall fins, hedges, pathways, pedestrians, trees etc. competing with the solid dignity of the Houses of Parliament and the Victoria Tower in the background.
- The vista of the Buxton Memorial from Dean Stanley Street would be eliminated which would remove one of the main threads of the monument's significance.
- A sombre monument is incompatible next door to a children's playground.
- Concerned about impact on trees.

**THE VICTORIAN SOCIETY:**

Object. The proposals will cause harm to the significance of the Gardens themselves through physical alterations, and to the significance of Buxton Memorial Fountain, Palace of Westminster, and the wider World Heritage Site through changes to their settings.

**ENVIRONMENT AGENCY:**

The revised Flood Risk Assessment addresses earlier concerns relating to climate change and the integrity of the flood defences, subject to conditions requiring:

- A strategy for maintaining and improving the flood defences including a condition survey of the existing river wall; and a scheme, based on the condition survey in, to undertake any required improvements or repairs to the flood defence prior to the construction works;
- A strategy detailing additional improvements or repairs to the flood defences if found to be necessary;
- The development to include mitigation measures identified in Appendix I of the FRA namely a 16m set back from back of granite wall at ground level; and vehicle access routes for future wall maintenance and raising works; and
- A Monitoring Action Plan.

**NATURAL ENGLAND:**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

**THAMES WATER:**

The applicant is advised to contact Thames water prior to any construction works. Approval would be required from Thames Water in relation to works close to sewers, ground water discharges, surface water drainage, and use of mains water.

**PORT OF LONDON AUTHORITY:**

No objection and make the following comments:

- Details of removing spoil via the river to be secured by condition;

- A Travel Plan should be secured by condition and promote existing river bus piers;
- Consideration must be given to Life Saving Equipment if enhancements carried out to Thames Path.

**LONDON & MIDDLESEX ARCHAEOLOGICAL SOCIETY:**

Object.

- A modest sized memorial may be unobjectionable.
- The character of Victoria Tower Gardens would be impacted, and the quality of views diminished, by the addition of a substantial building with a not-insignificant above ground presence.
- The siting and design would have a negative impact on the setting of the Grade II\* listed Buxton Memorial.
- Excessive crowds may affect access to the park.
- Perverse to wreck a much-valued and traditional green space when the nearby Imperial War Museum already has an adequate Learning Centre.

**LONDON BOROUGH OF LAMBETH:**

No objection.

**WCC WASTE PROJECTS OFFICER:**

No objection. Recommend conditions to secure provision for storage of waste and recyclable materials and also that no waste or bins are stored on the public highway pending collection.

**WCC ENVIRONMENTAL SCIENCES:**

Object. Further details are required relating to Air Quality and for onsite energy centre generation.

- The development is not air quality neutral for transport emissions and whilst a Green Travel Plan is proposed it is not clear this will provide adequate offsetting. Further assessment is required to demonstrate this measure will provide adequate offsetting.
- Details of extraction system for café required.

Conditions recommended relating to noise from plant, contaminated land, extraction system for café, and construction impact (Code of Construction Practice).

**WCC ARBORICULTURAL MANAGER:**

Objects on the basis of likely loss or damage to valuable trees in VTG, and the inadequacy of the information submitted to explain and mitigate the likely impact of the proposal on the trees, and the inadequacy of the tree protection details.

**WCC WESTMINSTER EMPLOYMENT SERVICE:**

Based on the total net uplift floorspace recommend a financial contribution towards WCCs employment and skills initiatives.

**MET POLICE DESIGNING OUT CRIME:**

Advises the applicant to contact them direct if they wish for assistance with reviewing their proposed plans under the remit of reducing the opportunity for crime.

**WCC HIGHWAYS PLANNING MANAGER:**

Undesirable but does not object. The proposal will generate increased pedestrian activity and while the impact on buses, cyclists and motor vehicles is not ideal, it is accepted that the increased pedestrian activity itself would not be a road safety concern or be significantly detrimental to the operation of the highway.

In terms of activity on the highway arising from coaches and servicing, it is expected that this could be controlled by condition to secure details of Coaches and Servicing Operational Management Plans. The provision of sufficient cycle parking could also be dealt with by condition.

**ADJOINING OWNERS/ OCCUPIERS & OTHER REPRESENTATIONS RECEIVED:**

No. Consulted: 2069

Total No. of replies: 4556

Total No. of objections: 1111

Total No. in support: 3420

Total No. of comments neither objecting or supporting: 25

Recurring themes from the objections are summarised below:

- Appearance/ design: The memorial will harm the character and appearance of Victoria Tower Gardens, the Conservation Area, the setting of the World Heritage Centre and existing listed memorials and structures;
- The increased activity and additional visitors and its impact on the character and function of Victoria Tower Gardens;
- The loss of open space and the impact on the amount of green space available locally;
- The impact on the trees;
- The increased security risk;
- Concerns about proximity of the memorial to the children's playground;
- Changes to the children's playground - the relocated playground area would be reduced in size and cut off from main grass area, and the volume of people using the café before or after visiting the learning centre may affect playground users;
- Increased traffic from coaches and servicing will pose a danger to cyclists and pedestrians;
- Flooding - risk of basement flooding;
- Site is within a WCC Monument Saturation Zone (MSZ);
- Alternative sites should be sought such as the Imperial War Museum.

Recurring themes from supporters are summarised below:

- Holocaust remembrance and education is of national importance;
- The location beside Parliament will give the memorial prominence;
- Intolerance, racism and hate crime is rising;
- The memorial and learning centre sends a strong message to all people that Britain must be a country committed to supporting tolerance, social cohesion and opposing racism and hatred;
- Appearance/ Design the memorial will not harm the character and appearance of the Park and wider area;
- The landscaping will improve the appearance of the park;
- The proposals will maintain and enhance Victoria Tower Gardens as a place for local residents and visitors to enjoy and also provide a home for the proposed National Holocaust Memorial and Learning Centre;
- Victoria Tower Gardens is already well-known for its existing memorials to fighting oppression and celebrating emancipation;
- Security issues are adequately addressed;
- There is considerable support, locally and from further afield, for the proposed National Holocaust Memorial and Learning Centre;
- The National Holocaust Memorial and Learning Centre will remind people where race and hatred can lead.

## **OTHER GROUPS & REPRESENTATIONS:**

Support from:

WCC Labour Group

All-Party Parliamentary Group on Holocaust Memorial

Archbishop of Canterbury

Faith Leaders (Letter from Chief Rabbi Ephraim Mirvis, Qari Muhammad Asim, and Cardinal Vincent Nichols)

Rabbi's (Leaders of nine Westminster synagogues)

Mayor of London

Politicians (MPs and Lords)

Objections from:

Save Victoria Tower Gardens Campaign

Barrell Tree Consultancy

Campaign to Protect Rural England (CPRE)

Politicians (Councillor, MPs (Past and Present), Lords, Baroness)

The Open Spaces Society

The Tree Council

Westminster Cycling Campaign

Friends of Wandsworth Park

The Amwell Society (Camden)

### Petition

A petition has been submitted by 'Save Victoria Tower Gardens Campaign' with 12,868 signatures opposing development within Victoria Tower Gardens.

**PRESS ADVERTISEMENT / SITE NOTICE:** Yes

## **7 The Application Site**

Victoria Tower Gardens is a Grade II registered park and garden, bounded by Abingdon Street and Millbank to the west, the Thames to the east, Lambeth Bridge to the south, and Black Rod Garden with the Houses of Parliament to the north. The park is managed by the Royal Parks and is accessible to the public during daylight hours and accessed through four gated entrances off Millbank and one from Lambeth Bridge.

The Gardens lie within the Westminster Abbey and Parliament Square Conservation Area, and adjoin the Smith Square Conservation Area. The Gardens are also immediately adjacent to the Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage Site, and form an important part of its setting, including, in particular, that of the grade I listed Palace of Westminster.

Within the gardens there are three listed structures: the statue of Emmeline Pankhurst (listed Grade II); the statue of the Burgers of Calais (listed Grade I); and the Buxton Memorial Fountain (listed Grade II\*).

At the northern end of the gardens between the Burgers of Calais and the boundary with Black Rod's Gardens, an education centre for the Palace of Westminster has been erected for a temporary period of 10 years. At the southern end of the gardens towards Lambeth Bridge is the Horseferry Playground, a refreshments kiosk, and the Spicer Memorial.

The Gardens lie within the Westminster and Whitehall Area of Archaeological Priority and have a significant known archaeological interest. The Gardens are thought to

cover the site of Westminster Abbey's Mill, St. Peter's Wharf and a Tudor slaughterhouse, as well having high potential for new discoveries (e.g. sunken boats, wharves and jetties).

The Gardens are also located within the Core Central Activity Zone (CAZ), the Thames Policy Area and Flood Zone 3. The site benefits from a PTAL rating of 6a, reflecting the excellent accessibility of the site to public transport. Westminster Underground Station is located approximately 600m from the site in addition to bus stops which are located immediately west of the site on Abingdon Street and Millbank.

## 7.1 Relevant Site History

There have been various applications around the gardens, which are summarised as follows:

- 10.06.2014 Permission granted for 'Erection of new education centre for the Palace of Westminster for a temporary period of 10 years with associated alterations to the Victoria Tower Gardens landscaping' (RN: 13/07747/FULL)
- 01.04.2014 Listed building consent granted for 'Installation of a Westminster Green Commemorative Plaque to the Victoria Tower Gardens side of the Thames Embankment wall' (RN:14/01002/LBC).
- 11.03.2014 Permission granted for 'Upgrade works to Victoria Tower Gardens including extension of the children's play area; renovation and extension of the public toilets; the demolition, relocation and refurbishment of the Spicer Memorial; provision of a small refreshments kiosk; and alignment of the pedestrian entrance off Millbank' (RN: 13/10417/FULL).
- 24.12.2010 Permission granted for 'Temporary installation of public art display 'Our Silences' consisting of ten sculptures known as 'Guardians' with platforms and other associated works between mid-December 2010 and beginning of February 2011' (RN: 10/08738/FULL).
- 24.01.2007 Permission granted for 'Construction of paved area with seating and lighting around the Buxton Memorial' (RN: 06/08888/FULL).
- 07.08.2006 Listed building consent granted for 'Refurbishment of the Buxton Memorial at Victoria Tower Gardens' (RN: 06/04210/LBC).
- 17.12.2004 Permission refused for 'Use of steps leading down to river at south corner of Victoria Tower Gardens; construction of gangway and floating pontoon and use of part of Victoria Gardens for extra seating area in connection with permanent mooring of a boat for use as a coffee shop (Class A3) and ancillary museum' (RN: 04/03598/FULL).
- 05.02.2004 Permission refused for 'Use of steps leading down to river at south corner of Victoria Tower Gardens, construction of gangway and floating pontoon and use of Victoria Tower Gardens for external seating in connection with the permanent mooring of a boat for use as a coffee shop and ancillary museum' (RN: 03/06918/FULL).

### Proposed Development

The proposals would involve the installation of the UK Holocaust Memorial within Victoria Tower Gardens including excavation to provide a basement and basement mezzanine learning centre, the creation of a new memorial courtyard and the erection of a single storey entrance pavilion. The proposals would also involve public realm/landscaping works within Victoria Tower Gardens including new and resurfaced footpaths, hard and soft landscaping and lighting. Additionally, the proposals would see the re-provision of Horseferry Playground and refreshments kiosk and the repositioning of the Spicer Memorial.

The development comprises several principle elements: the entrance pavilion; the memorial courtyard; the UK Holocaust memorial; the learning centre; the re-provided Horseferry Playground, Spicer Memorial and refreshments kiosk; and landscaping and public realm works.

#### Entrance pavilion

The entrance pavilion would be located at the south of the site, would be a single storey rectangular building with a floor area of 95 sqm. The primary purpose of the pavilion would be to regulate visitor flows and safeguard the security of visitors to the Memorial and Learning Centre.

#### Memorial courtyard

The memorial courtyard would be sunken (outdoor) below the level of the existing gardens and will form the main entrance plaza, with associated landscaping and planting works in the southern portion of the site. The memorial courtyard would act as both a transitional space between the entrance pavilion and memorial, and as an area for contemplation. The grey stone paving at the base of the courtyard would slope down gently into a series of terraces as visitors approach the memorial with the same grey stone being employed within the courtyard retaining walls.

The courtyard would be enclosed by a series of bronze rails, decorative hedges/vegetation and elements of glazing. Whilst these would act to impede pedestrian flows through this part of Victoria Tower Gardens, these boundary treatments are key to ensuring the appropriate management of visitors to the memorial and learning centre. The area of the courtyard is 999 sqm.

#### UK Holocaust Memorial

The Holocaust Memorial is at the northern end of the memorial courtyard and will comprise 23 bronze-clad concrete 'fins', set vertically into the ground on a curving alignment. The highest point of the Memorial will be approximately 7m above the existing ground level.

The 23 bronze fins are spaced in order to create 22 ravine-like pathways into the Learning Centre below. The 22 pathways would correspond to the number of countries in which Jewish communities were devastated during the Holocaust. The functional use of the 22 pathways would be split as follows: 8 pathways would contain steps down to the learning centre; 2 of the pathways lead into a fully-accessible lift again leading down to the learning centre; 3 pathways would constitute the ramped means of egress from the learning centre; 4 would be used for servicing/auxiliary access; 1

pathway would constitute the emergency means of escape; and the remaining 4 pathways would sit outside the memorial's secure perimeter.

In addition to facilitating access/egress into the learning centre, the bronze fins would also play a structural role in supporting the modulated green space which would sit above. The resulting sloping hill form would be publicly accessible up to a defined boundary near its southern edge, forming part of the existing Victoria Tower Gardens.

Within the area encompassed by the curvature of the fins, the flat parkland will be re-landscaped to form a grassed slope that gradually rises from north to south. The sloping hill would be publicly accessible up to a defined boundary near its southern edge, forming part of the existing Victoria Tower Gardens.

### Learning centre

The spaces between the fins of the Memorial will form the entrance to the Learning Centre, which will be located below the gardens and laid out over two levels; a basement and mezzanine level. This will require excavation of the site to a depth of approximately 8m and would provide an internal floor area of 3258 sqm.

The central element of the learning centre would be the permanent interpretation/exhibition to be located within a generously sized 8m high space. Space would also be provided for temporary exhibitions as well as various front-of-house and back-of-house functions.

### Horseferry Playground, Spicer Memorial, and Refreshments Kiosk

The existing Horseferry Playground/ Refreshments Kiosk/ and Spicer Memorial at the southern end of the site are to be retained but slightly repositioned further south of their current position. The Horseferry Playground would be redesigned and a new refreshments kiosk provided, positioned in the southernmost portion of the site, close to the existing public toilets.

### Landscaping and Public Realm

The proposals also involve significant works of landscaping. Aside from the relaying and general works to improve planting and levels of vegetation within the gardens, the proposals would also include relaying and regrading pathways including a new raised walkway and new seating along the Thames embankment, and new landscaping and seating around the Buxton Memorial.

## **8.1 Proposal's Aims**

The Planning Statement sets out the aims of the proposed development:

"The United Kingdom Holocaust Memorial and Learning Centre is intended to have a profound effect on how British citizens and their political representatives, as well as overseas visitors, remember the Holocaust and learn lessons from it in confronting racism and conflict between communities. Its location in the heart of Westminster in the historic, physical and symbolic centre of the state will give the Memorial the prominence it deserves.

The memorial has been carefully designed to complement and respect the character of Victoria Tower Gardens. The sensitive planting and landscaping will enhance the



visual and amenity value of the gardens to create a peaceful place of calm and reflection for visitors, workers and local residents to enjoy.”

The UK Holocaust Memorial Foundation has recently set out a Mission Statement which has been agreed by the Secretary of State for Housing, Communities and Local Government.

### **Mission Statement**

“The United Kingdom Holocaust Memorial is the UK’s national establishment for remembrance of the Holocaust. It is dedicated to the six million Jewish men, women and children murdered in the Holocaust and all other victims of the Nazis and their collaborators.

The Memorial will stand as a reminder of the horrors of the past and will encourage reflection on their implications for British government and society, both at the time and subsequently. The view of Parliament from the Memorial will serve as a permanent reminder that political decisions have far-reaching consequences. By setting history’s worst example of the disintegration of democratic values against the greatest emblem of Britain’s aspirations for democracy, it will stand as a permanent reminder of the responsibilities of citizens in a democracy to be vigilant and responsive whenever and wherever those values are threatened.

We seek to preserve the memory of the Holocaust whilst also considering its contemporary relevance. The Holocaust – the murder of Europe’s Jews by Nazi Germany and its collaborators – remains unsurpassed as a historical event in its aims and extent, yet the questions it raises have many echoes in the modern world, including (but not restricted to) subsequent genocides and the persistence of antisemitism.

Deeper understanding of the Holocaust, and of Britain’s responses to it, therefore prompts us to ask challenging questions about human behaviour and the world around us. The UK Holocaust Memorial will thus aim both to remember and to encourage reflection on the lessons of the past amongst all British citizens and visitors of all nationalities. In dedicating itself to this mission, Britain reaffirms its commitment to stand up against antisemitism, prejudice and hatred in all its forms.

How we will deepen understanding of the Holocaust and Britain’s response  
We seek to combine a striking architectural monument with an engaging, reflective and powerful exhibition. This will be founded on academic research and judicious use of sources, combined with an experiential approach to immerse visitors in the historical content and provoke their critical thinking.

The display will confront the immense human calamity caused by the destruction of Europe’s Jewish communities during the Holocaust, arousing a sincere commitment to mourn, remember and act. Victims will be remembered as individuals, not nameless statistics.

The thematic exhibition will set the Holocaust within the British narrative: historically, politically and culturally. This narrative will be balanced, addressing the complexities of Britain’s ambiguous responses to the Holocaust, avoiding simplistic judgements and encouraging visitors to critically reflect on whether more could have been done, both by policymakers and by society as a whole.

We will work with other institutions across the UK supporting Holocaust commemoration and education. We will complement the permanent exhibition with online material, drawing on the same research and sources, making links to other relevant sites, and promoting a deeper understanding of the Holocaust among as wide an audience as possible.

Facing history honestly requires us to question the role of our own Parliament, government and society in the history of the Holocaust, and recurring genocides in its aftermath. The obligation to confront the contemporary rise of antisemitism will not be overlooked, in light of the recent rise of extremist views in Britain and many other countries internationally.

The significance and importance of the United Kingdom Holocaust Memorial and Learning Centre both nationally and internationally is unquestioned.”

## **8.2 Proposal’s Background**

In January 2015 under Prime Minister David Cameron, the Prime Minister’s Holocaust Commission Report “Britain’s Promise to Remember” was published. The report looked at how the country should ensure the memory of the Holocaust is preserved and that the lessons that it teaches are never forgotten. The report identified four fundamental gaps in Britain’s current efforts to commemorate and educate about the Holocaust:

- i. Widespread dissatisfaction with the current national memorial in Hyde Park;
- ii. Effective Holocaust education fails to reach significant numbers of young people;
- iii. Inadequate support for regional projects compounded by a lack of long-term funding for Holocaust education; and
- iv. The testimony of survivors and liberators needs to be urgently recorded and appropriately preserved.

To address the gaps listed above, the Commission made four main recommendations:

- i. A striking and prominent new National Memorial;
- ii. A World-Class Learning Centre at the heart of a campus driving a network of national educational activity;
- iii. An endowment fund to secure the long-term future of Holocaust Education – including the new Learning Centre and projects across the country; and
- iv. An urgent programme to record and preserve the testimony of British Holocaust survivors and liberators.

The report also stated that “there should be a striking new memorial to serve as the focal point for national commemoration of the Holocaust. It should be prominently located in Central London to attract the largest possible number of visitors and to make a bold statement about the importance Britain places on preserving the memory of the Holocaust.”

Following the publishing of the Prime Minister's Holocaust Commission Report in January 2015, the UK Holocaust Memorial Foundation (UKHMF) was created to implement the recommendations of the report. The UKHMF is an advisory board to the Ministry of Housing, Communities and Local Government; it has cross-party support and is now co-chaired by the Rt Hon Lord Pickles and the Rt Hon Ed Balls.

### **8.3 Proposal Site Selection**

The application documentation sets out that the location has been subject to a detailed site selection process.

#### January 2015

The Prime Minister's Holocaust Commission Report (January 2015) identified three potential sites for the United Kingdom Holocaust Memorial and Learning Centre. The report identified that each site had distinct advantages and challenges and they are not the only possible sites. The sites were chosen because of their stand-out location that would ensure the importance and resonance of the Memorial and Learning Centre. These were:

1. Imperial War Museum (IWM).
2. Potters Fields Park, next to the Mayor of London's office; and
3. Millbank Tower.

However, the UKHMF Board decided that none of these sites were suitable and all three sites were discounted by Autumn 2015.

#### Imperial War Museum (IWM)

The report identifies that the existing Holocaust Exhibition at IWM London is very highly regarded and there is therefore an obvious advantage in locating the Learning Centre alongside IWM London in Geraldine Mary Harmsworth Park near Lambeth. The IWM has proposed the building of a new wing to house a memorial and a learning centre which would link to newly expanded and upgraded Holocaust galleries in the main building. This would benefit from being able to use the existing visitor facilities and essential infrastructure of the IWM building. The IWM also benefits from existing high visitor numbers – almost 1.5 million last year – of which 960,000 visited the Holocaust galleries. The Commission believed this is a viable option, provided a way could be found to meet the Commission's vision for a prominent and striking memorial.

The applicant sets out the reasons why the Imperial War Museum was discounted:

The proposition offered to the Applicant by the IWM was considered to be a two-dimensional text based memorial covering a side elevation of the building, with no prominence and a belowground learning centre adjacent to it. The land was owned by the London Borough of Lambeth not the IWM. It was considered that the site lacked significance and that the activities would be subsidiary to the far larger remit of the IWM, whose aims in remembering Britain at war are not identical with the aims of the UK Holocaust Memorial and Learning Centre.

The applicant states that since the site selection process, in early December 2018, the IWM and UKHMF have committed to work closely together as the exhibition within the Learning Centre is developed, to ensure that the curation and narrative does not replicate IWM's plans for its new galleries. Visitors to the Holocaust Memorial and

Learning Centre will be encouraged to explore other resources, including the IWM's new Holocaust galleries which are due to open in 2021. At the core of the Holocaust Memorial and Learning Centre is a commitment to learn from one of the darkest chapters in our history, to ensure that everyone has an opportunity to explore the universal lessons of the Holocaust as a reminder of where hatred, intolerance and prejudice can lead if left unchecked.

#### Potters Fields Park, next to the Mayor of London's office

The report identified a development site on the riverfront between Tower Bridge and City Hall with a large space within it intended for cultural use, which could accommodate the components of a learning centre in an area that attracts locals and tourists in huge numbers. Potters Field Park sits immediately in front of the site on the South Bank and was identified as a possible iconic location for a world renowned memorial. The Commission recommended that such a memorial would need to fit well with the surroundings and invite people to interact and engage with it, in the style of the New England Holocaust Memorial in Boston, USA, and so add to the appeal of the park, rather than detract from it.

The applicant sets out the reasons why Potters Field Park was discounted:

Potters Field Park was part of a s106 agreement between the London Borough of Southwark and the developer to deliver a cultural use next to the GLA's office as part of the residential development. The site was eventually sold to the new Bridge Theatre and became no longer available.

#### Millbank Tower

Supporters of the Commission's vision proposed a redevelopment of a large area of their Millbank complex. The report identified that the location offers significant potential for a prominent riverfront memorial, next to Tate Britain and a short walk along the river from the Houses of Parliament. The report also identified that the complex could include a hidden garden, reflective pond, wall of remembrance and a learning centre, incorporating the existing cinema, doubling as a lecture theatre. This proposal was also considered to have broader advantages for Tate Britain – which currently receives almost 1.4 million visitors a year – with the opportunity to create a new cultural and educational quarter.

The applicant sets out the reasons why Millbank Tower was discounted:

Millbank Tower was also part of a major planning application to convert Millbank Tower from an office tower to a residential tower. It was expected that the s106 agreement might make part of the podium block available for cultural use. To date, there is no evidence of redevelopment coming forward at this site and occupational office leases have been extended to 2022.

#### Autumn 2015

In Autumn 2015 the UKHMF Board appointed a firm of property consultants to carry out a search for a suitable site for the UK Holocaust Memorial and Learning Centre. CBRE was appointed from the firms approached to carry out a detailed thorough site search. The area of search was broadly consistent with the main Central London tourist / museum areas i.e. South Kensington (National History Museum, Science Museum, V&A) to the west; Tower of London to the east; Regent's Park to the north

and Westminster and the river to the south. CBRE also wrote to and met with parties to establish if there were any other sites available not on the market including:

- The estates officers of local authorities in the search area
- The Real Estate Investments Trusts with London portfolios
- The landed Estates
- Other investors and developers.
- Other agents.

### January 2016

In January 2016 twenty-four sites were identified by CBRE and considered by the UKHMF. However, all the sites identified in the site selection search suffered from at least one of the following disadvantages:

- Poor visual prominence;
- No emotional or political logic;
- Little or no outdoor space to provide a prominent memorial;
- Cost prohibitive.

The three preferred sites identified by CBRE were:

1. The Royal College of Gynaecologists in Regent's Park (27 Sussex Place);
2. A part of the Knightsbridge Barracks; and
3. A part of Middlesex Hospital

It was determined that none of the above referenced shortlisted sites were suitable for the following reasons:

- The Royal College of Gynaecologists in Regent's Park (27 Sussex Place) was cost prohibitive and has now been sold to its neighbour the London Business School
- Knightsbridge Barracks would have been dependent on the sale and redevelopment of the whole barracks which would not have been in UKHMF's control [and has not yet happened]; and
- Middlesex Hospital was not considered to be a sufficiently prominent location for the UK Holocaust Memorial and Learning Centre.

### January 2016

Victoria Tower Gardens was not identified in the Prime Minister's Holocaust Commission Report (January 2015) as a potential site for the United Kingdom Holocaust Memorial and Learning Centre.

Later in January 2016 following discussions involving the Government Property Unit, Victoria Tower Gardens emerged as a possible site. Victoria Tower Gardens was selected by the UKHMF Board as their outstanding candidate site for the following reasons:

- It provides an iconic location adjoining Parliament, sitting along the riverfront immediately next to the House of Lords;

- Its relevance as a commemorative garden of Britain's national conscience, already containing significant memorial sculptures, marking momentous historic events, with significance for the struggle for human rights, that remain relevant today and will do so in the future;
- It is visually prominent and adjacent to one of the most visited parts of London, within easy reach of a major tube station and many bus routes;
- The resonance of being next to Parliament and on the bank of the Thames is exceptional; and
- Under the shadow of Victoria Tower, the Holocaust Memorial and Learning Centre would question the impacts of the Holocaust and subsequent genocides on our own Parliament.

Victoria Tower Gardens was recommended as a location primarily because of its proximity to Parliament. The applicant considers that the Memorial and Learning Centre should stand as a reminder of the role of Parliaments in legitimising the rise of Nazism in Germany and also explore the dilemmas and challenges faced by Britain's own Parliament before, during and in the aftermath of the Holocaust. The view of Parliament from the Memorial is to serve as a reminder that decisions have consequences.

The decision to select Victoria Tower Gardens as the location for the United Kingdom Holocaust Memorial and Learning Centre was announced by the Prime Minister, David Cameron, at Prime Minister's Questions on 27 January 2016. The Prime Minister said:

"Last year, on the 70th anniversary of the liberation of Auschwitz, I said we would build a striking national memorial in London to show the importance Britain places on preserving the memory of the Holocaust. Today, I can tell the House that this memorial will be built in Victoria Tower Gardens. It will stand beside Parliament as a permanent statement of our values as a nation, and it will be something for our children to visit for generations to come. I am grateful to all those who have made this possible, and who have given this work the cross-party status that it so profoundly deserves."

#### September 2016

In September 2016, a competition was held to design the Holocaust Memorial and Learning Centre. The competition received 92 entries in total. Ten design proposals were then shortlisted and displayed to the public in February 2017.

#### October 2017

In October 2017, the then Secretary of State for the Ministry of Housing, Communities and Local Government announced that the jury - which included himself, the Mayor of London, the Chief Rabbi, experts from architecture, art and design, representatives of leading London museums and galleries, representatives of the Royal household, the Design Council and a Holocaust survivor - unanimously selected Adjaye Associates, Ron Arad Architects and Gustafson Porter & Bowman as the winning team.

The design was chosen because it reflected extensive research into the site and the objectives of the UKHMF in developing the Holocaust Memorial and Learning Centre.

UKHMF considers the design ensures the Memorial and Learning Centre fits within the current surroundings within the gardens.

### December 2018

On 5 December 2018, during Prime Minister's Questions, Theresa May reaffirmed the Government's commitment to the Memorial and to the suitability of the preferred site:

"... there is no better place for the Holocaust Memorial and Learning Centre to be than right next to our Parliament. What is important is that this is not just a memorial; it is a learning centre and it will be educating young people and others about the horrors of man's inhumanity to man."

## **9 DETAILED CONSIDERATIONS**

### **9.1 Relevant policies and guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the Development Plan unless material planning considerations support a different decision being taken. For the purposes of Section 38(6) of the 2004 Act, the development plan is:

- the Westminster City Plan (2016);
- the saved policies in the Westminster Unitary Development Plan (2007); and
- the London Plan 2016 (Consolidated with Alterations since 2011).

The following are relevant material considerations:

- Emerging Westminster City Plan 2019 - 2040
- The National Planning Policy Framework;
- National Planning Practice Guidance;
- Intend to Publish London Plan 2019;
- Westminster World Heritage Site Management Plan;
- Westminster Abbey and Parliament Square Conservation Area Audit.

#### **Westminster City Plan**

The council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

#### **National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## 9.2 Land Use

The development comprises several principal elements: the entrance pavilion, the memorial courtyard, the learning centre and a refreshments kiosk.

The proposals would see the provision of the following land uses and associated floor areas:

Use	Proposed Floor Area (sqm)
Entrance Pavilion (Class D1)	95
Memorial Courtyard	999
Learning Centre (Class D1)	3258
Refreshments Kiosk (Class A1)	41
<b>Total</b>	<b>4393</b>

The footprint of the development is approximately 4500 sqm (N.B. the applicant has been asked to confirm the exact footprint of the development). The operational requirements of the proposals necessitate a secure perimeter around the entrance pavilion and memorial courtyard which would control access to the secure area. Entrance to the memorial and learning centre would be ticketed but is understood that there would be no fee for this entry.

### Westminster City Plan (2016)

Policy S1 states that the council will encourage development which promotes Westminster's World City functions, manages its heritage and environment and supports its resident, working and visiting populations. Additionally, Policy S34 states that new social and community facilities will be encouraged throughout Westminster.

### The council's supplementary planning guidance - Statues and Monuments in Westminster (2008)

The council has also published a supplementary planning document 'Statues and Monuments in Westminster'. Although this is primarily aimed at statues and relatively small memorials it is considered that it is relevant to considered of the Holocaust Memorial and Learning Centre, which lies within the defined Whitehall and St James's Saturation Zone.

This states:

Demand for new statues and monuments continues today at a level unequalled since the Victorian period. While statues have occasionally been repositioned or decommissioned, new sites for free standing memorials have been diminishing rapidly. Westminster's existing stock of statues and monuments are not distributed evenly across the city. 47% of all memorials are situated in the royal and governmental heart of Westminster – a relatively small area centred on Whitehall (see statues and monuments density map at figure 2). Demand for new memorials is also greatest in this area. Over 70% of applications for new memorials fall within this already busy area. Each year the council receives numerous enquiries from people seeking to commemorate individuals, groups, organisations and events. Regrettably, it is not possible to continue to



accommodate new statues and monuments in Westminster on the same scale as in the past. Suitable sites grow ever more limited with each new memorial. This guide therefore sets out where, and in what circumstances, new memorials will be acceptable.

## 5.2 Monument Saturation Zone

As outlined in section 2.1, the royal and governmental heart of Westminster, along with the Royal Parks, is the focus for the majority of new memorial applications. Available sites in these areas grow ever scarcer. At the same time, new statues and monuments in the rest of Westminster are under-represented. This policy should encourage a more equitable distribution of new statues and memorials throughout London. The effectiveness of this policy will be regularly reviewed.

**Saturation Zone** The council has therefore established a monument saturation zone (figure 5), where applications for new statues and monuments will not be permitted unless there is an exceptionally good reason.

In the event that extenuating circumstances can be demonstrated, any new proposal must also fulfil the requirements set out at 5.1 and 5.3. Both the Whitehall and St James's areas and the Royal Parks are considered unsuitable for new memorials.

The proposed development will deliver a Memorial and Learning Centre of national and international significance. The Holocaust Memorial and Learning Centre would promote Westminster's World City functions, which are heavily reliant on unique and varied cultural, social and community uses. The principle of a memorial and a learning centre to the Holocaust is supported by the council. The events of the Holocaust must never be forgotten and Westminster council is fully supportive of the applicant's aims to advance Holocaust remembrance and education.

The creation of a Holocaust Memorial and Learning Centre is clearly a major public benefit, for the benefit of the nation, and indeed globally. The key question is whether or not the proposed location is suitable for a structure of the size and form proposed within Victoria Tower Gardens, which is a Grade II registered park and garden and area of public open space and recreation.

Victoria Tower Gardens is home to a number of existing memorials that celebrate the fight against slavery, inequality, and injustice. It is considered that the Victoria Tower Gardens is a suitable place in principle for a memorial to the Holocaust, provided that it was of modest size and caused much less harm than the current proposal is considered to do.

## London Plan

Policy 2.1 of the London Plan seeks to ensure that London retains and extends its global role as a centre for education and culture. Additionally, Policy GG1 of the draft London Plan seeks to build on the city's tradition of openness, diversity and equality, and help deliver strong and inclusive communities.

Policy 4.6 of the London Plan and Policy HC5 of the draft London Plan support the provision of new cultural venues within CAZ locations and areas of good public transport accessibility.

Additionally, Policies 2.10 and 2.11 of the London Plan and Policy SD4 of the draft London Plan seek to promote and enhance the unique concentration and diversity of cultural, arts and tourism functions within the CAZ. Furthermore, the London Plan identifies a number of strategic clusters of cultural, entertainment and visitor attractions. These are shown on Map 4.2 of the London Plan and/or on the CAZ diagram and include: the North Bank, including Millbank, Tate Britain and Somerset House.

Policies 4.5 and 2.11 of the London Plan also require boroughs to identify, promote and protect the special cultural, tourism and heritage value of these clusters in their Local Plans and seek to enhance the surrounding environment.

The provision of a United Kingdom Holocaust Memorial and Learning Centre, which would result in wide-ranging educational, cultural and societal benefits to residents of London and the United Kingdom as a whole, would therefore align with the broad strategic aspirations for the role and growth of London, as set out within the London Plan and the draft London Plan

The proposal would also be located within a highly accessible location within the Central Activities Zone (CAZ) and near the London Plan's identified strategic clusters of cultural, entertainment and visitor attractions. The provision of a Holocaust Memorial and Learning Centre would therefore broaden the offer within this cluster and align with the aspirations for this part of the Central Activities Zone.

However, the development plan, both at strategic and local level, must be considered as a whole. The central question is whether or not the proposed location is suitable for the current proposal. Whilst proximity to Parliament may be considered desirable, given the harm which will be caused Victoria Tower Gardens is not considered to be a suitable and appropriate location for the development proposed. For reasons given below, it is considered that the proposed development conflicts with many policies of the development plan. Thus, the general locational support within policy for Victoria Tower Gardens for a memorial to the Holocaust is not considered to generate a conclusion that the present proposal is acceptable or that it would conform with the development plan when considered as a whole.

### **9.3 Townscape and Design**

#### **Heritage Assets – Significance and Impacts**

##### **The Heritage Assets**

The proposed location of the Holocaust Memorial and Learning Centre is in an area of exceptionally high conservation and heritage significance. The designated heritage assets in Victoria Tower Gardens and the immediate surrounding area are as follows:

##### Area wide designated assets

- Victoria Tower Gardens (Grade 2 registered historic garden)
- The Westminster Abbey and Parliament Square Conservation Area
- The Smith Square Conservation Area
- The Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage Site

##### Listed buildings and structures

- The Palace of Westminster (Grade 1)

- The Buxton Memorial (Grade 2 Star)
- The statue of Emmeline Pankhurst (Grade 2 Star)
- The Burghers of Calais (Grade 1)
- The river embankment wall (Grade 2)
- Lambeth Bridge and its approach walls and obelisk adjacent to the south entrance to the Gardens. (Grade 2)
- Norwest House (Grade 2)
- Nos. 1 and 2 Millbank, The Church Commissioners building (Grade 2 Star)

The Spicer Memorial in Victoria Tower Gardens is considered to be a non-designated heritage asset.

This section of the report deals with:

1. the significance of the relevant heritage assets:
  - A. Victoria Tower Gardens and the heritage assets within it
  - B. Heritage assets adjacent to and in the vicinity of Victoria Tower Gardens including the WHS
2. the impact of the proposal on the significance of the heritage assets
3. the potential impact on trees
4. the relevant policy considerations
5. the degree of harm caused

Consultation responses on heritage issues:

Objections have been received by Historic England, the Gardens Trust, ICOMOS, Royal Parks, the London Parks and Gardens Trust, the Victorian Society, the local amenity societies and numerous individuals. Many of the objections raised relate to the impact on heritage assets, the registered Garden, the listed memorials, the conservation areas, the setting of the Palace of Westminster and the WHS. These objections are covered in this report.

## **1. The Significance of the Heritage Assets**

The NPPF defines 'Significance' as:

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 a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

### **1A. The significance of Victoria Tower Gardens and the heritage assets within it**

#### **Victoria Tower Gardens**

It is important to understand the historical development of the Gardens in order to assess their significance and the impact of the proposal on that significance. The following is taken from Historic England's Register of Historic Parks and Gardens. The gardens are listed grade 2 in the Register. The Gardens are now managed by Royal Parks.

The Houses of Parliament were built by Charles Barry (1795-1860) and Augustus Welby Pugin (1812-52) between 1837 and 1858, and in 1867 an Act was passed allowing land to be obtained to construct an embankment to the south. A design dated 1879 shows the gardens occupied the square northern end of the present gardens.

The land to the south of the gardens at that time was still unembanked and occupied by wharves.

In 1909 there were proposals under the London County Council (Improvements) Act 1900 to extend the embankment southwards and continue the gardens along the line of it. The plans were approved in 1912, the gardens laid out in 1913, and opened in 1914. The northern end of the gardens was redesigned at the same time and the Burghers of Calais statuary group by Auguste Rodin positioned near the north-west corner. The statue was installed in 1914 and unveiled in 1915.

In the 1920s the southern end of the gardens was redesigned as a children's play area, the Spicer Memorial was installed, and the gardens were partially altered by the building of the new Lambeth Bridge, completed in 1932. In 1933 the gardens were simplified in order to give clear views to the Houses of Parliament and some trees and shrubberies were removed. The north lawn was also kept clear of people, the middle lawn was open, and the south lawn was for children.

The gardens were altered to their present appearance in the 1950s. In 1952 there were proposals for resiting the statues and for the incorporation of the Buxton Memorial Fountain from Parliament Square. A scheme for altering the gardens was carried out in 1956, with the resiting of the Burghers of Calais and the Pankhurst statue, the relocation of the Buxton Memorial Fountain from Parliament Square, the planting of new shrubberies at the northern and southern ends of the gardens and alterations to some of the paths and entrances. The shrubbery at the northern end was designed to mask a new boiler house in Black Rod Garden and a fence which was realigned around it.

The fine rows of trees are a very important part of the landscape and contribute positively to its character and significance. The majority of the trees in the Victoria Tower Gardens are London Planes. The trees are of two ages, having been planted in the northern site around the 1890s and the southern section in the early 1900s.

When the embankment was built in 1916 the ground level around the trees could not be changed to allow clear views over the wall towards the river. This is why the benches are raised up on plinths to allow views of the Thames.

The Garden design is a simple, uncluttered, level space. It was been designed as such, as a relatively quiet space, enclosed by large mature trees, with spectacular views of the Palace to the north and over the river to the east. The flat topography is a result of its origin as land reclamation and is an important part of its character, allowing views across the entire extent of the Garden. The open views of the Palace of Westminster from the south across the lawn, framed by the rows of mature trees, are of particular importance. The memorials and statues within the Garden have been carefully placed and do not intrude on the overall open aspect. The views allow an appreciation of the southern end of the Palace, including the Victoria Tower, and this part of the World Heritage Site. The Gardens were designed and laid out to allow these views of Palace and it is considered highly important that they be protected.

The gardens are clearly of special historic interest and significance for a number of reasons. They have close historical, visual and physical associations with the Palace of Westminster. They were laid out on level ground with excellent views looking north to the Palace of Westminster and the Victoria Tower, and east over the River Thames.

The open flat lawns in the centre of the gardens are an important part of the special interest of the gardens. So too are the rows of mature Plane trees along the perimeter

paths on the west and east sides which enclose the lawns. The arrangements of paths is also significant. The eastern path, which forms a terrace walk along the embankment wall, has a row of benches set on high pedestals looking out over the river. A path crosses the gardens from west to east, aligned on the entrance opposite Dean Stanley Street, leading directly to the Buxton Memorial.

The significance of the Gardens is made up of its archaeological, architectural, artistic and historic interest. This significance has been described by the London Parks and Gardens Trust in their report entitled 'Victoria Tower Gardens: Conservation and Significance Statement' (January 2019) which analyses the gardens in detail. It summarises the significance of the gardens and states:

Victoria Tower Gardens is a significant historic landscape of national importance in its own right, as well as providing the setting for grade I and II\* listed buildings and monuments. The key historic significance of the landscape lies in the following:

- its creation as a garden as a result of the embankment of the Thames in response to pollution of the river
- its archaeological potential to reveal more of the area's development as an area at the centre of the country's most historic events
- its provision for the use of the public as a philanthropic act to be maintained as a recreation ground, reflecting the increased understanding of the importance of such provision for all classes in a densely populated city
- its philanthropic development as a playground for local children in the C19 reflecting the contemporary development of recognition of the importance of play, particularly for those with a lack of access to such amenity
- its simple design aesthetic affording long views to the internationally recognised buildings of the Palace of Westminster, framed by London Plane trees, some of which are the original plantings, and open expanse for recreation
- the chosen open setting for monuments to slavery, emancipation and heroism, with the symbolic juxtaposition of Parliament, accessible and open to all
- its continued use by the public since its creation for national celebrations and gatherings, including marking royal events.

Officers agree with this assessment.

### **The listed buildings in Victoria Tower Gardens**

The existing memorials make a major contribution to the historic interest of the Victoria Tower Gardens, as well as being heritage assets in their own right.

### **Buxton Memorial**

The Buxton Memorial by S S Teulon in 1865 (listed grade 2 Star) is the only one of the three listed memorials within the Gardens to have a close enough relationship to the proposed structure to have its immediate setting affected. It celebrates the abolition of slavery and commemorates the work of the MP Thomas Fowell Buxton.

The list description states that the Buxton Memorial Fountain is designated at Grade 2 Star for the following principal reasons:

- An unusual and exuberant example of the work of S. S. Teulon, in association with Charles Buxton

- A notable landmark in an important setting, next to the Thames, and alongside the Palace of Westminster; the colourful Gothic pavilion makes a light-hearted companion to the giant of Victorian Gothic architecture
- Lavish and imaginative use of materials, especially in its enamelled roof

The fountain is of particular historic interest having been erected to celebrate the Slavery Abolition Act of 1833. The significance of the monument is enhanced by its location; it commemorates one of Parliament's most momentous Acts, and its principal dedicatee is the parliamentarian responsible for ensuring the passage of that Act. This monument was upgraded from 2 to 2 Star in 2007, the bicentenary year of the 1807 Abolition Act.

The current setting of the Memorial in open space is important to its appreciation, understanding and special interest. It is highly visible and accessible within the Garden. Following its removal from Parliament Square under the provisions of the Parliament Square (Improvements) Act 1949, it was carefully placed to align with Dean Stanley Street allowing views from outside the garden from the west. This location was deliberate, and had the approval of the Anti-Slavery Society and the Royal Fine Art Commission.

### **Memorial to Emmeline Pankhurst**

This memorial is listed grade 2 star and is sited by the north-west entrance to Victoria Tower Gardens from Abingdon Street. It was erected in 1930, expanded to commemorate Christabel Pankhurst and members of the Women's Social and Political Union in 1959 is listed at Grade 2 Star. It is of architectural interest as a finely crafted piece of commemorative sculpture and of historic interest for its commemoration of a major figure of the 20<sup>th</sup> century and their contribution to the fight for women's enfranchisement.

### **Statuary Group of The Burghers Of Calais**

This is listed grade 1. The bronze group of figures on stone pedestal by Auguste Rodin was erected in 1915. It is a statue of the high artistic importance, the work of one of the greatest sculptors of the 19<sup>th</sup> and 20<sup>th</sup> centuries. There are a number of casts around the world but the original stands in Calais.

It is located in the middle of the northern end of the gardens and seen against the backdrop of the Palace of Westminster in views from the south. There is an area of paving around it to allow the public to see in at close quarters.

### **The Spicer Memorial**

The Spicer Memorial is not a listed building but is considered to be an undesignated heritage asset. It was constructed in the 1920s, to commemorate Henry Spicer's generous gift to the children of the area in the form of a large sand pit. It was recently refurbished and relocated to the northern end of the playground.

### **The relationship between the Gardens and the Memorials**

The Gardens are the setting for the memorials and the Gardens contribute to the significance of the memorials by providing that setting. The memorials were all carefully located within the garden to allow good public access and to allow clear views of them from within, and outside, the gardens. The flat, open design of the Gardens thereby provides an appropriate setting for the memorials.

This was no accident; it was the result of design and planning. The siting of the memorials and their precise locations and relationship to the Gardens and to the Palace of Westminster, were all carefully planned so that the memorials could be

easily appreciated by the public and did not detract from the character of the Gardens or harm the setting or views of the Palace of Westminster.

The southern part of the Gardens is most affected by the proposal. The existing open, level nature of this area provides the setting for the Buxton Memorial, and allows the important views of the Palace of Westminster and World Heritage Site referred above.

### **River Embankment from the Houses of Parliament to Lambeth Bridge**

The wall is listed grade 2 and dates from the mid C.19, contemporary and of a piece with Barry and Pugin's Palace of Westminster. It is built of granite with a battered river wall with mooring rings and weather coped parapet. It is of architectural and historic significance, and its architectural and historical relationship with the Palace of Westminster is important. It is an important part of the Victoria Tower Gardens, forming its eastern boundary and defining its relationship to the Thames. The adjacent mature trees form part of the setting and significance of the listed wall.

### **The Westminster Abbey and Parliament Square Conservation Area**

The Victoria Tower Gardens form part of the Westminster Abbey and Parliament Square Conservation Area which was first designated in 1969 as part of the larger Government Precinct Conservation Area, and redesignated in 1987 as the Westminster Abbey and Parliament Square Conservation Area. The council published its conservation area audit in 2008.

It is an area of great heritage significance. The area is the political and religious heart of Britain, and this role can be traced back to the end of the tenth century. It includes the Palace of Westminster and Westminster Abbey.

The hub of the area is Parliament Square, with its world famous views of the neo-Gothic Houses of Parliament and the Elizabeth Tower.. The area contains a number of open spaces which provide quiet havens from the constant flow of traffic through Parliament Square. These include Dean's Yard, College Green, the Abbey Garden (open occasionally to the public) and the Victoria Tower Gardens. The Victoria Tower Gardens is significant in the conservation area because, unlike many of the other spaces, it is large and highly accessible to the public. Paragraph 4.23 of the Audit states:

The large open space of Victoria [Tower] Gardens was created as part of Victorian improvements and slum clearance and provides a sheltered public garden and an escape from the adjacent busy roads. The gardens are enclosed by an abundance of planting to the roadside and by the Thames to the east.

The section on Trees, Soft Landscape and Gardens says at paragraph 5.54:

Trees and green landscaping contribute significantly to the character of the area. Grassed areas make an important contribution to the area and form the setting for the World Heritage Site (see map, figure 126).

Paragraph 5.59 describes the Victoria Tower Gardens as 'the largest area of green open space within the conservation area...'

The gardens feature in a number of significant views from within and from outside the conservation area, including views from Lambeth. Some of these views are included in the council's 'Westminster Abbey and Parliament Square Conservation Area Audit'.

The Audit refers to important and significant views in the conservation area and includes Local View 30: Victoria Tower and southern facade of the Palace, and river embankment from Victoria Tower Gardens. Local View 31 relates to Victoria Tower and the southern façade of the Palace, Victoria Tower Gardens, the River Thames and the South Bank Conservation Area (London Borough of Lambeth) from the river embankment. Local View 32 concerns the Victoria Tower Gardens, the River Thames and the South Bank Conservation Area (London Borough of Lambeth) from Lambeth Bridge.

The conservation area is also well known for the large number of highly important statues and memorials within it. The majority are in or adjacent to Parliament Square, and also in Victoria Tower Gardens. These form part of the significance of the conservation area.

A large number of buildings within the area are listed Grade I, including the Houses of Parliament, Westminster Abbey (with the Cloisters and Chapter House), Westminster School, St. Margaret's Church and the Jewel Tower (which is also an Ancient Monument). Middlesex Guildhall (now the Supreme Court), Methodist Central Hall and 11 Great George Street, together with Westminster Bridge are listed Grade 2 Star. Clergy House, Great Peter Street, Church House and the remaining buildings around Deans Yards, Nos. 14, 22, 36-40 Great Smith Street, Nos. 1-2 Abbey Orchard Street, No. 8 Storey's Gate, the Institution of Civil Engineers and the Royal Institution of Chartered Surveyors, Great George Street are all Grade II listed. Also listed are a number of lamp standards and statues in the area, in particular within and adjacent to Parliament Square.

## **1.B The significance of heritage assets adjacent to Victoria Tower Gardens**

### **The Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage (referred to below as the WHS)**

The Palace of Westminster and Westminster Abbey, including St Margaret's Church, was inscribed as a cultural World Heritage Site in 1987. The Palace of Westminster, Westminster Abbey, and St Margaret's Church together encapsulate the history of one of the most ancient parliamentary monarchies of present times and the growth of parliamentary and constitutional institutions.

The justification for the inscription for the Westminster WHS put forward by the state party to the World Heritage Committee when the site was nominated, illustrated the key attributes of the cultural property. The justification emphasised the architectural, historic and symbolic significance of the site:

- The importance, as a group, of the three buildings of the Palace of Westminster, Westminster Abbey and St Margaret's Church.
- The Palace as a supreme example of Gothic Revival and the work of Sir Charles Barry and AW Pugin.
- The surviving buildings of the medieval Palace of Westminster, notably the internationally important Westminster Hall and the Jewel Tower.
- Westminster as the site of the development of parliamentary ideals since the 13th century and as the pre-eminent symbol of the democratic institution.
- Westminster Abbey as a major ecclesiastical monument of great antiquity and beauty.



### **The Outstanding Universal Value of the World Heritage Site**

A retrospective Statement of Outstanding Universal Value was produced for the World Heritage Site and agreed by the World Heritage Committee in 2013. The brief synthesis from this Statement is set out below:

The Palace of Westminster, Westminster Abbey and St Margaret's Church lie next to the River Thames in the heart of London. With their intricate silhouettes, they have symbolised monarchy, religion and power since Edward the Confessor built his palace and church on Thorney Island in the 11th century AD. Changing through the centuries together, they represent the journey from a feudal society to a modern democracy and show the intertwined history of church, monarchy and state.

The Palace of Westminster, Westminster Abbey and St Margaret's Church continue in their original functions and play a pivotal role in society and government, with the Abbey being the place where monarchs are crowned, married and buried. It is also a focus for national memorials of those who have served their country, whether prominent individuals or representatives, such as the tomb of the Unknown Warrior. The Abbey, a place of worship for over 1000 years, maintains the daily cycle of worship as well as being the church where major national celebrations and cultural events are held. The Palace of Westminster continues to be the seat of Parliament.

Westminster School can trace its origins back to 1178 and was re-founded by Queen Elizabeth I in 1560. It is located around Little Dean's Yard.

The iconic silhouette of the ensemble is an intrinsic part of its identity, which is recognised internationally with the sound of "Big Ben" being broadcast regularly around the world.

The Palace of Westminster, Westminster Abbey, and St Margaret's Church together encapsulate the history of one of the most ancient parliamentary monarchies of present times and the growth of parliamentary and constitutional institutions.

In tangible form, Westminster Abbey is a striking example of the successive phases of English Gothic art and architecture and the inspiration for the work of Charles Barry and Augustus Welby Pugin on the Palace of Westminster.

The Palace of Westminster illustrates in colossal form the grandeur of constitutional monarchy and the principle of the bicameral parliamentary system, as envisaged in the 19th century, constructed through English architectural references to show the national character.

The Palace is one of the most significant monuments of neo-Gothic architecture, as an outstanding, coherent and complete example of neo-Gothic style. Westminster Hall is a key monument of the Perpendicular style and its admirable oak roof is one of the greatest achievements of medieval construction in wood. Westminster is a place in which great historical events have taken place that shaped the English and British nations.

The Church of St Margaret, a charming perpendicular style construction, continues to be the parish church of the Palace of Westminster and has been the place of worship of the Speaker and the House of Commons since 1614 and is an integral part of the complex.

### **World Heritage Site Management Plan**

The World Heritage Site Management Plan (2007) states:

## **1. Description of the World Heritage Site**

### **1.1 Location and definition of the site**

1.1.1.1 The Westminster WHS lies adjacent to the River Thames in London, England. The World Heritage Site comprises three main components: The Palace of Westminster, including the Jewel Tower, Westminster Abbey including St Margaret's Church and Westminster School.

They are recognised internationally both as a group of buildings of outstanding architectural importance and as a symbol of spiritual and democratic ideals throughout the world. The River Thames, Victoria Tower Gardens and Parliament Square are significant public open spaces adjacent to the site.

With respect to its setting it states:

#### 1.1.3 Buffer Zone

1.1.3.1 At present the WHS does not have a designated Buffer Zone. This plan considers the possibility of defining a buffer zone or similar designated area, which would help to safeguard the Outstanding Universal Value and significances of the WHS.

#### 1.7 Outside the WHS: the immediate Environs

1.7.1.1 The WHS today is located within an urban setting of great diversity. As patterns of use have developed and changed, and buildings demolished and replaced, the area today is left with a fascinating variety of historic architecture of the highest quality. Most architectural styles and many major architects are represented here.

1.7.1.2 It is important to understand something of the immediate environs of the WHS, not least because this informs the consideration of a Buffer Zone (Defined Local Setting) to protect the setting, as well as the possible revision of the WHS boundaries to ensure that all elements of Outstanding Universal Value are contained and protected within the WHS.

5.1.2.10 It is clear that further study needs to be undertaken not only to understand the views and setting of the WHS but also to determine how best to establish a buffer zone (Defined Local Setting) which will protect the Outstanding Universal Value of the WHS from beyond its boundary.

The Management Plan refers to the significance of Victoria Tower Gardens to the World Heritage Site:

1.7.2.1 At present the Victoria Tower Gardens to the south is not included in the WHS boundary but forms an important part of the setting. It contains a number of memorial sculptures, in particular the Pankhurst memorial and the Burghers of Calais, by Rodin.

With respect to views it states:

1.6.4.3 Wider views include locations and spaces which are beyond the existing boundary of the World Heritage Site but form important public realm components of its setting are:

- From Boudicca Statue on Embankment

- From Parliament Square Gardens
- From Canning Green – west of Parliament Square Gardens
- From Victoria Tower Gardens
- From College Green Abingdon Street Gardens
- From George V Memorial Gardens

The memorials in Victoria Tower Gardens are referred to on page 176 :

Beyond the existing World Heritage Site but within a possibly expanded boundary to the south are the following statues and features in Abingdon Gardens and Victoria Tower Gardens:

13 - "...Mrs Emmeline Pankhurst (1858 - 1928), leader of the movement for women's suffrage who was frequently arrested and imprisoned for her beliefs, has a statue with a lorgnette by A. G. Walker, erected in 1930 and unveiled by Stanley Baldwin. Flowers are laid here each year by women who worked for the suffragette movement. Her daughter Dame Christabel Pankhurst (1881 - 1958), famous in the same field as her mother, is commemorated by a bronze medallion.."

14 - "...The Burghers of Calais (1915) by Auguste Rodin, a replica of the statuary erected in Calais in 1895. The burghers agreed to surrender themselves to Edward III in 1340 with halters round their necks to save their town..."

15 - "...Further south in the Gardens is the Buxton Memorial Fountain by S. S. Teulon, 1865, which commemorates Sir Thomas Fowell Buxton (1786 - 1845), MP for Weymouth, who fought for the abolition of slavery in the British dominions and elsewhere and in 1824 became leader of the anti-slavery party. It was erected by his son Charles Buxton MP in honour of his father's efforts to free colonial slaves..."

It is considered that the Gardens are an important part of the setting, which is part of the Outstanding Universal Value of the World Heritage Site, because they are of great significance in their own right, as set out above, and because they provide open space from which the World Heritage Site can be appreciated and enjoyed by large numbers of the public. The attractive and iconic views of the World Heritage Site from the south, which are affected by the proposal, are of particular importance.

### **The adjacent listed buildings**

#### **Palace of Westminster**

The Palace of Westminster is listed grade 1. The Houses of Parliament (the New Palace of Westminster) which was built from 1835-60, by Sir Charles Barry with detailing, interior decoration and furnishings by Augustus Welby Northmore Pugin.

It has a cruciform and axial spine plan. The massing by Barry combines symmetry on the river front terrace with the asymmetry of the major vertical accents which include the Victoria Tower, the Elizabeth Tower and the central fleche and turrets above the roof line.

Pugin's contribution included the perpendicular Gothic detailing of the rhythmic buttresses and bay windows, the close panelling with open and blind tracery and the wealth of sculpture, carved crockets, pinnacles and finials.

It is a building of great national (and international) significance, in terms of its archaeological, architectural, artistic or historic interest. Its setting is of great importance to its significance. The Victoria Tower Gardens forms part of that setting and makes a positive contribution to its significance. As stated above the Gardens are of great significance in their own right and as part of the setting, and they allow important public views of the southern part of the Palace.

### **Lambeth Bridge And Attached Parapets, Light Standards, Associated Walls To Approaches And Obelisks**

Lambeth Bridge and attached parapets, light standards, associated walls to approaches and obelisks, are listed grade 2. It was designed by London County Council's consultant engineer Sir George William Humphreys (1863-1945) with Sir Reginald Blomfield (1856-1942) and George Topham Forrest (1872-1945) as consulting architects, and opened in 1932.

Its significance lies in its architectural quality and as a landmark on the Thames. The red paint is a point of note, and links the bridge to the unique ensemble of political institutions on this stretch of the Thames, including the Houses of Parliament and the former headquarters of the LCC at County Hall.

Lambeth Bridge has group value with these buildings and others in close proximity: Lambeth Palace (Grade I); the Palace of Westminster (Grade I); the Church of St Mary-in-Lambeth (Grade 2 Star); the contemporary Norwest and Thames Houses of 1928 which frame the northern approach (both Grade II); and, further downstream, Westminster Bridge of 1862 (Grade 2 Star).

There is an important interrelationship between the bridge and the Gardens. The western end of the bridge forms the southern boundary of the Gardens and contributes to the architectural and historic interest of this part of the Gardens, and likewise the Gardens contribute to the setting of the bridge.

### **Norwest House Millbank (Formerly listed as Imperial Chemical House)**

This is listed grade 2, located to the west of the Victoria Tower Gardens. It is an imposing Classical office block dating from 1928 by Sir Frank Baines as part of a uniform composition with Thames House, flanking Horseferry Road approach to Lambeth Bridge.

The Gardens contribute positively to the setting of the listed building. The building looks out onto the garden and the mature trees in particular dominate the setting and views of the listed building along Millbank and from the Gardens. The trees form part of the setting and significance of the listed building.

### **Nos 1 and 2 Millbank, The Church Commissioners (including No 3 Great College Street, No 2 Great Peter Street and Nos 5 and 7 Little College Street)**

Listed grade 2 star, the large island block of offices lies west of the Victoria Tower Gardens, towards its northern end. It dates from 1903, designed by W.D Caröe. It is faced in red brick with lavish Portland stone dressings. The list description states: An eclectic yet sophisticated Free Style northern Renaissance.

The Gardens contribute positively to the setting of the listed building. The building looks out onto the garden and the mature trees in particular dominate the setting and views of the listed building along Millbank and from the Gardens. The trees form part of the setting and significance of the listed building.

### **Smith Square Conservation Area**

To the west of the Victoria Tower Gardens is the Smith Square Conservation Area which was first designated in 1969 as part of the larger Government Precinct Conservation Area, and then redesignated in 1987 as the Smith Square Conservation Area. The area developed in medieval times around Westminster Abbey (to the north). Millbank ran parallel to the river front and was separated from it by wharves and houses. The existing street pattern is essentially late medieval, as altered by 18th century residential development. There has been little further change to it since then.

To the south and east of the church are large scale commercial buildings fronting onto Millbank. At the northern end of this group are the offices of the Church Commissioners by W.D.Caroe (1903) and Corner House, Great Peter Street by Lutyens (1911). At the southern end are Imperial Chemical House and Thames House. These monumental Classical buildings are by Sir Frank Baines (1927-9). These buildings face the river and dominate views from Albert Embankment, on the South Bank. The area also includes a small section of the riverside, south of Lambeth Bridge.

The Victoria Tower Gardens lies along the eastern edge of the conservation area and contributes positively to its setting. The gardens appear in the background to a number of views from within the conservation area. These are identified in the council's 'Smith Square Conservation Area Audit'. Figure 10 shows important local views in and around the conservation area. The views are listed in paragraph 4.38, and these include views away from St John's Church along Dean Stanley Street (towards Victoria Tower Gardens) and along Great Peter Street towards Victoria Tower Gardens, and from Victoria Tower Gardens towards St John's Church. Paragraph 4.39 refers to panoramic views of the Thames from Millbank outside Westminster House and the southernmost point of Victoria Tower Gardens. The Gardens contribute to the significance of the conservation area by providing this attractive landscape setting which also contributes positively to the views.

## **2. The impacts of the proposed Holocaust Memorial and Learning Centre on the significance of the heritage assets**

It is considered that the main impacts of the proposal on the significance of heritage assets concern:

- a) the Victoria Tower Gardens
- b) the Memorials, especially the Buxton Memorial
- c) the Westminster Abbey and Parliament Square Conservation Area
- d) the World Heritage Site
- e) the Palace of Westminster.

There are impacts in terms of the visual and physical impacts of the proposed works, their potential impact on existing trees, and also potential impacts arising from the use, for example, the number of visitors, associated traffic and security requirements. These impacts on the heritage assets listed above are considered to be 'less than substantial harm', provided that the trees are unaffected by the proposal.

If the trees are harmed then the impacts on the significance of heritage assets would be increased. The impacts on the following heritage assets are likely to be substantial.

- a) the Victoria Tower Gardens
- b) the Westminster Abbey and Parliament Square Conservation Area
- c) the World Heritage Site
- d) the Palace of Westminster.

If the trees are harmed then there would be additional harm, albeit less than substantial, to the following:

- e) the Buxton Memorial
- f) the Smith Square Conservation Area
- g) the adjacent listed buildings, Norwest House, Nos. 1 and 2 Millbank
- h) the river embankment wall.

This is explained below.

#### **a. Victoria Tower Gardens**

The proposed Holocaust Memorial and Learning Centre would occupy a significant part of the Garden. Some of this will be covered by a grass mound (with its tall projecting fins) and some by buildings and hard and soft landscaping. The proposal would fundamentally change the character of this open space. Not only would some parts of the space no longer be available for informal recreation, but the disturbance of such a large structure within such a small and intimate open space will have a significant impact on the character of the Garden.

The open, level character of the Gardens contributes to its significance. That character was the result of carefully considered design in the 19<sup>th</sup> and 20<sup>th</sup> centuries. The large grass mound and fins, covering the underground space, will be alien to the otherwise flat and expansive nature of the garden landscape and will appear incongruous within this tight riverside setting. Not only will the historic design be compromised, so too will the important views that this provides of the Palace of Westminster and the World Heritage Site, and also the setting of the Buxton Memorial.

The Holocaust Memorial and Learning Centre will intrude harmfully on views of the Victoria Tower Gardens from the northern end of the Gardens looking south, and on views of the Palace of Westminster and the World Heritage Site from the southern end of the Gardens. It will also intrude harmfully on views of the Buxton Memorial from many locations in and around the Victoria Tower Gardens.

The introduction of the Holocaust Memorial and Learning Centre as proposed will also affect, and harm, the significance of the Gardens as the settings for the other memorials. This is dealt with below.

Historic England, Royal Parks and other consultees consider that the proposed structures would fundamentally change its character and harm its significance by decreasing the amount of open space and increasing the amount of built structure on what was designed as a simple uncluttered public garden.

The Gardens Trust (the statutory consultee with respect to registered historic parks and gardens) raise strong objections to the proposed siting in the Victoria Tower Gardens. They consider that the decision to locate the memorial here was irrational and made without reference to normal planning considerations. They consider that the site is already 'overloaded with symbolism' and to 'add a monument of such magnitude, gravity and size, would diminish the importance and meaning of the existing memorials'. They are particularly concerned with the impact of the memorial on the setting and significance of the Buxton Memorial.

It is considered that the comments made by the objectors with respect to the impact on the Victoria Tower Gardens are reasonable. The significance of the Gardens, its design, appearance, character and role as a setting for the memorials and the adjacent heritage assets (see below), would all be harmed. This harm to significance is considered at the high end of 'less than substantial'.

The proposal could have serious impacts on the existing mature trees. This would result in a much higher level of harm (substantial harm) to the Victoria Tower Gardens. This is dealt with later in this section.

#### **b. The Memorials**

The Gardens provide the setting for the memorials. The open nature of the Gardens allows long views of the memorials from many locations within and outside the Gardens, and good access, space and tranquillity for the public to enjoy the memorials. This would change significantly with the introduction of the Holocaust Memorial and Learning Centre.

The Holocaust Memorial and Learning Centre would not directly affect the immediate settings of the Burgers Of Calais and the Memorial to Emmeline Pankhurst but it would have a direct, harmful impact on the significance of the Buxton Memorial, as explained below. However, because of the scale of the proposal, and its projected 3.6 million visitors per year, the Holocaust Memorial and Learning Centre would come to dominate and define the Garden. The existing memorials would become secondary to the Holocaust Memorial and Learning Centre and their importance to the significance of the Victoria Tower Gardens would be undermined (although their individual significances would be unaffected). At the moment they are a prominent part of the Gardens, to be enjoyed in a relatively tranquil environment.

#### **The Buxton Memorial**

The greatest impact is on the Buxton Memorial. As stated above its setting in open space is very important to its appreciation, understanding and significance. It is highly visible and accessible within the Garden and it was carefully placed to allow views, particularly from the west, including from Dean Stanley Street. Its setting and visibility will be changed radically by the proximity of the Holocaust Memorial and Learning Centre and this is considered to be a harmful change. Its prominence within the Victoria Tower Gardens, and its positive contribution to numerous views from within and outside the Gardens, would be reduced greatly. Its setting is neither preserved or enhanced. This aspect of its significance is harmed.

Historic England consider that the proposal has a detrimental impact on the setting of the Buxton Memorial by encroaching on its setting and eroding its prominence. They suggest that the Buxton Memorial could be moved to a more prominent and open site in the park. This has not been proposed.

#### **The Spicer Memorial**

The entrance pavilion is sited close to the memorial and has an impact on its setting. The architectural relationship between the memorial and the pavilion appears uncomfortable. However, as this is not a listed structure, its setting is much less important than that of the Buxton Memorial, and it is not considered that this aspect of the proposal is unacceptable.

#### **c. The Westminster Abbey and Parliament Square Conservation Area**

The Victoria Tower Gardens in its current form is a key part of and makes a positive contribution to the character and appearance of the Westminster Abbey and Parliament Square Conservation Area. It is one of the largest public green open spaces in the conservation area and as such it makes an important contribution to the significance of the conservation area. The existing memorials within the Gardens also make a positive contribution to the significance of the conservation area which is characterised by its number of highly important statues and memorials.

The proposal would reduce the degree of openness of the Gardens, and reduce the area that is accessible to the public. It would intrude on views within and of the Gardens which are an important part of its significance. The harm that would be done to the character of the Victoria Tower Gardens, and to the settings of the listed memorials within it, would diminish the contribution of the Gardens to the conservation area. Consequently, the significance of the conservation area would be harmed, and not preserved or enhanced.

#### **d. The World Heritage Site**

Victoria Tower Gardens are immediately south of the WHS and form an important part of its setting, in particular that of the grade I listed Palace of Westminster. The World Heritage Site has the highest importance in terms of heritage assets.

The form and openness of the Garden allow for striking views of the WHS. The powerful 'V' shape of the Garden, only emphasised by the two lines of mature plane trees, directs the gaze of visitors towards one of the most significant views of the Palace of Westminster with Victoria Tower and the south side of the Palace in full view and the top of the Elizabeth Tower in the background. There is little foreground clutter to obstruct this view and, along with the view of the Palace from the other side of the river, this view must rank as one of the iconic views of the Palace. The protection of this view is considered to be fundamental to protecting this part of the setting of the Westminster World Heritage Site and its Outstanding Universal Value.

The proposal would obstruct this view from the southern end of the Garden. The entrance pavilion, fencing, landscaping and the vertical fins would obstruct views of the Palace to a greater or lesser extent depending on the viewpoint, but all views from the south end of the garden would be blocked to some extent. Beyond the Holocaust Memorial and Learning Centre, towards the middle of the Garden, an uninterrupted view of the Palace would be maintained, but nevertheless the significance of the view would be diminished by its presence and its associated structures and landscaping.

Historic England consider that the proposal would not significantly harm the Outstanding Universal Value of the World Heritage Site. However, the International Council on Monuments and Sites (ICOMOS) raise strong objections. ICOMOS works for the conservation and protection of cultural heritage places around the world and advises UNESCO on the World Heritage Sites. As stated above, UNESCO has expressed general concerns about the lack of both understanding and protection of the Outstanding Universal Value of the World Heritage Site. It considers that planning decisions have already been made which have harmed the setting and Outstanding Universal Value.

They consider that the proposal would give rise to a negative visual impact on the integrity and appearance of the World Heritage Site, and it will significantly reduce the viewing distance to the WHS and change the view of the Palace of Westminster.

Like Historic England and others, they consider that there is a serious threat to plants, especially the trees, and if the trees do not survive, the proposal would have an even greater significant visual impact on the WHS. They consider that the Holocaust Memorial and Learning Centre should be relocated. If it is not, it should not proceed according to the current visually intrusive design.

The World Heritage Site does not have a Buffer Zone but ICOMOS consider that, if it did, it is probable that Victoria Tower Gardens would be included and it would be less likely that the Holocaust Memorial and Learning Centre would have been proposed in the current location.



It is considered that the objections raised by ICOMOS with respect to the Outstanding Universal Value of the World Heritage Site are valid and should be supported.

#### London View Management Framework

The Victoria Tower Gardens are within the London View Management Framework (LVMF) Townscape View: Parliament Square to Palace of Westminster (view 27B). This is a view looking southwards from the North pavement of Parliament Square. The LVMF states:

This location provides some of the best overall and internationally renowned views of Westminster World Heritage Site.

Paragraph 454 states

Looking South from Assessment Point 27B.2, a second visual interval is created between Victoria Tower and Westminster Abbey, leading the eye toward Millbank and the river beyond. Within this area, trees and delicately scaled structures form the skyline.

The west side of the Victoria Tower Gardens is a key part of this view and it is considered that this important view would be harmed if the trees were to be harmed or were to die (see below). However, the view would not be harmed by the proposal if the trees are not harmed.

#### **e. The Palace of Westminster**

The impact on the significance of the Palace of Westminster (Grade 1) is similar to that of the impact on the World Heritage Site. The proposal would cause harm to the setting of the Palace of Westminster. The relationship between the Palace of Westminster and the Victoria Tower Gardens would be radically altered, especially in views from the southern end of the garden. The Holocaust Memorial and Learning Centre would intrude on these views in a harmful way. The setting of the Palace of Westminster, which contributes positively to its significance, would be harmed, and would not be either preserved or enhanced.

#### **f. The Smith Square Conservation Area and adjacent listed buildings**

If the trees were to be harmed then the proposal would result in additional harm to other heritage assets. The trees contribute positively to the settings of the Smith Square Conservation Area, Norwest House and Nos. 1 and 2 Millbank and the river embankment wall. Harm to the trees adjacent to the conservation area and these listed buildings would harm their settings and their significance. (If the trees were not harmed then these heritage assets would not be harmed by the proposal).

### **3. The potential impact on trees and the consequences for the significance of heritage assets**

The importance of the mature plane trees to the setting and character of the Gardens has already been identified. They are a very important part of the character and significance of the gardens and they play a key, positive, role in a large number of local views.

The council's Arboriculturalist has raised objection to the proposal on the basis that there is insufficient evidence to show that the trees would not be adversely affected by the proposal. If the trees were to be harmed significantly or to be lost, the character of this space and the views they frame would be substantially harmed to the extent that the significance of the Gardens as an important, historic landscape would be more severely undermined.

Historic England are also very concerned about the potential impact on the trees. They consider that the applicant has not assessed this impact fully. Officers share this concern and consider that if the trees were to be adversely affected by the development then this would have result in additional harmful impacts on the significance of the heritage assets.

If the trees were to be seriously harmed or to die then this would increase the level of harm to heritage assets. This would have significant implications for the balancing of harm and benefits of the proposal. This is dealt with below.

#### **4. The relevant policy considerations**

##### Legislative context

In considering the proposal the council has a duty to take into account the Planning (Listed Buildings and Conservation Areas) Act 1990. Sections 16 and 66 require the council to have special regard to the preservation of listed buildings including their settings. The Courts have held that harm to listed buildings should be given great weight and importance in planning decisions. This is supported by national policy in the NPPF that requires that 'great weight' be given to the preservation of listed buildings, including their setting. Where harm is found to be caused by a development proposal affecting a listed building or its setting, planning permission / listed building consent should be refused unless that development's public benefits would significantly and demonstrably outweigh that harm.

Section 72 of the Act requires that for development proposals within conservation areas, special attention be paid to the preservation or enhancement of the character or appearance of that conservation area. As the proposed development is within a conservation area, this statutory provision is engaged. This requirement does not extend to development outside of a conservation area, although as with listed buildings, the legislation and NPPF requires that 'great weight' be given to the preservation of conservation areas, including their setting."

##### The London Plan (2016)

Policy 7.8 Heritage assets and archaeology states:

###### Strategic

A London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.

B Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.

###### Planning decisions

C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.

D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

E New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.

Policy 7.10 is also relevant and states:

Development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans.

#### The Intend to Publish London Plan (2019)

The current policies most relevant to the proposal are HC1 and HC2. Policy HC1(C) states:

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 seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

Policy HC2 deals with World Heritage Site and states:

- A. Boroughs with World Heritage Sites and those that are neighbours to authorities with World Heritage Sites should include policies in their Development Plans that conserve, promote, actively protect and interpret the Outstanding Universal Value of World Heritage Sites, which includes the authenticity and integrity of their attributes and their management.
- B. Development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value, including the authenticity, integrity and significance of their attributes, and support their management and protection. In particular, they should not compromise the ability to appreciate their Outstanding Universal Value, or the authenticity and integrity of their attributes.
- C. Development Proposals with the potential to affect World Heritage Sites or their settings should be supported by Heritage Impact Assessments. Where development proposals may contribute to a cumulative impact on a World Heritage Site or its setting, this should be clearly illustrated and assessed in the Heritage Impact Assessment.
- D. Up-to-date World Heritage Site Management Plans should be used to inform the plan-making process, and when considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plan.

#### The London Plan Examination in Public: Panel Report

The current Mayor of London considers that protection of the World Heritage Site has not been adequate and proposes great policy protection. The London Plan Examination in Public: Panel Report October 2019 deals with the issue.

## World Heritage Sites (“WHS”)

330. Policy HC2 actively responds to the findings of the International Council on Monuments and Sites/International Centre for the Study of the Preservation and Restoration of Cultural Property Mission Report<sup>150</sup>, which concluded that the current Plan had not been totally effective in preventing negative impacts on the outstanding universal value of London’s WHS, particularly in relation to the Palace of Westminster. London has four WHS<sup>151</sup>, which are not only a key feature of London’s identity as a major city, but amongst the most important cultural heritage sites in the world. For these reasons, a bespoke policy in this Plan is justified.

331. Supported by the Mayor’s supplementary planning guidance<sup>152</sup>, this policy requires those boroughs with WHS and their neighbours, through their development plans and development management, to conserve, promote, actively protect and interpret the outstanding universal value of WHS. Endorsing these internationally significant heritage sites, along with United Nations Educational, Scientific and Cultural Organisation (“UNESCO”) endorsed methodologies to protect outstanding universal values, will assist boroughs in formulating effective development plan policies and development management practices and would accord with national policy<sup>153</sup>.

332. The supporting text includes a commitment to include advice on the relationship between setting and buffer zones in supplementary planning guidance. As setting is a wider definition than buffer zone and not all WHS in London include buffer zones, this approach is proportionate and justified. It is not necessary to refer to potential WHS in this policy. If sites are inscribed<sup>154</sup> in the future, the policy will come into effect. The role of the London View Management Framework (“LVMF”) in the protection of outstanding universal values is considered below.

The current proposal, due to its impact on the setting and Outstanding Universal Value, would be contrary to the current and emerging London Plan World Heritage Site policies.

### Mayor of London’s supplementary planning guidance on setting of World Heritage Sites

The Mayor of London also published supplementary planning guidance on the settings of London’s World Heritage Sites in 2012.

In dealing with the context of World Heritage Sites the guidance states:

#### IMPLEMENTATION POINT 1

Developers, planning authorities and others envisaging change should have a thorough understanding of the physical, historical, social and economic context of London’s World Heritage Sites and the contribution their settings make to an appreciation of OUV, including their integrity, authenticity and significance. This should be reflected in plans, strategies and development proposals.

4.9 The context of each of the four London World Heritage Sites is markedly different and the ambience of each is conditioned by the character and form of its surroundings as well as other cultural, intellectual, spatial or functional relationships.

Regarding landscape and topography, it states:

4.18 Both man-made and natural landscapes are important elements of the setting of each of the World Heritage Sites. Kew and Greenwich are milestones in the history of landscape design with work by distinguished landscape gardeners, contributing to the OUV of the World Heritage Sites.

4.19 Trees often frame views in or out of World Heritage Sites providing an important contribution to the setting of World Heritage Sites. They also play an invaluable role in terms of the natural environment, improving air quality, helping to mitigate and adapt to climate change and contributing to the quality and character of the sites. The mature groups of trees in Victoria [Tower] Gardens, Dean's Yard and St James' Park provide summer shade and a foil to the formality of the stone and brick facades. Trees on the waterfront at the Tower of London have a similar softening effect and lend seasonal variety to the site. Tree management is therefore important in conserving the OUV of the sites.

With respect to views it states:

4.28 There are many views into, out of and across the London World Heritage Sites. Some views contribute more to an understanding of the significance of the site than others due to historic associations of a particular view or because the view is a fundamental aspect of design within World Heritage Sites. The ability to see clearly buildings and features which are important aspects of OUV is often fundamental to the visual integrity of the World Heritage Site. Intentional inter-visibility between different heritage assets and/or natural features may also make an important contribution to the significance of the World Heritage Site.

4.30 In addition to strategic views, local views should also be identified in OAPFs, LDFs, World Heritage Site Management Plans or Conservation Area Appraisals to help manage the setting in relation to ensuring the conservation of the OUV of the World Heritage Site. ...

With respect to settings and public realm it states:

4.37 The appreciation of the individual buildings within each of the World Heritage Sites depends substantially on the quality of the public space between and around them. Paths, streets and spaces around the World Heritage Sites should be easy to use and navigate round, and provide an attractive setting befitting the status of the sites. Ensuring the public realm is free of unnecessary street furniture and clutter will also help to enhance the setting of the sites.

The proposal does not accord with this guidance which emphasises the importance of the contribution of the setting to Outstanding Universal Value. It makes specific reference to the trees in Victoria Tower Gardens, which are threatened by the proposed Holocaust Memorial and Learning Centre. It highlights the need to protect views of World Heritage Sites, which the proposal fails to do.

#### The council's policies

The council's policies are set out in the City Plan and Unitary Development Plan.

### The City Plan policies

Policy S25 requires conservation of heritage assets, including listed buildings, conservation areas, Westminster's World Heritage Site, historic parks, squares, gardens and other open spaces, their settings, and its archaeological heritage. Policy S26 relates to protection of views, including local and metropolitan views of significance. Policy S35 states that the council will protect and enhance Westminster's open space network, and protecting all open spaces, and their quality, heritage and ecological value, tranquillity and amenity.

### The Unitary Development Plan policies

Policies DES 9 and DES 10 relate to protecting the character and appearance of conservation areas and the special interest of listed buildings and their settings.

Policy DES 12 relates to preserving and enhancing parks, gardens and squares.

- Permission will not be given for development on or under those parks, landscaped spaces and public or private gardens, where the open spaces:
- 1) form an important element in the townscape, part of a planned estate or street layout
  - 2) are characteristic features of conservation areas
  - 3) provide the setting of a listed building
  - 4) are of significant ecological value.

DES 15 deals with protection of views and DES 16 deals with the protection of the World Heritage Site. The latter states:

Permission will only be granted for developments that protect and conserve the character, appearance, setting and ecological value of the World Heritage Site

### The Emerging City Plan 2019 -2040 (Regulation 19 Publication Draft, June 2019)

The emerging City Plan includes the following relevant policies.

#### 39. Design principles

A. New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.

#### 40. Westminster's heritage

A. Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city. Public enjoyment of, access to and awareness of the city's heritage will be promoted.

B. Development must optimise the positive role of the historic environment in Westminster's townscape, economy and character and will:

1. ensure heritage assets and their settings are conserved and enhanced, as appropriate to their significance;
2. secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs;
3. place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings.

#### WESTMINSTER WORLD HERITAGE SITE

C. The Outstanding Universal Value (OUV), authenticity and integrity of the Westminster World Heritage Site will be conserved and enhanced. The setting of the site will be protected and managed to support and enhance its OUV.

D. Development will protect the silhouettes of the Palace of Westminster and Westminster Abbey and will protect and enhance significant views out of, across and towards the World Heritage Site.

E. The council will work with partners to promote the use, management and interpretation of the site in ways that protect, enhance and better communicate its OUV.

F. Applicants will be required to demonstrate that any impacts of their proposals on the World Heritage Site or its setting have been fully assessed using Heritage Impact Assessment methodology.

#### LISTED BUILDINGS

I. Development within the settings or affecting views of listed buildings will take opportunities to enhance or better reveal their significance.

#### The council's Conservation Area Audits

The council's conservation area audits for both the Westminster Abbey and Parliament Square Conservation Area and the Smith Square Conservation Area are relevant to the consideration of the proposal. It is considered that the proposal is contrary to the advice set out in these documents.

Section 8 of the Westminster Abbey and Parliament Square Conservation Area Audit deals with management proposals. It states that the audit has identified elements which the council will seek to protect. With respect to the World Heritage Site it states:

##### Preservation of the setting and iconic views

There is currently no buffer zone which would help sustain the special qualities of the setting of the World Heritage Site. Large development beyond the boundary may pose risks to the World Heritage Site. Any changes in style or backdrop should be carefully considered to ensure the preservation of the iconic value of the site.

With respect to the setting of the conservation area and protection of views it states:

Any new proposal for development adjacent to the conservation area should be of high design quality and have regard to its impact on the setting of the conservation area.

The Smith Square Conservation Area Audit identifies the Victoria Tower Gardens and its mature trees as being an important contributor to its setting, and which should be protected. Harm to the trees would harm this aspect of the conservation area and would be contrary to the aims of the Audit.

#### The World Heritage Site Management Plan

Section 3 deals with the management issues of the World Heritage Site. It states:

3.1 Current pressures on the site's Outstanding Universal Value and significance

3.1.1.1 There are a number of management issues which need to be addressed if the value for which the site was inscribed is to be safeguarded for future generations. It is important to understand the ways in which the issues closely interrelate and how they may pose threats, both to the Outstanding Universal Value and the appreciation of the value.

- The maintenance of the architectural significance depends on good conservation practice but a poor visitor experience, which is dominated by noisy traffic, congested footpaths and inadequate orientation, will mean that the architectural significance cannot be appreciated to the full and tourism revenue, which helps to fund conservation works, may fall.
- The appreciation of the symbolic and iconographic importance, which depends so much on the setting of the site, the views of key buildings and the dignity of the area, would be undermined by building development which did not respect these qualities in the WHS.

3.1.1.2 Thus the issues, which now or in the future, might undermine the outstanding value of Westminster can be grouped under the following headings:

- Pressures on the architectural significance: the care and protection of the historic fabric
- Pressures on the significance of the symbolic fabric: the setting and views
- Pressures on the historic significance: the activities and uses
- Pressures on the tourism value
- Pressures on the educational value
- Traffic
- Security

3.1.2 Pressures on the architectural significance: the care and protection of the historic fabric

3.1.2.1 The Westminster WHS is a large complex assemblage of buildings and spaces, serving a multitude of purposes. Inevitably it is subject to frequent and ongoing programmes of maintenance, repairs and conservation. Without proper coordination, these works, together with occasional new developments, can combine to cause cumulative impacts on the architectural significance of the site. It is important to ensure that careful consideration is given to the potential impact of all works, however small, on the Outstanding Universal Value of the site.

3.1.2.2 Although the removal of any buildings in the WHS without due consideration is highly unlikely, the intrusion of inappropriate structures may lead to a gradual erosion of the architectural quality of the area. The temporary kiosk on Abingdon Street Gardens for ticket sales during summer access to the Palace is a relatively substantial addition. The design is of high quality and appropriate to the context. However, it may be argued that other trading kiosks around the WHS, in their design and siting, do not enhance the setting or dignity of the WHS. The striped awnings on the riverside terrace of the Palace of Westminster are a large scale example of once temporary features, now considered of significant impact and their design is currently under review.

3.1.3 Pressures on the significance of the symbolic fabric: the setting and views



3.1.3.1 Through television, film, radio broadcasts of the chimes of Big Ben and newspaper reports, the WHS is presented every day to a worldwide audience. Some 150 journalists are accredited to the parliamentary press gallery and many others work from the Millbank media centre. The setting and iconic views of the WHS are a regular backdrop for reports to camera and for press photography. This setting and symbolism could be damaged by inappropriate nearby intrusions.

3.1.3.2 There is currently no buffer zone, as defined in the operational guidelines, which would help to sustain the special qualities of the setting of the WHS. Without appropriate consideration of the sensitivities of the WHS and its setting, development beyond the WHS boundary of a large scale may pose risks to this key element of the Outstanding Universal Value. Any changes to the style or backdrop of the WHS from many angles, must be carefully balanced against the need to preserve the iconic value of the site.

The Management Plan includes objectives.

Objective 1 is:

To safeguard the Outstanding Universal Value for which the Westminster WHS was inscribed which are embodied in the buildings, spaces, monuments, artefacts and archaeological deposits within the site, the setting and views of and from it, its iconic status and the activities which take place within the WHS. The Management Plan should seek to guide, influence and advise those who are managing the organisations involved in the site.

Objective 4 is:

To consider the most effective means of coordinating the implementation of the Management Plan and associated projects and initiatives.

'A living, sustainable place, where the Outstanding Universal Value and architectural, symbolic, historic and other significances are safeguarded'

Achieving a coherent World Heritage Site within a boundary that reflects its Outstanding Universal Value

Paras 5.1.2.3 to 5 refer to the World Heritage Site boundaries and adjacent areas.

5.1.2.3 The existing WHS is contained in two separately bounded areas, on either side of a major traffic route, St Margaret Street/Abingdon Street. This route follows the historic route through the Palace of Westminster, albeit slightly re-aligned for the construction of the New Palace buildings. The road overlies archaeological deposits related to the early periods of the Palace and Abbey.

5.1.2.4 In addition, key parts of the Palace of Westminster, notably Portcullis House, are currently excluded from the WHS. Portcullis House is a working part of the modern parliamentary complex, housing the offices of MPs and committee rooms etc. In keeping with the rest of the Palace, the building was designed by internationally renowned architects and was built to last for several centuries. Both Abingdon St and Portcullis House therefore share the Outstanding Universal Value of the WHS.

5.1.2.5 Other key spaces, which, in addition to their intrinsic significance as historic places, share the Outstanding Universal Value of the WHS, are also

excluded from the current WHS boundary. They are Victoria Tower Gardens, Parliament Square, Abingdon Street Gardens and part of Old Palace Yard.

### UNESCO and Outstanding Universal Value

In 2017 the UNESCO Mission visited and reported on the World Heritage Site . The World Heritage Committee then made a number of comments on the state of the World Heritage Site. The Mission and Committee considered that there had been inadequate appreciation of the Outstanding Universal Value of the World Heritage Site and a failure to protect it. New development harmful to the Outstanding Universal Value had been permitted. It stated that the Committee:

3.Takes note of the State Party's efforts to strengthen the policy and planning framework through guidance documents, but notes nevertheless that there is still an inadequate urban planning framework to manage development in the setting of the property, with the result that developments, which have been approved contrary to the advice of English Heritage, are causing cumulative negative impact on the OUV of the property;

7.Recommends therefore, that planning policies be reconsidered to ensure that balancing between protection of OUV and the other benefits of development projects is more strongly weighted towards the requirement to protect OUV, in accordance with the obligations of the State Party under the World Heritage Convention, and underlines the need to link the strategic city development vision with heritage-led regulatory planning documents in order to provide clear legal guidelines to manage all World Heritage properties in London in a consistent manner.

10. Taking note of the 23 recommendations of the 2017 Reactive Monitoring mission, to identify potential courses of action to address ways of strengthening protection, including planning frameworks and management structures and limit the impacts development projects and other current planning applications on the OUV of the property, and requests furthermore the State Party to expedite their implementation;

The current proposal is contrary to the objectives of the Management Plan and to the aim of UNESCO to ensure that the setting and Outstanding Universal Value are protected to a greater degree than they have been in recent years.

### The NPPF

Paragraph 189 of the NPPF states:

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (Para 189)

Paragraph 192 states:

In determining applications, local planning authorities should 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.

Paragraph 193 deals with the consideration of potential impacts and states:

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 harm, total loss or less than substantial harm to its significance.

Paragraphs 194 to 196 state:

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. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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 substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As the NPPF defines a World Heritage Site as a designated heritage asset, great weight should be given to its conservation and substantial harm to a World Heritage Site's significance (the heritage aspects of its Outstanding Universal Value) or total loss of the site should be wholly exceptional.

Paragraph 200 states:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

It is considered that the proposed Holocaust Memorial and Learning Centre fails to comply with the council's policies and the NPPF, because of the level of harm to heritage assets as identified above.

## **5. The degree of harm caused**

As stated above, if the trees are unaffected, it is considered that the proposal may be considered to cause less than substantial harm. This harm would be towards the very high end of the scale of "less than substantial", that is, almost equating to substantial harm, but not quite. The heritage assets affected would be:

- The Victoria Tower Gardens
- The listed memorials in Victoria Tower Gardens, especially the Buxton Memorial
- The Westminster Abbey and Parliament Square Conservation Area
- The World Heritage Site
- The Palace of Westminster

It is considered that the other heritage assets referred to in this report would not be harmed if the trees were unaffected.

However, there is serious doubt about the long term future of some of the mature trees in the Victoria Tower Gardens if the proposal was to proceed. Officers consider that inadequate information has been provided to demonstrate that the proposal could be carried out without harming the trees.

If the trees were to be harmed significantly so as to reduce their visual value, or to die and be removed, then the overall heritage impact on the significance of

- The Victoria Tower Gardens,
- The Westminster Abbey and Parliament Square Conservation Area
- The World Heritage Site
- The Palace of Westminster

would be tipped into the level of substantial harm. The LVMF View 27 may also be harmed. (If the trees are unaffected then the View is not harmed).

If the trees were to be harmed significantly the additional (but less than substantial) harm would be caused to the setting and significance of:

- The Buxton Memorial
- The Smith Square Conservation Area
- The adjacent listed buildings – Norwest House and Nos. 1 and 2 Millbank.
- The river embankment wall.

If the harm is then considered substantial, NPPF paragraph 195 would be relevant in considering the application. This states that where there would be substantial harm to a heritage asset consent should be refused unless the harm is necessary to achieve substantial public benefits that outweigh the harm or if four specific conditions apply. These refer to heritage assets which are redundant and incapable of beneficial use and have no relevance to this proposal

If Members are not satisfied that it has been demonstrated that the trees will survive and remain substantially unaffected they should consider the proposal within the terms of substantial harm and paragraph 195 of the NPPF. This is a higher level of test than that if the harm is less than substantial. Planning permission should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

If it can be demonstrated that the trees can be retained and will not be harmed seriously, then the application can be considered by reference to paragraph 196 of the NPPF, relating to less than substantial harm.

Both tests require a consideration of the balance of harm and benefits resulting from the proposal. This weighing up exercise is dealt with later in this report.

## **9.4 Trees**

### **Trees in Victoria Tower Gardens**

44 London plane trees within Victoria Tower Gardens are protected by virtue of being within the Westminster Abbey and Parliament Square Conservation Area. They are of very high amenity value, as individuals, as a group, and in their contribution to the wider townscape and to the significance of heritage assets. They frame Victoria Tower Gardens which is a grade II listed garden on Historic England's Register of Historic Parks and Gardens, and are part of the green ribbon of plane trees in central London which line the Thames. They contribute to the setting for the Houses of Parliament within the adjacent Westminster World Heritage site. Their safe retention is essential on the basis of their very high amenity value and townscape contribution.

The applicant categorises all but 4 of the trees as 'A' grade according to the British Standard. 4 trees are B category trees according to the applicant, and although these trees do have some defects and/or are of poorer form, it is not considered that their issues are so severe as to downgrade them. The applicant sets out the A grade trees are specifically 'A2 mainly landscape qualities', which is agreed, though there is a crossover with A1, trees 'that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)'. Notwithstanding, the grade of the trees is not considered a matter of great contention as they are all proposed to be retained.

### **Original supporting documents**

The following plans and documents were originally submitted in relation to trees:

- Arboricultural Impact Assessment dated December 2018 (Inc. Appendices 1 - 4)
- Environmental Statement (Volume 5) Appendix C Construction Management Plan dated December 2018
- Design and Access Statement (DAS) pp124-125
- Structural Methodology Statement dated December 2018 – Appendix B  
Geophysical report section 5 p.13
- Planning Utilities Statement dated December 2018

The submitted information relating to the impact on the trees is found in various documents, including but not restricted to the Arboricultural Impact Assessment dated December 2018, the Design and Access Statement, the Structural Report, the Environmental Statement (Volume 5) Appendix C Construction Management Plan, and the Planning Utilities Statement dated December 2018.

This dispersal of information is incoherent and makes assessment of the likely impacts of the proposed development on the retained trees difficult. As such, the impact on the trees is considered to be inadequately assessed in the submitted documentation.

## **Impact on retained trees**

The impact on the trees is underestimated because the Root Protection Areas (RPAs) are not plotted in accordance with BS5837:2012, and because the impact of tree root damage is likely to be greater than that anticipated in the submitted documentation.

In addition, some impacts are not considered, and some are inadequately considered. Detailed construction management proposals and additional information is required to provide a fuller understanding of the likely impact on the trees. Whilst the Arboricultural Impact Assessment Addendum dated April 2019 and the Environmental Statement (Volume 5) Appendix C Revised Construction Management Plan April 2019 (CMP Apr 19) includes more information, only a partial assessment of the impact of the development on the trees has been provided - many potential impacts are not considered or are not properly considered.

## **Root Protection Areas (RPAs)**

The RPAs of the trees have been plotted inconsistently in the Arboricultural Impact Assessment. On the east side of VTG (River Thames) the trees are shown to have square RPAs offset from the river wall. On the west side (Millbank) they are shown as symmetrical and circular. This inconsistency is inadequately accounted for in the respect of recommendations in BS5837:2012 which sets out that 'Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution'. The RPAs of the trees should be adjusted in accordance with BS 5837:2012 to better represent the likely impact of the proposal on the trees.

### **East side of VTG**

It is self-evident that the trees are unlikely to be rooting beyond the retaining wall towards the River Thames. The Arboricultural Impact Assessment sets out that the RPAs are plotted as a square 'to allow better protection of root growth parallel to the retaining wall as well as a better liner area of protection within the open space', but there is no sound arboricultural reason to assess the trees as having a square RPA.

It is more likely that the trees are rooting preferentially westwards, into VTG, and less likely that the RPAs of the trees overlap on a north to south axis. As such, the trees are likely to be rooting into a larger proportion of the proposed excavation envelope than currently depicted, and into areas where other development and construction activity is proposed.

### **West side of VTG**

The RPAs of the trees adjacent to Millbank are shown extending into the carriageway of Millbank. The Arboricultural Impact Assessment justifies this on the basis that this was deemed reasonable before the appointment of the current arboricultural consultant, and although the carriageway is inhospitable for feeding roots of the trees, it is 'entirely possible' root growth for stability and anchorage is occurring.

Whilst it is possible that there are structural roots below the carriageway of Millbank, it is improbable, and is not supported by any root investigation. Given that tree roots are opportunistic, and will grow preferentially into areas where moisture, nutrient and aeration are more favourable, a sound arboricultural judgement is that it is more likely that the trees are rooting preferentially eastwards into VTG, and it is less likely that they are rooting to any extent below the carriageway of Millbank.

With regard to the rooting of these trees below the pavement on Millbank, the Arboricultural Impact Assessment says, 'a proportion of each tree root plate will be found under the pavement'. This may or may not be the case, and is not supported by any root investigation, but with reference to the Planning Utilities Statement December 2018, it appears there are constraints to rooting below the pavement.

### **Tree root investigations**

The conclusions in the submitted root investigation reports (Appendices 3 and 4 of the Arboricultural Impact Assessment dated December 2018), and in the Design and Access Statement (DAS) and Geophysical Report (Appendix B of the Structural Report) are contradictory.

Taking into account the constraints on tree root distribution set out above, the roots found in the trenches and the known deep rooting habit of London planes to 5 or more metres in depth, it is a reasonable arboricultural judgement that significant roots of the trees will be severed in order to accommodate the excavation. If the applicant seeks to demonstrate the case that the impact on the trees as a result of root loss is limited as a result of the excavation, additional deeper trench investigations will be required within VTG. If the applicant is also relying on a judgement that trees roots are growing to a significant degree below the pavement and carriageway of Millbank, additional investigation will also be required outside the gardens.

Three root investigation reports are referenced in the original submitted documents but only two were provided. The 'Root Investigation by Tree Radar Technical Note' (Appendix 3 of the Arboricultural Impact Assessment dated December 2018) sets out that it is 'a companion report to the detailed 'Tree Radar report SHA 621 Victoria Tower Gardens, Millbank, London Tree Radar report March 2018'. This latter report has not been submitted. The findings of the submitted report set out that newly released software allowed the findings of the original (unsubmitted) report of roots below 1m depth to be updated, as what were originally thought to be roots are now identified as 'clay nodules'. The report therefore finds that the trees are not rooting below a depth of 1m 'along any of the proposed building lines and trenches, with roots rarely found beneath the paths which cross the grass area'.

These findings are incomplete, unsubstantiated, and do not reflect a soundly based arboricultural assessment of root distribution. The original findings of roots below 1m depth have been revised, and opinion added that these original findings were 'clay nodules' rather than tree roots. The conclusion that 'the trees are rooting throughout the grass area and likely beneath the highway to the west of the site' is unsubstantiated by root investigation below the pavement or carriageway of Millbank, and does not address the trees on the east side of VTG. The suggestion that 'along the proposed building lines the trees are still rooting, but at very low rooting densities and at depths not below 1m', is not borne out by trench investigations, and even if it were accepted as a sound arboricultural assessment, does not account for the additional impacts which are addressed below. The suggestion that the trees are rooting into VTG at a depth of predominantly only 20-40 cm below ground level, on the basis that 'clusters of fine roots, which can be detected by the Tree Radar, but which are blown away by the air spade and as such would not be recorded' is improbable, and at odds with the findings and analysis of the trench investigations by Canopy Consultancy's Root Survey Report dated September 2018 (Appendix 4 of the Arboricultural Impact Assessment dated December 2018).

The majority of tree roots found in the trench investigations were found below a depth of 60cm. Fibrous roots were noted in all of the trenches in low numbers at various

depths. None were noted in the top 10cm. The analysis of the report is the 'compacted nature of the excavated material found in the trenches provides a poor rooting environment, and it appears as though the trees have taken advantage of the looser material beyond 100cm depth', and '...60% of roots uncovered are deemed to be significant. Their size suggests they are likely to be the start of a substantial rooting area used for the uptake of water and nutrients'.

The assessment that the trees are rooting into the soil at depths below the investigation trench is a reasoned arboricultural judgement.

The Design and Access Statement (DAS) pp124-125 sets out that 'primary findings of the investigation was a scarcity of roots in the upper 400 mm of soil, with the majority of roots location in the 600mm -1000mm zone. A large proportion of the identified roots were 25 mm or less, and defined as not significant.' This statement presents a different opinion to that in the tree root radar report and the Canopy Consultancy report. For the reasons set out above it is improbable that significant roots of the trees will not be severed to accommodate the proposed excavation.

The Geophysical Report section 5 p.13 (Appendix B of the Structural Report) sets out that 'It is possible that the majority of the roots radiate away from the gardens. Although given the proximity of growth restrictions in other directions (Millbank built environment on one side and the river wall and brackish water of the Thames Tideway on the other) this seems unlikely.' This concurs with a reasoned arboricultural assessment that the trees are most likely to be predominantly rooting into VTG.

The Arboricultural Impact Assessment takes the view that roots providing anchorage and support to the trees will not be affected by the proposal, and makes the case that in view of the likely nature of the roots that will be severed and the presence of adventitious roots and root grafts close to the base of the trees, the impact on the trees will be less than might otherwise be anticipated.

This is rather a theoretical argument, not borne out by root investigation, and seems to be based on the premise that the sole impact on the tree roots is the proposed excavation. The trees are likely to be rooting preferentially into VTG, and as such the impact of the proposed excavation is likely to be greater than would otherwise be the case. There may or may not be adventitious roots and root grafts between the trees close to their bases, but given the advantageous rooting conditions into the gardens, even if this were the case, it is not considered that this can mitigate significantly for the likely harmful impacts of the development on the trees.

### **Tree canopies**

The Arboricultural Impact Assessment identifies 9 trees to be pruned by lifting the canopies to provide clearance either for vehicular access or the proposed memorial fins. Whilst the proposals for pruning are not considered contentious, the need for additional tree pruning for operational, site logistics and construction management reasons, or in order to account for dieback or dysfunction in the tree canopies as a result of the cumulative impacts of the proposal, are likely to be greater than identified.

### **Arboricultural Impact Assessment**

The assessment of the impacts of the proposal in the Arboricultural Impact Assessment are incomplete and insufficient. Site specific detail is required in order to assess the impact on retained trees.



No arboricultural impact assessment plans have been submitted to demonstrate the combined and cumulative impacts of the proposed development on the retained trees such as excavation for the learning centre, site accesses and security measures, as well as the level changes and construction operations which will take place in the vicinity of trees.

### **Tree protection, arboricultural method statement and construction management plan**

Insufficient details of practical, site specific tree protection measures and methods have been submitted. The Arboricultural Impact Assessment sets out that draft tree protection measures including associated discussions are included in the Construction Management Plan (CMP). (Environmental Statement (Volume 5) Appendix C). The CMP says 'reference will be made to the final Arboriculture Method Statement for the recommendations proposed for the project to mitigate damage to all trees...'

Given the complex nature of the proposed development, the intensity and nature of the proposed construction activity and the limited nature of the impact assessment, insufficient detail has been provided to demonstrate that the trees could be protected adequately for the duration of construction.

### **Revised plans and additional supporting documents**

The applicant formally submitted revised proposals on 26 April 2019 making amendments that included rationalisation of the Learning Centre basement footprint. The amended plans moved the basement and structures away from the trees in some areas, but not by a significant degree.

Additional plans and documents were submitted in relation to trees. These include:

- Environmental Statement (Volume 5) Appendix C Revised Construction Management Plan dated April 2019
- Arboricultural Impact Assessment Addendum dated April 2019 (including Appendices A - C)
  - Root Survey Report - Security Measures by Canopy Consultancy dated April 2019 (ref. 18-660 Root Survey report -02) (Appendix B to Arboricultural Impact Assessment dated April 2019)
  - Root investigation by Tree Radar by Sharon Hosegood Associates dated 23 March 2018 ref SHA 621) (Appendix C to Arboricultural Impact Assessment dated April 2019)
- Root Investigation by Tree Radar – further information by Sharon Hosegood Associates dated 19 April 2019 (ref. ref SHA 621) (Appendix C to Arboricultural Impact Assessment)
- Root Investigation Report by Sharon Hosegood Associates dated 07 June 2019 (ref. SHA 621)
- Bartlett Consulting letter dated 16 August 2019 'Formal arboricultural comments and further recommendations following ground investigations' (ref JH\_JPL/190181/R1)
- Bartlett Consulting letter dated 16 August 2019 'Interpretation and Further Recommendations Following Soil Sampling and Analysis' (ref. JH/190181/R2)
- Dr Frank Hope Report August 2019

- Ground investigation report by Ground Engineering dated August 2019 (ref. C14757)

The additional supporting documents are presented in a piecemeal fashion. Save for the Environmental Statement (Volume 5) Appendix C Revised Construction Management Plan April 2019, documents have not been revised, but only added to, so there are conflicting remarks about trees, root distribution and tree protection in the submission.

Whilst the Arboricultural Impact Assessment Addendum dated April 2019 and the Environmental Statement (Volume 5) Appendix C Revised Construction Management Plan April 2019 (CMP Apr 19) include more information, only a partial assessment of the impact of the development on the trees has been provided - many potential impacts are not considered or are not properly considered.

### **Trees Summary**

The Arboricultural Manager recommends refusal on the basis of inadequate arboricultural assessment and tree protection details.

The root protection areas (RPAs) of the trees have not been plotted in accordance with the British Standard 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'.

The likely root distribution means that the impact of the development on the trees is likely to be greater than anticipated in the Arboricultural Impact Assessment dated December 2018 (AIA Dec 18) and the Arboricultural Impact Assessment Addendum dated April 2019 (AIA Apr 19). This view is further informed by the trial pit excavations in the Ground investigation report by Ground Engineering (August 2019), which finds significant roots to a depth of 2.1 m

The trees are likely to be rooting into the area of the basement excavation and inadequate detail has been provided about the basement excavation methodology, piling and construction methodologies and the potential for trees to re-root above the proposed basement.

The submitted tree protection details in the Revised Construction Management Plan dated April 2019 are inadequate given the likely cumulative impacts on the trees, the limited space available and the complex nature of the proposed development.

As such the impact on the trees is likely to be underestimated. It has not been satisfactorily demonstrated that unacceptable harm to, and/or loss of, trees would not arise as a result of the proposed development because inadequate and conflicting information has been submitted. As such it is not possible to carry out a proper assessment of the impact of the proposed development on trees within Victoria Tower Gardens, together with the effectiveness of suggested mitigation. Moreover, damage and/or loss to trees would be detrimental to the visual amenities of the area, and would have a further adverse effect on the significance of heritage assets.

A significant number of consultation responses raise concerns about the proposals impact on the mature trees in Victoria Tower Gardens. These include objections from The Thorney Island Society, The Cathedral Area Resident's Association, Historic England, The Royal Parks, The London Parks and Gardens Trust, The Garden's Trust and numerous individuals. In addition, comments have also been submitted by another tree specialist 'Jeremy Barrell Tree Consultancy' who states, 'On this project, I am

acting in the capacity of an independent expert and not as a paid advisor to any party'. Barrell Tree Consultancy considers that the proposed submission does not reliably demonstrate that the proposal can be implemented without adverse impacts on the health, life expectancy, and visual amenity, of trees of national importance.

## 9.5 Open Space

Victoria Tower Gardens is an area of usable green space managed by The Royal Parks. The Gardens are publicly accessible between 7.30am and dusk in summer or until 7.00pm in winter. The open flat lawn areas make up the majority of the central core of the Park. They are formed by the paths to the periphery and crossing to features such as the Burghers of Calais and Buxton Memorial. The Gardens also include the Horseferry Playground and a refreshments kiosk at its southern end.

The gardens hold demonstrable community significance for the many communities and workers living-in and visiting this densely populated area of Westminster. They are well used. Users value the Gardens as a quiet, green oasis as well as a venue for play, picnicking, visiting the sculptures (particularly the Buxton, Burghers of Calais and Pankhurst), ballgames, fitness training, walking, dog-walking and enjoyment of nature as well as local activities and events.

The location makes the Gardens an important respite for office workers and tourists visiting the area. Its contribution to the local population's health and wellbeing is considerable. Most local residents do not have any access to gardens and Victoria Tower Gardens provides access to nature and open space which offers considerable health benefits.

The Gardens provide vital services for wards (St. James's and Vincent Square) where very significant numbers of children are obese (23-30%). St James's and Vincent Sq. wards are in the 30-40% most deprived in the UK for the average overall rank. This rises to 40-50% for some local areas within these wards near to Victoria Tower Gardens, making the benefits of the play and open space provision to the health and well-being of the residents very important.

Due to the location close to major tourist attractions and the view of the river and the Houses of Parliament a large proportion of visitors are tourists.

The existing number of users of the gardens was clarified in Transport Assessment within the Environmental Statement. The baseline usage of the park on a Saturday was recorded as a total of 8,314 entries, with peak occupancy of 322 people. On a weekday the total number of entries was 5,895 with peak occupancy of 384 people.

The London Parks and Gardens Trust have produced a report entitled 'Victoria Tower Gardens: Conservation and Significance Statement' (January 2019) which analyses the gardens in detail. It summarises the Garden's key social and ecological significance lies in the following:

- its importance as a valued open space for recreation and relaxation as refuge from the noise and frenetic activity of the nearby major tourist areas, both for visitors and local residents and workers
- its amenity provision in an area with very limited access to open space and nature
- its potential as wildlife habitat, providing cover and food in a wildlife corridor in a very heavily urbanised area

- its mature tree growth mitigating noise and air pollution, particularly given the characteristics of the London Plane.

Officers agree with this assessment.

### **Impact on Open space**

The proposed memorial and learning centre would occupy a significant part of Victoria Tower Gardens. Some of this will be covered by a grass mound (with its projecting fins) and some by buildings and hard and soft landscaping.

The spaces between the fins of the Memorial will form the entrance to the Learning Centre, which will be located below the gardens and laid out over two levels; a basement and mezzanine level. This will require excavation of the site to a depth of approximately 8m and would provide an internal floor area of 3258 sqm.

The application form states that the total area of the gardens is 16300 sqm. However, it is noted from the applicant's site plan that it does not include an area of the park adjacent Parliament beyond the Burghers of Calais Memorial. The London Parks and Gardens Trust consider the total area of the park is 19078 sqm whilst the GLA consider it to be 25000 sqm. Officers consider the total area of the park is approximately 19000 sqm. The footprint of the proposed development is approximately 4500 sqm. (N.B. the applicant has yet to confirm the exact footprint of the development including reasons why their red line site plan does not extend beyond Burghers of Calais Memorial).

Following development, the area of park no longer freely accessible is approximately 1594 sqm or 7% of the existing open space within Victoria Tower Gardens. This area includes the entrance pavilion, memorial courtyard, and memorial fins, which would be enclosed by a secure perimeter.

The grass mound with its projecting memorial fins would cover the northern end of the learning centre and would comprise an area measuring approximately 700 sqm. (N.B. the applicant has been asked to clarify this figure). The grass mound is intended to be a freely accessible area for the public up to a defined boundary near its southern edge towards the memorial fins. The grass mound would replace a significant part of the existing flat lawn area, which makes up the central core of the park and which is presently used for informal play and recreation. It is considered that this area would be of lesser quality for informal play or recreation in comparison to the existing flat grass lawn. The grass mound may be considered by visitors an inappropriate location for informal play and recreation because of its sloping hill and also because it is integral to the memorial and learning centre.

The existing Horseferry Playground/ Refreshments Kiosk/ and Spicer Memorial at the southern end of the site are to be retained but repositioned further south of their current position by approximately 9.6 metres. The Horseferry Playground would be redesigned and a new refreshments kiosk provided, positioned in the southernmost portion of the site, close to the existing public toilets. The location of the memorial and learning centre would separate the Horseferry Playground from the remaining reduced lawn area.

In addition to the physical works, the proposals would generate a significant amount of increased pedestrian activity within the park. The number of existing and proposed users of the gardens was clarified in Transport Assessment within the Environmental Statement. The memorial and learning centre is expected to attract approximately

3,650,000 total visitors per year. The number of ticketed visitors to access the secure area (Memorial Courtyard and Learning Centre) is indicated to be 3000 per day, with an additional estimated 7000 entering the park to view the memorial only.

The number of people within Victoria Tower Gardens will increase significantly as a result of additional visitors to view the memorial from the exterior in addition to the number of ticket holders walking to the memorial and learning centre entrance. It is anticipated that the number of pedestrians inside the gardens will increase from 384 to a maximum of 1,269 people at any one time.

### Consultation response

The proposals have received support from the GLA and numerous individuals. Supporters cite that the proposals would result in restricted access to approximately 7% of the existing open space at Victoria Tower Gardens and that there would be wider improvements to the quality of the remaining open space.

Objections have been received from The Royal Parks, The London Parks and Gardens Trust, The Garden's Trust, The Thorney Island Society, The Westminster Society, The Cathedral Area Resident's Association and numerous residents, workers and visitors to the area on the grounds that the proposals would result in the loss of green open space and harm the character and function of Victoria Tower Gardens.

The London Parks and Gardens Trust comment that "While the applicant's proposal takes up 7% of the total park area with above ground buildings and the fenced, inaccessible plaza/ramp into the learning centre, the development actually reduces the open, usable, accessible, recreational garden space by 26%, with the additional hard standing, service access and access paths".

A primary concern raised is that the proposed choice of location is wrong and that there should be no development in a public park that leads to the loss of green open space and recreational land. The significant number of consultation responses indicate that Victoria Tower Gardens is much used and cherished by residents, workers and visitors alike. Its use as a meeting and sitting out area as well as place for active recreation and leisure, would contribute greatly to the quality of life of those who live, work or visit the area.

Objectors are concerned that the proposals will change the character and function of Victoria Tower Gardens, for example the Thorney Island Society consider "the proposals will change forever the use of a much loved and well-used park into a sombre, security patrolled civic space". The London Parks and Gardens Trust consider "It will turn a calm garden space into a cluttered, visually congested, urbanised landscape, especially at the south end".

There is also concerns that the changes to the children's playground would affect existing users given that is reduced in size, cut off from main grass area, and will become congested with the increased volume of people using the new refreshments kiosk before or after visiting the memorial and learning centre may affect playground users. Concerns are also raised that a sombre monument is incompatible next door to a children's playground and that it would no longer be appropriate to use the mound as an area for informal play or recreation.

### Open space policy context

Land in Westminster is scarce, under intense competition, has a high monetary value and is built upon, with the exception of open space and public realm/highway. This means that new open space to alleviate current deficiencies and meet growing demands is very difficult to achieve, and therefore all open spaces must be protected.

The quality of open spaces provides opportunities for increased activity in relation to organised sport, recreation, children's active play, and walking and cycling both for recreation and as a means of transport. There are clear links between low levels of physical activity and the increased risk of obesity, with its associated impact on health.

Ninety percent of residents live in flats, further increasing the importance of open spaces as a particularly valuable resource to the social well-being and healthy lives of Westminster's residents.

The importance of open and green spaces along with the role of local authorities in protecting, managing and enhancing them, is recognised in a range of national and local policy documents and frameworks.

### Westminster City Plan (2016)

VTG is in the south area of the city. At Part V: Creating Place, paragraph 5.54, the Plan recognises that there is a deficiency of public open space in the south of the city.

It also recognises there is both an overall and localised shortage of open space in Westminster.

A relevant policy within the City Plan is Policy S35 'Open Space' which states:

The council will protect and enhance Westminster's open space network, and work to develop further connections between open spaces. The council will seek to address existing public open space deficiencies, including active play space deficiency, and current and future open space needs by:

- Protecting all open spaces, and their quality, heritage and ecological value, tranquillity and amenity;
- Mitigating additional pressure on open spaces by securing new improved public open space in new developments; space for children's active play; and seeking public access to private spaces; and
- Securing contributions to improving the quality, ecological value and accessibility of local public open spaces and delivering new open spaces from under-used land.

### Westminster open spaces and biodiversity strategy - 'A Partnership Approach to Open Spaces and Biodiversity in Westminster' published in March 2019

The open spaces strategy states:

The council reflects the aims of the Mayor's London Plan in its own planning policy, with a clear strategic objective within Westminster's City Plan to: "protect and enhance Westminster's open spaces, civic spaces and Blue Ribbon Network, and Westminster's biodiversity; including protecting the unique character and openness of the Royal Parks and other open spaces; and to manage these spaces to ensure areas of relative tranquillity in a city with a daytime population increased every day to over one million workers and visitors."

The strategy recognises the Importance of Open Space and Green Infrastructure and states:

The benefits of open space and green infrastructure to individuals and communities are broad ranging. Providing green spaces and places for nature improves the health and wellbeing of individuals, increases resilience to climate change, improves air quality and enhances biodiversity, while also delivering economic benefits and driving local growth and prosperity. It is also one of the most effective ways to address health inequalities in the community

In the Evidence Base section of the strategy, it recognises through its Community Engagement section that:

- Main reasons for visiting (open spaces) are to get fresh air, to get away from the hustle and bustle of the city and to spend time in a natural environment.
- Quiet, informal recreation was by far the most popular purpose for which people use open space in Westminster. Walking was the most popular active pursuit.

#### Emerging City Plan 2019 -2040 (Regulation 19 Publication Draft, June 2019)

Policy 35C relates to Open Space and states:

All open spaces and their quality, heritage and ecological value, tranquillity and amenity will be protected.

#### Westminster Unitary Development Plan (2007)

UDP Policies ENV15 and DES12 relate to open space within Westminster and seek to protect and enhance these open spaces. Of specific relevance to the proposals is Policy ENV15, which states:

(A) Planning permission will not be granted for development on, or under public or private open space of amenity, recreational or nature conservation value, unless the development is essential and ancillary to maintaining or enhancing that land as valuable open space.

#### Other Westminster Council Strategies

In addition to this statutory planning context, the council's strategic approach to open spaces shares important connections with a wide range of Westminster's other policies and strategies. For example, these other council policies and strategies relate to Walking, Cycling, Childhood Obesity, Active Westminster, Joint Health and Wellbeing, Air Quality and Greener City Action Plan.

The proposal is contrary to the council's planning policies and advice as set out in S35 of Westminster's City Plan (November 2016); ENV15 of our Unitary Development Plan; and within Westminster's open spaces and biodiversity strategy - 'A Partnership Approach to Open Spaces and Biodiversity in Westminster'. These council policies and strategies seek to protect and enhance open space. The proposed development would not only result in a quantitative loss of public open space within Victoria Tower Gardens, but would also reduce the quality of the remaining open space. This is as a result of the associated increased visitor activity, the development's impact on the flat lawn area including the creation of the mound, and its location separating the playground from the remaining lawn areas. This would harm the function of the Victoria Tower Gardens as an open space for active recreation and relaxation and would be of particular detriment to those who live and work in the area.

## London Plan

The Mayor of London's London Plan aims to protect and promote London's open spaces and green infrastructure. Key relevant policies in this plan include the requirement for planning authorities to audit, manage and protect existing green spaces and infrastructure and develop priorities for addressing deficiencies

London Plan Policy 7.18 and draft London Plan Policy G4 seek to protect open space, noting that the loss of protected open space must be resisted unless equivalent or better quality provision is made within the local catchment area.

The Mayor also wants to make London the world's first National Park City, with high quality green spaces that encourage and provide more space for healthy living. The Mayor's commitment to valuing green infrastructure is also outlined in the London Infrastructure Plan 2050.

At London level, the proposed development conflicts with London Plan Policy 7.18 and draft London Plan Policy G4 given that the proposals would result in the loss of protected open space, and it does not make provision for equivalent or better quality provision within the local catchment area.

## NPPF

Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land including playing fields should not be built on unless:

- (a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

At national level, the development conflicts with the NPPF given that the open space will be built and none of the exceptions in paragraph 97 apply given that it does not provide equivalent or better provision in terms of quantity and quality in a suitable location.

## Open Space Summary

Victoria Tower Garden's importance is as a valued open space for recreation and relaxation as refuge from the noise and frenetic activity of the nearby major tourist areas, both for visitors and local residents and workers.

The proposals would reduce the quantity of open space within Victoria Tower Gardens. In addition, the development and associated increased visitor numbers is considered to reduce the quality of the remaining space. As such the proposals would harm the Gardens character and function. The scale of the project (and its projected 3.6 million visitors per year) is such that Victoria Tower Gardens would inevitably become the backdrop to the Holocaust Memorial. Not only would some parts of the space no longer be available for informal recreation, but the associated increased pedestrian activity is likely to discourage local residents and workers from using the Gardens for recreation and relaxation. This would be to the detriment of those who live in, work in, and visit the area.



## **9.6 Residential Amenity (Sense of enclosure/ overlooking/ loss of light)**

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. In this location within the Victoria Tower Gardens, there will be no impact to neighbouring properties in terms of loss of light, sense of enclosure or loss of privacy.

## **9.7 Transportation/ Parking/ Highways**

The memorial and learning centre is expected to attract approximately 3.65 million total visitors per year. Entrance to the secure area (Memorial Courtyard and Learning Centre) would be ticketed but is understood that there would be no fee for this entry. While the applicant can control and manage the number of visitors that are able to access the secure area (circa one million per year), no control will be readily available for visitors who enter the park to view the memorial only. The number of ticketed visitors to access the secure area (Memorial Courtyard and Learning Centre) is indicated to be 3000 per day, with an additional estimated 7000 entering the park to view the memorial only.

The maximum capacity of the secure area is indicated to be 600 people. The hours of ticketed entry are indicated to be 09.30 to 17.30, 7 days a week. Based on 30 minutes ticket slots, this would be 150 ticketed visitors per 30 minutes throughout the day. It is noted that the applicant is proposing 205 tickets per 30 minutes and a total of 3300 per day – to allow for no shows.

Staff would be on-site outside these hours. It is indicated that there would be approximately 20 staff on-site at any one time. Visitors will be able to access the site via any of the existing gates to the gardens.

Ticketing would be managed in such a way to require that a ticket to enter the memorial would be required beforehand and not available on-site. This would reduce speculative visitor numbers – although the open element of the memorial could not be controlled in this way (similar to visitors viewing Big Ben).

### **Car Parking**

The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the proposed development on on-street residential parking levels will be minimal.

### **Waste Storage**

The proposed development has off-street waste stores which would prevent waste from being stored on the public highway.

### **Trip Generation**

It is accepted that the site is well serviced by public transport and the majority of the overall trips to the site will either be via public transport, walking or cycling. Coaches will also make a portion of the trips and be primarily linked to the ticketed entry to the underground memorial. It is accepted a high portion of trips to the site will be by people already in the area, including those visiting/viewing nearby attractions/tourist sights.

The requirement for tickets only to be secured prior to arrival/off-site is considered key in managing the impacts of visitors on the surrounding highway network, including those arriving by coach. However, this will not be able to control people who only come to visit the above ground elements.

The Applicant has clarified the baseline usage of the park on a Saturday and on a weekday. The baseline usage of the park on a Saturday was recorded as a total of 8,314 entries, with peak occupancy of 322 people. On a weekday the total number of entries was 5,895 with peak occupancy of 384 people. Section 9.2 of the Transport assessment shows the occupancy of the park throughout the day.

The number of people within Victoria Tower Gardens will increase as a result of additional visitors to view the UK Holocaust Memorial and Learning Centre from the exterior in addition to the number of ticket holders walking to the Memorial entrance. It is anticipated that the number of pedestrians inside the gardens will increase to a maximum of 1,269 people at any one time.

The additional pedestrian movement to/from the site, particularly from the Parliament Square direction, will increase the activity on the footways. In a sense, it will draw existing pedestrian activity from Parliament Square further along Abingdon Street to the Gardens. It is accepted that while this will reduce the existing free flow of pedestrian movement, the increased numbers of pedestrian movements itself will not create a road safety issue.

The applicant has undertaken a TfL Healthy Street Assessment. While it indicates a decrease in the overall score, TfL have accepted the outcomes of the assessment. It is noted the proposed development will have an impact on traffic flow along Abingdon Street with increased pedestrians crossing the road, particularly at zebra crossing points. While not an ideal impact on buses, cyclists or motor vehicles, it is accepted that the increased pedestrian activity itself would not be a road safety concern or be significantly detrimental to the operation of the highway.

### **Activity on the Highway: Coaches**

It is proposed that coaches will drop off and collect visitors from a section of Millbank, between Dean Stanley Street and Horseferry Road, on the eastern (river) side of the street. Given the volume of coaches that could arrive and depart from this location, the applicant it is now proposing the use of the existing double yellow lines (instead of previously proposed formal coach bays). This would allow coaches to use a stretch of kerb for dropping-off or picking up passengers but not park. The carriageway is already a bus lane, which is in operation Monday to Friday 07.00 – 19.00. Coach passengers would then walk into the gardens via the southern pedestrian gates.

The use of the kerb in this location would impact on the existing bus lane, used by two routes throughout the day (approximately 15 buses per hour). Significant concern is raised that coaches stopping here to pick up and drop off passengers will adversely affect bus movements along this section of Millbank and may increase journey times for passengers, due to the existing bus lane being blocked and buses having to use the main traffic lane. This is likely to not only affect passenger journey times within this section of the bus route but may also adversely affect overall bus route reliability and journey times. It is noted that TfL do not raise these impacts as a concern.

The increased use of this section of Millbank by coaches to drop off and collect visitors to the memorial will also adversely affect cyclists. The numbers of coaches stopped in

the existing bus lane either loading or unloading passengers would be significantly higher than existing buses using this section of Millbank. It is accepted that the majority of coach activity would occur outside of peak use by cyclists. However, with cycle use increasing, it is clear that cyclists use this section of highway throughout the day and would be adversely impacted by the proposed development. However, it is noted that TfL do not raise these impacts as a concern.

The use of this section of Millbank by coaches will also adversely affect pedestrian movement along the adjoining section of footway. Groups alighting from or waiting to board coaches are likely to create obstruction to the free flow of pedestrians who would be passing the site. It is noted that there are other alternative routes that will not be subject to the same level of activity. The additional activity is not considered to raise a road safety concern, if managed and controlled.

Overall, coach arrivals, departures, group management and the number of guests must be carefully managed. This could be secured via an Operational Management Plan or similar.

It is noted that the applicant has progressed coach parking bay provision with TfL on Millbank, south of Lambeth Bridge opposite Millbank Tower and Tate Britain. This will affect existing on-street paid for parking bays. It is unclear if this is actually required to support the development. It is recommended, that should the proposal be approved, further work is undertaken with the Highway Authority on the need and location of any additional on-street coach parking.

While the on-street changes to existing traffic orders to accommodate the development are limited, the impact of the development on highway users will be adverse but cannot be considered to create a significant road safety concern.

### **Activity on the Highway: Servicing**

Servicing is proposed to occur from the carriageway and within the site. The day to day level of servicing proposed by the applicant is limited (primarily waste collection and deliveries to the café element), due to the nature of the use. The provision of a formal on-street loading bay does not appear to be necessary or supported by their own evidence. Further a formal loading bay may result in use by others adding to complications with coach arrivals and departures.

There is no evidence that day to day servicing from the proposed facility needs to occur during day time hours. It is expected the servicing should be able to be controlled through a Servicing Management Plan and occur outside of key hours for other highway uses of both the development and other highway users, either late night or very early in the morning. This would then limit the impact of servicing on other highway users, including pedestrians, bus passengers and cyclists.

### **Cycle Parking**

While there is no standard for this particular use, D1 education uses require 1 cycle parking space per 8 staff. For 20 staff, 3 cycle parking spaces would be required. The applicant is proposing 4 long term cycle parking spaces.

Visitor cycle parking is proposed outside the development site and within the highway but it has not demonstrated that this could be installed without obstructing the highway. The provision of sufficient visitor cycle parking for the proposed development remains unresolved however this could have been dealt with via condition.

## **Transportation/ Parking/ Highways Summary**

A significant number of the consultation responses raise concerns that the proposal will generate increased pedestrian and traffic activity that will adversely affect the surrounding highway network. These include objections from The Thorney Island Society, The Westminster Society, The Cathedral Area Resident's Association and numerous individuals.

The proposal will generate increased pedestrian activity and while the impact on buses, cyclists and motor vehicles is not ideal, it is accepted that the increased pedestrian activity itself would not be a road safety concern or be significantly detrimental to the operation of the highway.

In terms of activity on the highway arising from coaches and servicing, it is expected that this could be controlled by condition to secure details of Coaches and Servicing Operational Management Plans. The provision of sufficient cycle parking could also be dealt with by condition.

It is noted that Transport for London consider the proposal is acceptable in transportation terms subject conditions relating to Coach Parking Management, a Travel Plan, Delivery and Servicing Plan, and Construction Logistics Plan. TfL also recommend a s106 contribution towards Lambeth Bridge improvements and 'Legible London' signage.

### **9.8 Economic Considerations**

The economic benefits of providing new jobs in connection with the operational requirements of the Holocaust memorial and Learning Centre and refreshments kiosk are welcomed.

Westminster City Plan Policy S19 (Inclusive Local Economy and Employment) requires, where appropriate, new development to contribute towards initiatives that provide employment, training and skills development for local residents and to ensure that local people and communities benefit from opportunities which are generated by the development.

An employment and skills plan and financial contribution is required under S19 and the Inclusive Local Economy and Employment Guidance Note 2019. Had the proposal been considered acceptable this would have been secured under S106 agreement.

### **9.9 Access**

The aims of City Plan Policy S28, UDP policy DES1, London Plan Policy 7.2 and draft London Plan Policy D3 are to ensure that proposals achieve the highest standards of accessibility and inclusion.

The proposals has been design based on the provision of inclusive and universal access with full consideration given to Approved Document Part M of the Building Regulations and the relevant British Standards. The memorial and learning centre would be fully accessible with lifts and ramps enabling full accessibility throughout. The proposals also involve landscaping and public realm works with the relaying and regrading of pathways which would improve accessibility throughout the gardens.

## **9.10 Mechanical Plant**

As the building is subterranean it must always be fully mechanically ventilated. The scheme includes mechanical plant within the basement in the building's southern plant room. The intake and exhaust locations for the mechanical ventilation system are integrated in the landscape of the memorial courtyard and within the memorial fins. The plant specified is a generator, AHU and ground source heat pumps although the detailed design is not yet complete. Our standard conditions would have been recommended in order to ensure our adopted noise policies are complied with to protect residential amenity. This will include a requirement to provide details of a supplementary noise report.

## **9.11 Refuse /Recycling**

The waste and recycling stores are shown to be within the basement and ground floors of the Learning Centre as well as a store within the Refreshments Kiosk. The Projects Officer (Waste) is satisfied with this arrangement.

## **9.12 Environmental**

### **9.12.1 EIA**

The Scheme requires an Environmental Impact Assessment in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The applicant has submitted an Environmental Statement by Atkins in support of their application together with subsequent supplementary clarifying and further information requests. The submitted Environmental Statement has been critically reviewed and assessed by external consultants Land Use Consultants (LUC) on behalf of the council. Their assessment has considered whether the document is sound and in compliance with the EIA Regulations, EC Directives and UK case law, as well as assessing the findings of the document and any mitigation measures proposed.

Their initial review of the Environmental Statement identified a number of areas of the Environmental Statement which required the submission of further and additional clarifying information, which the applicant subsequently provided. LUC has confirmed that the ES is regulatory compliant and provides a satisfactory review of the impacts of the proposal with the exception of the 'Townscape and Visual Impact Assessment where it was concluded that the parties agree to disagree on some of the heritage aspects of the EIA. The council does rely on these aspects of the applicant's EIA statement and has reached its own conclusions set out above .

### **9.12.2 Biodiversity**

The Environmental Statement identifies the main impacts that could affect surrounding habitats would be those related to construction and operation. Protected and notable species within the site include bats, nesting bats and invertebrates. Important ecological features have been identified as the River Thames and Tidal Tributaries Site of Metropolitan Importance for Nature Conservation (SMINCs) and commuting and foraging bats.

Potential effects on notable habitats during construction of the Scheme could include degradation of habitat due to pollution, or the disturbance effects of noise and lighting

on species. Measures to reduce the construction impacts such as noise, and lighting would be included in a bespoke Site Environmental Management Plan (SEMP).

Due to lighting and noise during construction and temporary reduction of bat foraging habitat, there is potential that there may be an impact to bats however this is not anticipated to be significant.

During operation, new lighting is to be installed as a part of the Scheme which could impact biodiversity features. The lighting strategy for the Scheme has been designed to utilise the use of ground level and directional lighting. Due to the low level of lighting to be installed, the use of directional lighting and the walls of the Thames acting as a barrier for light spill into the SMINC, it is not expected that there will be any significant effects to the River Thames and Tidal Tributaries SMINC. Furthermore, as the lighting design follows specific guidance on lighting for bats no significant effects are anticipated on foraging bats.

With the implementation of mitigation measures (SEMP), no significant effects to biodiversity are anticipated.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

### **9.12.2 Sustainability**

The applicant has followed the energy hierarchy and the proposed strategy is generally supported. The proposed development is estimated to achieve a reduction of 15 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 17%. The carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions. Had the proposal been considered acceptable a revised Energy Strategy would be secured by condition and to be agreed in consultation with the Greater London Authority.

### **9.12.3 Flood Risk**

Paragraph 155 of the NPPF states that inappropriate development in areas at a risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flooding risk elsewhere.

NPPF Paragraph 157 states that all plans should apply a sequential, risk-based approach to the location of the development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

London Plan Policy 5.12 notes that development proposals must comply with the flood risk assessment and management requirements as set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development. Developments which are required to pass the Exceptions Test set out in the NPPF and the Technical Guidance will need to address flood resilient design and emergency planning.

Draft New London Plan Policy SI12 states development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This should include, where possible, making space for water and aiming for development to be set back from the banks of watercourses.

City Plan Policy S30 states in part that all development proposals should take flood risk into account and new development should reduce the risk of flooding.

The Environmental Statement includes a Flood Risk Assessment in support of this planning application and provides a quantitative assessment of the risks arising to the site as a result of both its location and development proposals.

The Flood Risk Assessment concludes that the site lies within the Environment Agency Flood Zone 3, and is heavily protected by the Thames River flood defences, which will significantly reduce the risk of flooding on site. In the event of a breach the site would be susceptible to flooding in a 1 in 1000 (0.1%) event with the majority of the Site flooding to <1.5 m in the climate change scenario. In general, the site is located at low risk from surface water flooding and groundwater flooding.

The Environment Agency originally objected to the proposals on 7 February 2019 and 09 August 2019 on grounds that the Flood Risk Assessment (FRA) failed to demonstrate how the proposed development will be safe for its lifetime taking into consideration the impacts of climate change and did not demonstrate how the proposed development will ensure the integrity of the flood defence is maintained during the works.

In order for the development to be safe for its life time taking Climate Change into consideration, evidence had to be submitted to show that the defences can be accessed and raised in line with Environment Agency's Thames Estuary 2100 Plan, which is a long term strategy for managing tidal flood risk. The applicant had to demonstrate how the flood defence could be raised in the future to meet the demands of climate change in line with Thames Estuary 2100 requirements. The applicant had to demonstrate the wall in its raised condition can withstand any additional surcharge loading from the raising of the ground.

In relation to the integrity of the flood defences, the Environment Agency objected as it involved building works within 16 meters of a flood defence wall and it was considered that the proposed development is likely to adversely affect the construction and stability of the flood defence which will compromise its function. If the flood defence is weakened as a result of the works and breached, the site and surrounding areas will be highly susceptible to rapid inundation. The proposed works could therefore increase the risk of flooding to houses and businesses in the surrounding areas.

A revised Flood Risk Assessment was submitted on 31 October 2019. In relation to climate change it demonstrated the approach to ensuring the flood defences can be raised in the future. This included details showing how the wall, in its raised condition can withstand any additional surcharge loading from the raising of the ground; and details showing how plant and machinery will access the flood defence to carry out any required works for maintenance for future raising.

The revised FRA also demonstrated that repair works could be carried out and the integrity of the flood defence will not be impacted from the proposed development. Appendix A of the FRA showed the development on the whole meets the requirement for a minimum 16 m setback from the flood defence. However, the current existing toilet block and the new above ground café area may need foundations within the 16 m

setback. There is a raised seating area adjacent to the river wall, however this is demountable and can be removed if access or works to the wall need to be undertaken.

The Environment Agency advised on 02 December 2019 that the revised documents addressed their earlier concerns relating to climate change and the integrity of the flood defences, subject to conditions requiring:

- A strategy for maintaining and improving the flood defences including a condition survey of the existing river wall; and a scheme, based on the condition survey in, to undertake any required improvements or repairs to the flood defence prior to the construction works;
- A strategy detailing additional improvements or repairs to the flood defences if found to be necessary;
- The development to include mitigation measures identified in Appendix I of the FRA namely a 16m set back from back of granite wall at ground level; and vehicle access routes for future wall maintenance and raising works; and
- A Monitoring Action Plan.

A concern is raised that the proposals do not have a safe means of access and egress in the event of flooding from all new buildings to an area wholly outside the floodplain, however it is acknowledged safe refuge within the higher floors of the proposed development is possible. The Environment Agency advise recommend that Flood Warnings and Alerts are signed up for and emergency evacuation plans are in place.

In addition to the conditions recommended by the Environment Agency, a pre-commencement condition is recommended that would require a flood risk evacuation plan and fire escape plan to ensure early evacuation of the basement area, informed by the Environment Agency Flood Warnings.

In addition to planning permission, in line with the Environmental Permitting Regulations (England and Wales) 2016, the applicant will require a permit to be obtained from the Environment Agency for any activities including remedial works, works to demountable structures adjacent to the Thames tidal flood defence and basement excavation and construction of the memorial and learning centre which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you do not already have planning permission.

It is considered that the proposed development is in accordance with national, regional and local planning policy in relation to flood risk, subject to the recommended conditions.

#### **9.12.4 Archaeology**

Archaeological survival is expected to be high within the site, as it has not been developed since the early 20th century when the present gardens were laid out. The



construction of a substantial basement in this archaeologically sensitive location will inevitably harm undesignated heritage assets of archaeological interest. The known archaeological assets affected are non-designated assets to which paragraph 197 of the NPPF would apply requiring a balanced planning judgment having regard to the scale of harm and significance of the asset. This would include recognising that there is still a low residual risk of harm to as yet undiscovered non-designated heritage assets of archaeological interest equivalent to a scheduled monument arising from the sensitivity of the location and the impracticality of digging deep trial trenches there. It would also involve providing for the public interest in a major excavation in a highly public place.

The Environmental Statement has provided sufficient information to assess the likely risk and Historic England raise no objection subject to conditions to safeguard the archaeological interest on this site.

### **9.12.5 Air Quality**

Westminster is in an Air Quality Management Area for small particulates and nitrogen dioxide (NO<sub>2</sub>). Policy S31 of the City Plan relates to air quality and states that development will minimise emissions from static and traffic generated sources.

London Plan policy 7.14 relates to air quality. It aims to minimise increased exposure to existing poor air quality and aims for developments to be at least air quality neutral. The draft new London Plan similarly requires all development to be at least air quality neutral.

The applicants have produced an Air Quality Assessment and an air quality neutral assessment as required by the London Plan policies. The air quality neutral assessment confirms that the development proposal is not air quality neutral for transport emissions and therefore mitigation is required. Further specific information on this is required to demonstrate that the proposed mitigation e.g. the green travel plan, will ensure the development is air quality neutral. Had the proposals been considered acceptable conditions would be recommended to ensure mitigation measures identified in Chapter 6: Air Quality of the Environmental Statement.

### **9.12.6 Construction impact**

The council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. This will ensure that the site:

- will be inspected and monitored by the council's Code of Construction Practice Team
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel
- pay the charges arising from site inspections and monitoring
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP) which will need to be approved by the council's Environment Inspectorate team. The applicant has provided a draft Construction

Management Plan within the Environmental Statement that has regard to the CoCP. The document identifies that it will cover matters relating to construction programme and methodology, working hours, site logistics, environmental impact, and draft tree protection measures. Had the proposal been considered acceptable this would have been secured by condition.

### **9.13 Planning Obligations**

Had the proposals been considered acceptable the following s106 obligations would have been required to mitigate the proposal:

- i. All highway works immediately surrounding the site required for the development to occur, including any necessary changes to foot way levels, on-street restrictions, (legal, administrative and physical);
- ii. Public realm improvements;
- iii. A financial contribution towards carbon offsetting;
- iv. Management Plan (including security, operational, pre-booking system for learning centre and free public access in perpetuity);
- v. A financial contribution towards the Westminster Employment Service;
- vi. A financial contribution of (sum to be confirmed) towards updating Legible London signage payable on commencement;
- vii. s106 monitoring cost.

### **9.14 Other Issues**

#### **Crime and security**

Concerns have been raised relating to security issues with growing antisemitism, hate crime and holocaust denial. Victoria Tower Gardens is in a part of London used to high security being adjacent the House of Parliament. As such the necessary security and crowd control experience and expertise to manage visitors and associated risks are considered to be in place within the Houses of Parliament. The proposal is supported by a security report and the Metropolitan Police Designing Our Crime Officer has not raised any objection.

#### **London Squares Preservation Act 1931**

Objections have been received on the grounds that the proposals do not comply with The London Square Preservation Act pre-dates planning legislation, and was designed to protect certain squares, gardens and enclosures in Greater London. Victoria Tower Gardens is not a London Square covered by the act.

#### **Submission of comments by Big Ideas Co**

From 30 April 2019 circa 3000+ consultation responses have been submitted purportedly on behalf of individuals by an organisation called Big Ideas Co. This includes circa 3000 support comments, 58 objections, and 4 neutral comments.

The Big Ideas Co advise that they have been appointed by the applicant to carry out grassroots community engagement aimed at encouraging people who had not shared their views on the Holocaust Memorial plans to contribute to the planning process.

They say their aim is to engage people who are less 'plugged in', may not even be aware of the planning processes and whose views are no less valid. They say they have held a number of outreach events where they provided neutral information about the plans for the Holocaust Memorial and Learning Centre and gathered points of view. Participants were offered an opportunity to have the Big Ideas Co. pass on their opinions to the council.

The comments submitted by Big Ideas Co. are in response to their following two questions:

- i. What do you think of the plans for the new UK Holocaust Memorial and Learning Centre? and;
- ii. What do you think about the proposed location next to the Houses of Parliament in Victoria Tower Gardens?

The majority of comments submitted by Big Ideas Co. support the proposals and are from individuals outside Westminster. The council has received objections which raise concerns that the applicant is trying to 'rig' the planning process by appointing Big Ideas Co. Big Ideas Co. have not provided any details explaining where their community engagement exercises were carried out nor are they able to confirm the number of comments that they have submitted. Big Ideas advise that the "The total number of comments that they submitted will be trackable through the Westminster portal by reviewing emails starting "yourvoice" or "yv"."

#### **8.19 Conclusion – Harm v Benefits**

The creation of a national Holocaust Memorial and Learning Centre is clearly a public benefit, for the nation, and indeed globally. The central question is whether or not the proposed location is suitable for the current proposal.

The current proposal would cause harm to the character and appearance of the Victoria Tower Gardens and would harm the significance of the Gardens and other heritage assets including the WHS. Whether the level of harm is, in terms of the NPPG, substantial or less than substantial, is a matter of judgement. Officers consider that if it is 'less than substantial', then it is at the very high end of that, bordering on 'substantial'. If the trees are lost as a result of the development, then it is considered that the harm would be substantial.

It is considered that the Victoria Tower Gardens may be a suitable place, in principle, for a form of memorial to the Holocaust, provided that it was of modest size and caused much less harm than the current proposal. The current proposal is however not acceptable in this location. If the Holocaust Memorial and Learning Centre has to be of the scale proposed then alternative locations should be found for it. One of these may be at the Imperial War Museum and it is noted that the Prime Minister's Holocaust Commission considered the Imperial War Museum was a suitable site.

The Prime Minister's Holocaust Commission Report of 2015 considered possible locations for a Holocaust Memorial and Learning Centre. The report made a number of recommendations and stated:

The evidence is clear that there should be a striking new memorial to serve as the focal point of national commemoration of the Holocaust. It should be prominently located in Central London to make a bold statement about the importance Britain places on preserving the memory of the Holocaust

The Commission proposes that the National Memorial should be co-located with a world-class Learning Centre. This would be a must-see destination using the latest technology to engage and inspire vast numbers of visitors and the Commission has been working to develop initial concepts with pro bono support from Oscar-winning British company Framestore. A critical part of the vision for the Learning Centre is that it would also be responsible for developing a physical campus and an online hub.

The Learning Centre should include a lecture theatre, classrooms and the opportunity for those who want it to locate their offices, or set up satellite offices, within the wider physical campus. The Commission also recommends that the Learning Centre should include the Imperial War Museum's Holocaust Exhibition, upgraded and expanded. This would, of course, require the consent of the IWM Board of Trustees at the appropriate time.

The Commission identified 'three possible locations that should be considered as part of a consultation. Each has distinct advantages and challenges and they are not the only possible sites, but they are offered here as tangible possibilities that can capture the essence of the vision set out in this report'.

The Victoria Tower Gardens was not one of the sites considered. Two of the sites were Potters Field and the Millbank Tower complex. These are no longer available. However the third, The Imperial War Museum London, appears to remain a viable site. The Commission report states:

The IWM has proposed the building of a new wing to house a memorial and a learning centre which would link to newly expanded and upgraded Holocaust galleries in the main building. This would benefit from being able to use the existing visitor facilities and essential infrastructure of the IWM building. The IWM also benefits from existing high visitor numbers – almost 1.5 million last year – of which 960,000 visited the Holocaust galleries. The Commission believes this is a viable option, provided a way can be found to meet the Commission's vision for a prominent and striking memorial.

However, Victoria Tower Gardens was later selected as a suitable site and the IWM site was not pursued. The UKHMF co-chairs Ed Balls and Lord Pickles stated:

"What better way to show that we will not tolerate hatred than our new Holocaust Memorial, right next to our Parliament. There is no location more fitting to honour the victims of one of humanity's greatest tragedies than side-by-side with one of humanity's oldest democracies. There is no better gift we can pass to future generations than the knowledge of where hatred, unchecked, can lead."

"By building a Memorial and Learning Centre next to our Parliament we are fulfilling a commitment made to a past generation and committing future generations to hold our democracy to account.

It reminds Parliament that it has the power to oppress as well as the power to protect. The learning centre is a timely reminder, to all communities in the UK, of the cost of indifference to intolerance and bigotry. All who care about our country have a vested interest in standing up to prejudice and hatred wherever and whenever it occurs."

Whilst proximity to Parliament may be considered desirable, given the harm which will be caused to the Victoria Tower Gardens and other heritage assets by the current proposals (which must be given substantial weight) as well as harm to and loss of usable open space and potential harm to trees it is considered that the public benefit of the Holocaust Memorial and Learning Centre as proposed does not outweigh the harm caused.

The development as proposed does not accord with the development plan, when considered as a whole, and material considerations do not justify a conclusion that planning permission should be granted.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT <a href="mailto:ddorward@westminster.gov.uk">ddorward@westminster.gov.uk</a>
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## 8.20 DRAWINGS/ IMAGES

### Masterplan



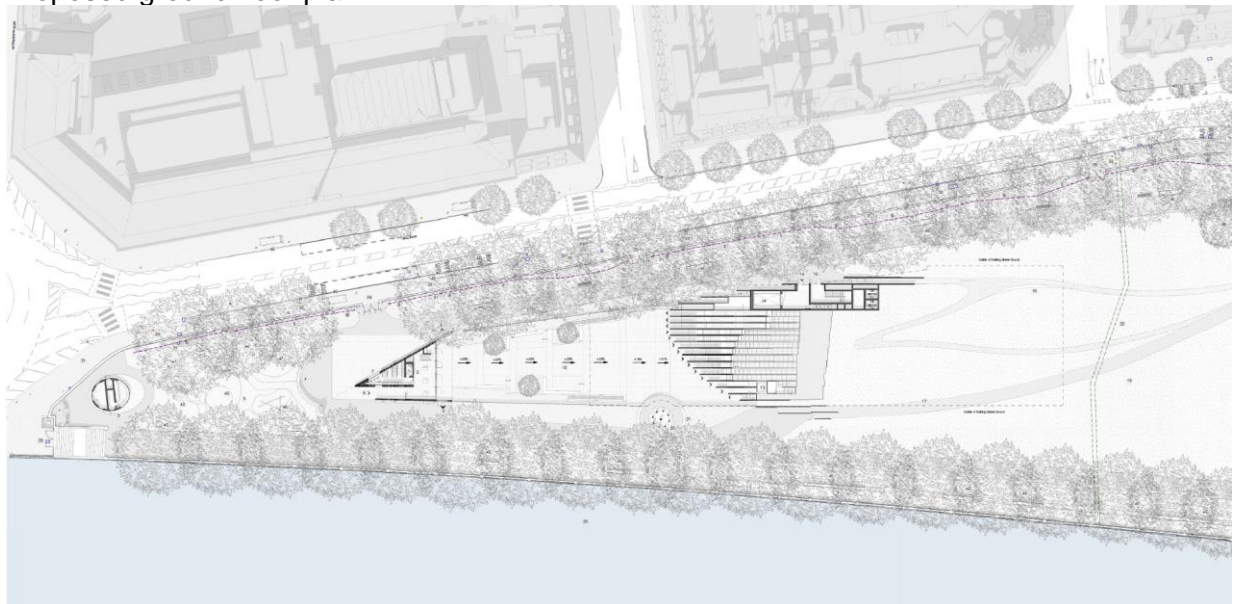
### Extent of Proposal



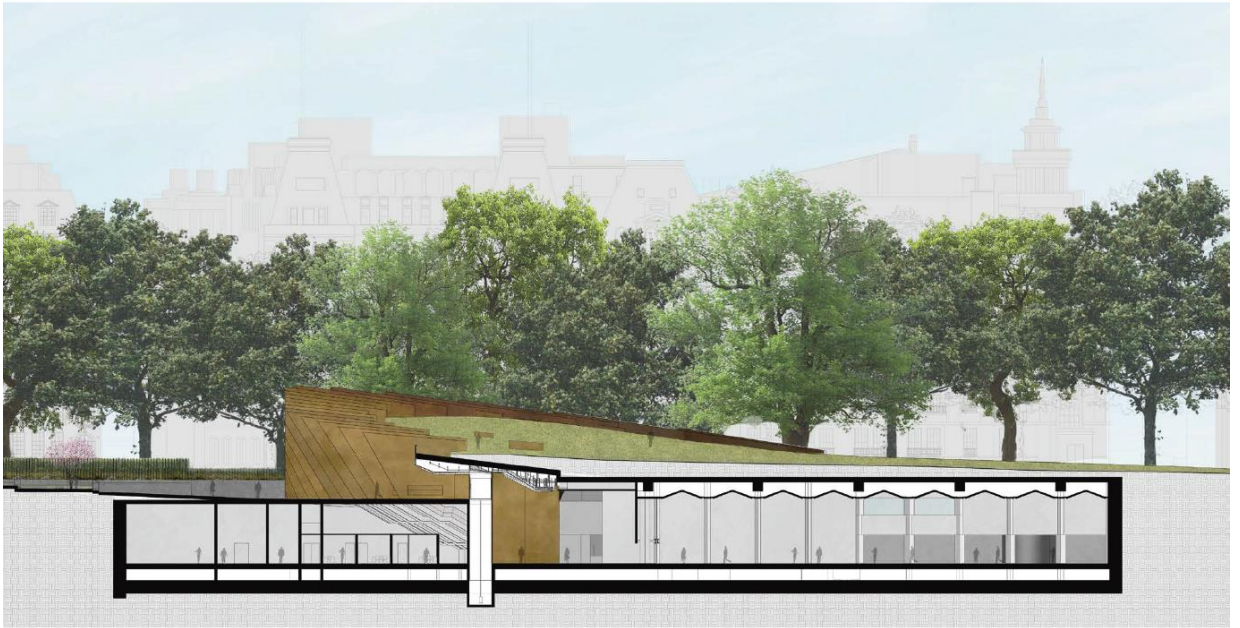
Proposed site plan



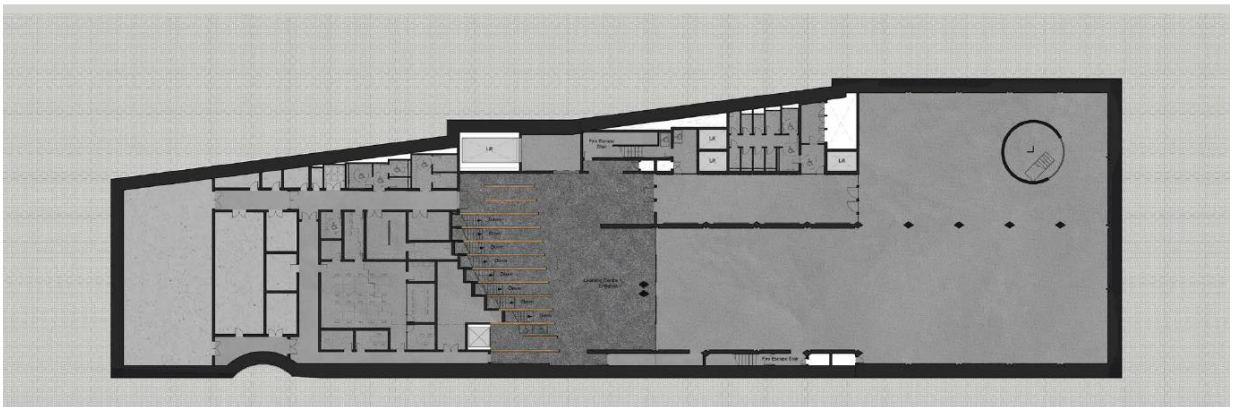
Proposed ground floor plan



# Proposed basement floor and long section



Current Learning Centre Long Section 1

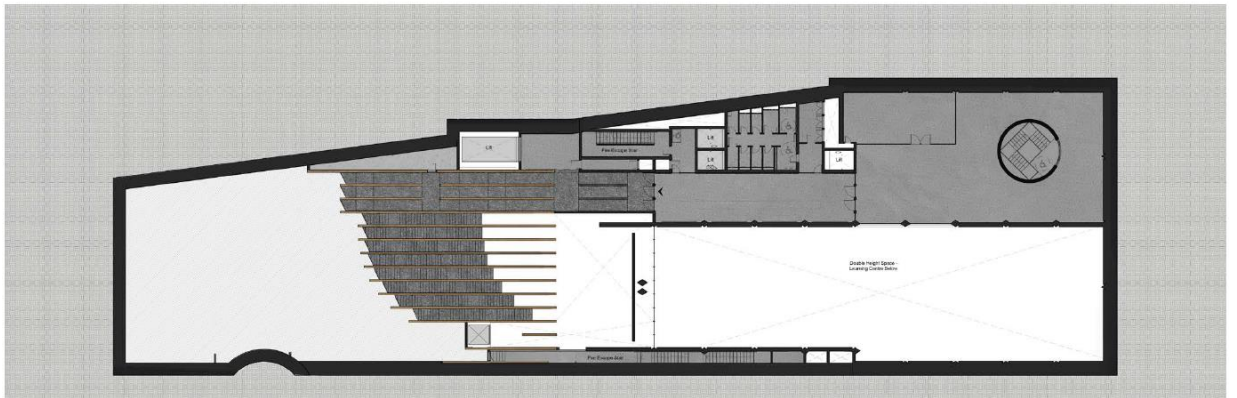




Proposed mezzanine floor and long section 2



Learning Centre Long Section 2



View from the courtyard looking towards Parliament



View south towards Buxton Memorial



View from Dean Stanley Street



View towards entrance pavilion adjacent memorial perimeter



View from Lambeth Bridge

