

NATIONAL HOLOCAUST MEMORIAL & LEARNING CENTRE

PROOF OF EVIDENCE

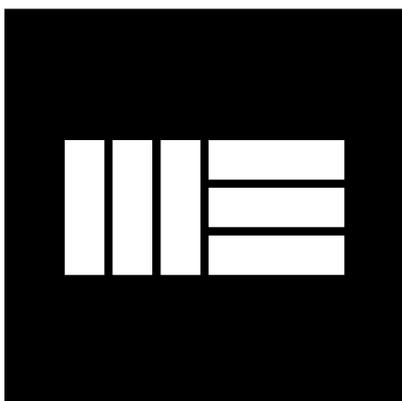
HERITAGE

TOWN AND COUNTRY PLANNING ACT 1990 CALL-IN INQUIRY

DR CHRIS MIELE IHBC MRTPI

APPLICATION REFERENCE: 19/00114/FULL

SEPTEMBER 2020



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1.0 SUMMARY (BOUND SEPARATELY)

- 1.1 Section 2 of my main Proof sets out my qualifications and experience advising on development in and affecting the historic environment and sensitive land.
- 1.2 Section 3 explains our instruction to advise the Applicant on heritage matters, which included the preparation of Volume 3 of the Environmental Statement ('ES'), on Heritage, Townscape and Visual Impact (CD5.1). We prepared an Addendum to this ES on revision of the scheme (CD5.2). Our instruction involved consultation with Historic England and Westminster City Council.
- 1.3 I consider the impact of the proposals on the heritage assets identified in the Inspector's Pre-Inquiry Meeting note, and include those assets treated in the Westminster City Council's deemed refusal report (CD5.11), comprising :
- The Westminster World Heritage Site (the "WHS");
 - The Houses of Parliament and Palace of Westminster ("PoW", a grade I listed building and an important component of the WHS);
 - The Westminster Abbey and Parliament Square Conservation Area ("WAPSCA"), which includes within it Victoria Tower Gardens ("VTG"), a grade II registered park and garden ("RPG");
 - The grade II* listed Buxton Memorial Fountain;
 - Smith Square Conservation Area ("SSCA") which includes a number of listed buildings and notably the grade I listed St John Smith Square;
 - The grade II* listed Memorial to Emmeline and Christabel Pankhurst;
 - Rodin's grade I listed Burghers of Calais sculpture;
 - The following listed buildings on the west side of Millbank, Norwest House (grade II), Thames House north and south blocks with bridge link (grade II) and The Church Commissioners (grade II*); and
 - The grade II listed embankment wall enclosing VTG on the east side.
- 1.4 I imagine that there will be no real dispute at the Inquiry as to the way one goes about assessing direct and setting impacts on the significance of heritage assets. Neither will there be any dispute as to the considerable significance which is reflected in the WHS designation. That significance is known as Outstanding Universal Value ("OUV"). It and its attributes or characteristics are formally defined in the adopted Management Plan (CD4.12).
- 1.5 The heritage designations bring with them a presumption against causing harm to their significance, and any harm is a matter of considerable importance and weight when it comes to making the overall determination. That presumption is rebuttable, however, on the balance of benefits, which can be heritage benefits and / or wider public benefits, in this case the memorial and educational purposes of the proposals.
- 1.6 There is one area concerning the interpretation of statutory provision and policy which is uncertain at the time of writing. Until recently, and following the approach in a Court of Appeal case known as 'Palmer', it was conventional to treat harm and benefit to a listed building and other designated asset on a net basis, and to conclude whether paragraph 196 of the Framework was engaged or not on the balance of heritage impacts. More recently, that approach has been called into

question by judgments in two High Court cases known as 'Rottingdean'¹ and 'Bramshill'². They would indicate that the approach in Palmer is wrong, and that a proposal causing any harm at all to a listed building or its setting would engage the terms of NPPF 196. That approach was endorsed in the Kay judgment³.

1.7 Bramshill is, I understand, being challenged in the Court of Appeal. At the time of writing, and to ensure the Inspector and the Minister are not misled, I have constructed my evidence on both bases. From a planning practitioner's point of view, I do not think the different route one takes to the overall assessment matters.

1.8 I should add that the balancing provisions of section 72 (1) of the PLBCAA rely on the netting of harm and benefit in relation to a conservation area, an approach recently confirmed in the case known as Bohm⁴.

1.9 In forming a view on heritage impacts, in my view it is important to take account of the design quality of what is proposed because this can comprise both mitigation of otherwise harmful impacts and a freestanding benefit in its own right, and one which can be judged to enhance the character of appearance of a conservation area, an RPG or the setting of a listed building. The Inspector and the Minister have the benefit of detailed design evidence from other witnesses, with whose evidence I agree.

1.10 These other witnesses are:

- Sir David Adjaye, the architect of the proposals;
- Mr Asa Bruno, the designer of the memorial;
- Mr Donncha O Shea, the landscape architect; and
- Professor Robert Tavernor.

1.11 My findings are:

- I. I identify a limited degree of less than substantial harm to the significance of VTG. Applying the Palmer approach, the significant benefit to the character and appearance of the RPG would outweigh this harm such that 196 is not engaged. Applying the Bramshill approach, this less than substantial harm engages 196, and the enhancement I identify is a public benefit outweighing the harm. The CA test works in a straightforward net basis because section 72 (1) requires the decision maker to look at the whole of the development proposal. If on either basis, the Inspector and/or SoS find net harm, then the public benefits described by Mr Goddard in his evidence for the Applicant, would fall to be weighed in the planning balance to see whether the proposals have the clear and convincing justification required under the terms of 193. Whichever route one takes, on my evidence and in relation to VTG, one gets to the same place;
- II. I identify no harm to the ability to appreciate the OUV of the WWHS, and equally no harm to the contribution VTG makes to OUV;
- III. I identify some less than substantial harm to the contribution setting makes to the appreciation of the Buxton Memorial's significance. This arises by reason of the proposals' encroachment towards it. That harm is, in my view, at the low end of the scale. There are improvements to setting at the same time but in my opinion, and unlike my finding on VTG, these do not outweigh the harm. In short, even if one applies Palmer in the way described, my own view is that there is net harm engaging paragraph 196. And if one does not apply Palmer, then one moves directly to 196; and
- IV. I identify no harm to the contribution setting makes to the appreciation of the significance of any of the other assets described in the Inspector's PIM note.

1.12 My findings are different if the tree loss anticipated in RfR1 part 2 materialises. In that case, there is net harm to VTG and to the ability to appreciate the OUV of the WHS, and to the listed Buxton memorial, Embankment Wall and nearby

¹Safe Rottingdean Ltd v Brighton and Hove City Council EWHC 2632

²City & Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government and Others [2019] EWHC 3437

³R (Kay) v. Secretary of State for Housing Communities and Local Government [2020] EWHC 2292 (Admin) at paragraph 34

⁴Dorothy Bohm & Others v Secretary of State for Communities and Local Government and Others [2017] EWHC 3217

designated assets. That harm arises because the mature trees are a significant landscape feature contributing positively to the character of the asset and the setting which contributes to an appreciation of the other assets. That harm is at the low end of the less than substantial scale and is not permanent. I am advised that any tree loss would be mitigated by tree replacement, and that the harm identified would diminish over time as any new trees matured.

- 1.13 I also identify no harm to the setting or significance of the other designated assets identified in the PIM note in either RfR1 scenario (trees not affected or trees lost). The dignified quality of the proposals are entirely appropriate to the architectural and historic characteristics and significance of those other assets.
- 1.14 In relation to the listed embankment wall, I conclude a benefit to its setting from the new landscape works.
- 1.15 My final section, 13, contains my expert affirmation, confirming I have prepared this evidence mindful that my duty is to the tribunal not to those paying me.

ACCOMPANYING VISUAL MATERIAL

- 1.16 I note here my **Appendix 2.0**, which reproduces in A3 format: historic images, maps and plans; maps and plans from various planning documents illustrating the designations and key views; drawings and computer generated images illustrating aspects of the proposals relevant to my assessment; and the independently verified AVRS published in the main HTVIA and the Addendum to the ES showing the revised entrance pavilion.
- 1.17 This information is taken from submission and other published material and I have assembled for ease of reference during the presentation and cross examination of my evidence.

2.0 BACKGROUND & QUALIFICATIONS OF THE WITNESS

2.1 My name is Chris Miele and I am a Senior Partner at Montagu Evans' central London office. I am a Chartered Town Planner and a Member of the Institute of Historic Building Conservation.

OUR PRACTICE

2.2 Montagu Evans is a leading firm of chartered surveyors. Established in 1921 the partnership employs more than 200 staff. Most are based in our West End head office. We provide all areas of development surveying consultancy, from rating and valuation to management and investment advice. The town planning consultancy has always been central to our business, and it is provided through our Planning and Development Department.

PROFESSIONAL BACKGROUND: SOME CURRENT PROJECTS AND CLIENTS

2.3 As a partner in the Planning and Development department I provide specialist advice on sites that involve tall buildings or development of sensitive land. I head a team of experts who work on heritage based projects. We specialise also in townscape and visual impact work.

2.4 I have extensive experience of working in and around the setting of World Heritage Sites, Registered Parks and Gardens, Areas of Outstanding Natural Beauty, National Parks, listed buildings and conservation areas and development directly affecting them.

2.5 I act regularly as an independent expert witness on planning appeals and call-in inquiries and have appeared in other jurisdictions, the Upper Tribunal (Lands Chamber), High Court QB Division (Construction and Technology Court) and Consistory Court. I am aware of the duties of expert planning witnesses and adhere to the RTPI Code of Conduct in this regard. I also confirm my evidence is prepared in accordance with the PINS 2020 procedural guidance on planning appeals, Annex O, *'What is expert evidence?'*

2.6 My public and charitable clients have included the Royal Shakespeare Company, the Trustees of the Victoria and Albert and Natural History Museums in London, Sheffield University, Durham University, King's College London, English Heritage, Oxford University, several Oxford Colleges (Magdalen, Keble and Exeter), University College London, Kings College, London, Keele University, Middlesex University, Transport for London, the City of Westminster and Southern Water. I have also worked for the Greater London Authority, and am currently discharging several instructions for secondary schools in central London, each involving heritage assets.

2.7 I have been advising the Trustees of the South Bank Centre for around a decade, and have advised the Trustees of the British Museum on various projects, including achieving the consents for the award-winning World Conservation and Exhibition Centre.

2.8 The larger part of my work involves advising private development companies on major instructions across all sectors. These include major house builders (private and social) and many commercial developers. The latter includes smaller development companies working on sensitive sites. Additionally, I advise private clients on residential projects involving listed buildings.

2.9 I have discharged many instructions in and around Westminster over the years, and first advised on sites in this authority when I was employed by English Heritage (see below).

2.10 I note the following instructions:

- For TfL and the Mayor, planning and heritage advice supporting the World Squares for All proposals at Parliament Square. These entailed the closure of the southern limb of the Parliament Square roundabout (the first in the world) to enable a larger pedestrian environment and the consequent improvement to the setting of the WWHS. We were ready to submit the application under Mayor Livingstone. The project was stopped by Mayor Johnson;
- For the Dean and Chapter of Westminster Abbey, all planning and heritage advice to form a visitor café in the C14 Cellarium, accessed off Deans Yard;
- A conservation management plan for the Trustees of the Methodist Central Hall;
- For the Mayor, as principal author of the London View Management Framework (2007 SPD to the London Plan and since revised twice). The HTVIA we prepared assessed LVMF views 18a.1, 18a.2, 22a.1, 22a.2, 22a.3, 19a.1, and 19a.2;
- Advice on several tall building proposals in the background setting of the WWHS, at Waterloo (the Doon Street Tower and Leisure Centre, and the Elizabeth House proposals consented in 2012, and not implemented);
- Also on projects in the Vauxhall Nine Elms Opportunity Area, notably the redevelopment of the office tower on the Covent Garden Market Site (now under construction) for Dalian Wanda; I have advised on section 73 applications since; and the so-called Razorlight redevelopment, by Rogers Stirk Harbour, a scheme comprising five finger blocks, now constructed. I worked with Professor Tavernor on that project. I additionally advised the Covent Garden Market Authority on the redevelopment of its main market site, assisting with the consent on an outline basis for a masterplan featuring several 150 metre towers at the Westminster or downstream end of the site; and
- More recently, I led the team providing all planning and heritage advice in support of the Illuminated River Project for the Rothschild Foundation. This entailed more than 50 separate applications to re-lamp artistically 15 of London's river crossings, including Westminster and Lambeth Bridges (setting elements in the WWHS). This comprises a cumulative scheme with the Call-in proposals.

2.11 Additionally, I have advised on development projects affecting the following WHSs: Canterbury, Studley Royal, Tower of London, Greenwich, and Kew (where I appeared at a call-in inquiry in December 2019 supporting L&Q's proposed housing scheme at the Citroen site within the emerging opportunity area). I have also advised on sites potentially affecting candidate WHSs (Darwin's House and Chatham).

ACADEMIC QUALIFICATIONS AND CREDENTIALS/PUBLICATIONS

2.12 Before settling in the United Kingdom, and whilst completing my masters and doctoral work, I held several academic and museum appointments at Columbia University, New York University and the Metropolitan Museum of Art and Museum of Modern Art, all in New York.

2.13 I hold an Honours Degree (BA) in the History of Architecture and Urban Planning from Columbia College, Columbia University and post-graduate degrees – an MA and a PhD – in this subject area from the Graduate School of Arts and Sciences, New York University. I latterly studied town and country planning at South Bank University. I achieved chartered status in 2002 on the basis of relevant experience and background.

ACADEMIC BACKGROUND

2.14 As an architectural historian, I have particular expertise in the history of Victorian architecture and on the Gothic Revival especially. This is relevant to the evidence I give on the impact of the proposals on the Palace of Westminster, which is, amongst other things, a masterpiece of Gothic Revival design.

2.15 Additionally, I wrote an academic article on the debate surrounding the conservation of Westminster Hall, an element of the Palaces of Westminster ("PoW") and contributing to its OUV (See Architectural History, vol 41, 1998).

- 2.16 Finally, I note my work with the UK Supreme Court executive as editor and contributor to the major volume dedicated to the history of the Middlesex Guildhall, the new Court, and of the Court itself. My contribution considered the evolution of Parliament Square as a space (see **Appendix 3.0**) which is relevant to some extent to the design and layout of Victoria Tower Gardens, an important component of the WWHS and comprising the Call-In site.
- 2.17 I maintain my academic contacts as Chair (outgoing) of the Advisory Board of the Centre for Urban History, a research faculty in the History Faculty at Leicester University. I am also an Honorary Professor at Glasgow University, in the Social Sciences Department.
- 2.18 My work as an historian has focused for many years on the Gothic Revival in architecture, and hence I am particularly familiar with the Palaces of Westminster.
- 2.19 I continue to work as an independent historian, and have built up an extensive record of academic and professional publications published in refereed sources.

OTHER RELEVANT EXPERIENCE

- 2.20 I draw to the Inspector's attention other relevant experience, notably my work as a panel member on the national Design Review Panel of the Commission for Architecture and the Built Environment ("CABE") from 2003 to the end of 2007.
- 2.21 Formerly I was Senior Planning Director at RPS Planning (central London office), and before that, from 1998 to 2004, a Director at Alan Baxter & Associates, a multi-disciplinary consultancy based in engineering.
- 2.22 From 1991 to 1998 I was employed by English Heritage, providing advice in support of its statutory role.
- 2.23 My list of publications is provided at **Appendix 1.0**.

3.0 INVOLVEMENT WITH THE APPLICATION SCHEME & MY ROLE

3.1 In February 2018, I was invited to make a proposal to the Cabinet Office for the provision of consultancy services in support of the National Holocaust Memorial project.

3.2 My instructions were to appraise the historic development and significance of the Victoria Tower Gardens site, its contribution to the Outstanding Universal Value ('OUV') of the Palace of Westminster Abbey and Westminster Abbey including St Margaret's Church World Heritage Site (the 'WHS'), and to give my assessment of the acceptability of the proposals from a heritage perspective. By that stage the main features of the scheme had been settled through the competition stage.

3.3 I understand that the competition scheme had been formulated with an understanding of the very special qualities that contribute to the WWHS' Outstanding Universal Value ('OUV'). This matter is treated elsewhere in the Applicant's evidence.

3.4 Our initial instruction culminated in the production of the Heritage, Townscape and Visual Impact Assessment ('HTVIA') Volume of the Environmental Statement ('ES') (CD5.1), which was part of the submission materials for the planning application.

PERSONNEL WHO ASSISTED ON THE ES HTVIA

3.5 I was assisted in completing this report by the following staff:

- Mr Ed Youngson, a senior planner (MRTPI), archaeologist and historic buildings and areas expert (IHBC). Mr Youngson has since left the practice;
- Dr Carol Cragoe, like me a PhD in the history of architecture and one of our researchers. She has a planning qualification and has assisted on projects affecting WHSs;
- Miss Alex Rowley, a senior consultant on heritage with qualifications in that subject; and
- Mr David Taylor assisted on the VIA work. He specialises in this area and is a chartered planner and urban designer. He has worked on many projects affecting the setting of WHSs in London (Greenwich, Tower of London and Westminster).

INTERACTION WITH PROFESSOR TAVERNOR

3.6 I met Professor Tavernor several times during the project, in the context of team and design review meetings. He is providing separate evidence, acting as an assessor of design quality. I adopt his evidence for the purposes of my assessment.

OUR ROLE

3.7 Our instruction included an initial review of the proposals and the production of heritage, townscape and visual impact assessment ("HTVIA"). This comprised Volume 3 of Environmental Statement ("ES") supporting the application. This work included contribution to the scoping report submitted by the EIA coordinator in July 2018. Westminster City Council did

not make a Regulation 19 request requiring formal amendment and republication of our chapter as a consequence of the independent review. The HTVIA comprising Volume 3 of the ES is deemed to meet all relevant information requirements and the assessment methodology we adopted in that document was accepted.

- 3.8 To inform that analysis, we worked closely with Hayes Davidson, a highly respected independent visualisation company. Their verified views prepared according to the accepted methodology are published in Volume 3 of the ES and informed our assessment of impacts.
- 3.9 The relevant viewpoints are, I believe, accepted as relevant to understanding the salient impacts and for making a judgment on effects.
- 3.10 To assist the Inspector and SoS, we have prepared a separate A3 bundle of visual material comprising the views relevant to the matters considered at this Inquiry, historical maps, plans and photographs and certain images from the DAS (**Appendix 2.0**). This will make my Proof easier to use and I will draw on this material in my oral evidence.
- 3.11 The main features of the design were in place by the time of our appointment. Accordingly, our role was to review that scheme on the basis of a baseline analysis (as at summer 2018) and identify any particular aspects of it which were harmful in relation to heritage and townscape matters, paying particular attention to the WHS and its OUV. That baseline analysis, which included a detailed history of VTG, was then included in the baseline parts of the HTVIA.
- 3.12 My conclusion on heritage matters then is similar to my conclusions now, firstly and on the main point, the proposals caused no harm to the setting of the WWHS. Secondly, and in general terms, that the proposals' other impacts were surprisingly limited to its local context, and in particular to the Westminster end of Lambeth Bridge, Millbank to the west, Victoria Tower Gardens itself ("VTG") and the Buxton Memorial. I delivered this advice verbally in meetings. I do not recall producing a formal advice note. This is my normal way of working.
- 3.13 I and others assisting me attended various design meetings and pre-app discussions with Historic England ("HE") and Westminster City Council ("WCC"). During the former we gave advice on detailed aspects of the proposals reflecting our analysis.
- 3.14 After submission, we reviewed responses from the main consultees relating to our topic area. We then attended team meetings to review the emerging revised proposals and advised along with Professor Tavernor in that context.
- 3.15 Our work in this phase concluded with the HTVIA Addendum to the ES (CD5.2).

THE ES HTVIA REVIEW

- 3.16 The next phase of our instruction arose in connection with the ES review which Westminster instructed from its advisers, Land Use Consultants ("LUC"). I have commented on that already, earlier in this section. In the event, Westminster's consultants did not advise a Regulation 19 ES supplement in respect of our chapter of the ES.

4.0 MAIN ISSUES & SCOPE OF MY EVIDENCE

4.1 I treat the first deemed reason for refusal (“RfR1”) set out in Westminster City Council’s report of 11th February 2020, which has two parts. For convenience I cite them below with emphasis added:

‘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 I listed Palace of Westminster, and the setting, significance and outstanding universal value of the Palace of Westminster and Westminster including St Margaret’s Church Abbey 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 DES1, DES9, DES10, DES12 and DES16 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 I 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 DES1, DES9, DES10, DES12 and DES16 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 Public London Plan 2019. This is contrary to Section 16 of the NPPF.’

4.2 As noted in my Summary earlier, the Inspector’s PIM note identified the following assets:

- Victoria Tower Gardens (grade II Registered Park and Garden) and the WAPSCA, of which VTG forms part;
- The WWHS as a whole and in particular the Palace of Westminster as a grade I listed building;
- The Buxton Memorial (grade II*);
- The river embankment from the PoW to Lambeth Bridge (the embankment is listed grade II, and so is the bridge, albeit no harm is alleged to its significance);
- The Smith Square Conservation Area which includes the highly graded St John Smith Square (grade I);
- Norwest House (grade II);
- Nos. 1 & 2 Millbank;

- Thames House north and south blocks and link bridge (grade II); and
- Rodin's Burgher's of Calais Sculpture, grade II* listed.

4.3 I treat these in evidence accordingly.

4.4 I have also included the Memorial to Emmeline and Christabel Pankhurst (grade II), which lies within the Victoria Tower Gardens RPG.

4.5 I have reviewed the consultation responses and report that the list above is complete and that I have not seen an objection to any other designated assets in the vicinity of the site, and hence no material impact on their setting is alleged.

4.6 In the case of each asset, I consider whether and to what extent the potential loss of trees identified in part 2 of RfR changes my assessment.

4.7 And in each case, I consider the impacts against the relevant statutory, national policy and development plan policies, and on two bases ('Palmer' and 'Bramshill') to ensure complete coverage of the policy and statutory points.

4.8 In carrying out that part 2 RfR1 assessment, I have assumed the following:

- First, that the area of tree loss is total and corresponds to the linear extent of the proposals (that is the whole of the red line); and
- Second, that there would be tree replacements to an agreed plan, secured by a condition, and comprising high impact mature species of a suitable nature and complementing the surviving trees. Accordingly, I conclude that such an impact would not be permanent, which reduces the weight to be given to it. I do not consider that any visualisations are required to assess RfR1i because the extent of alleged tree loss (which the Applicant does not accept) will be clear from the ones supplied. There has been no formal request to model this scenario.

THE APPROACH TO SUMMARISING HISTORY AND SIGNIFICANCE

4.9 The assets here are of very great importance (the Palace of Westminster as a grade I listed building notably and also of course the WWHS, a designation signifying the highest level of cultural value, or OUV, that is, to all of humanity). They are also subject to detailed descriptions and historical analysis which are set out in various documents, all before the Inquiry and to which I will refer.

4.10 In the interest of focusing what will be detailed evidence, I will seek to avoid lengthy citations from published documents in favour of summaries of documents which I have read and take into account. The factual background should not be contentious and we will seek to agree that, through agreeing relevant documents, insofar as possible through the SoCG.

THE INTERACTION OF MY EVIDENCE WITH THE SECOND OR OPEN SPACE DEEMED REASON FOR REFUSAL

4.11 The Open Space reason is not framed with reference to the character of the WHS or its setting, and relates entirely, on my reading of it, to amenity. This RfR is treated by others.

TOWNSCAPE AND VISUAL IMPACT

4.12 There is no reason alleging harm to the visual amenity of the immediate or wider area more generally, excepting the heritage impacts at issue.

4.13 In other words, all the townscape and visual impacts are heritage impacts which figure in RfR1, so I carry out no stand-alone TVIA assessment in this PoE.

DESIGN AND THE EVIDENCE OF OTHER WITNESSES APPEARING FOR THE APPLICANT

- 4.14 Neither is there any allegation of harm alleging that the design as a design is not of the highest quality (again I except the contextual impacts on heritage at issue).
- 4.15 As noted in my Summary, there are a total of four other witnesses presenting evidence on design matters. I have sought to avoid any duplication of subject matter or approach as between my evidence and theirs. I have nevertheless to comment on certain characteristics of the design because design quality is both a) mitigation for impact on designated assets and b) on the facts of any case an enhancement to their setting or significance.

5.0 STATUTORY PROVISION, PLANNING POLICY & MATERIAL CONSIDERATIONS

- 5.1 Mr Goddard treats the development plan as a whole, including policies relating to heritage.
- 5.2 Those all reflect the statutory regime and national policy, more or less, and so I will in this evidence identify relevant policies and comment on whether or not they allow for the balancing provisions in the Framework. Some do, others do not. I offer other comment only where I consider this is helpful to the Inquiry.
- 5.3 I also, therefore, leave the weight to be accorded to these several policies to Mr Goddard as well.

THE PLANNING (LBCA) ACT 1990 AND THE FRAMEWORK

- 5.4 First is the familiar statutory provision relevant as set out at 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”). This requires the decision maker to pay special regard to the desirability of preserving, amongst other things, the listed building and its setting. The courts have clarified that any harm attracts particular weight in the planning balance, engaging a presumption against the grant of consent. That presumption is rebuttable on the balance of benefits. See the cognate policies in NPPF 193 to 196 and my later comment on the application in light of various Court judgments.
- 5.5 Next is the statutory provision as set out in section 72(1) of the PLBCAA. This requires the decision maker to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Any harm to a CA is, again, weighted harm. It is important to note that the statutory provision is exercised on the basis of the impact of the development as a whole on the CA. I note that because my evidence finds a degree of harm to a component of the WAPSCA, VTG, but also a benefit. My evidence proceeds on the basis that the proposals overall enhance the WAPSCA.

THE NPPF AND THE PPG

- 5.6 The Inspector and Minister will be familiar with the policies on the historic environment in the Framework and supporting guidance in the PPG. Instead of reciting them, I think it is more helpful here to set out the broad approach that flows from these documents.
- The significance of the heritage assets affected should be identified and assessed (paragraph 190 NPPF). Heritage interest may be archaeological, architectural, artistic or historic (Glossary to the NPPF);
 - The impact of the proposed development on the significance of the identified heritage assets is then to be considered (paragraph 193 NPPF);
 - If the proposed development is held to cause harm to the significance of a designated heritage asset, such harm should be categorised as either less than substantial or substantial, and within each category the extent of harm should be clearly articulated (PPG paragraph 18). In this case, the City Council identify a very high degree of less than substantial harm to the WWHS. Some other parties are alleging substantial harm. I discuss the implications of these allegations in the following paragraphs;

- In either case, if a proposal would result in harm to the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193 NPPF);
- Any harm to the significance of a designated heritage asset should require 'clear and convincing justification', as per paragraph 194 NPPF. A clear and convincing justification does not create a freestanding test requiring the demonstration of less damaging alternatives. To the extent that there is a test it is to be found in paragraphs 195 (in the case of substantial harm) or 196 NPPF (in the case of less than substantial harm);
- In either case, and particularly looking at less than substantial harm, the clear and convincing justification the Framework requires are countervailing public benefits, including heritage benefits. Substantial harm's justification on the facts of this case (accepting the allegation which I do not) is essentially on the basis of equally substantial public benefits;
- Public benefits can be anything which delivers economic, social or environmental progress as described in the NPPF (PPG paragraph 20) and on the facts of this case would include the memorial and educational purposes of the proposal. If it is concluded that the harm is substantial, then consent should be forthcoming only on the basis of either a) the harm is necessary to deliver benefits which themselves are deemed substantial or b) the harm arises essentially because the asset is redundant and has no viable use, preventing the beneficial use of the site; and
- Finally, and underpinning the above principles, is one of proportionality, such that the more important the asset the greater its potential sensitivity to change. A WHS is an asset of the highest importance, and its significance is termed Outstanding Universal Value ('OUV'). As noted earlier, there is no requirement for a special form of assessment because the Framework and PPG principles are accepted to apply to WHSs. This is the approach which HE commonly follows (and is indeed followed in this case, as is clear from Mr Dunn's analysis).

'THE PALMER' AS OPPOSED TO THE 'BRAMSHILL' APPROACH TO ASSESSING HARMFUL EFFECTS

- 5.7 There is one area concerning the interpretation of statutory provision and policy which is uncertain at the time of writing. I have touched on that already in my Summary.
- 5.8 Until recently, and following the approach in a Court of Appeal case known as 'Palmer'⁵, it was not unusual to treat harm and benefit to a listed building and other designated asset on a net basis, and to conclude whether paragraph 196 of the Framework was engaged or not on balance of heritage impacts. There were some parties which did not accept this approach.
- 5.9 More recently, that approach has been called into question by judgments in two High Court cases known as 'Rottingdean'⁶ and 'Bramshill'⁷. They would indicate that the approach in Palmer is wrong, and that a proposal causing any harm at all to a listed building or its setting would engage the terms of 196. There is a more recent judgment, known as Kay which follows the approach in Bramshill
- 5.10 Bramshill is, I understand, being challenged in the Court of Appeal this autumn. At the time of writing, and to ensure the Inspector and the Minister are not misled, I have constructed my evidence on both bases. From a planning practitioner's point of view, I do not think the different route one takes to the overall assessment matters.
- 5.11 I should add that the balancing provisions of section 72 (1) of the PLBCAA rely on the netting of harm and benefit in relation to a conservation area, and approach recently confirmed in the case known as Bohm⁸ and follows on from the well-established principle in the South Lakeland⁹ case.

⁵ Palmer v Herefordshire Council & ANOR [2016] EWCA Civ 1061

⁶ Safe Rottingdean Ltd v Brighton and Hove City Council EWHC 2632

⁷ City & Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government and Others [2019] EWHC

⁸ Dorothy Bohm & Others v Secretary of State for Communities and Local Government and Others [2017] EWHC 3217

⁹ South Lakeland District Council Appellants v Secretary of State for the Environment and Another Respondents [1992]

SUBSTANTIAL HARM AND THE THRESHOLD WITH LESS THAN SUBSTANTIAL HARM

- 5.12 The courts have clarified that substantial harm is serious harm¹⁰, such that it would either remove entirely or very much reduce the significance of a designated asset (or the OUV of a WHS), bearing in mind that the PPG advises OUV is a kind of significance.
- 5.13 For such a high test to be met, and bearing in mind the PPG advises it will be unusual, the OUV of the WHS would have to largely drained away, and that conclusion would have to be formed relative to the OUV as a whole. I will offer here my view that I do not see how a high level of less substantial harm can really be said to occur, and foreshadowing my analysis on this important point, in **section 7.0**, I invite the Inspector and the Minister to consider pages 91 to 100 of the Management Plan.
- 5.14 This lists both the attributes combining to create overarching significance (which are fourfold) and the many elements contributing to each attribute (which total some 45 or so characteristics, depending on how you count them). In short, most of these are not affected by the proposals.
- 5.15 When carrying out any assessment of the impact of proposals on significance, one must analyse what value is removed and what is left behind, and the degree of impact is necessarily calibrated on that basis.
- 5.16 Naturally, some of these elements will be weighted one over the other, but even then one has to take a proportional approach to the impact on OUV overall. I return to this matter at section 7.0 in a further discussion of the Management Plan.
- 5.17 Therefore, I do not regard as credible a finding of substantial harm even were the trees to be lost.
- 5.18 In its committee report (CD 5.11), WCC have concluded the proposals stop just short of substantial harm, causing a high degree of less than substantial harm. The needle on the significance 'gauge' is, in other words, just coming up on empty.

THE DEVELOPMENT PLAN

- 5.19 The development plan here comprises
- The London Plan 2016 (CD2.1);
 - Westminster's Unitary Development Plan 2007 (CD2.2); and
 - Westminster's City Plan 2016 (CD2.3).
- 5.20 There is also an emerging plan, the Intend to Publish London Plan of December 2019. I leave the weight to be accorded to this plan to Mr Goddard, providing planning evidence for the Appellant. I consider the policies in it as they relate to the WHS.

WESTMINSTER'S CITY PLAN (NOVEMBER 2016)

- 5.21 This is the strategic part of the local plan and its policies are accordingly broad.
- 5.22 S25 deals with heritage matters generally, recognising the unique character of Westminster's historic environment, including and expressly, the WWHS.
- 5.23 SE26 deals with views, which complements its heritage policies. It identifies the value of all views in revealing the significance of Westminster's historic environment, including in local views and in other views as relevant.
- 5.24 The development management policies in play are those saved policies from the January 2007 UDP, which predates the Framework.

¹⁰ Bedford BC v SSCLG [2013] EWHC 2847 (Admin)

THE UDP

- 5.25 DES1 is a policy treating general urban design principles, including architectural quality which the plan requires to be of a very high standard which also recognises contextual influences.
- 5.26 DES9 treats development in conservation areas, and relies upon section 72 (1). It is a multi-limbed policy. D) gives weight to the Council's adopted conservation area audits. E) deals with changes of use in CAs on the basis that the regulation of CAs as set out in the PLBCAA rests in part on the concept of 'character', which includes use.
- 5.27 DES10 treats listed buildings and Part D their settings. This limb does not incorporate the balancing provisions of the Framework.
- 5.28 DES12 treats parks, gardens and squares, and limb B) states that permission will not be given for development on or under such spaces, where the spaces form an important townscape component or contribute to the setting of a designated asset. This policy also lacks the balancing provision of the Framework.
- 5.29 DES16 deals with WHSs and states that permission will only be forthcoming where their character, appearance, setting and ecological value are unharmed. Again, there is no balancing provision in this policy.

THE DEVELOPMENT PLAN: THE LONDON PLAN 2016

- 5.30 There are two relevant policies in the LP2016.
- 5.31 First is 7.8 which is a general heritage policy treating all facets of the historic environment contributing to London's special character. The explanatory text records the fact that some of London's most important historic places and buildings are experienced in the context of high quality modern development, and that this blend of old and new gives London its unique character. The policy's supporting text also reflects the Framework's approach to harm, noting that substantial harm to the most important assets should be wholly exceptional.
- 5.32 Second is 7.10 which treats World Heritage Sites and commits the Mayor to conserving, promoting and making sustainable use of this asset. This policy also identifies the Mayor's SPD on WHSs as relevant to the operation of this policy. Part B states that development 'should not cause adverse impacts on [WHSs] or their settings... in particular not compromising a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance'. This limb gives weight to the adopted WHS Management Plans ("MPs").
- 5.33 The supporting text states that land surrounding WHSs must be carefully managed 'to find a balance between protecting the elements of the WHS that make them of Outstanding Universal Value and allowing the surrounding land to continue to change and evolve as it has for centuries'. The Management Plans are intended to be one vehicle to achieve this balance.
- 5.34 The text furthermore encourages opportunities for enhancement to the settings of London's WHSs through architecture of the highest quality and contributions 'to the improvement of the public realm consistent with the principles of World Heritage Sites', contributing to the overall 'amenity and ambience' of a WHS.

MATERIAL CONSIDERATIONS INCLUDING BEST PRACTICE

- 5.35 A number of these have been mentioned already. I list the most relevant ones below, leaving discussion of their content to the substantive parts of my evidence on impact and effect.
- The Westminster World Heritage Site (WHS) Management Plan adopted in May 2007 (CD4.12).
 - The Mayor's 'London's World Heritage Sites: Guidance on Settings' SPG, 2012 (CD3.15).
 - Westminster's adopted Conservation Area Audit for the WAPSCA, 2008 (CD3.1).
- 5.36 I also note Westminster's guidance on public sculpture, Statues and Monuments in Westminster (2008) (CD 3.6), SPD to the development plan. All of VTG falls within the public sculpture saturation zone. Through this guidance, I understand

that the City Council will not permit new monuments and statues 'unless there is an exceptionally good reason', requiring the applicant to demonstrate 'extenuating circumstances' and fulfilling additional requirements as set out at paragraphs 5.1 and 5.3. The latter advises a time delay to avoid strong emotional responses colouring planning judgments as to suitability. The former advises alternative sites in cases where the event or individual to be commemorated does not warrant the prestige that comes from a Westminster location (see page 21, CD 3.6), and supporting policy DES 7 (Townscape Management) of the UDP.

- 5.37 The City Council take no point against the proposals on the basis of this guidance and are to be taken as agreeing that the purpose of the proposals provides the required justification. The Council's objection is not to the principle of the memorial (and its suitability for this prestigious location) but to the particular effects of the proposals in line with the RfRs.

THE 'INTEND TO PUBLISH LONDON PLAN' (CD2.4)

- 5.38 I understand this plan to be a material consideration of weight, with certain policies attracting more weight than others. I understand from Mr Goddard's evidence that the adoption of the plan is likely delayed by the intervention of the SoS. I do not comment on weight but here note the two policies corresponding to the LP 2016 policies just cited. These are HC1 and HC2.
- 5.39 HC1 corresponds to existing LP 2016 7.8. Limb C is more detailed than its equivalent, adopted policy and adds particular advice about cumulative impacts. That consideration does not apply in this case. It states additionally that development proposals 'should avoid harm' The use of word 'should' allows for the balancing provisions in the Framework.
- 5.40 HC2 would replace existing 7.10 and like it treats WHS. It is more detailed than the existing policy, reflecting, I understand, the Mayor's desire to ensure that impacts on WHSs are considered with particular care.
- 5.41 Limb B states:

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.

OTHER GUIDANCE

- 5.42 The following guidance is also relevant to my topic area:
- GPA2 from HE, on the approach to significance (CD 4.6);
 - GPA3 from HE, on the setting of heritage assets, which specifies a staged approach and criteria based assessment which professionals generally rely on in setting cases (CD 4.7);
 - UNESCO (ICOMOS), Operational Guidelines for the Implementation of the World Heritage Convention, 2008, particularly useful for definitions (CD 4.5); and
 - UNESCO (ICOMOS), Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, 2011, which sets out a methodology which may be followed in this process (CD 4.4).
- 5.43 I am mindful of the above in preparing my evidence, and will in relation to each of the impacts undertake an assessment of the proposals mindful of the appropriate guidance.

6.0 VICTORIA TOWER GARDENS

6.1 In this section, I deal with the asset directly affected by the proposals, which is VTG.

6.2 I start with a description of the development proposal and comment on its several qualities and its overall quality.

THE DEVELOPMENT PROPOSAL: FEATURES AND QUALITIES

6.3 The Inspector and Minister have the benefit in this case of an abundance of professional architectural, design and landscape evidence.

6.4 I will, therefore, try to keep this analysis to those main points I have in mind when I formulate my conclusions on impact and effect.

6.5 In the case of this special development, the societal value, i.e. its significance as a national memorial and learning centre in respect of the Holocaust is a principal design consideration.

6.6 For a memorial of this nature, its external design should, I think, give form to its troubling content. As a consequence, the external expression of some parts will necessarily make a strong impression particularly as one approaches it. That effect – which Sir David Adjaye has described as disruptive – is part of the memorial's meaning and intended effect.

6.7 The subterranean form of a large part of the development mitigates the effect, as does the orientation of the memorial, which has a gentle, organic quality arising from its landscape treatment on the side of Parliament and to the north of the memorial itself which is described in the design evidence.

6.8 The designers of the proposal speak about its symbolism eloquently and with authority so I say no more about that here.

6.9 I identify the components of the proposal which are relevant to my area of evidence.

6.10 First is the entrance pavilion. This is

- A simply designed, single-storey pavilion that draws visitors in;
- Its design has to meet important functional criteria, as described in the evidence of Mr Bruno and Sir David. Its purpose is to prepare visitors and provide all necessary facilities;
- Its footprint comprises 3,258 m sq within the Learning Centre and 95m sq for the entrance pavilion, or 34,394 GIA including all attributes;
- Its height is 2m800 to the greatest point and the roof form is 5m;
- Its facing materials comprise blackened granite, which has a sombre and serious quality related to the meaning and content of the memorial and is important to prepare the visitor for the experience they are about to have; and
- The pavilion will be illuminated in hours of darkness. The effect of this is illustrated in views 18 and 22. The final level of illumination would be subject to a condition in the usual way. The intention is for the light profile of this feature to be discrete, and not to compete with the integral illumination of the listed Lambeth Bridge and its new feature lighting.

6.11 Next is the Memorial Courtyard. This is:

- A central part of the design, transition space, buffering noise and activities from Millbank;

- People walking down to the site from Lambeth Bridge or beside the courtyard will be aware of the location of this courtyard, but their experience of it will be mainly of the entrance pavilion and the boundary treatment which incorporates landscaping;
- This boundary landscaping serves to integrate the memorial with its landscape setting and soften its visual impact in the local area. The boundary provides a sense of separation from the outside world for visitors to the memorial, on entering the courtyard;
- The basalt stone paving has a sombre, serious quality reinforcing that of the entrance pavilion and communicating the memorial purpose of the development; and
- There is a lighting scheme for this area too, which is intended to be integrated with the pavilion illumination.

6.12 Third is the main entrance into the Memorial and Learning Centre. This comprises, incorporating the bronze fins which are a striking characteristic of the project.

- A passage through the walls, and a reception space creating a sense of depth along this façade. This contributes to the experience of the memorial and also softens its visual impact;
- The 23 bronze fins whose symbolic purpose (their number and materiality) is explained in the design evidence. In the sensitive views from the south, at the end of the park and nearby landing pavement of the bridge, as well as from other local views, these fins are of particular relevance in the assessment;
- The entrance has stainless steel for soffits and stone paving slabs, contributing a complementary palette to the one just described;
- It too will be part of the same scheme of illumination; and
- The portal or entrance area is the element which deflects the landscape, and which is another main feature of the design for the purposes of my assessment (see 'Landscape' below).

6.13 Fourth is the kiosk/café. This comprises:

- Simple curving plan, with a projecting canopy;
- Fair-faced, reinforced concrete wall and timber/bronze elements, the tonality and textures of which relate the element to the rest of the proposal; and
- It houses ancillary functions.

6.14 Fifth is the new landscape design for the whole of VTG, extending continuously across the ground which will remain undisturbed, to the north, and the new excavated area rising up to form a small mounded structure marking the entrance portal. The existing memorials are retained. See the Buxton Memorial discussion in section 8.0 and a discussion of the memorials more generally later in this section.

6.15 The landscape design:

- Allows for the retention of all plane trees on the perimeter of VTG (I recognise this is disputed; in the event of tree loss the design would include for tree replacement by means of a condition/landscape management plan); and
- New path accessing the Gardens, views across embankment wall over the river, new benches.
- A bespoke designed play area on the site of the existing one.
- Planting: shrub/perennial planting as explained in the landscape evidence of CC;
- Additionally, various works to the landscape to improve the use-ability of the grassed area; and

- The landscape scheme additionally includes a new area to the west of the Buxton Memorial, providing the opportunity to study the memorial and reflect on it.

6.16 Professor Tavernor, for the Applicant, has prepared evidence which includes an assessment of the proposals across different routes or journeys. I have read his analysis and agree it, taking it into account in my own assessment.

THE DESIGNATIONS

6.17 VTG is a grade II RPG and forms a distinct component within the WAPSCA.

6.18 VTG is also an important component within the setting of the WWHS, contributing to an appreciation of its significance both historically and visually, and so also therefore supporting an appreciation of attributes of the OUV, the WHS' integrity and authenticity.

6.19 Shortly after instruction we produced a detailed report which was issued to the team in May 2018 and later to Historic England and Westminster. This looked at the historical evolution of VTG as a RPG and documented the memorials within it. This report formed part of our baseline analysis in the HTVIA.

BASELINE SITUATION: HISTORICAL EVOLUTION (SEE VISUAL APPENDIX FIGURES 1.1-1.19)

6.20 The history of the RPG's evolution is set out in section 4.0 of the HTVIA baseline.

6.21 The main features of that history are outlined below in summary.

- Maps prior to the redevelopment of the Palaces of Westminster (begun 1840 to designs by Barry and Pugin) document a series of wharves and other buildings reflecting the proximity of the Thames. These pre-Victorian developments are treated in the archaeological report prepared by Atkins. Mr Ford has prepared a statement which is being put into evidence. Archaeology does not feature in the reason for refusal;
- In short, by c. 1870 or so, see para 4.20 of the HTVIA, when the new building was largely complete as seen from Lambeth, those wharves remained in place;
- Charles Barry however imagined the re-planning of the wider area in a masterplan of 1857 (see Figure 4.10 of the HTVIA), which showed 'proposed public gardens' to the south of the building site, and having a rectangular plan and an extent of some 9.5 acres. It was bounded by a promenade beside the river on what would have been a new embankment, which had no trees to the river, but heavier vegetation on the land side which would have had the effect of blocking views of buildings there. The intention was to create a verdant, parkland setting on this side. The eventual site area developed for the gardens was smaller than this, and comprises c. 6.1 acres or 2.5 ha;
- In the late 1870s, under the encouragement of W. H. Smith, money was raised for a square garden area with a circulate layout, with shrubs and trees, and showing buildings to the south, enclosing it in the manner of a square and whose purpose was to screen the industrial uses that would remain. This is shown on the 1895 OS plan (Figure 4.16 of the HTVIA and 1.8 at **Appendix 2.0**), albeit lacking the screening buildings. The trees are set to follow the geometry of the layout and are relatively close set. The effect was very different to what Barry had imagined and set the precedent for the dense tree screening that characterises the space today;
- These gardens were extended in c. 1910-1914 and in tandem with the widening of Millbank and embanking of this whole stretch of the Thames. The late Victorian layout was removed and many of the trees too. The line of trees by the river was retained, however, and extended towards Lambeth Bridge and new railings erected to Millbank. A perimeter path was installed and two new east west paths introduced to extend the alignment of the streets running west of Millbank. Rodin's Burghers of Calais came to the gardens at this time but not in their current position. Today the legacy of these two phases of development can be understood by the different sizes of the trees. The planes to the northern stretch are older and therefore bigger than the ones to the south;

- The next phase dates to the post-WWI period, funded by another paper merchant, now H. G. Spicer, for a children's play area next to the newly rebuilt Lambeth Bridge. This included a sandpit and was intended expressly to serve the poor families who then resided nearby;
- Shortly after the area had to be altered to accommodate the rebuilding of Lambeth Bridge. At that time the opportunity was taken to upgrade the playground with a stone enclosure that approximated to the form of the sandpit albeit in a location set by the new bridge;
- There was wartime damage to the Embankment and to the Palaces of Westminster, and afterwards the northern portion of VTG, the area first laid out in the 1870s, was turned over to a works yard;
- Afterwards, in 1956-59, the layout of VTG was altered to take the form it has, more or less, today, including the majority of the present paths, the positioning of the three main memorials (Calais, Mrs Pankhurst and the Buxton Memorial). As part of this the boundary of the Gardens with Black Rod's Garden, was moved. These works took place including tree replacement needed, most likely, for specimens lost to bomb damage; and
- Our HTVIA identifies later changes and additions which are of no real consequence. The most significant addition is the Parliamentary Education Centre which achieved a temporary consent for ten years in 2013, replacing shrubbery formerly, and historically, in this location. In c. 2015 the playground, now the Horseferry Playground, was restored and renovated, including with a new fence and other features and a refreshment kiosk. The carved Spicer memorial was restored and relocated to its present position as part of this project, so that it faced the new part of the garden.

6.22 VTG, therefore, was not planned as a single space in one campaign but it came about over two main phases, and certain features within each phase have in turn been altered. The main works appear at all stages to have been undertaken by architects in the Office of Works and are not associated with any notable landscape architect or designer.

6.23 To assist the Inspector and Minister in understanding the evolution of this space I have produced summary diagrams at my **Appendix 2.0**, Figures 4.1-4.2.

SIGNIFICANCE OF VTG AS AN HISTORIC PARK AND GARDEN

6.24 Having reviewed the material, I agree still with the HTVIA's overall conclusions, as set out at paragraphs 5.22-5.27. In summary, the significance of VTG is, first, historic as an attempt, executed in phases and as the opportunity presented itself, to create a verdant setting on the south side of Parliament and in so doing to give a dignified setting to Parliament as well as provide amenity.

6.25 The evidence demonstrates that it was an attempt to improve the setting of the PoW and as part of that to provide local amenity. The landscape was not a distinguished work of design in itself, for instance reflecting innovative approaches to layout or planting or any particular aesthetic intention apart from providing a seemly setting for Parliament and a pleasant green space for people to use.

6.26 Its purpose as a location for memorials dates to the early C20, with the installation of the Rodin bronze. In the early C20, its purpose widened to provide public recreation and in particular for the poorer children in the area, and the playground is a notable feature of the southern tip or 'nose' of the space today. Its current layout has also evolved in the post-WWII period.

6.27 This southern tip of the garden is today laid out for recreation purposes, and has a rather expedient appearance as a consequence. This is not to criticise its utility for play at all.

6.28 The most significant landscape element of the gardens are the mature plane trees. Their growth and dense canopy creates a very strong landscape element in the immediate setting of the Palaces of Westminster, and as noted in the HTVIA this does have the effect of distancing the buildings from the City around it, and in particular from the bridge and the buildings on the south side of Millbank. The linear extent of the river frontage provides a generous setting against which to appreciate the striking silhouette of the Palaces of Westminster from the bridge and Lambeth embankment to the east.

6.29 The riverside walk by the listed embankment wall is another notable feature, and so also are the memorials.

- 6.30 The open grassed area and riverside walk recall Barry's 1857 masterplan in broad terms, but the layout we have today does not reflect his design aspiration, which was outline in any event and recorded in general terms only on a drawing setting out a wider area vision. The arrangement of paths (perimeter paths and crossing paths) is no more than expedient. There are no elaborate beds or ornamental plantings. It is a fairly pleasant grassed area, edged by impressive trees and a fine riverside walk with raised seating and the historic embankment wall. It is those latter features and the memorials, taken together with the prestigious location, that give the space dignity.
- 6.31 The above analysis is, in my opinion, consistent with the RPG entry, which focuses on the historical evolution of the gardens. The description is factual.

OTHER CHARACTERISTICS

- 6.32 There is a change in character across VTG which is consequent on the narrowing of the open space to the south. From this area one is also aware of the Horseferry Road roundabout and the bridge. This part is arranged for active recreation (the children's play area, the kiosk, there are WCs too), and buildings opposite on Millbank have a greater presence too because of the more restricted width of the area.
- 6.33 The landscape here is influenced more heavily by the surrounding urban environment.
- 6.34 The greater proximity of the trees at this end also reduces the amount of sunlight that comes to this part notwithstanding that the north-south orientation of the space exposes it potentially to good sun throughout the day.
- 6.35 This is, in other words, the shadier part of the garden because of the narrowing of the space, the size of the trees and their position, all in the same part of the garden that is more affected by activities outside it.
- 6.36 It is not possible to draw a line on a plan to mark out this area, but based on many visits these conditions become increasingly more noticeable as one moves south of the Buxton Memorial.
- 6.37 The December 2018 DAS, at 3.10, identifies other conditions, such as compaction of the central lawned area from the number of people using it. This leads to ponding during wet periods and in the winter. There is an opportunity to address this issue on any redesign and make the lawned areas more useable.

WAPSCA AUDIT (CD 3.1)

- 6.38 The adopted Audit highlights the amenity value of the RPG. At 4.4, for example, we read that VTG provides 'an attractive escape from the busy routes around'. The riverside location is highlighted, and from it the 'expansive views along the Thames and to the Victoria Tower'. Some of those views, from the area to be given over to parts of the memorial (entrance, kiosk and courtyard) will be removed or changed. 4.23 provides historical context, stating that VTG was provided as part of Victorian 'improvements and slum clearance'.
- 6.39 The Audit does not assess the relative quality of different areas within VTG.
- 6.40 Paragraph 4.41 notes the view of the south elevation of the Palaces and in particular of the Victoria Tower itself. Figure 2.2 illustrates this from near to the identified viewing position. The tower and St Stephen's tower, also known as the Elizabeth Tower (which contains Big Ben) are variously identified as defining features. Figure 8.2 provides a closer shot of the VT from VTG. There is another view on page 99, not labelled, which shows the Buxton Memorial in the foreground view of the tower. This is one of the views which changes significantly (see Buxton Memorial discussion in section 7.0).
- 6.41 Our May 2018 report notes the three local views formally identified in the SPD, on figure 83, which are of Victoria Tower from VTG. Two of these are located roughly on the former boundary between the first and second garden phases, and the proposals do not interpose in them or otherwise materially change them. The third is from south of the playground near the steps down from the bridge. The proposals do materially change this view and interpose (but would not block views of Victoria Tower). This is view 9 in the HTVIA which I discuss later.
- 6.42 This figure, 83, distinguishes local views from metropolitan views, which are in effect strategic views within Westminster's plan area and treated in a draft SPD. There is no alleged harm to any of these.

- 6.43 Paragraph 5.59 describes VTG shortly, as the largest area of green open space in the CA, and beside the river, 'framed by the river embankment granite wall... The area also has a small children's playground to the south and shrubs and lawn around the perimeter of the garden'.

THE WWHS MANAGEMENT PLAN (CD 4.10)

- 6.44 The MP refers in many places to VTG which is recognised as forming the southern boundary to the WHS (1.1.2.2, for example).
- 6.45 At 1.6.2.2, page 61, VTG is said to have 'remained as conceived ... Following the completion of the Palace, it was laid out as a Victorian metropolitan scale public open space with mature London Plane Trees. It contains statues, the Suffragette Memorial Wall, the Buxton Memorial, a small children's playground to the south, riverside raised benches and perimeter shrubs and lawns'. The characterisation of its history suggests its design was integral to that of the Palace which is not the case.
- 6.46 Paragraph 1.6.4.3 identifies an important view of the WHS from VTG, and this is marked on a plan as a local view on page 62. It should be noted that the viewing location is altered as part of the proposals but, broadly kept open as I will discuss. The exact position is chosen simply by reason of the path's position (I infer), and by reason of the path's orientation towards St John's Smith Square (see photograph page 69).
- 6.47 1.7.21 identifies VTG as an important part of the WWHS's setting, which I agree.
- 6.48 Paragraph 5.1.2.5, in the part of the MP setting out objectives, identifies VTG along with Parliament Square, Abingdon Street Gardens and part of Old Palace Yard as 'key spaces'. VTG is included under Objective 6, page 121, where there is a commitment to consider an enlargement of the WHS to encompass buildings and spaces associated with the buildings of the WWHS, including the Palaces of Westminster.
- 6.49 Failing that, VTG is identified as suitable for inclusion in a proposed buffer zone, as per Objective 7 (see section 7.0 of my PoE). The difficulty of doing this in the context of a 'dynamic world city' (5.1.2.8, page 121) is recognised. The object of this is, the text explains (next page) to safeguard the iconic status of the PoW, 'which derives from its distinctive appearance'. I will return to this comment in my analysis of the impact of the proposals on the WWHS (see section 7.0 again).
- 6.50 The record of the stakeholder workshop discussion that formed part of the plan's preparation, VTG comes up again under the heading 'Other facilities for tourists'. VTG was suggested as one alternative tourist offer, and its merits debated. Page 194 refers to a VTG study prepared by Royal Parks. I have not been able to locate a copy of this document and (April 2020) have asked instructing solicitors to request it formally from RP. The Applicant has not yet received a response at the time of writing (September 2020).

THE LVMF (CD3.14)

- 6.51 A number of regionally important strategic views were considered as part of the assessment process. There are three relevant LVMF views in all, and in particular views 18 A, Westminster Bridge, 22 A, the Lambeth Embankment, and 19 A, Lambeth Bridge to the mid-point of the bridge. In each case the viewing area is an extended stretch of footway.
- 6.52 The Management Plan for no. 18A identifies 'mature trees along both embankments' as 'important middle ground elements', at paragraph 310. Paragraph 311 states that the prominence of the Strategically Important Landmark [the Palaces of Westminster] is enhanced by the setting provided by the diminishing trees of VTG to the south. The trees accentuate the sense of perspective, while also shielding the cliff-like Thames House buildings, and visually separating the WHS from Millbank Tower'. The management guidance requires the 'maintenance of an appropriate setting' for the Palace as 'the most prominent feature in most views from this Viewing Place' (313).
- 6.53 View 19 A, Lambeth Bridge downstream, is the view most potentially affected. In the description of the view it is stated: 'The intensity of riverside buildings north of Westminster Bridge and east into the City of London, is secondary in this view to the visually "semi-pastoral" setting of the WHS. No development crowds in close to the WHS...'

- 6.54 I note that the earlier edition of the LVMF did not describe VTG as 'semi-pastoral', which phrase features in Mr Dunn's statement to the SoS on behalf of HE. I do not agree with the use of this word as a matter of landscape analysis; even land which is semi-pastoral has characteristics related to rural food production. In my view VTG is an urban landscape, and as noted the WWHS MP refers to it as a 'Victorian metropolitan scale public open space with mature London Plane Trees'. Subject to my earlier qualification on this citation from the MP, I consider this is a fairer description than semi pastoral.
- 6.55 In any event what comes across in both LVMF MPs and in the WWHS MP too is the function of VTG as a kind of green buffer or foil which intensifies our appreciation of the wonderful silhouette of the Palace and sets it apart from the city around it.
- 6.56 As to the management guidance, paragraph 335, states that from Lambeth Bridge the 'setting of the Palace of Westminster is largely unaffected by modern development'. The LVMF highlights the objectives of the WWHS MP in the same paragraph.
- 6.57 The description of the view in the MP for LVMF 22A makes similar points on the positive role the trees play in the setting of VTG, and to our appreciation of the architectural value in particular of the Palace of Westminster. The guidance to visual management likewise adds nothing.
- 6.58 No party has identified any harmful impact on these views or on the ability to appreciate the OUV of the WWHS in them. This is because the proposed memorial is relatively low, some 9 metres high at most, and so sits under the canopies of the trees. In these views, then, the proposals will have no material impact on the strategic views (18 A and 22A). Parts of the proposal will be observable from the downstream pavement of Lambeth Bridge (19A).

THE SETTING OF LONDON'S WHSS SPD TO THE LONDON PLAN

- 6.59 I return to this SPD in my section 7.0. The document does not expressly refer to or identify VTG. In the draft statement of OUV, page 21, for WWHS, it notes that as at 2011 the Integrity of the WHS was a function of several factors, including 'its instantly recognisable location and setting of the Property in the centre of London, next to the River Thames'. Here setting appears mainly directed to the river but the trees by the River in VTG and its open character clearly do contribute to the integrity directly. This is a function, as well, of views from VTG to the Palace of Westminster and of the river through the trees.
- 6.60 The SPD highlights a number of issues specific to the WWHS. Most are, I think, better assessed in the following section.

THE IMPACT OF THE PROPOSALS

- 6.61 There are two impacts to consider.
- 6.62 First is the direct impact on VTG as a designed landscape, arising from the loss of open space, the introduction of built development and changes to the remaining landscape.
- 6.63 Second is the impact on views within VTG, across it and from within it. I treat the setting impacts on the WHS in the following section, since here I am considering VTG only, as a designated asset in its own right.

The Physical Changes

- 6.64 The proposed reduction in open space occurs at the southern end of VTG, in the area I earlier described as shadier and more affected by the surrounding urban environment. It is also an area that includes hard landscaping and some built development, albeit small scale, and which overall has no real visual quality as a design.
- 6.65 The larger part of the open space within the garden will be maintained, and a new landscape scheme effected. This is described in detail elsewhere in evidence, but essentially, a new sinuous path is created from the northwest corner of the space. This is kerbed or edged and connects to the riverside walk to the southeast. Existing entrances and paths are retained and the latter resurfaced and there is some re-grading too. These measures will make the garden more useable.

- 6.66 The alignment of the path interacts with the rising landform that is the expression of the learning centre on this side. The lid of the education centre rises gently, and has an attractive curving form. The new mound provides an area for people to sit out on and enjoy elevated views of the Palace of Westminster and of the river (albeit filtered by the trees). This is terminated or edged by the bronze fins and a boundary feature.
- 6.67 The new path that sweeps to one side concludes with the upstanding part of the memorial entrance and the Buxton Memorial, which is given a new setting.
- 6.68 That change in landform/elevation and the new language of curving, sinuous forms are of course different to the present landscape. But that landscape design is in itself not distinguished.
- 6.69 The impact of the new landscape design and the proposed built development can be judged from the ES Addendum, accurate visual representation 17.
- 6.70 From this position and equivalent positions on the west side of the garden and adjoining footways, the roof or lid of the memorial and entrance rises to the edge defined by the top parts of the bronze fins defining the memorial. I consider this deflection or lifting of the landscape to have a gentle, elegant quality that defines one end of the garden. The separation between the fins introduces a pleasing rhythm and articulates the edge of the roof of the memorial. The tonality of the fins complement the verdant setting.
- 6.71 A new path with boundary planting is introduced, improving access and the quality of the landscape and better defining the line of mature trees.
- 6.72 Just visible in the view is the sinuous path from the north-west corner of the garden, and closing the axial view along the new path is the Buxton Memorial. Its association with the memorial, seen to its right, gives it a destination quality. It draws a visitor's attention from this side at the moment, but there is no clear or obvious route to it at least from the grassed areas from this area in the garden. I discuss this listed feature expressly in my section 8, but have to address it here to some extent in my analysis of the garden. From this position, then, I conclude an enhancement to its setting as a consequence of the new path and its relationship to the memorial, which increases its destination identity. There are, however, some harmful impacts to it which I consider later.
- 6.73 A harmful effect of the proposals from this side, the north, is the memorial's visual encroachment into the lower part of the tree canopies which blocks views under them and so reduce our appreciation of them to an extent. The harm arising from that is limited by the fact that we can still perceive the scale and continuity of the trees which are significant component parts of VTG's landscape character. The views under the canopies in themselves do not contribute anything of real value to the amenity and heritage value of the landscape.
- 6.74 I comment now on the impacts with reference to the other published Accurate Visual Renders ("AVRs") that form part of the submitted environmental information (see our April 2019 ES Addendum).

FROM THE BRIDGE HEAD, VIEWS 9, 11, 22 AND 23

- 6.75 These are part of a transient experience, and available to people walking into Millbank from the bridge or down directly into VTG from the steps of the listed bridge.
- 6.76 There are glimpsed views of the Palace of Westminster from this viewing area, whose quality is affected by traffic and the roundabout. It is a busy place of orientation at most times.
- 6.77 The view down into VTG from the steps, view 9, is clearly capable of improvement. I make no criticism of the play area when I say that its design serves its purpose, which purpose also has some historic interest for the reasons described earlier.
- 6.78 Overall, though, this area of VTG has the expedient character of a playground similar to what we see in any London Park, which can be appreciated in view 23.
- 6.79 That in itself is not harmful to the RPG or even uncharacteristic, since many public parks are RPGS and all the ones I can think of have a playground in them and many were even planned to have them, as this one was. The character of the land

reflects that historic use. The Spicer memorial adds a degree of dignity befitting the prestigious setting, but that is the only feature that achieves this, and it is subsumed in the wider play area.

- 6.80 The new kiosk and associated landscape improve the visual amenity of this part of VTG. The riverside walk is better defined by new surfacing and boundary planting, enhancing its character and the appreciation of the listed embankment wall. The experience of moving down into the park is likewise improved.
- 6.81 The geometry and design of the entrance pavilion, with a part view of the fins over it, is distinctive and distinguished. Leaving that judgment (which is in part subjective) to one side, this view illustrates how the design mitigates impact. The shaping of the elements reduces their mass. The materials have a restrained palette, and overall the ensemble presents as a single piece of careful design, integrating landscape and built development. This can be appreciated also in view 22, made south of the Buxton Memorial and from the position of the new entrance courtyard.
- 6.82 There is more built development in the view, but that in itself is not harmful. The land is not Metropolitan Open Land so there is no policy test on the loss of openness. Rather, openness here is an aspect of the landscape's historic character and purpose, which is both for relaxation/leisure.
- 6.83 The main heritage consideration here is the impact of the proposals on the ability to appreciate the PoW southern elevation and roofscape from this point. That impact is one both on the RPG and on the WHS' OUV. Those two considerations are closely related but they are distinct assets requiring separate assessment just as the Buxton Memorial requires its own analysis.
- 6.84 Overall, the heritage value of the view to the RPG (and consequently to this part of the WAPSCA) is not diminished as that is experienced from view 23. There is more built development in the view, and so one's appreciation of the lower parts of the POW seen in relation to Victoria Tower is diminished. The design of the proposals – specifically, the sloping form of the pavilion roof and the arrangement of the fins – mitigate that impact, and the two together are attractive in their own right.
- 6.85 The power of Victoria Tower and iconic silhouette of the PoW can still be appreciated. The important purpose of the memorial does not undermine that; that purpose reflects the prestige of the location. The interaction between the Buxton Memorial and the PoW can still be appreciated also, and there is no loss to the understanding that these are two structures designed in the Gothic Revival tradition.
- 6.86 From view 22 the change is more pronounced but then the memorial design is appreciated to very good effect, as a thing of great power and high aesthetic quality by virtue of its materials and form, and the high quality of the new courtyard landscape and boundary. Thus, and overall, I do not see any harm to the significance of VTG from these viewing positions.

FROM MILLBANK AND WITHIN VTG, VIEWS 12, 15, 18, 19

- 6.87 The impact of the proposals is more pronounced from the south of the external elements of the proposals, and closer to them.
- 6.88 From immediately east and west of the sunken entrance court, and from the pavements to Millbank, running broadly from Great Peter Street to Dean Stanley Street, the entrance to the memorial becomes increasingly prominent and noticeable. That is, naturally, its purpose.
- 6.89 I think anyone coming to the site for the first time, understanding the importance of the location, and seeing the unusual form and materials of the entrance threshold and, to a lesser extent, the pavilion, would appreciate it is a special structure with a memorial purpose.
- 6.90 I consider it is difficult to dissociate the impact from that understanding.
- 6.91 For example, the statue of Lincoln near the UK Supreme Court undeniably affects the setting of this grade I listed building and also of the grade II listed RICS HQ building adjoining.
- 6.92 Nevertheless, we do not find these to be alien or intrusive because we recognise they are memorials and one expects to find memorials in such locations (and in this one).

- 6.93 I do not think anyone would judge their impact to be harmful to the setting of those buildings for that reason and by reason of their scale, detailed design and materials.
- 6.94 The same set of perceptions apply in this case allowing for the obvious differences in the character of the memorial's design.
- 6.95 The unusual form and prestige materials are attractive in this context. Their natural finish and irregular silhouette are suitable for their landscape context and the proposals emerge from the landscape too.
- 6.96 Nevertheless, the encroachment of the structures into the tree line does undermine the integrity of this feature. And nearer to the proposals, particularly on the east footway of Millbank near to the junction with Dean Stanley Street, the extent and form of the monument do disrupt the historic character of the landscape.
- 6.97 Sir David Adjaye has explained that it was his intent to disrupt the park to some extent to express the enormity of the event memorialised by the proposals. Thus the striking and distinctive form of the development is intended to function symbolically. An awareness of that goes to influencing, I think, the way one appreciates the interaction between the entrance portal and the surrounding environment.
- 6.98 The impact of this element on historic landscape character is, in my view, less marked than the impact of the new boundary treatment along the courtyard, which introduces a sense of separation and undermines the appreciation of the trees and, from the east side, interferes with an appreciation of the site's riverside setting to an extent.
- 6.99 Notwithstanding that, the effect of the proposals is, then, to implement a distinguished new landscape design within an older framework comprising the embankment riverside walk, the trees and perimeter paths. The proposals maintain the position of the monuments, creating a new setting to one, and upgrade existing elements. New viewing opportunities – at a higher level – are created and the retained lawn area will be enhanced to prevent ponding (I understand).
- 6.100 The design is different in character to the current layout but that in itself is not harmful, taking into account the history and character of the landscape and the purpose of the proposal and its symbolic content.
- 6.101 I conclude, therefore, that the proposals enhance this part of the RPG, and so also this part of the WAPSCA (I treat the WHS site shortly).
- 6.102 The proposals cause some harm to the garden, however, by reason of the loss of green space to the north, and by the introduction of built form.
- 6.103 The relocation of the Spicer memorial wall from its historic location also causes some harm.
- 6.104 The harm I have identified to the RPG is less than substantial, and at the low end of the scale because:
- The impact is limited to the southern portion of the garden, where there is already hard landscaping and where the character of the space is affected by the surrounding urban environment;
 - The affected views (see below) are not formally identified ones. They are representative views which are changing in nature and affected by an awareness of the surrounding urban environment (particularly traffic movements);
 - Being able to see under the tree canopies and appreciate the full scale of these specimens is a positive characteristic of the space, contributing to an appreciation of the landscape. In the most impacted views (discussed below), the proposals obscure the lower part of the tree canopy and so do interfere with our perception of these features. That interference is, as noted, limited in extent;
 - The amount of green space lost is limited, and as explained in the evidence of others; and
 - Main features of interest are not affected. The riverside embankment and walk are maintained in full and in fact improved in accessibility. The trees are retained (see my treated of the RfR1 alternative in section 9.0 – in short the degree of harm to the RPG would rise on this analysis to moderate to high, diminishing to low as replacement trees mature).

6.105 This less than substantial harmful impact is reduced and/or mitigated by the following factors:

- First, the change takes place partly on an area of existing hard landscaping (the play area) which overall has limited design interest;
- Second, there are improvements to access at this end;
- Third, the quality of the design is distinguished in all respects and worthy of its location and purpose, which is complementary to the memorial content of VTG. I also have in mind the quality of the design of the new landscape area between the kiosk and entrance pavilion;
- Fourth, aspects of the built development reduce its visual impact, notably the scale of the entrance pavilion and roof (as revised for the resubmission of April 2019), the circular form of the kiosk and the articulation of the memorial entrance fins as seen in elevation particularly;
- Fifth, the new boundary planting and associated landscaping that forms part of the enclosure to the courtyard; and
- The new landscape scheme as a whole is itself of the highest quality, carefully integrating landscape and buildings. The visual amenity of the garden and its design interest is enhanced.

THE NPPF AND SECTION 72 (1)

6.106 I am left, then, advising the Inspector and the Minister there is benefit to the historic landscape and some harm, and that the proposals have been designed to minimise or mitigate that harm, and when looked at as a whole, the RPG is enhanced and with it the character and appearance of the WAPSCA.

6.107 Since section 72 (1) of the PLBCAA requires the decision maker to look at the proposed development and weight all of its impact up, I conclude that the proposals would meet the statutory requirement.

6.108 Applying the Palmer approach, then the terms of paragraph 193 would therefore be met, the limited harms I identify outweigh the benefits.

6.109 Applying the Bramshill approach, the less than substantial harm I identify engages the terms of 196. The heritage benefits I identify countervail that harm, such that there is no need to take further public benefits into account. If, however, a different view is formed, then I refer the Inspector and Minister to the public benefits identified in Mr Goddard's Proof.

6.110 I refer the Inspector and Minister also to his Proof for the proposals performance against the development plan policies I cite in section 5.0.

6.111 I note here, finally, that my analysis concludes that the role of the Buxton Memorial in the RPG is not undermined by the proposals since it is integrated into the new landscape design. Furthermore, one can still appreciate it in the context of the PoW which maintains an appreciation of the stylistic relationship of the two and visual connections that contribute to the importance of the Buxton Memorial. The analysis of the proposals' impact on the setting of the Buxton Memorial itself is different, and I come to a different finding as a consequence (see section 8.0).

HISTORIC ENGLAND COMMENTS

6.112 I note that my approach, to disaggregate these assets, is the one taken by Historic England in the Statement it has presented to the Minister and the Inquiry.

6.113 It follows from my analysis, however, that I do not agree with HE's reasons for identifying harm in that statement.

6.114 This concludes:

'any reduction of open space would cause harm to this significance. In my view the loss of green open space and its replacement with hard landscaping would cause appreciable harm to the significance of the grade II RPG. I assess this harm as moderate in the less than substantial category.'

6.115 I do not think this judgment is consistent with an appreciation of a) the nature of this part of the garden and b) the role of the open area in the overall significance of the RPG (as one element of three). Clearly, since this judgment is based on an absolute criterion (open space), it does not make any allowance for mitigation of impact through design, and neither does it take into account any benefit.

OTHER CONSULTEES (FOCUSING ON THE RPG IMPACT AND RELATED DESIGN MATTERS)

6.116 The GLA consultation response of 4 March 2020 concludes the proposals represent high architectural and urban design quality subject to conditions in respect of materials and the landscape's and related features maintenance.

6.117 *Paragraph 28 states:*

The design principles in chapter seven of the London Plan and chapter 3 of the draft London Plan place expectations on all developments to achieve a high standard of design which responds to local character, enhances the public realm and includes architecture of the highest quality that defines the area and makes a positive contribution to the streetscape and cityscape.

6.118 I cite from other paragraphs below which pertain to my findings.

Entrance pavilion

30 ... The simple form and materials would act to minimise visual intrusion within the gardens whilst also providing a clear break from the prevailing atmosphere of the public gardens.

Memorial courtyard

32 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 selected material palette for the above elements is supported and conditions should be attached to ensure these high-quality materials are used in the final development.

...

35 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.

Learning centre

Landscaping and public realm

37 The proposals would also involve significant works of landscaping which would act to enhance the wider offer of Victoria Tower Gardens. 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 which would act to improve accessibility throughout the gardens. Additionally, the proposals would include the provision of new raised walkways with ramped access to facilitate improved views of the river, the Palace of Westminster and beyond. Finally, the child play space at Horseferry Playground and the existing kiosk at the southern end of the site would be reprovided and enhanced with the playground providing a varied range of play facilities for young children.

38 Overall, these proposals would significantly enhance the quality of the remaining open space and its attractiveness for visitors and residents of the area and, as such this element of the proposals is strongly supported.

6.119 ICOMOS' letter dated 15 February 2019 alleges "substantial harm to the way the setting supports and protects the OUV of the WHS" as "a symbol of the intertwined history of monarchy, church and state since the 11th century, and the

development of parliamentary democracy". This is properly an objection on the grounds of a setting impact on the WHS and so I treat it later.

- 6.120 The Victorian Society's letter dated 11 March 2019 expressed concern impact on the RPG as a Victorian landscape (treated above) and on the Buxton Memorial which I treat in section 8.
- 6.121 The Gardens' Trust letter of 24 January alleges harm to the RPG's landscape character on the basis that the proposals remove 'All sense of an uncluttered, calm expanse of public open space in the centre of the city, with long views in several directions [which are] 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.'
- 6.122 I think this letter overstates the impact. The southern end of the garden is filled with play equipment, and that is visible in the long views from that part. Those views to the PoW are maintained. The views from the northern part of the gardens are curtailed by the tree belt. The proposals themselves have 'solid dignity' complementing the PoW's architecture. The landscape quality of the garden is enhanced by improved landscape and paths. The new paths do not materially reduce the amount of greensward. I do not, then, agree with the GT's criticisms.
- 6.123 The GT also object to the interruption of the sightlines along Dean Stanley Street and St John Smith Square. I treat these in my section 9 on the RfR1 alternative.
- 6.124 The GT also object to the proposals by reason of harm to the Buxton's Memorial's significance by reason of what they consider to be "the uneasy aesthetic juxtaposition of the enormous 10.5m fins next to the Buxton Memorial... ' I treat this matter later.
- 6.125 The London Parks and Gardens Trust objection, letter 4 February, raises very similar points to the GT in relation to the Buxton Memorial and as a consequence of what it sees is the introduction of "a cluttered, visually congested, urbanised landscape, especially at the south end." My earlier remarks on the GT letter of objection deals with this point.
- 6.126 The Royal Parks' letter of 8 February 2019 supports the principle of creating a memorial, agreeing with 'the compelling reasons for doing so at this time'. That letter explains RP's role, managing VTG and 7 other sites, on behalf of the SoS for DCMS and their position in the decision making process (there is no role for them, as set out in the letter). RP is, thus, a consultee. It concludes that VTG is not an appropriate location for the development, and explains it does not support the application 'given the impact it will have on a popular public amenity space in an area of the capital with few public parks' (page 1 of letter). Its objection does have, however, a heritage dimension. See page 2, paragraph 4, where it is stated that the proposals will harm views conveying VTG's historic character, dominating the park and so 'eclipse the existing listed memorials which are nationally important in their own right'. By this I take RP to mean the Buxton Memorial, the Pankhurst Memorial and the Burghers of Calais. I have in the substantive part of my evidence treated these criticisms, explaining why I do not agree with them. RP concludes by observing that the 'sombre nature of the memorial, the large structure and the necessary security measure around the curtilage of VTG' will harmfully change what it sees as the present park's relaxed character. I read this objection as one based, predominantly, in landscape which I do not treat in my evidence. Whilst I agree that part of the memorial has an expressive nature, befitting the enormity of the event it memorialises, I do not agree that the landscape proposals for the park as a whole are 'sombre' or menacing. I have explained elsewhere why I conclude the new landscape scheme is attractive and inviting across the larger part of the park.
- 6.127 Neither the Ancient Monuments Society, nor the C20 Society nor Lambeth, the adjoining borough, raised any objection.
- 6.128 The Save VTG Campaign, a Rule 6 Party, made a substantial objection on many counts. As these relate to the RPG, I consider I have treated them already.
- 6.129 The Belgravia Society's letter of 17 April 2019 supported the location but objected to the design on contextual grounds, concluding that VTG 'is not a site for experimental architecture. It is a site for tradition, heritage, reflection and peace.' The proposals enhance the reflective quality of the space by reason of their serious purpose, so I do not understand this criticism. The proposals also mark an historic event of world importance, and so enhance the historical content of the setting. There is no reason why changes of this nature, in a setting which is defined by commemorative features, cannot add to that content and character. Indeed, these proposals do.

- 6.130 With the exception of ICOMOS and the Save VTG Campaign, I draw the Inspector and Minister's attention to the fact that none of these consultees (including the Victorian Society within whose remit the Palace of Westminster squarely falls) raised a point on grounds of impact on the WHS.

IMPACT ON THE BURGHERS OF CALAIS

- 6.131 Finally, I treat one allegation of harm to the setting of this sculpture.
- 6.132 This is set out in a detailed response from Mr Dorian Gerhold on behalf of the objectors. I have prepared a short note on the topics he raises, which includes impact on the setting of the Burghers of Calais, a listed structure at the north west corner of the garden, near to the PoW. He has stated that the proposals overpower this listed sculpture by Rodin. I do not agree with this criticism because: of the distance separating the two; the strength of the sculpture itself; its dedicated viewing area; and the way one experiences such a sculpture, which is from different vantage points and with close focus. I conclude no harmful impact to setting, accordingly.
- 6.133 My note (**Appendix 4.0**) considers his allegation that the content of the proposal does not complement the memorial themes found nearby. For the reasons I explain, I see no merit in that criticism.
- 6.134 I provide an assessment of the impact of the proposals on these assets at my section 8.0 (Buxton) and 10.0 (the Rodin, where I also consider the Pankhurst memorial, listed grade II).

7.0 WESTMINSTER WORLD HERITAGE SITE

7.1 The history and significance of the WWHS will not be a matter of dispute. As a site designated for its Outstanding Universal Value under the terms of an international treaty, its cultural value and significance are the very highest. Its component parts individually, and particularly the Abbey and the Palace of Westminster, are grade I listed and scheduled in part, and so subject to special statutory protection and policies that reflect that provision (section 66 (1) as already discussed in section 5 of this evidence).

7.2 The WHS designation does not require a special form of assessment when treating direct impacts or ones on its setting. Therefore, the accepted approach to setting matters as outlined in HE's GPA3 document applies. The Mayor's SPD on London's World Heritage Sites is consistent with that best practice. The development plan policies and guidance can be applied on the basis of an analysis framed with reference to these documents, and in particular the Management Plan and the Mayor's SPD.

ICOMOS GUIDANCE AND TERMS

7.3 Notwithstanding that I highlight aspects of the ICOMOS guidance on Heritage Impact Assessments for Cultural World Heritage Properties (CD 4.4, January 2011).

7.4 The OUV of a WHS site is fixed at the time of inscription and not subject to negotiation. They are single heritage assets with a clearly articulated value (see Purpose or introduction).

7.5 The guidance warns against the disaggregation of cultural heritage attributes, which are then assessed on an individual basis in the EIA process, pointing out that this sometimes leads 'to disappointing results' unless the impacts 'are directly tied to the expression of the site's OUV' (page 1). The guidance advises assessment on all the potential attributes, 'both individually and collectively'.

7.6 The guidance publishes a tabular impact matrix which is similar to that used for EIA purposes, and Appendix 3.0 gives helpful examples of how one categorises value and magnitude of impact.

7.7 Alongside the OUV and its attributes, clearly articulated in a Statement of Significance and Management Plan, the ICOMOS guidance explains that an examination of the 'integrity and authority is a useful starting point' for the assessment.

7.8 The Operational Guidelines for the Implementation of the World Heritage Convention defines integrity at paragraph 88 thus:

7.9 Integrity is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes. Examining the conditions of integrity, therefore requires assessing the extent to which the property: a) includes all elements necessary to express its Outstanding Universal Value; b) is of adequate size to ensure the complete representation of the features and processes which convey the property's significance; c) suffers from adverse effects of development and/or neglect. This should be presented in a statement of integrity.

7.10 Paragraph 89 explains that for properties such as the WWHS, nominated under the first five published criteria, the following bears on integrity.

7.11 For properties nominated under criteria (i) to (vi), the physical fabric of the property and/or its significant features should be in good condition, and the impact of deterioration processes controlled. A significant proportion of the elements necessary to convey the totality of the value conveyed by the property should be included. Relationships and dynamic functions present in cultural landscapes, historic towns or other living properties essential to their distinctive character should also be maintained.

7.12 A property nominated under the relevant criteria must meet the terms of authenticity as set out in Annex 4. Authenticity in this context, and citing paragraph 9 of the Annex, states:

7.13 Conservation of cultural heritage in all its forms and historical periods is rooted in the values attributed to the heritage. Our ability to understand these values depends, in part, on the degree to which information sources about these values may be understood as credible or truthful. Knowledge and understanding of these sources of information, in relation to original and subsequent characteristics of the cultural heritage, and their meaning, is a requisite basis for assessing all aspects of authenticity.

THE MAYOR'S SPD (CD3.15)

7.14 The Mayor's SPD confirms the relevant constituent parts of the analysis in the first instance, and in summary as follows. I highlight from this, in bold text, those parts I consider relevant to the matter before the Inquiry. I have numbered the paragraphs for ease of reference.

Brief Synthesis

- Encapsulates the history of one of the most ancient of parliamentary democracies;
- Westminster Abbey is a striking succession of the phases of English Gothic art and the inspiration for 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;
- Intricate and iconic silhouettes have symbolised the monarchy, religion and power since the 11th century AD;
- The Palace of Westminster is one of the key monuments of neo-Gothic architecture;
- Westminster Hall is a key monument of the Perpendicular style and its roof is one of the greatest achievements of medieval construction in wood; and
- St Margaret Church is the place of worship of the Speaker and the House of Commons since 1614 and an integral part of the complex.

Integrity 2011

- **Instantly recognisable location and setting of the Property in the centre of London, next to the River Thames; an important part of the Property's visual integrity;**
- **Historical importance emphasised by the buildings sizes and dominance;**
- **Distinctive skyline still prominent;**
- **Intricate architectural form can be appreciated against the sky and make a unique contribution to London's skyline; and**
- Heavy volume of traffic in roads around the property impacts on its internal coherence.

Authenticity 2011

- The site maintains its historic uses and functions completely;
- The Abbey continues as a place of daily worship and remains the Coronation Church as well as the place of other great national ceremonies;

- **The Palace of Westminster continues to be used as the seat of the UK's two-chamber system of democracy; and**
- St Margaret's Church, now part of Westminster Abbey, remains at heart a medieval parish church ministering to members of both Houses of Parliament.

7.15 The above characteristics are intrinsic to the WHS, and the relevant consideration is whether the proposals impact the ability to appreciate the above characteristics and if so to what extent.

7.16 VTG itself cannot have been judged essential to the integrity or authenticity of the site itself, or otherwise it should have been included in the boundaries at the time of inscription. I understand the Management Plan, see below and as discussed in section 6, concludes that VTG should either be included within the inscription area or within a buffer zone but at the time of writing I understand there is no likelihood of these amendments being made within the timescales for determining the called-in application. The decision maker is left, then, to deal with the current designation. The point is, perhaps, moot because irrespective of being in or out of the inscription boundary, with or without a buffer zone, VTG and hence the site are plainly within the setting of the WHS.

THE MANAGEMENT PLAN (CD 4.10)

7.17 One has to think about the concept of integrity and authenticity when it comes to considering just which formally defined attributes of OUV are affected and how. This is an open textured exercise.

7.18 For those we look to the adopted MP (CD 4.10), and the Statement of Significance set out in section 2.3. There the attributes of significance are identified and in detail over 9 pages.

7.19 The most relevant to this assessment under 'overarching significance' is first, internationally important in the development of parliamentary government and its transmission around the world (page 91), and then, second, for the outstanding architectural value of its buildings and their contents (page 92). The second attribute of significance relates to the Palace of Westminster and the Abbey equally. The proposals cannot affect any element of architectural or historic interest at all, so that very important component of the WHS is not at issue.

7.20 The proposals can only potentially affect the architectural attributes of the PoW's OUV or significance.

7.21 This identification of the precise or particular aspect of significance affected is required as part of the policy framework.

7.22 It is important as a matter of practice to understand both what is potentially affected and what is not potentially affected, because this is needed to calibrate the impact on the attribute (overarching significance) and thereby on the whole of the OUV. As a matter of approach my advice to the Inspector and Minister is to consider what significance if any the proposals remove and what as a consequence is left. That enables one to understand the degree of impact, giving due weight to the particular attributes or elements which are impacted.

7.23 I understand there are some who criticise this approach on the basis that it introduces an asymmetry into the process. Effectively, it is said, that this approach of dissecting significance means that a major impact on one aspect can produce a disproportionately small effect on OUV. This is not, in my opinion, the correct approach.

7.24 The elements of significance lying below the two just identified are Parliament's role as a national and even international symbol of Parliamentary democracy and as a setting for contemporary political life (pages 92 and 93).

7.25 This symbolism is of course captured in the superb neo-Gothic architecture of the Palace and its decoration inside and out (see 2.3.6.9 and 10 on page 97).

7.26 These are the key attributes of OUV to be considered in this case.

7.27 There is, additionally, public significance which is linked, the MP states, to the way the buildings and spaces are part of 'today's living culture'. See page 100, 2.3.9 and ff). This is essentially an educational benefit arising from the tourist role of the WHS. The educational purpose identified is through attending church services and parliamentary debates, though it could include visiting one's MP or the new gallery in the Abbey triforium. Foreshadowing my assessment, I simply make

the point that the memorials in and around the WHS are also didactic. The vision presented on page 115 of the document includes 'A place where people come to work, learn, worship and visit with comfort, safety and enjoyment'. The larger part of the present proposals are for an education centre, which is obviously complementary to the public significance of the WHS. The memorial content of the WHS is most pronounced within the Abbey, which is renowned as a repository of historic individuals which is of international importance historically and aesthetically too.

- 7.28 The test of authenticity is set out at 2.4 and relies on two elements, first material authenticity (fabric which is old and archaeological deposits in situ). The second element of authenticity is the continuity of 'use and evolution' which in this context, and looking at the whole of the plan, I take to mean 'evolution of those uses complementing the attributes just identified'. On the latter point see also 3.1.4.1, page 110.
- 7.29 In different places throughout the MP, the important of 'intangible attributes' to the OUV of the site is highlighted. These attributes are associations, practices and related uses.
- 7.30 The MP identifies a number of issues that could undermine OUV, and these include 'pressures on the significance of the symbolic fabric, the setting and views' (3.1.1.2, page 106). This is elaborated at 3.1.3 where it is stated that the regular use of the WHS as the backdrop for reporting could be damaged by 'inappropriate intrusions'.
- 7.31 The pressures of tourism – of lengthy queues for example – are highlighted. I understand some objectors have raised this point but it does not form a freestanding aspect in RfR1, and the management of access is treated by others so I say no more about it here. Likewise, security. I do not think these are heritage points per se. The many hundreds of thousands who visit the Abbey, queuing often to get in, does not undermine the OUV per se. The wear and tear on fabric (for example, on the medieval pavements in the choir) may, but I do not see how the many millions who move across the area every year are a threat to OUV. If anything, those visiting to enjoy the site are a testament to its international significance, whose visit give them an understanding of some of the OUV's attributes at least.
- 7.32 I have cited already the several references to VTG in the MP. In summary:
- At 1.6.2.2, page 61, VTG is said to have 'remained as conceived... Following the completion of the Palace, it was laid out as a Victorian metropolitan scale public open space with mature London Plane Trees. It contains statues, the Suffragette Memorial Wall, the Buxton Memorial, a small children's playground to the south, riverside raised benches and perimeter shrubs and lawns'. The characterisation of its history suggests its design was integral to that of the Palace which is not the case;
 - Paragraph 1.6.4.3 identifies an important view of the WHS from VTG, and this is marked on a plan as a local view on page 62 and is set approximately in the position of view 22 of the HTVIA. 3.1.3.2, page 108, of the MP states, furthermore: '... any change 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';
 - 5.1.2.5 identifies places not in the WHS but said to 'share the OUV of the WHS', and these include VTG. This is a somewhat enigmatic statement. VTG was not included in the inscription and so by definition does not share the OUV of the WHS. It may, and I believe does, support the appreciation of its OUV and may do so without literally partaking of it. Supporting the appreciation of OUV is different to embodying or literally expressing OUV; and
 - I agree with the characterisation of VTG at 1.7.21, as being an important part of the WWHS's setting.
- 7.33 Paragraph 5.1.2.5, in the part of the MP setting out objectives, identifies VTG along with Parliament Square, Abingdon Street Gardens and part of Old Palace Yard as 'key spaces'. VTG is intended under Objective 6, page 121, where there is a commitment to consider an enlargement of the WHS to encompass buildings and spaces associated with the buildings of the WWHS, including the Palaces of Westminster.
- 7.34 The vision for the WHS includes for it to be set within a public realm that is attractive and sensitive to the OUV and significance of the WHS ('Vision for the future of the World Heritage Site', p. 115 of MP). Failing that, VTG is identified as suitable for inclusion in a proposed buffer zone, as per Objective 7 (see section 6.0 of my PoE). The difficulty of doing this in the context of a 'dynamic world city' (5.1.2.8, page 121) is recognised. The object of this is, the text explains (next page)

to safeguard its 'iconic status, which derives from its distinctive appearance'. I will return to this comment in my analysis of the impact of the proposals on the WWHS.

IN SUMMARY

7.35 Therefore, the criteria I consider relevant to the assessment of the proposals' impact on the appreciation of the WHS's OUV comprise two attributes:

- Internationally important in the development of parliamentary government and its transmission around the world (page 91); and
- For the outstanding architectural value of its buildings and their contents (page 92), and expressly of the Palace of Westminster alone.

7.36 There is a symbolic element to both and both are expressed variously in the ability to recognise and appreciate the iconic silhouette of the Palace of Westminster in its riverside setting, and admire its fine and elaborate neo-Gothic ornament.

7.37 I have explained earlier how at the moment the element of VTG that contributes the most to that appreciation and admiration are the mature trees beside the river which have the effect of distancing or setting off the Palace from the modern urban world. The aesthetic quality of the trees – irregular outline, varied in effect, soft in form – all reinforce the architectural qualities we admire in the building and which make it special in an international context.

PROPORTIONALITY

7.38 The setting of this listed building has a very wide extent, including views over some kilometres from the north of London which I do not take into account in this assessment.

7.39 Some of these views contribute more to the instantly recognisable image of Parliament as the 'mother' of all democracies and of the architectural form Parliament was given by Barry.

7.40 The most famous views are perhaps of St Stephen's Tower (including Big Ben) seen from the eastern approach along Westminster Bridge. The view from Parliament Square is protected and managed by the LVMF (view 27), which imposes a protected silhouette over the whole western skyline of the Palace. The view west along Great George Street from St James' Park is another such view, perhaps less famous. And the text book views of the Palace, the ones in guidebooks and architectural histories, are the medium distant view from the river or opposite embankment including from Lambeth Bridge.

7.41 Those more recognised views identified in paragraph 7.34 are obvious and straightforward. They are ones that reveal the whole of the picturesque silhouette of the Palace with its several towers of different forms and designs, the whole unified by similar materials and Gothic detailing. The second attribute of significance relates to the Palace of Westminster and the Abbey equally. The proposals do not affect the latter and only one part of the former, attribute ii identified above (architectural importance). This identification of the precise or particular aspect of significance affected is required as part of the policy framework to be applied.

IMPACT ON THE OUV OF THE WHS

7.42 It is helpful to break down the impact of the proposals on the two attributes of OUV earlier identified into two broad categories relating to views.

7.43 First is its impact on strategic views 18, 19 and 22, which enable an appreciation of the whole of the iconic architectural character and symbolism of the Palace of Westminster and are of the greatest importance to OUV and to the setting of the listed building.

7.44 Second is the impact of the proposals on local views which communicate these same attributes.

7.45 As to the first, the proposals have no effect on the appreciation of OUV and the relevant attributes.

- 7.46 This is because of:
- Separating distances which are significant;
 - The height or scale of the proposals relative to the land form, the embankment wall and tree canopies;
 - The scale of the views, which are broad, and of the dominating quality of the Palace of Westminster which commands attention by reason of its distinctive architectural design;
 - The continuity of the trees, even in wintertime conditions which filter views; and
 - The materials which have a muted palette which reduces their visual impact which is very limited in any case.
- 7.47 As a consequence, the proposals do not impact upon the perception of any attribute of OUV as perceived in these critical and strategic views.
- 7.48 My findings are different on the alternative RfR1 formulation, that is, of tree loss, which I treat in section 14.0.
- 7.49 The potential impact arises in connection with local views.
- 7.50 The majority of views out from the WHS are unaffected I do not think one would too aware of them even from the nearest boundaries because of distance and landscape features. The nearest is close by the Education Centre. In that event, and assuming that development is removed (as I believe is the intention), then this is a view towards the proposals, and not a view including the Palace of Westminster.
- 7.51 The views of the WHS which include the proposal and the following HTVIA views are relevant in this respect: 9, 11, 22 and 23 in the Addendum HTVIA. I discussed these already in relation to VTG.
- 7.52 The appreciation of the silhouette of the Palace of Westminster from the bridge steps and on first entering the playground is limited by the filtering effect of the trees, whose canopies come close together.
- 7.53 Moving south towards the Buxton Memorial on the grass a very attractive view presents itself of Victoria Tower and the rest of the Palace roofscape and towers, and that view enables an appreciation of the iconic architectural legacy which is an attribute of OUV and so also of the symbolic content of the WWHS.
- 7.54 The most attractive views are from around viewpoint 22, where one sees the Buxton Memorial in the right foreground and the southern aspect of the Palace is framed attractively by the mature planes and set off against the greensward in the fore and middle ground. This provides a simple foreground setting to the view and so enhances our appreciation of the OUV from this point.
- 7.55 The proposals occlude in part the views of the Palace on entering the playground and so interfere with our appreciation of the relevant attributes.
- 7.56 The form of the development has been designed to mitigate that impact, notably through the materials, the roof geometry of the pavilion and the vertical accents of the memorial element itself. See view 23 and my earlier discussion of this matter in section 6.0.
- 7.57 From further north, the present public view becomes one from within the courtyard, from which the proposals complement the architecture of the Palace of Westminster and present a distinguished foreground setting. Its special purpose will be evident, and so consistent with this dignified location (see view 22).
- 7.58 The interaction of the Buxton Memorial with the Palace (both are in the Gothic style and they share historical associations) is changed, certainly, but that change does not undermine the striking and iconic architectural character of PoW and symbolic character.

- 7.59 Nevertheless, the partial occlusion of the lower part of this elevation does erode attribute ii to some, limited extent. That impact has to be set in the context of the totality of views revealing this attribute to the same or greater degree. I bear in mind that the affected view is nowhere formally identified, either in the MP or in the WAPSCA Audit.
- 7.60 I judge this impact to be at the low end of the less than substantial scale for these reasons, taking a proportional approach, and mindful that the OUV itself is not affected. There is no impact on authenticity and the integrity of the WHS is not affected either.
- 7.61 The quality of the design as appreciated in the view does add positively to the scene but when dealing with development that occludes (all or in part) an view of the WHS which currently enables an appreciation of its attributes should as a matter of approach be deemed harmful to that appreciation (as distinct from its OUV, which is an intrinsic attribute unharmed by the proposals). This approach is justified by the importance of the WHS designation.
- 7.62 I have now to move on to the other effects of the proposal on the setting of the WHS.
- 7.63 An important countervailing benefit of these proposals is the creation of a new elevated view, from the grassed part of the proposals. This is illustrated variously in the documentation, for example as Figure 8.1 of the HTVIA.
- 7.64 That elevated position provides sight of more of the Palace's roofscape and silhouette, and a more contemplative setting. It is not as easily accessible as the present view which is a matter to take into account.
- 7.65 The elevated viewing position allows more awareness of the river and the wider context of the WHS, and so has that benefit too, particularly in winter.
- 7.66 Additionally, the proposed new diagonal path provides a more attractive route from the riverside embankment walk to the northwest corner of VTG and along which one has very attractive views of the Palace which can be enjoyed because they are from a path (as distinct from views available from greensward).
- 7.67 The proposals also upgrade the park generally, enhancing the setting of the Palace on this side.
- 7.68 On these bases alone, I conclude the harm caused by the intrusion of the proposals into those views from the south is outweighed by the creation of new viewing experiences in an enhanced setting.
- 7.69 Taking the less than substantial harm to setting (which must be given particular importance and weight mindful of the status of this asset) into account, I conclude that the improvements to the experience of the Palace compensates for that harm.

STATUTORY AND FRAMEWORK CONSIDERATIONS

- 7.70 Applying the Palmer approach, I conclude that there is a net benefit to the setting of the WHS, arising from a distinguished landscape design and the creation of a special new viewing position. In respect of that, a viewing sequence, from the bridge, across the playground, a view providing an appreciation of two of the WHS' attributes is replaced by an improved view and viewing sequence (along the new path) which presents an improved viewing experience. Accordingly, then, on this approach, there is no net harm and the terms of 196 are not engaged.
- 7.71 If one applies the Bramshill Approach, then on my evidence 196 is engaged, and a low level of less than substantial harm, which is weighted harm, is outweighed by the heritage benefits identified.
- 7.72 Again, as with VTG, I leave the development plan analysis to Mr Goddard.
- 7.73 I note that HE came to a conclusion of no harm by a similar route. See its advice to the Minister:

'The proposed development would appear in some views of the WHS from the southern end of the park (View 43 in the Verified Views and Architectural Views document submitted with the application). In this view the neo-Gothic architecture of the Houses of Parliament rising up from the landscape would become less legible, as the proposals would encroach upon the current unfettered visual relationship between the landscape and architecture of the Houses of Parliament from View 43. We acknowledge that this relationship would be changed in this

particular view, causing minor harm, but we also note that the visual relationship will be preserved a few metres to the north (view 44 in the views document) in a view that equally strongly represents that attribute of Outstanding Universal Value relating to the neo-Gothic architecture of the Palace of Westminster. In that regard, my view is that the proposals would not significantly harm the Outstanding Universal Value of the WHS’.

7.74 I invite the Minister to give significant weight to HE’s view on the WHS and to its other views generally. In noting this, I acknowledge the difference of opinion between myself and Mr Dunn on a) whether there is harm to VTG at all and b) the degree of less than substantial harm to the Buxton Memorial (as noted in section 6 and 8 respectively of this PoE).

CONCLUSIONS ON THE IMPACT OF THE PROPOSALS ON THE ATTRIBUTES OF OUV, AUTHENTICITY AND INTEGRITY

7.75 For this I return to the attributes of OUV which are identified in the Mayor’s guidance (CD 4.10).

7.76 I reproduce these and comment on each in turn:

- I. Intricate and iconic silhouettes have symbolised the monarchy, religion and power since the 11th century AD – The proposals leave most of the silhouettes unaffected. The view of the Palace from VTG, an important silhouette, is compromised in some views by the proposals; however, the proposals introduce improved viewing conditions from the same area, albeit closer, in the context of a high quality landscape scheme. The symbolic content of the silhouettes is left unharmed overall; and
- II. The Palace of Westminster is one of the key monuments of neo-Gothic architecture. It follows from what I have said under i. above that I find no impact on this either.

7.77 As to integrity, I comment on the relevant aspects below, by citing the MP:

- I. Instantly recognisable location and setting of the Property in the centre of London, next to the River Thames; an important part of the Property’s visual integrity – the proposals do not compromise this aspect of integrity for the reasons discussed. There is a minor element of harm to integrity but this is countervailed for the reasons above;
- II. Historical importance emphasised by the buildings sizes and dominance – the Palace remains the dominant building. The scale of the proposals as expressed above ground, as structures, is tiny relative to the scale of the Palace;
- III. Distinctive skyline still prominent – the proposals retain the prominence of the distinctive skyline, either from existing views or from re-provided ones; and
- IV. Intricate architectural form can be appreciated against the sky and make a unique contribution to London’s skyline – earlier analysis demonstrates why this aspect of integrity is not compromised.

7.78 As to authenticity, I comment again citing the relevant element:

- I. The Palace of Westminster continues to be used as the seat of the UK’s two-chamber system of democracy. The proposals have no impact on this aspect of authenticity.

OTHER INTANGIBLE CULTURAL VALUES: CONTENT OF THE PROPOSALS AND CONTRIBUTION TO ‘PUBLIC SIGNIFICANCE’

7.79 I understand that some objectors have questioned whether the content of the proposals is appropriate to the location, including in the context of the WHS. Mr Gerhold for the Save VTG Campaign, for example, has criticised the reasons given over time for the appropriateness of the site for the specific purpose proposed.

7.80 I have prepared a short note, my **Appendix 4.0**, which sets the proposals in context of other memorials nearby. In that I conclude that there is no strict formula governing the themes of these memorials, suggesting some curatorial reason why a development memorialising the Holocaust and educating people about it is inconsistent with those themes, giving rise to harm to the relevant attributes of OUV, authenticity or integrity.

7.81 Westminster do not take that point of principle. Their objection is based on impact only, and the absence of sufficient countervailing public benefits. Neither do HE, ICOMOS or any of the other statutory consultees take any point against the proposals by reason of the incompatibility of the scheme's content relative to the range of symbolic associations and meanings within the WWHS or near to it. It falls to the evidence of others to set out the reason why this is the appropriate site by reason of its associations with the institutions embodied in the WWHS.

7.82 However, here I note the following quotes, first from Lord Pickles:

"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 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.

7.83 Also relevant is the statement from the present Archbishop of Canterbury:

"We believe that there is a profound message in the choice of location that can help remind each of us, and visitors to London, of the dangers of allowing hatred to grow unchecked and the need to vigorously oppose it" (letter in support, dated 31 July 2019).

7.84 Likewise, the comment from the Mayor of London who urged:

"Westminster City Council not to reject these plans and instead enable this hugely important national Memorial to take its rightful place in the heart of the capital and close to the seat of national government" (letter in support, dated 14 August 2019).

7.85 I limit my evidence on this point solely to the parts of the MP cited earlier, and dealing with the 'public significance' of the WHS. There the buildings and spaces of the WHS (and its setting) were judged to form part of 'today's living culture' and the related educational functions that are associated with the components of the WHS (see my 7.21 above). I advise the Minister that the proposals meet the terms of the vision set out on page 115 of the MP, contributing to the WHS' role as a 'place where people come to work, learn, worship and visit with comfort, safety and enjoyment'.

THE RELEVANCE OF THE LOCATION'S PRESTIGE AND IMPORTANCE

7.86 The purpose of the Memorial is, obviously, to remind people of the depravity civilisation can wreck on individuals and communities. As a historian, I am keenly aware of the importance of commemoration across generations, because there is a tendency for forgetting over time. This is so even with an event of the enormity of the Holocaust, as is evidenced by the response one sees in certain segments of the population.

7.87 I am aware from my own travel and from reading, that the impetus to commemorate the Holocaust is international. Furthermore, I understand that the form that these memorials take can vary. Furthermore, , and demonstrated in my Appendix 4.0 commenting on Mr Gerhold's submission, that the UK's response to the event is not a strong one.

7.88 Taking all this together, it seems to me that the case for placing the memorial in the most prestigious location we have in this country is a very strong one, on cultural grounds, and bearing in mind the symbolic content that permeates the setting of Parliament.

CONCLUSION

7.89 Therefore, I also advise the Minister that the particular purpose served by the proposals at the very least does not undermine the authenticity or integrity of the WHS. As a consequence, and for similar reasons, the integrity of the WHS is respected. These qualities, of authenticity and integrity, are as noted intrinsic to the WWHS, and so contained within its boundaries. The proposals sit outside those, but I acknowledge that over time the UK may apply for re-inscription either to extend the WHS boundary to include VTG or put VTG in a future buffer zone. In that event, I see no reason why what is proposed would stand in the way of such a re-inscription.

8.0 THE BUXTON MEMORIAL

- 8.1 The Buxton Memorial Fountain is an octagonal structure in a gothic style, designed by SS Teulon and Charles Buxton MP in 1865. It is listed grade II*.
- 8.2 The Memorial was commissioned to commemorate the work of Sir Thomas Fowell Buxton MP (1786-1845). Fowell Buxton was the father of Charles Buxton MP, an abolitionist.
- 8.3 The history of abolition in the UK is a well-studied subject and a complex one, with competing interpretations which fall outwith the scope of my evidence.
- 8.4 Some main features of this history follow.
- 8.5 First there is an C18 background to it which lay in the courts, and a number of judgments of which the most widely cited is Lord Mansfield's of 1772 which is understood to have led to the freeing of many slaves in England over the next few years.
- 8.6 This decision did not apply to lands under British dominion, including the American colonies which had formally established the practice through legislation.
- 8.7 The first abolition organisation seeking to emancipate slaves across British territories was founded in 1783, leading to the establishment of a committee led by William Wilberforce, whose reputation in this area is perhaps most widely known. This led to two important pieces of legislation in 1807 and 1833 which led to the emancipation of slaves in the British Empire and its colonies, leaving them, however, indentured to their former owners in a kind of apprenticeship state that was set to cease by 1840. In the event, this compromise proved unpopular and full emancipation was granted in 1838 on the basis of a compensation scheme for British owners.
- 8.8 In 1839 the British and Foreign Slavery Society was founded to campaign against slavery outside of the British Empire and in particular in those countries with which the country had close economic ties, notably the United States from whom cotton was imported. London merchant banks were involved in the funding of all parts of the process. In 1841 came the first multilateral treaty for the suppression of the slave trade, concluded in London with several European states and Russia.
- 8.9 Fowell Buxton was a founder the British and Foreign Anti-Slavery Society in 1823. He introduced a resolution in the House of Commons in May that year, condemning slavery as *"repugnant to the principles of the British constitution and of the Christian religion"*.
- 8.10 In 1833, Fowell Buxton presented 300 petitions to the House of Commons seeking the abolition of slavery, including one bearing the signatures of 187,000 women.
- 8.11 Fowell Buxton's work also contributed to the launching of the Niger Expedition in 1841, in which missionaries sought to negotiate legitimate trade with leaders of African nations. The mission was a failure, however, due in large part to significant British casualties of malaria, with 25% of the 150 participants dying that same year. The expedition was thus aborted, and considered a failure. Nevertheless, others, including David Livingstone, were inspired by Fowell Buxton, and also sought to abolish the slave trade. Fowell Buxton died in 1845.
- 8.12 Samuel Sanders Teulon (1812-1873), better known as S.S. Teulon, was a prominent Gothic revival architect, known best for his use of polychromatic brickwork. His architecture was based on a free and sometimes quirky interpretation of Gothic sources, which led one early scholar of the Revival to classify him as a 'Rogue Architect'. Many of his clients for church buildings were from the Evangelical or Low Church wing of the Church of England. Historically, this branch had strong associations with the abolition movement, and so the choice of architect in this case contributes to the significance of the memorial.

- 8.13 Charles Buxton instructed Teulon to design a fountain commemorating Thomas Fowell Buxton, William Wilberforce, Thomas Clarkson Thomas Babington Macaulay, Henry Brougham and Stephen Lushington, all of whom were important figures in the abolition of the slave trade in 1807 and the emancipation of slaves in most British dominions in 1834. Charles Buxton himself is understood to have had some input into the design, being himself an amateur architect.
- 8.14 The fountain was erected in Parliament Square in 1866. It originally stood near to Great George Street. Its original position was noted in the inscription. The memorial was also intended to mark the emancipation proclamation in the United States in 1865.
- 8.15 The fountain was removed from Parliament Square in December 1949 to make way for Grey Wornum's re-design (the present arrangement which is a grade II RPG) and placed in storage. Proposals for its re-erection were met with mixed views, but in 1957 it was relocated to its present position, after the Minister of Works emphasised that the Anti-Slavery Society had originally wanted it to stand near Parliament. Whilst it is believed that the fountain aspect of the memorial was functional in its original location, it has not been connected to a water supply since its relocation to the Victoria Tower Gardens.
- 8.16 The incorporation of a drinking fountain into a memorial may seem unusual today, but it reflects the move to provide clean drinking water to Londoners as a public health measure and in order to combat drunkenness amongst working class people; beer was consumed in large quantities in part because it was safe to drink. The alcohol content was, then, often less than now. The linkage of public health to the progressive political impulse commemorated in the monument enhance its interest, particularly given the role of central and metropolitan governments in public health after 1855.
- 8.17 The fountain was added to the statutory list at grade II in 1970, and later upgraded to II* in 2007 when it also underwent refurbishment as part of the bicentenary of the Slave Trade Act 1807.
- 8.18 The Gothic style generally had a broad association at this time with progressive causes because it was associated widely with a paternalistic form of government and integrated society which in some quarters was seen as a model for the reform of modern society. The use of vitrified materials (the polychrome cap) also reflects the period's interest in modernity, albeit applied to traditional forms.
- 8.19 This is, then, a structure that is rich in associations and values.

SIGNIFICANCE

- 8.20 The fountain possesses considerable architectural (design) interest, as a work by Teulon, a notable architect of the period. It is composed of strong forms, based on C13 Decorated architecture, which have been freely interpreted and applied to a memorial to recent historical events of great social importance.
- 8.21 The historic significance of the monument is derived from that, its commemorative function, memorialising the role of a number of actors in the abolition of slavery.
- 8.22 The other associations identified above obviously also contribute to its value.

CONTRIBUTION OF SETTING TO SIGNIFICANCE

- 8.23 To assist the Inspector and Minister I will treat this setting issue expressly with reference to the GPA3 checklist (see page 11 of CD 4.7) which identifies a list of potential setting attributes contributing to significance or its appreciation.
- 8.24 First as to topography: the flatness of the greensward enables it to be seen over distance and in relation to the PoW with which it has stylistic affinity and shares clear historical associations. As noted earlier, the debate on the new location of the memorial turned on the importance of proximity of Parliament (see item there on the checklist).
- 8.25 The open setting allows one to move around the asset and so appreciate its symmetry as a freestanding object.
- 8.26 It is positioned at the junction of footpaths which location gives it some prominence.

- 8.27 The trees in this part of the garden create a well-defined spatial setting, and the greensward provides a neutral backdrop, and these together make the memorial stand out in its context, reinforcing its special quality.
- 8.28 As to change over time, the present setting is not the original one or historically significant in itself. This is documented in the Visual material **Appendix (2.0)** to this Proof.
- 8.29 As a consequence one experiences the memorial in a calm and contemplative setting, and the association with Parliament is easy to understand. It does not, however, dominate the space and one's experience of this historic asset in its setting includes an awareness of traffic nearby. I do not consider it to be quiet setting or a tranquil one based on many visits over the years, and during daylight hours.
- 8.30 There is an information board to the east of the memorial, but it does not give a great deal of information or context. It is quite small and on one side. There is a degree of interpretation but in my opinion more could be made of the fascinating history that it illustrates and speaks to.
- 8.31 The SSCA Audit identifies a view along Dean Stanley and the memorial lies on that axis, and whilst I have no evidence to suggest an intentional view line, there is one and access along it.
- 8.32 The original use of the memorial as a drinking fountain complements the use of the nearby playground, as reflections of the history of public health and town planning.
- 8.33 Therefore, the simplicity of the setting and its spatial definition, combined with the proximity to Parliament itself, all contribute to an appreciation of the history and architectural significance of the asset.

IMPACT ON THE ABILITY TO APPRECIATE SIGNIFICANCE

- 8.34 The intrinsic architectural qualities of the memorial, which justify its high grading, are of course not affected by the proposals.
- 8.35 Additionally, its historical associations as defined here are not affected.
- 8.36 Furthermore, the proposal does not remove the association, physical, by proximity, to Parliament or the ability to see the stylistic affinity as between the two.
- 8.37 The immediate setting itself, comprising hard and soft landscaping, is enhanced through high quality design. The opportunity exists, furthermore, for better interpretation and for which I recommend a condition should the Minister grant consent.
- 8.38 The proximity of the proposals and a new interpretation strategy (secured by condition) will, in my view, increase awareness of the structure and its purpose. Related to this, the new path directs people towards it. Furthermore, and without drawing any kind of comparison between the murder of European Jews and the slave trade (which would be crass, inappropriate and out with my evidence), the proximity of the Holocaust Memorial to the Buxton Memorial would at least set visitors to reflecting on the history of inhumanity and draw to the forefront of the viewer's mind the gravity of the history it calls to mind.
- 8.39 Thus, there are benefits to the significance of the asset and its appreciation on the one hand.
- 8.40 On the other, the proposals would change the singular experience of the Buxton Memorial in its context by reason of the work's scale and proximity, and also through the reduction of views of the Buxton Memorial.
- 8.41 Having reflected again (subsequent to the ES assessment) very carefully on these matters, I am inclined to maintain the ES's identification of some limited harm. I have to say I think this is a finely balanced conclusion and there is a credible no harm case on balance, on either the Palmer or Bramshill basis.
- 8.42 In reaching this conclusion, on the very limited extent of less than substantial harm, I have regard to the following.

- I. The rich and varied intrinsic associations of the memorial as reflected in its inscription and physical characteristics are not affected;
- II. And the resonance of its position overall is maintained: no one admiring the Buxton Memorial after the construction of the proposals (assuming they are consented) could be in doubt about the proximity of Parliament to it as noted; and
- III. The area left around the listed structure does allow one to appreciate its design and from certain positions without it being back-dropped by the proposals.

8.43 In my opinion, additionally, the design ethos and materials of the memorial component of the proposals are complementary to an extent: the use of bronze and angular forms is consonant with the language of the Gothic Revival (a point I made earlier in my discussion of the proposals' impact on the setting of the Palace of Westminster). Obviously, those features are at a different scale and expression in their form.

STATUTORY AND FRAMEWORK CONSIDERATIONS

8.44 Applying the Palmer approach, I conclude these identified benefits, whilst significant, do not outweigh the harm, and so even on this analysis one moves to paragraph 196. The harm falls at the low end of that scale.

8.45 Accordingly, the balance of public benefits required by 196 fall to Mr Goddard presenting the Applicant's planning evidence. I leave to him, again, the consequent development plan policy analysis.

8.46 It is apposite here to note HE's findings on this matter, as set out in its advice to the SoS on this called-in application.

'I judge the level of harm to be low to moderate in the less than substantial category, although the level of harm could be further reduced if the Buxton Memorial were moved further away from the proposed Holocaust Memorial to a more prominent and open site within the park.'

8.47 We differ as to the degree of less than substantial harm. I identify it as low and HE as low to moderate.

8.48 As to the observation about reducing harm, I have no comment except to say that an alternative not before the Minister does not affect his/her planning judgment as exercised in the 196 balance.

8.49 Although the Applicant does not consider it appropriate to move the Buxton Memorial, if the Minister in deciding this application considered that was desirable, then a Grampian style condition could secure it. If that were the case, then there are plainly sensitivities associated with even that as the recent debate around the relocation of Epstein's Pankhurst Memorial demonstrate. I am content that the appreciation of the BM's content is enhanced by association with the proposals.

EFFECT ON WWHS OUV

8.50 I note, additionally, that the WWHS MP identifies the Buxton Memorial in three places, and in particular as part of a group of memorials in VTG, which the MP discusses more generally (see section 7 of my evidence).

8.51 I do not think that harm to the setting of the Buxton Memorial can be read across to harm to the OUV of the WWHS because, first, the BM's main setting relationship is with VTG not the WWHS. Harm to a feature within an element of a WHS's setting does not necessarily cascade across to OUV. Second, and more importantly on the facts of this case, I do not see that the impact I have assessed here diminishes our appreciation of the key attributes of OUV as defined in the MP.

8.52 I note that HE do not identify any harm to the OUV of the WWHS by reason of harm to the setting/significance of the Buxton Memorial.

9.0 HOUSES OF PARLIAMENT AND PALACE OF WESTMINSTER

- 9.1 The Houses of Parliament and Palace of Westminster were added to the statutory list at grade I in 1970. They derive their exceptional heritage value from their piecemeal architectural development spanning almost 900 years, and their historical interest as the seat of government. The significance of the building is described at paragraphs 5.84 to 5.90 of the HTVIA.
- 9.2 The setting of the Houses of Parliament can be described in three parts; to the north and west, it comprises the busy traffic interchange and RPG at Parliament Square; to the east, the open space of the Thames; and Victoria Tower Gardens to the south. As recognised in LVMF views, the roofline of the building is widely visible in river views, which make a positive contribution to its setting. The adjacent buildings within the WHS, including Westminster Abbey and St Margaret's Church, make a positive contribution to its setting and are understood as part of an ensemble, and reinforce its role as the centre of government.
- 9.3 The Victoria Tower Gardens forms an important open space within the setting of the receptor. The linear form of the gardens and dense tree line channels views north towards the Victoria Tower, which allow for an appreciation of the heritage value of the building.
- 9.4 Immediately south of the Victoria Tower is the temporary Parliamentary Education Centre, accommodated in a number of demountable buildings behind a fence, forming an unattractive, intrusive element which appears in views north in the VTG. As the viewer moves further south, the view toward the Victoria Tower is increasingly filtered by the dense tree cover, particularly in summer views.

IMPACT ON THE ABILITY TO APPRECIATE SIGNIFICANCE

- 9.5 My assessment here can be brief because I have addressed the substantive issues on the impact of this most important building's significance already, in the context of the WHS assessment (section 7.0).
- 9.6 In summary, there would be no change to the intrinsic historic significance of the Palace of Westminster as the historic seat of government, or to the appreciation of the architectural value of Barry's composition. The contribution made to the setting by the VTG to the south, and the appearance of the park in key views discussed at Section 7.0, would remain.
- 9.7 The ability to appreciate the building's significance would be preserved.
- 9.8 Therefore, the provision at Section 66 and the terms of NPPF paragraph 193 are met.

10.0 PANKHURST MEMORIAL AND THE BURGHERS OF CALAIS

- 10.1 This section considers the effect on two highly graded sculptural works within the VTG; Rodin's Burghers of Calais statuary group, and the memorial to Emmeline and Christabel Pankhurst. Both statues were added to the statutory list in 1970; the Pankhurst Memorial at grade II (and since upgraded to II* in 2018), and the Burghers of Calais at grade I.

RODIN' BURGHERS OF CALAIS (GRADE I)

- 10.2 I turn first to Rodin's Burghers of Calais statue group, which was installed in 1914 in a position close to the Victoria Tower, and near to the present position of the monument to Emmeline and Christabel Pankhurst. The Rodin statue was not part of the original design of the extension to the gardens, and was relocated to its current position as part of the post-war revision of the gardens in the 1950s. The significance of the group is set out at paragraphs 5.54-5.57 of the HTVIA, and in brief, possesses historic and design value as a statuary group by Rodin, of which twelve casts exist worldwide.
- 10.3 The contribution made by setting is set out at paragraphs 5.58-5.60 of the HTVIA. The proximity to Parliament is a contributing element of that setting, relating to the themes of democracy and governance which the memorial encapsulates. See my Appendix 4.0 for a further discussion.

Impact on the Ability to Appreciate Significance

- 10.4 My assessment here can be brief because the substantive issues relating to this memorial's setting are contained at Section 6.0 and Appendix 4.0. The distance separating the two; the strength of the sculpture itself; its dedicated viewing area; and the way one experiences such a sculpture, which is from different vantage points and with close focus. I conclude no harmful impact to setting, accordingly.
- 10.5 The ability to appreciate the memorial in the context of the Houses of Parliament, in close-in views would be unaffected. Whilst in more distant views from the south of the park, the new memorial would occlude the Burghers of Calais sculpture, its form and scale are such that its detail cannot be appreciated over such distances in any case, and these do not meaningfully contribute to its significance, or enable its appreciation. The SoS will appreciate that important sculpture of this kind is appreciated, to no detriment, in many different kinds of setting. The retained setting here is large relative to the sculpture and enables it aesthetic contemplation, in the distant context of the gently swelling land form which is the way that the proposals present themselves from this side. I do not consider, therefore, that the proposals would distract attention from the Rodin.
- 10.6 Therefore, the provision at Section 66 and the terms of NPPF paragraph 193 are met.

MEMORIAL TO EMMELINE AND CHRISTABEL PANKHURST (GRADE II*)

- 10.7 The Memorial to Emmeline and Christabel Pankhurst was installed in 1930, adjacent to the shrubbery then located in the centre of the garden (see Figure 1.16 at Appendix 2), and was relocated to its current position in the 1950s. The significance of the memorial is described at paragraphs 5.61-6.63 of the HTVIA, and is derived from its installation as commemorative work memorialising key figures in the suffragette movement, created with funds raised by the WSPU.
- 10.8 The Memorial is situated on the west side of the junction between Abingdon Street and Parliament Square, within the defined perimeter of the park. Its setting is closely defined by dense hedges to the west, divorcing the memorial from the wider open space of the VTG to the south. Its proximity to Parliament is highly relevant to the subject matter, and the

orientation of the memorial, facing the pavement adjacent to the Houses of Parliament, allows its appreciation by a large number of pedestrians. The setting as a whole makes a positive contribution to its significance. As set out at paragraph 5.66 of the HTVIA, the wider Victoria Tower Gardens makes no meaningful contribution to the significance of the memorial, being visually and physically divorced from its immediate context, and understood separately by the visitor

Impact on the Ability to Appreciate Significance

- 10.9 The new memorial would have no effect on the ability to appreciate the special interest of the Pankhurst Memorial. Those elements of its setting which contribute to its significance and appreciation would not change, and the new memorial would be understood separately, within the main body of the VTG. There would be no effect on important views of the memorial, and the ability to appreciate its significance would be preserved.
- 10.10 Therefore, the provision at Section 66 and the terms of NPPF paragraph 193 are met.

11.0 NORWEST HOUSE, 1&2 MILLBANK, THAMES HOUSE (GRADE II), THE CHURCH COMMISSIONERS (GRADE II*)

- 11.1 I treat these three listed buildings in this section because they are closely associated with one another visually, and form a group on the west side of Millbank.
- 11.2 The Church Commissioners was built by WD Caroe in 1903, assessed at paragraphs 5.106-5.109 of the HTVIA. It has 5-6 storeys with two tiers of dormer windows to the attics, incorporating details of Free Style northern Renaissance design. It has historic and architectural interest as a good example of an attractive, early 20th century office building by a known architect.
- 11.3 The setting of the building was described at paragraphs 5.108-5.109, stating:
- “The Church Commissioners is situated on the west side of Millbank, immediately south of Abingdon Street Gardens and Great College Street. The building has a busy, city centre setting, with heavy traffic along Abingdon Street/ Millbank and to the north at Parliament Square.*
- Along Millbank, tree planting screens views towards the receptor from within the Victoria Tower Gardens, through it appears as an attractive feature in the streetscape which contributes to the ensemble of historic buildings in this part of Westminster. The proximity to the open space at Abingdon Street Gardens and Victoria Tower Gardens makes a positive contribution to its appreciation and relief from its primarily urban setting.”*
- 11.4 This as the Assessment found the following:
- “The Application Site is separated from the receptor by the dense tree boundary at the edge of the park, and the busy traffic thoroughfare along Abingdon Street.*
- The open character of Black Rod’s Garden and the northernmost part of the park closest to the receptor would be preserved.*
- The Proposed Development would introduce a new element in the wider setting of the receptor to the south east, which would be a perceptible change, however it would have no effect on the heritage value of the receptor, or its appreciation.”*
- 11.5 Both Norwest House and Thames House are office blocks built in 1928 to designs by Sir F Banes, as part of a uniform composition. Thames House comprises two blocks of office accommodation with a link bridge between.
- 11.6 The significance of Thames House is set out at paragraphs 5.165-5.166 of the HTVIA, and states:

“The building possesses historic and architectural interest as a good example of a 1920s office block by a known architect, which has some group value with Norwest House.”

11.7 Norwest House is described at paragraphs 5.157-5.159 of the HTIVA, which state:

“The building has five storeys in Portland stone, with a 27-bay range and a four storey attic. The exterior elevations are adorned with sculpted figures by Jagger and a Classical manner.

The building possesses historic and architectural interest as an office building by Banes, and as part of a planned composition with nearby Thames House.”

11.8 The setting of these buildings is described as part of the ‘Millbank/Abingdon Street’ group of receptors at paragraphs 5.167-5.169, which finds:

“These receptors are situated along Millbank and Abingdon Street, and their setting comprises the range of office buildings along Millbank, the open space of the road, Victoria Tower Gardens North and South, and the River Thames, which affords wide ranging views of built form on the opposite bank. [...]

Lambeth Bridge forms a dividing feature in the receptor’s setting, and separates this part of Millbank from the Victoria Tower Gardens (north) and core of civic Westminster to the north.

The leafy character of the Victoria Tower Gardens makes a positive contribution to the receptors setting.”

11.9 These heritage assets are situated along the west side of Millbank, between Parliament Square and Lambeth Bridge. They are experienced within the same context; comprising the busy traffic route along Millbank, the Victoria Tower Gardens to the east, and the river beyond, and are here considered together due to these shared elements of setting.

11.10 The buildings possess historic and architectural interest as good examples of office development by known architects. Norwest and Thames Houses share some group value.

CONTRIBUTION MADE BY SETTING TO SIGNIFICANCE

11.11 The contribution made by setting to the significance of these buildings, and the appreciation thereof, would not change as a result of the Proposed Development. The linear route of Millbank, contrasting space within the VTG, and the river beyond form key elements, but apart from being the context in which the buildings are experienced, do not contribute to their value.

11.12 The change in the character of the land at the Site would not affect the intrinsic significance of the buildings on the west side of Millbank, or the appreciation thereof. The Proposals would be understood separately by the visitor, and not change the appreciation of the Millbank buildings.

GPA3 ANALYSIS

11.13 For completeness, and taking up the page 11 checklist from this document (CD4.7), I note the following:

- I. The existing open space in the setting of these listed buildings gives them a certain prominence locally and in views from the bridges and other side of the river. This relates to their aspect and orientation;
- II. They are additionally appreciated in the context of Parliament and the gardens;
- III. Based on my historical understanding, I do not consider that there is any particular designed relationship as between the features of the park and these buildings;
- IV. The soft landscaped setting is pleasant and enhances the amenity of someone admiring the facades of these buildings (see prominence above); and

V. There is an historical connection between the Thames House and Norwest House, which are contemporary roughly with Lambeth Bridge and the extended garden layout, but I have no information as to whether the designer of these buildings conceived of them in relation to the green space in a positive way.

11.14 The proposals do not alter the way we will experience these assets.

11.15 Therefore, the provision at Section 66 and the terms of NPPF paragraph 193 are met.

12.0 RIVER EMBANKMENT WALL FROM THE HOUSES OF PARLIAMENT TO LAMBETH BRIDGE (GRADE II)

- 12.1 This section of the embankment wall dates from the mid-19th century, forming a later addition to the stretch of Bazalgette's Victoria Embankment between the north side of Westminster Bridge and Mansion House.
- 12.2 It comprises a granite river wall, with mooring rings and a weather-coped parapet, cranked in two stages.
- 12.3 The embankment wall derives its significance from its role as part of the riverside experience in this part of London, which creates a sense of continuity with the embankment wall elsewhere in central London.
- 12.4 It also possesses historic and architectural interest as part of the Victorian improvements to the river bank.
- 12.5 The embankment marks the juncture of the Victoria Tower Gardens on land, and the open expanse of the river. The contrast between the two is an important element in the setting of the wall, which follows its function.
- 12.6 The historic development of the Victoria Tower Gardens shares some historic interest with the wall, as the existing form of the two emerged simultaneously through the embankment of the river. However, as noted at paragraph 5.71 of the HTVIA, this is not immediately obvious to the casual observer.

IMPACT ON THE ABILITY TO APPRECIATE SIGNIFICANCE

- 12.7 The effect of the Proposals on the appreciation of the embankment's significance is described at paragraphs 8.168-8.175 of the HTVIA. The change in the character of the land within the park would not change the ability to appreciate the significance of the embankment, and the fundamental elements of the embankment's setting – the river, and the gardens – would remain legible.
- 12.8 The contributions made by the park to the setting of the embankment would remain – the differentiation between the green park and the river, and the historic relationship between the gardens and embankment, having been developed simultaneously, would also be preserved. The internal arrangement of the gardens has, as demonstrated at **Appendix 2.0**, undergone considerable and incremental change over time, but the underlying setting relationship remains the same. This would likewise be the case following the construction of the NHM.
- 12.9 Turning to the checklist on page 11 of this document (CD4.7), I have the following observations:
- I. Clearly the listed wall is integral to the garden, and associated with it historically and visually as a notable feature within it. Physically and architecturally, it encloses the garden and is part of the riverside walk;
 - II. There is a functional interaction, because the garden level is retained, essentially, by the listed feature;
 - III. The garden layout as document in this evidence has changed, and there are no obvious features in the wall which relate to particular features of the garden layout now or historically; and

- IV. The wall is associated with the wider history of embanking the Thames and in this stretch forms a setting element of the WWHS/PoW. The famous 'Great Stink' which led to Bazalgette's draining of central London and the first embankment are an obvious point of connection but this piece of embankment post-dated that first phase and was part of the wider rolling out of the embankment programme.
- 12.10 The proposals do not in any way interfere with any of the above contributing attributes. If anything, the new hard landscape proposals represent an enhancement to setting.
- 12.11 Therefore, the provision at Section 66 and the terms of NPPF paragraph 193 are met.

13.0 SMITH SQUARE CONSERVATION AREA

- 13.1 The Smith Square Conservation Area comprises a layout of 18th century townhouses adhering to an earlier, irregular medieval street pattern. The highly graded St John Smith Square Concert Hall, formerly the Church of St John the Evangelist, sits at the centre of its arrangement and is a focal point in the Conservation Area. Its significance is discussed in detail at paragraphs 5.36-5.40 of the HTVIA. The setting of the CA is described thus:

“The Conservation Area has a mixed setting, comprised of the Westminster World Heritage Site to the north-east, the river to the east, and mixed residential and commercial development to the south and west. Views out towards Millbank are oblique and views into the Victoria Tower Gardens are screened by the line of mature trees along the boundary, though the open character of the space contrasts positively with the dense, urban structure within the CA.”

- 13.2 The inward-focussed character of the Conservation Area, limits the contribution made by the surrounding context to its significance. Oblique views towards Millbank, which take in the line of mature trees along the western boundary of the Victoria Tower Gardens, contrast with the urban character of the CA.

- 13.3 The assessment of impact in the HTVIA is set out at paragraphs 8.196-8.203. In summary, this finds that the change in the character of the land within the park would not change the ability to appreciate the significance of the Conservation Area, or the St John Smith Square Concert Hall at its core, stating at paragraph 8.201 that:

“The inward-focussed character, and the appearance of the Conservation Area would not change, and the appreciation of its special interest as an enclave of historic development within the heart of Westminster would be preserved.”

- 13.4 With regard to the contribution made to the CA's setting by the VTG, the HTVIA states at paragraph 8.198:

“There is the potential for some views out of the CA along Dean Stanley Street to take in part of the Proposed Development. This view is identified in the Conservation Area Appraisal, and though the positioning is incidental, frames the Buxton Memorial within the park. This element of the view would be preserved.

Views into the Victoria Tower Gardens are screened by the mature trees lining the boundary. The Proposed Development introduces a new element in the setting of the Conservation Area to the west.”

- 13.5 The proposals would introduce a new element in the wider setting of the Conservation Area, which would be understood separately by the visitor, and would preserve the significance of the 18th century arrangement.

- 13.6 The park is separated from the trees by the dense urban environment and the busy road. The relationship is limited to a narrow visual window along Dean Stanley Street, in which views the park introduces a contrast from the hardstanding and brick/ stone buildings in the environs of the CA. This contribution to the setting of the CA would remain.

- 13.7 There is no particular historic association between the two, beyond the coincidence of their proximity, though this element would be preserved.

- 13.8 Whilst the trees and soft landscaping lend amenity to the setting of the CA, these have nothing material to do with the architectural or historical significance of the asset and its intrinsic value.

IMPACT ON THE ABILITY TO APPRECIATE SIGNIFICANCE

- 13.9 Therefore, the provision at Sections 66 and 72, and the terms of NPPF paragraph 193 are met.

14.0 ASSESSMENT OF ASSETS ON THE ALTERNATIVE RFR1: LOSS OF TREES AS A CONSEQUENCE OF THE DEVELOPMENT

- 14.1 The development site is surrounded on two sides by London Plane trees which could potentially be affected by construction work related to the Holocaust Memorial and in particular by excavation and the formation of basement and other retaining structures.
- 14.2 I do not comment on the likelihood or otherwise of tree loss along the whole perimeter of the development. This falls to others giving evidence in support of the proposal.
- 14.3 Clearly, the impacts I have discussed earlier would all increase in the event of such a loss, and in all cases the impact would be harmful.
- 14.4 I understand that the harmful impact would not be permanent. The suggested condition allows for tree replacement with high impact, appropriate species in the event of damage or failure. I understand, furthermore, that such replacements would mature and over time reproduce the effect of the present group of trees which are between 150 and 100 years old (broadly and reflecting the two phases of the gardens' development).
- 14.5 I understand, therefore, that the harmful effects I identify here would materially reduce as replacement trees grew to maturity. I do not comment on the particulars of any tree loss mitigation strategy, for instance, the planting of fast growing specimens in between the slower maturing ones to provide temporary mitigation.
- 14.6 It must be said that when the Palace of Westminster was completed its setting on this side was old wharfage and an irregular embankment. The benefits of the regularly made embankment and the open space would remain.
- 14.7 The temporary nature of the impact is of course not to be taken lightly but the fact that such an impact is not permanent goes to the weight it would attract should the Minister or Inspector agree that such loss is likely.
- 14.8 The wider visual impact on the surrounding assets would be different depending on which trees are lost and it may be helpful to discuss the impact of three alternative outcomes:
- Tree loss along the embankment;
 - Tree loss along Abingdon Street/Millbank; and
 - Tree loss on both sides.
- 14.9 The central section of the trees would be affected by the proposed building. Tree coverage at particularly important points such as the junction of Lambeth Bridge and Horseferry Road, where they have an important screening role and filter views

of the Memorial when seen from the south, and the area directly adjacent to Abingdon Street Gardens at the corner of Great College Street, are likely to remain unaffected (views 9, 10, 11, 12).

- 14.10 In oblique views, for example views 1, 2, 3, 9, 10, 11, 12, 15, 17, the gap caused by loss of trees would be less visible.
- 14.11 The impact on strategic views, LVMF 18, 19 and 22 would be significant because the present trees contribute to the composition and amenity of these views, and likewise also to the ability to appreciate the iconic architectural form of the Palace of Westminster.
- 14.12 In each case, and where I have treated the asset previously, I do not repeat any of the history or significance of the following assets.

VICTORIA TOWER GARDENS

- 14.13 I start with the designated asset directly impacted, VTG.
- 14.14 The group of mature trees are after the embankment wall and river walk the most important element of the historic landscape, and contribute very significantly to its character and attractiveness.
- 14.15 The trees also help the memorial's integration with the surrounding landscape, softening its profile and providing a background element to it.
- 14.16 On that basis, I conclude that the loss of all the trees from the perimeter of the proposals' excavated area, and on both sides, would have a moderate impact on the RPG's significance and a low impact on the WAPSCA (which is a larger asset, and so proportionally, as a whole, less affected).
- 14.17 I consider tree loss on the river side more harmful than on the Millbank side, because on the river side the trees have a particularly picturesque interaction with the river. Loss on the Millbank side would increase the scale/character impact of the proposals on this side but in itself that does not contribute to the harm I identify since the proposal represents high quality architecture and urban design.
- 14.18 The harm arises because the proposals have a positive interaction with the trees, and with them gone that interaction is diminished materially and the memorial is more exposed than intended, without an important contextual element.
- 14.19 My harm gradient assumes the impact is temporary, and on that basis reduces over time.
- 14.20 Tree loss on the river side has a significant impact on the OUV of the WWHS, as discussed shortly, and also on three LVMF views.
- 14.21 In case the trees along the embankment were lost, the memorial would be revealed in the views from Westminster and Lambeth Bridge and Albert Embankment along St Thomas Hospital. The low-lying nature of the proposal would ensure that it would remain largely invisible. The loss of trees would open up views across the park towards the river and Lambeth Palace (views 16-21). Victoria Tower Gardens would remain partially enclosed.
- 14.22 In line with the terms of section 72 (1), therefore, this harm attracts special weight in the planning balance, engaging the terms of 196.

THE WWHS

- 14.23 The loss of historic tree cover would undermine the positive effect that this larger landscape element has on the appreciation of an important attribute of the WWHS's OUV, of the Palace of Westminster as an iconic work of Gothic Revival Design.
- 14.24 This impact would arise because the appreciation of the silhouette and detailing of the Palace of Westminster would be encroached upon by the urban development on the far side of Millbank (in views from Lambeth Bridge and the opposite embankment).

- 14.25 This impact would cause harm at the low end of the less substantial scale because a) it is temporary and b) it leaves untouched many other attributes of significance, and would not affect all important views of the Palace of Westminster.
- 14.26 The impact of the loss of the riverside trees on OUV would be greater than on the Abingdon Street and Millbank side because the latter contribute less to the appreciation of OUV than the former.
- 14.27 The loss of trees from one or both sides would also harm the composition and character of views of the Palace of Westminster from VTG itself. The trees frame views and provide natural forms which complement the elaborate Gothic detailing of the Palace.
- 14.28 The loss of trees from the riverside particularly would harm the character and composition of the three strategic views modelled. The loss of both would compound that harm in the Lambeth Bridge view and the one from the embankment opposite.
- 14.29 Similar to my analysis of VTG, on the alternative RfR1, the Minister would need to consider what public benefits outweigh the harm in this scenario. There would be conflict with LP policies 7.8 and 7.10 on WHSs and DES16. There would be conflicts therefore with SR25 and 26, again needing to be balanced off on the basis of planning judgment, and so also in relation to DES9 and DES10.

THE BUXTON MEMORIAL

- 14.30 I explained my reason for considering the trees a positive element of the Buxton Memorial's setting. They are attractive features and help contribute a degree of intimacy to the area around it, enhancing our appreciation of its special architectural and historic interest. The trees near to it also contribute to the Memorial's picturesque visual interaction with the Palace of Westminster.
- 14.31 The loss of trees to Millbank has a lesser impact on the Buxton Memorial because of their distance from it, but the loss of both areas of trees would have a cumulative impact that is greater than just the loss of trees on the river side. I say this because the result would be to remove the spatial containment provided by the trees and which contributes to the contemplation of the structure.
- 14.32 However, it will be remembered that the Buxton Memorial was not designed for this location. It is a self-contained work of design, even if the appreciation of that is enhanced by its setting.
- 14.33 Accordingly, and bearing in mind the temporary nature of the effect, I conclude that tree loss would increase the degree of less than substantial harm I identified in the previous section, albeit marginally so that it still falls at the low end.
- 14.34 The policy analysis set out in my section 8 does not vary even on this finding. Framework 196 applies.

MEMORIAL TO EMMELINE AND CHRISTABEL PANKHURST

- 14.35 The Memorial to Emmeline and Christabel Pankhurst lies outwith the main space of the Victoria Tower Gardens, and is experienced primarily in views from Parliament Square/ Abingdon Street. There is no particular setting relationship between the memorial and the trees along the Embankment, and the loss of these would not change a contributing element of the memorial's setting.
- 14.36 The trees along the Millbank side of the Site are peripherally experienced as part of the memorial's setting in views along Abingdon Street/ Millbank, in particular by pedestrians traveling to or from the monument along the road. They are not an important aspect of the memorial's setting, and are experienced rather as part of the wider townscape context in its environs. Due to its contained position, the memorial itself is appreciable from a limited area, and is principally associated with the adjacent Houses of Parliament, the relationship with which would be unaffected by tree loss.
- 14.37 Accordingly, there is no harm to setting and all relevant policies are complied with.

THE BURGHERS OF CALAIS

- 14.38 The trees are an attractive part of the setting of the Burghers of Calais Memorial, and contribute to the established character of the green space.
- 14.39 Those trees closest to the Burghers of Calais, in the northern part of the park, lie outwith the memorial area and would not be affected. Those located further south along the Millbank side define the parkland setting of the memorial, and draw a visual distinction from the road and urban environment beyond. Similarly, those along the Embankment create a sense of containment on this side of the park. These trees do not affect the sculpture's relationship with the Palace of Westminster, which is the principal contributing element in its setting, but are experienced as part of the wider environment.
- 14.40 The loss of trees to the south of the sculpture would have some impact on the sculpture's setting by reducing the sense of containment within the park. The ability to appreciate the sculpture in key views, particularly those close-in, would not be affected.
- 14.41 Accordingly, and bearing in mind the temporary nature of the effect, I conclude that tree loss would lead to a very low degree of less than substantial harm.
- 14.42 The policy analysis set out in my section 10 does not vary even on this finding. Framework 196 applies.

SMITH SQUARE CONSERVATION AREA ("SSCA")

- 14.43 The trees at issue are not within this CA, but they contribute to its setting and its special character by virtue of closing views out from it. As discussed at Section 12.0, it is the subject of an adopted audit (see CD 3.2).
- 14.44 The defining feature of the Conservation Area is Smith Square itself, which is dominated by the former Church of St John the Evangelist at its centre. The church is the focal point in the area, and terminates views from the north, south and east (Millbank).
- 14.45 In the case of tree loss along the Embankment only, then the impact on the CA is limited and of no real consequence to the ability to appreciate what is special about the SSCA. The views along Great Peter Street or Dean Stanley Street would continue to take in the trees along the north side of Victoria Tower Gardens and give the CA an appropriate backdrop. There is no harm to the CA.
- 14.46 Tree loss along Abingdon Street and Millbank would remove pleasant views of attractive features (the continuous tree canopy along the CA boundary) and so diminish the experience of moving into and out from the CA, undermining the visual amenity of identified local views. But as per my earlier discussion above, I do not think that the significance of the CA is embodied to any extent in the presence of VTG, and accordingly I see no harm to this CA in the event of RfR1i materialising.

ST JOHN SMITH SQUARE, GRADE I

- 14.47 The church is one of London's most important Baroque buildings and today is a very important concert venue specialising in period music, particularly for choirs. It has a well-used restaurant in the crypt and is an important social venue, which use has supplanted its use for worship but maintains its communal character.
- 14.48 The Concert Hall, formerly the Church of St John the Evangelist, was first designated in February 1958. It was built as a parish church by Thomas Archer in 1713-1728, with later refurbishment following fire damage in 1742. It was severely damaged in WWII and restored to a very high standard by Marshall Sisson from 1965-1968.
- 14.49 The building is Portland Stone in an inventive and grandiloquent classical manner reflecting the ideas of the French and Italian Baroque through the filter of early English Palladianism, and there are giant Venetian windows to the east and west end.

- 14.50 The building derives its special historic and architectural interest from its role as the culminating feature of a well preserved C18 enclave comprising the north side of Smith Square, Lord North, Barton and Cowley Street.

CONTRIBUTION OF SETTING TO HERITAGE VALUE AND IMPACT

- 14.51 The immediate setting of the buildings is defined by the planned arrangement at Smith Square, which provides a contemporaneous and sympathetic backdrop against which the landmark quality of the former church can be appreciated. Views towards these receptors are predominantly contained within the planned layout of the square.
- 14.52 The space outside of this planned arrangement makes a limited contribution to the appreciation of the heritage value. The busy traffic thoroughfare along Millbank to the east contributes to the sense of a city centre location, and the treed boundaries within the Victoria Tower Gardens provide relief.
- 14.53 It is set well back from VTG in a well-defined square, and its architecture is powerfully modelled. Views of it from the approaching streets are very fine and that from the north includes some Georgian buildings providing a contemporary context too.
- 14.54 I cannot see that such tree loss to VTG would undermine our appreciation of the scale and majesty of this superb building in its original spatial context, nor diminish its prominence. If anything tree loss in the park, would open up a view of it from VTG along Dean Stanley Street, enabling a visual connection as between the existing Buxton Memorial, the National Memorial and the church, all of them buildings reflecting a particular cultural impulse (commemoration, spiritual matters, the striving of human beings towards a better place, and so on). On replanting, some consideration could be given to the deliberate strengthening of this connection.
- 14.55 Accordingly, there is no harm to setting and all relevant policies are complied with.

THE THREE LISTED BUILDINGS ACROSS FROM VTG, THE CHURCH COMMISSIONERS, GRADE II*, THAMES AND NORWEST HOUSES, GRADE II

- 14.56 It follows from my analysis earlier that the loss of trees would not materially undermine one's appreciation of the historic or architectural significance of this ground of listed buildings. If anything fewer trees would expose more of their elevation to view and increase the ability to appreciate their architectural composition. I do not, however, invite any weight to be given to that outcome, particularly in light of the temporary nature of the impact.
- 14.57 However, in the event of replanting, I certainly think that the setting of these buildings could be improved by a less dense and continuous canopy.
- 14.58 For these reasons there is no conflict with policy, and the terms of section 66 (1) would be met in the event of a grant of consent.

SUMMARY

- 14.59 In summary, then, tree loss would undoubtedly cause harm in itself to the following assets:
- To the WWHS, by reason of reducing the effect of the trees on the appreciation of the Palace of Westminster's skyline (river views) and in local views (from VTG). This harm would be at the low end of less than substantial to one attribute of OUV, the iconic architectural legacy;
 - As part of that by harming the character and composition of LVMF views, 18, 19 and 22;
 - To VTG itself, by direct loss to a defining landscape element and so causing moderate harm to its special interest and character;
 - Increasing the setting harm on the Buxton Memorial consequent on the Memorial element of the proposals through loss of attractive landscape setting. I still consider the impact to be at the lower end of less than substantial because the Buxton Memorial has such a strong architectural character and presence as a consequence of its subject matter; and

- I do not see any really significant impact on the other assets identified, including the SSCA and St John's, which is by far the most important of the other assets highlighted in the part 2 of RfR1.

14.60 In forming my judgments, I have regard to the temporary nature of the impact. I note also, and additionally, that in the event that replanting is necessary, the opportunity could be taken to enhance views from surrounding areas.

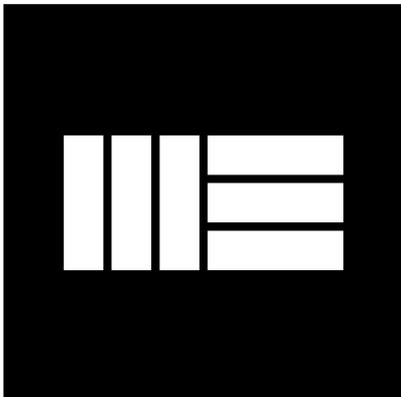
15.0 SIGNED AFFIRMATION

- 15.1 I confirm that, insofar as the facts stated in my Proof of Evidence are within my own knowledge, I have made clear which they are and that I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 15.2 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 15.3 I confirm that my duty to the Inspector and the Secretary of State as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 15.4 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement by the Appellants.
- 15.5 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my Proof of Evidence.
- 15.6 I confirm that my Proof of Evidence complies with the requirements of the Royal Town Planning Institute, as set down in the revised Royal Town Planning Institute "Chartered Town Planners at Inquiries – Practice Advice Note 4". This evidence reflects the advice in the recent PINS guidance note on Appeals, March 2020, Annexe O, 'What is expert evidence?'



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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.