

**SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT
1990 (AS AMENDED)**

**CALL IN INQUIRY INTO THE PROPOSED DEVELOPMENT OF THE UNITED
KINGDOM HOLOCAUST MEMORIAL AND LEARNING CENTRE LOCATED
WITHIN VICTORIA TOWER GARDENS, MILLBANK, LONDON SW1P 3YB**

PROOF OF EVIDENCE OF CJB GODDARD, BA(HONS). BPL, MRTPI, MRICS

On behalf of

**THE SECRETARY OF STATE FOR HOUSING COMMUNITIES AND LOCAL
GOVERNMENT**

**TOWN AND COUNTRY PLANNING (INQUIRIES
PROCEDURE) (ENGLAND) RULES 2000**

4 September 2020

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1.0 QUALIFICATIONS AND EXPERIENCE

Chris Goddard will say:-

- 1.1 I hold the degrees of Bachelor of Arts (with Honours) in Town and Country Planning and Bachelor of Planning from the University of Manchester. I am a member of the Royal Town Planning Institute and a Member of the Royal Institution of Chartered Surveyors (Planning and Development Division).
- 1.2 I have 33 years' experience in the field of town planning. I am a Board Director at DP9, a leading specialist independent planning consultancy. Prior to joining DP9 in 2014, I was National Head of Planning, Development and Regeneration at GVA, where I was involved in major urban development projects throughout the UK, and before that I was a Senior Director at CBRE involved in a range of retail and mixed-use developments.
- 1.3 I have advised a wide variety of private and public-sector clients on projects in London and throughout the UK. I have given evidence on planning matters at more than 70 major public inquires, including appeals, call ins, local plan, enforcement, and compulsory purchase inquiries. These have involved the full range of planning issues raised by all types of commercial, residential, sports, cultural, leisure and mixed-use development, including numerous schemes involving local amenity issues, listed buildings and heritage matters.
- 1.4 Since joining DP9 I have been responsible for a range of projects within greater London, including a range of mixed-use retail, commercial and residential developments. My current and recent clients include London and Regional, Stanhope, Tottenham Hotspur Football Club, the Madison Square Garden Company, Bicester Village, Westfield, Battersea Power Station, Delancey, Lendlease, London Newcastle, British Land, Capco, Benson Eliot, UK and European, Regal Homes, Galliard Homes, Cubitt Property Holdings Ltd and Barratt London.
- 1.5 I am very familiar with the Application Site and the surrounding area, which I have visited on several occasions. I was not personally involved in the Application to which this call-in relates, which was led by another Director at DP9. I was instructed following the decision to call in the application, and before accepting the instruction I undertook my own independent review of the case in order to satisfy myself that there is a sound planning case for the Proposed Development.
- 1.6 I have read all the relevant background information and have been assisted by the same colleagues who worked on the Application and made such enquiries as I consider to be necessary to fulfil my duties as an expert witness.

1.7 I confirm that my evidence to this Inquiry has been prepared and is given in accordance with the guidance of my Professional Institutions and I confirm that the opinions expressed are my true and professional opinions.

2.0 INTRODUCTION AND SCOPE OF EVIDENCE

2.1 I am instructed by the Secretary of State for Housing, Communities and Local Government (the "**Applicant**") in respect of proposals for the installation of the United Kingdom Holocaust Memorial and Learning Centre (the "**UKHMLC**") within Victoria Tower Gardens, Millbank, London (the "**Site**").

2.2 The description of development (The "**Proposed Development**") is as follows:

Installation of the United Kingdom Holocaust Memorial and Learning Centre, including excavation to provide a basement and basement mezzanine for the learning centre (Class D1); erection of a single storey entrance pavilion; re-provision of the Horseferry Playground and refreshments kiosk (Class A1); repositioning of the Spicer Memorial; new hard and soft landscaping and lighting around the site; and all ancillary and associated works.

2.3 The UKHMLC is intended to have a profound effect on how British citizens and their political representatives and overseas visitors remember the Holocaust and learn lessons from it in confronting racism and conflict between communities. There is widespread recognition that a national holocaust memorial and learning centre is needed.

2.4 The proposed location, in the heart of Westminster in the historic, physical and symbolic centre of the state is intended to give the Memorial the prominence it deserves, and as my evidence will demonstrate, generally accords with all relevant planning policies.

2.5 As my evidence, and the evidence of others will demonstrate, the UKHMLC has been carefully designed by world class architects and designers to complement and respect the character of Victoria Tower Gardens (VTG). The UKHMLC is confined to a small part of the VTG, which has been the subject of various changes since it was established in its current form in 1914.

2.6 Sensitive planting and landscaping would enhance the visual and amenity value of the gardens to create a peaceful place of calm and reflection for visitors, workers and local residents to enjoy, and make more effective use of this important asset. The Proposals would enhance the character and appearance of VTG and encourage more visitors to enjoy them.

2.7 The planning application for the UKHMLC was submitted to Westminster City Council (WCC) in December 2018, after considerable pre-application discussions, and was supported by extensive, detailed technical material. In April 2019, changes were made to the proposals to respond to concerns, and additional technical material was produced where necessary to address issues raised.

2.8 However, following the failure of WCC to determine the application, on 5th November 2019 the Minister ‘called-in’ the application. The ‘call-in’ letter (CD5.33) identifies three matters which the Minister wishes to be informed about:

- Matters pertaining to policies on conserving and enhancing the historic environment as set out at Chapter 16 of the NPPF;
- Matters pertaining to policies on flood risk as set out at chapter 14 of the NPPF; and
- Any other matters the Inspector considers relevant.

2.9 Based on its Planning Sub-Committee Report, dated 11 February 2020 (CD5.11), WCC resolved to support the principle of the UKHMLC, but identified three concerns, relating to the proposed location namely: heritage, trees, and open space. A number of representations have been made in support of, and against aspects of the Proposed Development, including matters identified in the Statements of Rule 6 Parties.

2.10 A pre Inquiry meeting was held on 10 March 2020, and having regard to the matters identified by the Inspector and the other comments and representations received, I consider the key planning issues for determination are:-

1. Whether the Proposed Development is in accordance with the Development Plan, having regard to:
 - a) The principle of the Proposed Development, and the case for a National Holocaust Memorial and Learning Centre;
 - b) Victoria Tower Gardens as an appropriate location for the proposal;
 - c) The effect of the Proposed Development on the function and character of Victoria Tower Gardens;
 - d) The design of the Proposed Development, and its effect on the significance of designated heritage assets, including archaeology;
 - e) The impact of the Proposed Development on trees within Victoria Tower Gardens;
 - f) Matters relating to flood risk, and other matters raised by objectors, including traffic and parking, amenity, security and crime, and alternative sites, and;
2. Other material considerations, including the benefits of the Proposed Development, and the extent to which they outweigh any identified harm.

Scope of the Applicant's evidence.

2.11 The Applicant's evidence on the main issues expands upon its Statement of Case (CD5.24), and is set out by:-

- i) The Rt Hon Ed Balls and Rt Hon Lord Pickles who will describe the objectives and mission statement for the UKHMLC, the national and international importance of the project, and the choice and appropriateness of VTG as the chosen location;
- ii) Sir David Adjaye and Asa Bruno who will describe the design rationale, and how the Proposed Development responds to the objectives of the brief;
- iii) Stephen Greenberg who will describe the content of the UKHMLC and the visitor experience;
- iv) Donncha O Shea of GP+B who will describe the character and use of VTG, the landscape design and the contribution the Proposed Development would make to the character of the area;
- v) Professor Robert Tavernor, who will set out his independent design review of the Proposed Development;
- vi) Dr Chris Miele who will address heritage matters;
- vii) Dr Frank Hope who will address arboricultural issues, drawing on the detailed analysis previously undertaken by Bartlett Consulting and GP+B; and
- viii) Matthew Brittle of WSP on safety and security matters.

In addition, separate proofs of evidence have been prepared by Alex Andrews of WSP on transport, Brett Little of WSP on pedestrian movement, Charlotte Nunns of Atkins Ltd on flood risk and Alan Ford of Atkins Ltd on archaeology which are to be the subject of round table sessions.

2.12 My evidence deals with planning matters, and the planning policy framework within which this case falls to be determined. Specifically, my evidence addresses the degree of consistency with the Development Plan, supplementary guidance and other material considerations, the public benefits which the Proposed Development delivers, and the overall planning balance.

2.13 My evidence is set out as follows:-

- i) In the next section I describe the Site, having regard to the local context and the existing character and uses of VTG, and any relevant planning designations;
- ii) In Section 4 I describe the background to the Proposed Development, including, the importance the government attaches to the UKHMLC and the process of site selection;
- iii) In Section 5 I describe the Proposed Development although I defer to, and adopt, the evidence of Stephen Greenberg which describes the content of the UKHMLC, and the architectural and design evidence which covers detailed design matters;
- iv) In Section 6 I identify areas of common ground and what I regard as the main issues which are in dispute in this case;
- v) In Section 7 I assess the Proposed Development against the relevant provisions of the Development Plan;
- vi) In Section 8 I consider other policy considerations relevant to this Application;
- vii) In Section 9 I address the comments made by objectors in as far as they relate to planning matters which are not addressed in the evidence of others;
- viii) In section 10 I describe the planning benefits of the Proposed Development and other material considerations relevant to the determination of this Application; and
- ix) In Section 11 I carry out the planning balance and set out my overall conclusions.

My evidence draws upon, and adopts, the Applicant's architecture, landscape, townscape, heritage and arboricultural evidence, and agreed matters set out in the Statement of Common Ground. I also refer to Core Documents ("CD's") where relevant.

3.0 THE SITE AND CONTEXT

3.1 The Site and surrounding area are described in detail in the Design and Access Statement (“**DAS**”) (CD5.7), and in the design and heritage evidence. In this section I highlight what I regard as the most relevant considerations from a planning perspective.

The Site

3.2 The Site is located within Victoria Tower Gardens (“**VTG**”), Millbank, London, a Grade II Registered Garden located on the north bank of the River Thames, immediately south of the Palace of Westminster. The Site is bounded by Millbank to the west, the River Thames to the east and Horseferry Road / Lambeth Bridge to the south.

3.3 VTG was first created in the late nineteenth century and enlarged to its current extent in 1914. The layout of the gardens was further modified in 1923 and 1933 with the last major re-organisation taking place in the 1950s.

3.4 As the heritage and landscape evidence notes, VTG has therefore been the subject of numerous changes over the last 100 years and as noted by Professor Tavernor in his review, the space is unremarkable in design terms, albeit VTG is enclosed by very fine London Plane trees which have a reasonable life expectancy before they will require replacement.

3.5 Within VTG there are three listed structures: the statue of Emmeline Pankhurst (Grade II listed), the statue of the Burghers of Calais (Grade I listed) and the Buxton Memorial Fountain (Grade II* listed) which was relocated to its present site in 1957. The Mid C.19 Grade II listed River Embankment from the Houses of Parliament to Lambeth Bridge forms the eastern (river) edge of Victoria Tower Gardens.

3.6 The Site is also within the setting of a number of other listed buildings and structures, most notably the Grade I listed Palace of Westminster. Other designated heritage assets in the vicinity include: Lambeth Bridge (Grade II listed), Victoria Tower Lodge and Gates to Black Rod Garden (Grade I listed), Northwest House, Millbank (Grade II listed), The Church Commissioners (Grade II* listed) and Lambeth Palace (Grade I listed).

3.7 The Site is located within the Westminster Abbey and Parliament Square Conservation Area, immediately south of the Palace of Westminster and Westminster Abbey including St. Margaret’s Church World Heritage Site, and east of the Smith Square Conservation Area. This area includes some of London’s most visited tourist destinations and according to the Westminster City Plan (CD2.3) (Paragraph 4.33 p 107) Westminster attracts over 55m visitors per annum.

- 3.8 The surrounding area has an extremely large and diverse range of buildings dating from the Twelfth Century to modern times. The majority of the buildings within the Conservation Area are listed, but buildings of all eras and styles contribute to its character. The contribution of the VTG to the significance of the Conservation Area is considered in the evidence of Dr Miele.
- 3.9 The Site is located within the Core Central Activity Zone (CAZ), the Thames Policy Area and Flood Zone 3. The Site benefits from a PTAL rating of 6a, reflecting the excellent accessibility of the Site to public transport. Westminster Underground Station is located approximately 600m from the site in addition to Abingdon Street and Millbank bus stops which are located immediately west of the Site on Millbank.

Planning History

- 3.10 As noted in the SoCG, the VTG has been subject to a number of major alterations since it was established in in the 1870s and expanded to its current size in 1914. More recently, planning and listed building consent was granted in January 2007 for the construction of paved area with seating and lighting around the Buxton Memorial (Ref. 06/0888/FULL & 06/04210/LBC).
- 3.11 Reflecting this ongoing evolution, in March 2014 an application was approved for upgrade works to Victoria Tower Gardens including extension of the children's play area; renovation and extension of the public toilets; the demolition, relocation and refurbishment of the Spicer Memorial; provision of a small refreshments kiosk; and alignment of the pedestrian entrance off Millbank (Ref. 13/01417/FULL).
- 3.12 In connection with the above planning consent, in March 2014 listed building consent was granted for the renovation and extension of the public toilet within Lambeth Bridge (Ref. 13/10419/LBC).
- 3.13 Planning permission was granted on 10 June 2014 for the erection of a new education centre for the Palace of Westminster for a temporary period of 10 years with associated alterations to the Victoria Tower Gardens landscaping (Ref. 13/07747/FULL).

Summary

- 3.14 VTG was established in the 1870's and expanded to its current size in 1914. Since then it has been much modified, on several occasions, including the introduction of new and relocated memorials. The VTG and immediate vicinity are subject to a number of heritage designations, and include many nationally and internationally important designated heritage assets and visitor attractions including the Houses of Parliament and Westminster Abbey. Reflecting its range of attractions, Westminster receives over 55m visitors per annum.

4.0 THE BACKGROUND TO THE PROPOSED DEVELOPMENT

4.1 In January 2015, under Prime Minister David Cameron, the Prime Minister’s Holocaust Commission Report “Britain’s Promise to Remember” (CD5.9) was published. The Report looked at how the UK should ensure the memory of the Holocaust is preserved and that the lessons that it teaches are never forgotten. The Report identified (P12. Section 3) four fundamental gaps in Britain’s current efforts to commemorate and educate about the Holocaust:

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

4.2 To address the gaps listed above, the Commission made four main recommendations (P13. Section 4):

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

4.3 The Report states that:-

“there should be a striking new memorial to serve as the focal point for national commemoration of the Holocaust. It should be prominently located in Central London to attract the largest possible number of visitors and to make a bold statement about the importance Britain places on preserving the memory of the Holocaust.” (p13. Section 4 (i))

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

Site Selection

4.4 The Prime Minister's Holocaust Commission Report identified three potential sites for the United Kingdom Holocaust Memorial and Learning Centre:

- i) Potters Field, next to the Mayor of London's office;
- ii) Millbank Tower; and
- iii) Imperial War Museum (IWM).

4.5 These sites were identified as an indication of the type of location that would have some prominence and resonance. They were not intended as an exhaustive list. The reasons why they were subsequently discounted are as follows:

- i) Potters Field was the subject of a s106 agreement between the LB Southwark and the developer to deliver a cultural use next to the GLA's offices as part of a residential development. The site was eventually sold to the new Bridge Theatre and therefore is no longer available.
- ii) Millbank was also part of a major planning application to convert Millbank from an office tower to a residential tower. It was expected that the s106 agreement might make part of the podium block available for cultural use. To date, there is no evidence of redevelopment coming forward at this site and occupational office leases have now been extended to 2022.
- iii) The proposition offered to the Applicant by the IWM was a two-dimensional text-based memorial covering a side elevation of the building, with no prominence and a below-ground learning centre adjacent to it. The land was owned by LB Lambeth not the IWM. It was considered that the site offered lacked significance and that the activities would be subsidiary to the far larger remit of the IWM, whose aims in remembering Britain at war are not identical with the aims of the UKHMLC.

4.6 In Autumn 2015 the UKHMF Board agreed that a firm of property consultants should be appointed to carry out a search for a suitable site for the UKHMLC. CBRE was appointed from the firms approached to carry out a detailed thorough site search. The area of search was broadly consistent with the main Central London tourist / museum areas i.e. South Kensington (National History Museum, Science Museum, V&A) to the

west; Tower of London to the east; Regent's Park to the north and Westminster and the river to the south.

- 4.7 CBRE also wrote to and met with a number of parties to establish if there were any other sites available not on the market including; the estates officers of local authorities in the search area; the Real Estate Investments Trusts with London portfolios; the landed Estates; and other developers, landowners and agents.
- 4.8 In January 2016 twenty-four sites were identified by CBRE and considered by the UKHMF. However, all the sites identified in the site selection search suffered from at least one of the following disadvantages; poor visual prominence; no emotional or political logic; little or no outdoor space to provide a prominent memorial; or cost prohibitive.
- 4.9 Three preferred sites identified by CBRE were shortlisted, but ultimately considered to be unsuitable and/or unavailable for the following reasons:
- i) The Royal College of Gynaecologists in Regent's Park (27 Sussex Place) was cost prohibitive and has now been sold to its neighbour the London Business School;
 - ii) Knightsbridge Barracks would have been dependent on the sale and redevelopment of the whole barracks which would not have been in UKHMF's control; and
 - iii) Middlesex Hospital was not considered to be a sufficiently prominent location for the UKHMLC.
- 4.10 In January 2016 following discussions involving the Government Property Unit, Victoria Tower Gardens (VTG) emerged as a possible site. After careful consideration VTG was selected by the UKHMF Board as the outstanding candidate site for the following reasons:
- i) It provides an iconic location adjoining Parliament, sitting along the riverfront immediately next to the House of Lords;
 - ii) Its relevance as a commemorative garden of Britain's national conscience, containing significant memorial sculptures marking momentous historic events with significance for the struggle for human rights;
 - iii) It is visually prominent and adjacent to one of the most visited parts of London, within easy reach of a major tube station and many bus routes;
 - iv) The resonance of being next to Parliament and on the bank of the Thames is exceptional; and

- v) Under the shadow of Victoria Tower, the Holocaust Memorial and Learning Centre would question the impacts of the Holocaust and subsequent genocides on our own Parliament.
- 4.11 The decision to select VTG as the location for the United Kingdom Holocaust Memorial and Learning Centre was announced by the Prime Minister, the Rt Hon. David Cameron, at Prime Minister's Questions on 27 January 2016. The Prime Minister said:-
- “Last year, on the 70th anniversary of the liberation of Auschwitz, I said we would build a striking national memorial in London to show the importance Britain places on preserving the memory of the Holocaust. Today, I can tell the House that this memorial will be built in Victoria Tower Gardens. It will stand beside Parliament as a permanent statement of our values as a nation, and it will be something for our children to visit for generations to come. I am grateful to all those who have made this possible, and who have given this work the cross-party status that it so profoundly deserves.”*
- 4.12 Subsequently, on 4th September 2016 the Rt Hon Sajid Javid (Secretary of State July 2016-May 2018) stated:-
- “The UK Holocaust Memorial and Learning Centre will stand as a permanent reminder of what happened. Constructed right in the heart of our democracy, it will be impossible to ignore or overlook. It will be a lasting tribute both to those who died and to those who survived. And it will be a focal point for reflection and education that will ensure the Holocaust is remembered long after all of us in this room are gone.”*
- 4.13 On Holocaust Memorial day in January 2018 the Prime Minister, the Rt Hon Theresa May, stated:-
- “The new national memorial to the Holocaust will sit in the shadow of Parliament, alongside a world class learning centre. It will make a permanent statement of our promise to remember and our commitment to teach future generations to fight hatred in all its forms”,*
- 4.14 Reflecting the Government's decision to locate the UKHMLC at VTG, the Government's Estates Strategy, published in July 2018 (CDX), states that in respect of the area between Buckingham Palace, Trafalgar Square and Parliament Square:-
- “By the end of this parliament we will take the first steps towards building a collaborative long-term vision that builds on the unique identity of this area, working with stakeholders to implement long term improvements to make the heart of London more welcoming, secure and accessible. This will include, inter alia:*
- Aligning existing public realm projects in the area, including support to the UK Holocaust Memorial Foundation to erect a Holocaust Memorial and Learning Centre*

beside parliament. It will stand as a permanent reminder and as a lasting tribute to those who died and those who survived”.

- 4.15 Subsequently, on 5 December 2018, during Prime Minister’s Questions, the Rt Hon Theresa May MP reaffirmed the Government’s commitment to the Memorial and to the suitability of the preferred site, stating:-

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

- 4.16 On 1st May 2109, the Rt Hon James Brokenshire (Secretary of State May 2018-July 2019) stated:-

“I’m proud to be leading a programme that will provide a national space of remembrance and education in the UK, right next to our Parliament. Having the Memorial adjacent to Parliament will provide a permanent reminder to political leaders and policy makers of the continued need for vigilance in challenging bigotry, division and hatred wherever and whenever it may occur. The Memorial will stand as a reminder of the horrors of the past and will encourage reflection on their implications for British government and society, both at the time and subsequently. We are clear that this is the right place for such a Memorial. The striking revised designs follow comprehensive consultation and discussion with local residents, Holocaust experts and survivors and in addition we are taking a wide range of measures, to preserve and enhance the local park and ensure that it remains fully accessible to the public.”

- 4.17 Later, on 7 May 2019 he stated:-

“I believe there can be no more powerful symbol of our commitment to remembering the men, women and children who were murdered in the Holocaust and in subsequent genocides than by placing the Holocaust Memorial and Learning Centre, in the shadow of our Parliament at the heart of our democracy. Education on the Holocaust and subsequent genocides is one of the most powerful tools we have in the fight against prejudice, intolerance and misinformation. Located beside our Parliament, this Memorial will deliver this message, and stand as a permanent reminder that political decisions have far-reaching consequences.”

- 4.18 On Holocaust Memorial Day 27 January 2020, the current Prime Minister, The Rt Hon Boris Johnson, stated;-

“I will make sure we build the National Holocaust Memorial and Education Centre, so that future generations can never doubt what happened, because that is the only way we can be certain that it never happens again.”

- 4.19 On the 12 February 2020 The Rt Hon Robert Jenrick (Secretary of State for Housing Communities and Local Government July 2019 to date) stated:-

“The government remains implacably committed to the construction of the Holocaust Memorial and Education Centre right at the heart of our democracy, beside our national parliament to ensure that future generations never forget. No one, whether in national or local government should shirk their duty to deliver on the promise of this memorial, and the government certainly will not.”

- 4.20 I note the statement of Dorian Gerhold on behalf of TTIS/SVTC seeks to challenge the clear and consistent rationale which underpins the chosen location. I have read (and concur with) the response to the statement of Dorian Gerhold in the evidence of Rt Hon Ed Balls and Rt Hon Lord Pickles.

- 4.21 I consider the rationale behind the Government’s commitment to promote VTG as an appropriate and fitting location for the UKHMLC is clearly articulated and sound, and VTG represents a particularly suitable, and indeed on the available evidence the best, location to accommodate the UKHMLC.

Summary

- 4.22 In summary, the decision to locate the UKHMLC in VTG constitutes a clear, longstanding Government position confirmed by successive Prime Ministers and reflected in the Governments Estates Strategy. It is based on a clear and consistent rationale which demonstrates that VTG is a particularly suitable location for the UKHMLC.

5.0 THE PROPOSED DEVELOPMENT

- 5.1 A full description of the Proposed Development is set out in the DAS and in the Applicant's architectural, design, townscape and landscape evidence. In his design appraisal evidence, Professor Robert Tavernor describes the Proposed Development as 'a brilliant conception' and a 'skillful response to the competition brief'. Professor Tavernor concludes it will be 'an extraordinary memorial, which will be regarded as world class'.
- 5.2 The submitted plans and drawings, and a schedule of areas and specifications are all recorded in the SoCG. The Proposed Development comprises several elements; the Holocaust Memorial; the Memorial Courtyard; the Entrance Pavilion; the Learning Centre; the re-provision of Horseferry Playground and refreshments kiosk; and landscaping and public realm works. These are described in more detail below.

The Holocaust Memorial

- 5.3 The Memorial comprises 23 bronze fins honouring the millions of Jewish men, women and children who lost their lives in the Holocaust, and all other victims of Nazi persecution, including Roma, gay and disabled people. The 23 bronze fins create 22 pathways into the Learning Centre below, representing each country in which Jewish communities were destroyed during the Holocaust.
- 5.4 The Memorial brings together three key materials – bronze, stainless steel and stone. The fins are clad in bronze panels of varying thicknesses, employing a living material that changes through its lifetime and reacts to its surroundings. The undercroft in-between the fin walls and beneath the landform is to be clad in elongated panels of polished stainless steel. The Memorial stairs and the threshold floor below would be clad with silver-grey gneiss or granite stone.

The Memorial Courtyard

- 5.5 The Memorial Courtyard is a contemplative space that defines the relationship between the Entrance Pavilion and the Memorial and Learning Centre. The Memorial Courtyard is designed to be paved with stone, creating a visual continuity from the Entrance Pavilion, while the terrace railings and gates are specified as bronze.
- 5.6 The perimeter between the Gardens and Courtyard is defined primarily as part of Victoria Tower Gardens, with layers of planting and hedges providing interest and character to those passing along the perimeter pathway. The Courtyard would be enclosed by a series of bronze rails and decorative hedges/vegetation.

The Entrance Pavilion

- 5.7 The Entrance Pavilion is a single storey building located at the south of the Site. The Pavilion provides a space where tickets can be checked and where visitor storage lockers are located. The Entrance Pavilion assists with pedestrian flow to the Memorial and Learning Centre in addition to providing safety and security screening. Security issues are addressed in the evidence of Matthew Brittle.

The Learning Centre

- 5.8 The Learning Centre will be constructed below ground with basement and basement mezzanine levels. Through careful sequencing and curating of well-designed spaces, the Learning Centre will envelop visitors with a powerful explanation of the events of the Holocaust from a distinctly British perspective. Commemoration of the victims of the Holocaust and subsequent genocides will be supported by soundly-based historical analysis.

Horseferry Playground/Refreshment Kiosk/Spicer Memorial

- 5.9 The Proposed Development includes the retention of the Horseferry Playground and Spicer Memorial at the southern end of the Site. Both would be repositioned slightly further to the south of their current positions, which were established in 2015.
- 5.10 The Horseferry Playground would be redesigned making a more efficient use of the space, whilst simultaneously creating a more active play environment. The proposed new design takes inspiration from the existing play equipment and materiality and respects the playground's history, retaining a sandpit as the central element. The Proposed Development results in no material loss in children's play facilities.
- 5.11 A new and improved refreshments kiosk is proposed at the southernmost end of the Playground to replace the existing kiosk. A covered seating area associated with the refreshments' kiosk is included as a break out space for parents and children. As such, all the existing amenities are retained and/or enhanced by the Proposed Development.

Landscaping and Public Realm

- 5.12 Landscaping forms an integral component of the Proposed Development. The UKHMLC has been conceived as a single concept, intrinsically linked to the surrounding context of VTG. The Proposed Development considers the Memorial and landscape as one element, moving up and over the fins, around and down through the Courtyard. Whilst the Proposed Development modifies the existing layout of VTG, as another stage of its evolution, the design gives back a new experience for visitors to the Gardens.

- 5.13 The form of the landscape responds to the character and features of Victoria Tower Gardens, respecting key views in and out of the Site and supporting current activities of local residents and users of the Gardens. For those currently using VTG, for whatever reason, there will be no material loss in the utility of the available space. Furthermore, as the landscape evidence demonstrates and as accepted by the GLA, the loss of a small proportion of open space in the VTG is offset by the material improvements in the quality and utility of the enhanced VTG.

Visitor numbers

- 5.14 The UKHMLC is expected to attract up to one million annual ticketed visitors, of which 100,000 will be school trips. On particularly busy days it is estimated that up to 10,000 people in total will enter VTG, of which 3,300 will be ticketed and the remainder would view the UKHMLC from the outside. It should be noted that this ‘worst case’ scenario cannot be used to generate annual visitor numbers, but this scenario has been modelled by Brett Little of WSP, as set out in his evidence.

Transport and Access

- 5.15 The Site is highly accessible by bus, underground and on foot, and no car parking is to be provided on site. Cycle parking is to be provided along the footway of Millbank, and coach drop off and pick up will take place along the eastern kerbside of Millbank, opposite the VTG entrance. Refuse collection will take place outside of the opening hours of the Gardens and Memorial and Learning Centre.
- 5.16 Full details of transport and access arrangements are set out in the Transport Assessment which accompanied the Application, (CD6.39), and the evidence of Alex Andrews of WSP.

Safety and Security

- 5.17 The application was supported by a statement on security and safety. Careful consideration has been given to safety and security, in collaboration with the responsible authorities. In as far as they can be made public, details of proposed security arrangements are set out in the evidence of Matthew Brittle of WSP.

Summary

- 5.18 The proposed Development comprises a scheme of the highest quality, designed by a collaboration of world-class architects, sculptors and landscape designers to meet the specifications of the UKHMF in terms of the mix of uses and content to be incorporated. Servicing and deliveries, pedestrian safety and security matters have been carefully considered and are addressed in separate evidence.

6.0 COMMON GROUND AND DISPUTED MATTERS

- 6.1 A draft Statement of Common Ground (SoCG) has been the subject of discussions with WCC. This includes an agreed factual description of the Site and surrounding area, and relevant planning designations. This also describes the planning history, and the proposed uses and floor areas within the UKHMLC.
- 6.2 The draft SoCG identifies the documents which comprise the Development Plan, and emerging plans and supplementary planning documents and the policies which are relevant to the Application. The SoCG includes an agreed list of plans and documents and a list of draft conditions and heads of terms of a s106 Agreement which is in the course of preparation.
- 6.3 The current draft was provided to PINS on XX, and discussions are still ongoing. In this section I identify what I consider to be the key areas of common ground, having regard to the Draft SoCG and WCC Committee Report, assuming this reflects WCC position.

Principle of Development

- 6.4 WCC agree that VTG is a suitable place in principle for a form of memorial to the Holocaust, and that the principle of a national Holocaust Memorial and Learning Centre within the CAZ is acceptable.
- 6.5 The WCC Planning Sub-Committee Report confirms that ‘the principle of a national memorial and learning centre to the holocaust is supported by the council’ and is of ‘national and international significance’.

Open Space

- 6.6 It is agreed that following the development, the area of VTG which would no longer be freely accessible would be approximately 1,429 sq m, or 7.58% of its current size.

Heritage

- 6.7 The SoCG confirms that the heritage assets at issue are those identified in its recommended reason for refusal, and it is agreed that if the Plane Trees in VTG are unaffected, any harm that is found to exist to the significance of designated or non designated heritage assets would be less than substantial.

Flood Risk

- 6.8 It is agreed that the Proposed Development is in accordance with national, regional and

local planning policy in relation to flood risk, subject to conditions.

Archaeology

- 6.9 It is agreed that sufficient information has been provided to assess the likely risk to archaeological remains and Historic England (GLASS) raise no objection, subject to conditions to safeguard the archaeological interest of the Site.

Summary

- 6.10 There are a number of areas of common ground between WCC and the Applicant. In particular, it is agreed that VTG is a suitable location for a form of monument to the Holocaust, and that the proposed Development will deliver a memorial and learning centre of national and international significance.
- 6.11 The Proposed Development will reduce the amount of freely accessible open space in VTG by 7.58%. There is disagreement as to the risk of harm to the existing Plane trees in VTG, but if these are unaffected, the parties agree that any harm that is found to exist to the significance of designated or non-designated heritage assets would be less than substantial.
- 6.12 Matters including archaeology, flood risk, transport, security, sustainability are agreed, subject to conditions and/or s106 obligations.

7.0 THE DEVELOPMENT PLAN

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.2 The Courts have considered the meaning of ‘in accordance’ with the development plan on numerous occasions, and most recently as I write this in *Corbett v Cornwall Council* [2020] EWCA Civ 508. I am advised that the case reaffirms that the task of the decision-maker is to consider the development plan as a whole, that breach of a single policy in the plan does not necessarily mean that there isn’t accordance with the plan when read as a whole, that there is recognition that individual policies may pull in different directions in which case a decision falls to be made as to which policies should be given more weight.
- 7.3 The Development Plan for the purposes of Section 38(6) of the Act 2004 is the London Plan (“**LP**”) (2016) (CD2.1), the saved policies of the Westminster UDP (2007) (CD2.2) and the Westminster City Plan (“**WCP**”) (2016) (CD2.3). A list of relevant policies is set out in the SoCG.
- 7.4 WCC’s City Plan Proposals Map identifies the Site as being located within the Westminster Abbey and Parliament Conservation Area; the Thames Policy Area; and within the Core Central Activity Zone (CAZ). The Site falls within a Flood Risk Zone 3 as classified by the Environment Agency.

The Land Use

- 7.5 The GLA in its stage 1 report (CD5.14) states that :-

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

- 7.6 London Plan Policy 4.6 supports the continued success of London’s diverse range of cultural uses and the cultural, social and economic benefits they offer to its residents, workers and visitors. It states that developments should be located on sites where there is good existing or planned public transport; be accessible to all members of the community, and address deficiencies in facilities and provide a cultural focus to foster more sustainable communities.

- 7.7 One of the strategic objectives of the WCP is to accommodate change to contribute to Westminster's role at the heart of a preeminent world class city, building on its cultural and tourism functions while maintaining its unique historic character, mix, functions and townscapes.
- 7.8 Paragraph 2.57 of the WCP states that the development and management of the public realm will continue to have a focus on meeting the unique challenges of Westminster, including its national and international functions.
- 7.9 Policy S1 of the WCP supports mixed use development in the CAZ, and Policy S6 confirms the Core CAZ, in which the Site is situated, is an appropriate location for cultural uses. The Site is not in a defined 'stress area'. As such, the proposed use has clear policy support in this location.
- 7.10 Paragraph 4.33 of the WCP states that Westminster attracts 55 million trips per annum, and its significant cultural offer is key to supporting its economy. Paragraph 4.34 states that cultural uses contribute to mental and physical well-being, sense of place and community, learning and education, and paragraph 4.35 confirms Westminster's national and international role as the seat of government, monarchy and 'events of worldwide interest'.
- 7.11 Policy S22 states, in terms, that new arts and cultural uses will be acceptable in the Core CAZ, which includes VTG. Outside this area, such uses will be appropriate 'subject to impact on residential amenity'. While I consider impacts on residential amenity later in my evidence, in land use planning policy terms, the proposed use is entirely appropriate, and encouraged, within the Core CAZ and as such, in this location.
- 7.12 WCP Policy S27 states:-
- “uses of international and/or national importance, and the buildings that accommodate them will be protected and new international and nationally important uses encouraged within the CAZ and Opportunity Areas.”*
- 7.13 This policy is clearly supportive of development like the UKHMLC and does not support the proposition that such uses should be relegated to less central, less accessible locations, as suggested by some objectors.
- 7.14 Reflecting this position, in its Planning Sub-Committee Report (CD5.11) WCC acknowledges that 'the proposed development is of national and international significance and would promote Westminster's World City functions'. As I note later, there is little in principle objection to the location of the UKHMLC in Westminster, or indeed this Site, subject to concerns about scale and impact. Indeed, the WCP seeks to focus nationally and internationally significant uses in this area.

- 7.15 In these circumstances, I conclude that the London Plan and City Plan provide clear, in principle, support and encouragement for the Proposed Development in this area and location, subject to considering other relevant policies.

Open Space

- 7.16 London Plan Policy 7.18 seeks to protect open space, noting that the loss of protected open space must be resisted unless equivalent, or better, quality provision is made within the local catchment area. The GLA considers this policy is met by the Proposed Development.

- 7.17 Saved Policy ENV15 of the UDP states that, inter alia:-

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

The City Council will encourage the provision of new and enhanced open space for public use and in appropriate circumstances will require open space as part of new developments in Priority Area for Additional Open Space, or on sites where additional open space will help meet a need;

Public and private open space, green and wildlife corridors, including watercourses, will be protected from development that would detract from their mainly green and open character or which would have an adverse effect on their nature conservation value.”

- 7.18 The Site is not within a Priority Area for Additional Open Space, as identified in the UDP.

- 7.19 Policy S35 of the more recent City Plan (2016) states that the Council will, inter alia:-

‘protect and enhance Westminster’s open space network, and work to develop further connections between open spaces, and seek to address existing public space deficiencies, including active play space deficiency, and current and future open space needs by, inter alia; protecting all open spaces, and their quality, heritage and ecological value, tranquility and amenity; securing new improved open space, and securing contributions to improving the quality, ecological value and accessibility of local public open spaces’.

- 7.20 The Site is not in an area of open space or active play space deficiency, and the existing children’s play space will be retained and enhanced, as described in the landscape evidence.

- 7.21 I acknowledge that the Proposed Development conflicts with the first criterion of policy ENV15. However, having regard to the landscape evidence, considered later, I consider the impact of the ‘loss’ of circa 7% of the current open grassed area of VTG would be more than offset by the quality of the Proposed Development, and the enhancements to the remainder of VTG, which are consistent with the ongoing evolution of this area.
- 7.22 In addition to the wider enhancement that the Proposed Development will bring to VTG, as noted in the ES (CD6.10) the UKHMLC will attract up to 1 million ticketed visitors annually, and additional visitors who will also be able to enjoy this important public open space, in addition to those who already visit, live and work in this area.
- 7.23 In this respect, I note that in its Stage 1 referral, the GLA states that:-
- ‘The loss of open space is offset by improvements to public realm across the site and wider public benefits of the proposals’.*
- 7.24 The landscape evidence supports this conclusion. On this basis, I consider that having regard to the open space policies of the Development Plan, when read as a whole, the Proposed Development represents an enhancement in the quality of open space and contributes to the objectives of the Development Plan.

Trees

- 7.25 London Plan Policy 7.21 states that existing trees of value should be retained and any loss as a result of development should be replaced following the principle of ‘right place, right tree’.
- 7.26 WCP Policy S.35 states that harm to trees through Proposed Development must be:-
- "firstly prevented, mitigated second, finally compensated"* and that the wider landscape must be *"...protected and enhanced with opportunity to extend and create..."*
- 7.27 UDP Policy ENV16 notes that all trees in conservation areas and all those trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme. The Policy further states that planning permission will be refused for development likely to result in the loss or damage to a tree which makes a significant contribution to the ecology, character or appearance of the area.
- 7.28 The evidence of Dr Frank Hope concludes that adequate information has been provided to enable an assessment of the effects of the Proposed Development on the established London plane trees. He concludes the Proposed Development will not lead to the loss of any of the London Planes; that minimal pruning will be required, which will not harm the trees; and that appropriate mitigation processes have been identified to minimize the

influence of construction works on the trees.

- 7.29 Dr Hope concludes there is no evidence to suggest the trees would be harmed in any way which would have consequences for their continued health and longevity. Based on his expert evidence, which I adopt, I consider all the relevant policy tests relating to trees are fully met in this case.

Design

- 7.30 The London Plan promotes development of the highest architectural quality. Policy 7.6 sets out the Mayor's design guidance and requires developments to optimise the potential of sites and be designed in consideration of the local context including potential impact on listed buildings and conservation areas, providing a development that enhances the public realm, uses a palette of materials that complements the local architectural character, is inclusive and is flexible to allow for different activities.

- 7.31 In its stage 1 referral, the GLA concludes that:-

'The proposed design of the Holocaust Memorial, along with that of the entrance pavilion and the memorial courtyard, is of a high quality'.

- 7.32 City Plan Policy S28 states:

"development must incorporate exemplary standards of sustainable and inclusive urban design and architecture. In the correct context, imaginative modern architecture is encouraged provided that it respects Westminster's heritage and local distinctiveness and enriches its world-class city environment."

- 7.33 UDP Policy DES1 seeks to ensure the highest quality in the form of new development in order to preserve or enhance the townscape of Westminster. Policy DES9 seeks to preserve or enhance the character or appearance of conservation areas. It also includes provisions to consider the impact of proposals on the setting of conservation areas.

- 7.34 Strategic Policy S26 relates to protected views within and across Westminster from intrusive or insensitive development. The supporting description notes that views:-

"enhance the enjoyment of the city and help to create a sense of local identity and distinctiveness. They include views of natural features, landmark buildings, open spaces, streets and squares."

- 7.35 The evidence of Professor Robert Tavernor considers design and townscape matters and concludes that the Proposed Development is a 'brilliant conception' and will be an 'extraordinary memorial which will be regarded as world class'. He concludes the Proposed Development will be 'an exemplary work of architecture and landscape design

and, as such, will enhance the existing Gardens as a whole, as well as the existing memorials’.

- 7.36 I adopt and concur with this view and conclude that the Proposed Development is of exceptional design quality as befitting this nationally and internationally significant monument and learning centre and meets all relevant design policies.

Heritage

- 7.37 London Plan Policy 7.8 advises that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural details. London Plan Policy 7.10 states that development should conserve, promote and enhance the authenticity, integrity, significance and Outstanding Universal Value (OUV) of World Heritage Sites.

- 7.38 In respect of heritage matters, the GLA state:-

‘The Proposed Development would lead to less than substantial harm to existing heritage assets in and around the application site. However, any harm would be offset by both the heritage benefits of the development and the wider public benefits arising from the proposals’.

- 7.39 Strategic Policy S25 within the WCP states that:-

“recognising Westminster’s wider historic environment, its extensive heritage assets will be conserved, including its listed buildings, conservation areas, Westminster’s World Heritage Site, its historic parks including five Royal Parks, squares, gardens and other open spaces, their settings, and its archaeological heritage.”

Any change should not detract from the existing qualities of the environment. Policy S26 protects strategic and local views.

- 7.40 The most relevant UDP heritage policies are DES9 (conservation areas), DES 10 (listed buildings), DES12 (public gardens) and DES 16 (the World Heritage Site). These are addressed in the evidence of Dr Miele, but I note that the policies predate the NPPF and none incorporates the balancing provision required by the Framework.

- 7.41 For example, Policy DES 10 D states, inter alia, that ‘planning permission will not be granted where it would adversely affect...the immediate or wider setting of a listed building’. DES 12 B states, inter alia, that ‘permission will not be given for development on or under those parks, landscaped spaces and public or private gardens’. DES 16 states that ‘permission will only be granted for developments that protect and conserve the character, appearance, setting and ecological value of the World Heritage Site.

- 7.42 Heritage matters are addressed in the evidence of Dr Miele, which I adopt. While his evidence finds some harm to designated heritage assets, he concludes that any harm arising would be less than substantial. This conclusion is shared by Historic England and the GLA. In these circumstances, while the finding of some harm makes the Proposed Development technically non-complaint with the heritage policies of the UDP, adopting the correct policy approach set out in paragraph 196 of the NPPF, this less than substantial harm falls to be weighed against the public benefits of the Proposed Development.
- 7.43 As noted above, the GLA considers that any heritage harm would be offset by the heritage and other benefits of the Proposed Development. For the reasons set out later in my evidence, I concur with this conclusion. However, I have taken into account the non-compliance with the heritage policies of the Development Plan in reaching my overall conclusions on whether the Proposed Development complies with the Development Plan when read as a whole.

Archaeology

- 7.44 London Plan Policy 7.8 states new development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset. WCP Policy CM28.1(A6) states that all applications for basement developments will safeguard significant archaeological deposits.
- 7.45 No objections are raised by WCC on archaeological matters, subject to conditions. However, for the sake of completeness, these matters are considered in the heritage statement prepared by Alan Ford of Atkins Ltd. This statement and the previously submitted Archaeological Addendum (CD6.31) demonstrate that all matters pertaining to archaeology within the scheme footprint have been dealt with to the satisfaction of GLAAS, as advisors to WCC, and no objections have been raised by third parties on these issues.
- 7.46 In these circumstances, subject to conditions which are to be agreed, the Proposed Development accords with the relevant archaeological policies of the Development Plan.

Transport and Accessibility

- 7.47 The London Plan promotes development that will not adversely affect safety on the transport network, setting out the following requirements. Policy 6.9 seeks secure cycle parking in line with the standards set out in Table 6.3 of the London Plan. Policy 6.10 seeks high quality pedestrian environments. Policy 6.13 states the maximum standards

for car parking should be achieved as set out in Table 6.2 of the London Plan.

- 7.48 City Plan Policy S41 requires all developments to prioritise pedestrian movement, whilst sustainable transport options will be supported. UDP Policy TRANS6 notes that the Council will introduce measures to control routes used by coaches and will seek improvements in coach facilities, such as coach parking, particularly off street and layover areas. The general aim of UDP Policies Trans 21-26 is to control and co-ordinate on-street and off-street parking to reduce the overall levels of parking while maintaining adequate availability of parking space for essential and priority users.
- 7.49 The evidence of Alex Andrews of WSP concludes that the Proposed Development complies with the transport policies of the Development Plan, subject to appropriate conditions. This is supported by the GLA in its stage 1 referral (CD5.14), and no transport objections are raised by WCC. However, I note that some objectors have raised matters of parking, servicing and pedestrian movement, which are addressed in the evidence of Alex Andrews.

Environmental quality and Amenity

- 7.50 UDP Policy ENV13 seeks to protect the amenity and environmental quality of the residential environment of an area through measures including the provision of open space, play space, associated community facilities, traffic management schemes and other appropriate measures including good landscape design and lighting.
- 7.51 WCP Policy S29 identifies that the Council will resist proposals that result in an unacceptable material loss of residential amenity and requires developments to aim to improve the residential environment. Paragraph 5.22 of the WCP goes on to identify it is likely new development will have some impact on residential amenity, but requests development takes measures which maintain or improve the amenity of neighbouring residents by addressing the issue of privacy and overlooking amongst others.
- 7.52 A Visitor Management Strategy accompanied the planning application and provides details on the steps taken by the Applicant in order to ensure that amenity and environmental quality of the surrounding area is protected. No issues are raised by WCC in respect of environmental quality or residential amenity. However, I return to this and wider comments made by some objectors in respect of amenity later in my evidence.

Flood Risk

- 7.53 London Plan Policy 5.12 notes that development proposals must comply with the flood risk assessment and management requirements as set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development. The GLA raises no issues in respect of flood risk.

- 7.54 WCP Policy S30 states in part that all development proposals should take flood risk into account and new development should reduce the risk of flooding. WCP Policy S45 notes that developments will ensure that flood-related infrastructure is protected and access for maintenance is retained.
- 7.55 A Flood Risk Assessment was prepared by Atkins in support of the planning application (CD5.4) and provides a quantitative assessment of the risks arising to the Site as a result of both its location and the development proposals. No objection is raised by WCC in respect of flooding. In its Committee report (CD5.11) WCC concludes that the proposed development is in accordance with national, regional and local planning policy in relation to flood risk, subject to conditions.
- 7.56 This conclusion is supported by the evidence of Charlotte Nunns of Atkins on flood risk.

Sustainability

- 7.57 The London Plan climate change policies set out in Chapter 5 collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions.
- 7.58 London Plan Policy 5.2 sets out an energy hierarchy (Be lean, Be clean, Be green) within which development proposals should seek to minimize carbon dioxide emissions. The Policy also sets a target for non-domestic buildings to achieve 40% improvement on 2010 Building Regulations.
- 7.59 London Plan Policy 5.3 states development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. Major development proposals should also meet the minimum standards outlined in the Mayor's supplementary planning guidance.
- 7.60 London Plan Policy 5.7 seeks to increase the proportion of energy generation from renewable sources, with major development proposals expected to provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation
- 7.61 At a local level, WCP Policy CS28 seeks to achieve the highest standards of sustainable design and construction. Policy CS28 states that development must incorporate exemplary standards of sustainable design and will reduce energy use and emissions that contribute to climate change during the life-cycle of the development.
- 7.62 WCP Policy S40 sets out that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except

where the council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

- 7.63 Detailed Energy and Sustainability Statements prepared by WSP accompanied the planning application (CD5.5 and CD5.6). In accordance with London Plan Policy 5.3 and WCP Policy CS28, the development proposes to Achieve BREEAM 'Excellent'. In general, the aim of the Proposed Development is to comply with the Mayor's sustainable design and construction SPD and local planning policy requirements. Subject to conditions, no issue is taken by WCC on sustainability matters.

Summary

- 7.64 The Development Plan comprises the London Plan (2016), the saved policies of the Westminster UDP (2007) and the Westminster City Plan (2016). The Development Plan strongly supports and directs uses of international and/or national importance like the UKHMLC to highly accessible sites within the CAZ where VTG is located.
- 7.65 The Development Plan sets out detailed policies covering, inter alia; design, environmental quality and amenity, open space, trees, heritage and archaeology, flood risk and sustainability. These are all addressed in my evidence, and the detailed evidence of others which I adopt.
- 7.66 I acknowledge that the Proposed Development is contrary to certain policies of the Development Plan. It is clearly contrary to Open Space Policy ENV 15, but not in my opinion the more up to date City Plan Policy S35 given the overall enhancement to the VTG.
- 7.67 On the basis that there would be some less than substantial harm to heritage, the Proposed Development is also contrary to the heritage policies of the UDP, but these do not incorporate the balance required by the Framework. The heritage evidence demonstrates that the Proposed Development would cause less than substantial harm to some designated heritage assets which, adopting the approach set out in Paragraph 196 of the Framework, should be weighed against the public benefits which it would deliver.
- 7.68 On this basis, while recognizing that the Development Plan pulls in different directions in respect of heritage and open space matters and supporting London's international status and cultural and visitor attractions, I conclude that on balance the Proposed Development is in accordance with the Development Plan, when read as a whole.
- 7.69 This is consistent with the views of the GLA. However, should the decision maker reach a different view, it would be necessary to consider whether other material considerations in this case would warrant a decision otherwise than in accordance with the Development Plan. I return to this issue later in my evidence.

8.0 OTHER POLICY CONSIDERATIONS

8.1 In this case, there are a number of material considerations which reinforce the case for approval. These comprise; the Government's stated commitment to deliver the UKHMLC in this location; the NPPF; the relevant provisions of emerging planning policies and Supplementary Planning Guidance, to the extent that they carry material weight.

The Government's stated commitment to develop the UKHMLC in VTG

8.2 As set out in section 4 of my evidence, and the evidence of the Rt Hon Ed Balls and Rt Hon Lord Pickles, the decision to develop a UKHMLC in VTG represents a clear and consistent commitment of successive governments, including the current Government. I consider this is an important material consideration in respect of the need for the UKHMLC, and the choice of VTG as the right location for it.

The NPPF

8.3 The NPPF (CD1.1) was published in February 2019 and establishes the overarching principles of the planning system, including the requirement of the system to 'drive and support development. It identifies three overarching objectives for sustainable development; an economic, a social and an environmental role. As identified below, the UKHMLC contributes to all three.

8.4 Paragraph 11 restates the presumption in favour of sustainable development. Proposals that accord with an up to date development plan should be approved without delay. Paragraph 47 restates the general principle of Para 38(6) of the Act that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. In the last section, I concluded that the Proposed Development accords with the Development Plan.

8.5 Paragraph 92 refers to the need to provide for social, recreational and cultural facilities and services the community needs, including, inter alia; planning positively for the provision and use of shared spaces and community uses (including cultural buildings and open space), supporting strategies to improve the health, social and cultural well-being for all sections of the community; and guarding against the unnecessary loss of valued facilities.

8.6 Paragraph 96 states that access to a network of high-quality open space is important for the health and well-being of communities, and policies should be based on up to date assessments of the need for such facilities. As I note below, there is a clear need

for the UKHMLC, which I consider will make a significant contribution to the social and cultural well-being of the community and constitutes an overall enhancement to VTG.

- 8.7 Paragraph 97 states that existing open space should not be built on unless; an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent of better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.
- 8.8 I consider the loss of some existing open space is more than offset by the qualitative improvements to the remainder of the VTG and outweighed by the wider benefits of the UKHMLC.
- 8.9 Section 9 relates to transport and movement, and requires, inter alia; that developments are located in accessible locations; priority is given to pedestrian and cycle movements and addresses the needs for people with disabilities and reduced mobility; and that places are safe, secure and attractive; minimize the scope for conflicts; and allow for efficient delivery of goods. The Evidence of Alex Andrews of WSP demonstrates that the Proposed Development fully satisfies all the relevant transport provisions of the NPPF.
- 8.10 Section 12 relates to well-designed places, and states that good design is a key aspect of sustainable development. Paragraph 127 states that, inter alia; developments should function well and add to the overall quality of the area; be visually attractive; sympathetic to local character and history; establish a strong sense of place; optimize the potential of the site; and create places that are safe, inclusive and accessible and which promote health and well-being and a high standard of amenity for existing and future users.
- 8.11 The design and townscape evidence demonstrates that the Proposed Development is of outstanding design quality, will enhance the character and quality of the area, and meets all the relevant policies of the NPPF.
- 8.12 Section 16 relates to heritage matters and confirms the principle that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.13 Paragraph 194 states that any harm to, or loss of, the significance of a designated

heritage asset should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss’.

- 8.14 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The threshold for ‘substantial harm’ has been considered by the courts, notably in the Bedford case, as quoted in the evidence of Dr Miele. This is a high test, and below this threshold, there is a spectrum of ‘less than substantial harm’.
- 8.15 In this case, the evidence of Dr Chris Miele demonstrates that while the Proposed Development causes some harm to the setting of designated heritage assets, notably the Buxton Memorial, any harm to their significance would be at the lower end of less than substantial having regard to the proper legal framework for assessing such matters. He also identifies some heritage benefits which weigh in favour of the Proposed Development.
- 8.16 Dr Miele considers the consequences of the loss of the plane trees adjoining the Proposed Development. For the reasons outlined previously, the Applicants evidence is that there is no risk of loss or damage to these trees. However, even in event of the loss of any trees Dr Miele concludes that while the harm would be increased it would still be less than substantial.
- 8.17 I consider that the nationally and internationally important public benefits which the UKHMLC will deliver in Section 10, and the heritage and overall planning balance in section 11.

Emerging Planning Policies

- 8.18 The Draft London Plan (DLP) has been the subject of examination and has reached an advanced stage. The Mayor published the Intend to Publish version in December 2019 (CD2.4). In February 2020 the Secretary of State wrote to the Mayor requesting major alterations in respect of the Plan’s policies for the delivery of new homes and pending these changes the timescale for adoption is uncertain. However, I consider the policies of the Draft Plan most relevant to the Proposed Plan, identified in the SoCG carry material weight.
- 8.19 The DLP sets out a series of strategic ‘good growth’ policies and seeks to promote and enhance the functions of the CAZ, including its unique concentration and diversity of arts and culture and tourism functions. VTG is located within a Specialist Cluster of ‘state activities’, which contributes towards London’s international and

national roles.

- 8.20 A full list of relevant policies is set out in the SoCG including; design, public realm, social and visitor infrastructure, heritage and culture, open space and transport. These include policies to strengthen London's visitor economy. The draft policies highlight the importance of designated heritage assets, including World Heritage Sites. Policy G4 resists the loss of protected open space.
- 8.21 Overall, I do not consider the policies of the DLP raise any significant new issues not already addressed above, or in the evidence of others, and I note the GLA does not raise any objections in respect of the DLA.
- 8.22 The Draft Westminster City Plan (DWCP) (CD2.6) was submitted to the Secretary of State in November 2019 and is the subject of examination. As such, at this stage I consider it carries only limited weight. The spatial strategy of the DWCP includes, inter alia; broadening Westminster's cultural offer and recognizing uses of international importance contribute to its unique appeal. Policy 16 seeks to enhance the attractiveness of Westminster as a visitor centre and supports new arts and cultural uses in commercial areas of the CAZ, reflecting the important economic, educational and social benefits which they deliver.
- 8.23 A list of other relevant policies is included in the SoCG including policies relating to, inter alia; design, transport, heritage, townscape and architecture, public realm, security. Policy 35 relates to open space and trees, and states that all open spaces and their quality, heritage and ecological value, tranquility and amenity will be protected. Supporting paragraph 35.5 states that development on open space must be essential and clearly ancillary to maintaining or enhancing the value of the open space.
- 8.24 For the reasons outlined previously, and to the extent that they carry material weight in the decision-making process, I consider the Proposed Development accords with the DLP and DWCP when read as a whole.

Supplementary Planning Documents

- 8.25 A full list of relevant supplementary planning documents is set out in the SoCG and these are referred to by other witnesses where relevant.
- 8.26 Westminster's Statues and Memorials SPD (2008)(CD3.6) does not form part of the development plan and is primarily concerned with statues and memorials; it does not anticipate the unique circumstances and need for the UKHMLC and is not referred to by WCC, which confirms in Paragraph 9.2 of its committee report that VTG is a suitable place in principle for a memorial to the Holocaust.
- 8.27 The SPD states that, inter alia; applications for new statues and memorials will not

be permitted in the Whitehall and St James Monument Saturation Zone (WSTSZ) unless for exceptionally good reasons, and where there is a clear and well defined historical or conceptual relationship with the proposed location.

- 8.28 To the extent that this is relevant to the UKHMLC and carries material weight, I consider these requirements are met by the Proposed Development for the reasons outlined earlier and below.

Summary

- 8.29 A number of additional material considerations are relevant in this case. Successive ministers and Prime Ministers have confirmed the government's commitment to deliver the UKHMLC and the choice of VTG.
- 8.30 The NPPF does not change the development plan as the starting point for decision making, establishes a clear presumption in favour of sustainable development, and sets out the government's overarching economic, social and environmental objectives for the planning system. Subject to the balance between the impact of the Proposed Development on designated heritage assets with the public benefits which it would deliver, I consider that the UKHMLC is supported by the NPPF.
- 8.31 To the extent that they carry material weight, I also consider the Proposed Development accords with the draft London Plan and Westminster City Plan when read as a whole.

9.0 MATTERS RAISED BY OBJECTORS

9.1 I have reviewed the comments made by objectors, including WCC and the Rule 6 Parties who object to the Proposed Development, comprising; Baroness Deech; The London Parks and Gardens Trust (TLPGT); and the Thorney Island Society/Save Victoria Tower Gardens (TTIS/SVTG).

9.2 For the most part, I consider these are addressed in my earlier evidence, and by the evidence of the Applicant's other witnesses who deal with heritage matters, impacts on VTG, trees, transport and pedestrian movement, safety and security and flood risk. However, for the sake of completeness, I set out below my comments on the other planning matters raised.

The principle of the development

9.3 There appears to be little dispute in respect of the case in principle for a National Holocaust Memorial and Learning Centre in London. This is enshrined in the Mission Statement, as agreed by the Secretary of State and reflected in the views of past and present prime ministers, faith leaders, and the majority of consultees, both for and against the Proposed Development, including the GLA.

9.4 This is also reflected in the WCC Planning Sub-Committee Report (CD5.11), which confirms that 'the principle of a national memorial and learning centre to the holocaust is supported by the council' and is of 'national and international significance'. The SOC of TTIS/SVTC (CD5.29) makes clear its message is 'Right Idea, Wrong Place'.

9.5 Baroness Deech (CD5.26) acknowledges 'there may be a place for a sixth holocaust memorial in the UK, but this is the wrong place'. The treatise of Dorian Gerhold appears to assert a similar message, being primarily focused on criticizing the reasoning underpinning the Government's decision to locate the UKHMLC in VTG, rather than any 'in principle' objection to a UKHMLC.

The choice of Victoria Tower Gardens.

9.6 The evidence of Rt Hon Ed Balls and Rt Hon Lord Pickles explains the rationale for the Proposed Development and key locational requirements which support the proposed location. In section 4 of my evidence I describe the extensive process of site selection undertaken since 2015, leading to the choice of the Site as the location for the UKHMLC.

9.7 In section 7 of my evidence, I set out the clear 'in principle' Development Plan support for the Proposed Development within Westminster's Core CAZ, supporting its national and internationally significant cultural, educational and visitor functions. In

this respect, I note WCC's acknowledgement that Victoria Tower Gardens 'may be a suitable place, in principle, for a form of memorial to the holocaust' and that 'proximity to Parliament may be considered desirable'.

9.8 I agree, and for the reasons set out earlier in my evidence I would put it higher and contend that VTG is clearly suitable and proximity to Parliament is clearly desirable for the UKHMLC.

9.9 I also note the suggestion of Baroness Deech (CD5.26) that:-

'a possible compromise would be a smaller memorial in VTG, one that is visually expressive and blends with the other statues there, with signposting to the Imperial War Museum'.

9.10 I consider Victoria Tower Gardens, as home to a number of memorials commemorating the fight against slavery, inequality and injustice, and located next to Parliament is the most appropriate symbolic location for a memorial and learning centre of such national and international significance. In policy terms, the WCP supports such uses within the core CAZ.

9.11 However, as part of the site selection process, a number of alternative locations have been considered, and rejected on the basis that none were regarded as suitable, viable or available. Notwithstanding this conclusion, alternative sites were considered in the EIA which accompanied the application, which was independently assessed by the Consultants retained by WCC who did not ask for further information.

The effect on Victoria Tower Gardens

9.12 The design and landscape evidence describes the effects of the Proposed Development on the character and function of the Site, including consideration of the quantitative and qualitative effects on the current public open space, and the effects of the Proposed Development on those who live in, work in and visit the area. For the avoidance of doubt, as noted in the WCC Planning Sub-Committee Report, the Proposed Development results in the 'loss' of 7.58% of existing open space; not the 27% asserted by Baroness Deech.

9.13 The detailed design, townscape and landscape evidence demonstrates that the design represents an appropriate and fitting response to the accepted case for a Holocaust Memorial and Learning Centre, which respects the character of the area. While acknowledging the loss of a small proportion of existing open space, I concur with the conclusions of Professor Tavernor and Donncha O Shea (and shared by the GLA) that this will be more than offset by the wider improvements proposed, and the UKHMLC itself. Taken as a whole I consider the Proposed Development will improve the quality, character and attractiveness of the VTG.

- 9.14 The UKHMLC will clearly result in more activity in and around VTG. However, the pedestrian modelling undertaken by Brett Little of WSP as set out in his evidence demonstrates that even in the ‘worst-case’ scenario and using robust assumptions the VTG can accommodate the additional visitors without reaching unacceptable levels of crowding. As such the UKHMLC will not affect the ability of those living and working in the area to enjoy VTG or affect any of its current functions.
- 9.15 I conclude that overall, the Proposed Development will materially enhance the character and appearance of VTG and make it more attractive to users. However, if the decision maker reaches a different conclusion, and considers there may be some harm to the character of VTG, this would need to be weighed against the national and international significance of the Proposed Development and the other benefits which it will deliver, as detailed in the next section.

The effect on heritage assets and archaeology

- 9.16 The evidence of Dr Miele concludes that any harm to any designated heritage asset would be less than substantial. This conclusion is shared by the GLA and HE. Dr Miele has also considered the position of WCC that if it is concluded that the proposed Development would damage any trees within VTG this would result in substantial heritage harm. He concludes that while this would result in greater harm, even in this scenario the harm would still be at the lower end of less than substantial.
- 9.17 The only other assertion of ‘substantial harm’, bringing into play paragraph 195 of the NPPF, is from TTIS/SVTG, which is not supported by the GLA or Historic England or WCC (other than as a result of the effect of the potential loss of trees). I adopt and concur with the evidence of Dr Miele and others that any harm would be less than substantial, and having regard to the ‘Bedford’ case, I consider it is inconceivable this high hurdle would be met in this case.
- 9.18 However, if the decision maker reaches a different view on this issue and concludes there would be any ‘substantial’ harm to any designated heritage asset it would be necessary to consider the provisions of Paragraph 195, which I address later.

Amenity of local residents and current users of the VTG

- 9.19 The main objections in respect of impact on local amenity relate to concerns about the impact on current users of the VTG. As noted previously, while the VTG and surrounding areas will be appreciably busier, no issues are raised by WCC in respect of traffic, overcrowding, congestion or public safety and WCC confirm that there would be no adverse impact in respect of noise or loss of privacy.

Summary

- 9.20 In summary, I do not consider the objections of the Rule 6 parties or other third parties raise any material planning issues which have not already been addressed in my evidence or the evidence of the Applicant's other witnesses. The principle of the UKHMLC appears widely supported, and a number of objectors, including WCC, acknowledge that VTG is, in principle, an appropriate location for this use.

10.0 PUBLIC BENEFITS AND OTHER MATERIAL CONSIDERATIONS

10.1 The Proposed Development is of national and international significance, and would deliver several important public benefits, including meeting the identified need for a UK Holocaust Memorial and Learning Centre and a range of associated substantial economic, social and environmental benefits.

The need for a UK Holocaust Memorial and Learning Centre

10.2 As noted in Section 4 of my evidence, the Holocaust Commission Report (CD5.9) sets out the results of extensive research into the existing monuments and other initiatives in the UK to commemorate the Holocaust, record the testimony of survivors and ensure future generations continue to learn the lessons.

10.3 The Commission reviewed the current memorials, including the Memorial in Hyde Park (1983), the National Holocaust Centre near Newark, and the Imperial War Museum (IWM) exhibition which opened in 2000. It also recorded the important contribution of the Weiner Library, the Jewish Museum, London, and regional memorials.

10.4 The Commission considered responses from circa 2,500 respondents, including holocaust survivors. It concluded that the only permanent memorial to the Holocaust in London, in Hyde Park, is wholly inadequate, and reached a series of clear conclusions, including the need for a significant and lasting Memorial and Learning Centre in a prominent central London location. This conclusion has subsequently been accepted and adopted by successive prime ministers and governments.

10.5 I have read the Commission report and had the opportunity to visit some of the existing UK memorials and IWM and I share the view of the Commission and many others that there is a clear and pressing need for an appropriate and fitting memorial to the victims of the Holocaust and combined learning centre in a prominent, accessible central London location.

10.6 Given the importance of recording and preserving the testimony of the Holocaust survivors and ensuring that an appropriate memorial is established within their lifetime, I consider this to be a pressing need, further reinforced by the widespread concerns of a rise in anti-semitism in the UK.

10.7 I accept this need may be a more subjective judgement than conventional planning assessments of housing or other needs. I note the comments of some objectors to the VTG location, which appear to question the need for a Memorial and Learning Centre, or suggest that if a memorial is required it need not be in the heart of Westminster or in VTG.

- 10.8 I recognise that many of these views are expressed by local amenity groups and /or users of the VTG who are opposed to the location of the UKHMLC in VTG, rather than any in principle objection to the UKHMLC, or promoting any alternative suitable or available site.
- 10.9 However, I consider the enormity of the Holocaust; the lack of understanding of current and potentially future generations; and the need to commemorate the lives of the victims and the survivors of the holocaust within the lifetime of the remaining survivors establish a clear and pressing need for a combined Memorial and Learning Centre.
- 10.10 I also consider there is a compelling planning case for locating it in VTG in line with the Government's stated commitment, and consistent with planning policies which encourage this type of use in this part of Westminster, and in highly accessible locations.
- 10.11 As acknowledged by WCC in its Committee Report, (CD5.11):-

'The principle of a national memorial and learning centre to the holocaust is supported by the council'

'it is of national and international significance and would promote Westminster's world city functions';

'Victoria Tower Gardens may be a suitable place, in principle, for a form of memorial to the Holocaust'

- 10.12 I concur with these views and consider the evidence in this case demonstrates a clear and pressing need for a UK Holocaust Memorial and Learning Centre, and compelling reasons why VTG is an appropriate and on the evidence available the most suitable site on which to meet this need. I consider this is a fundamentally important material consideration.

Social benefits

- 10.13 The UKHMLC will deliver important national and international social benefits, by helping to fight racism and discrimination in all its guises, enhancing education and social cohesion. The evidence of Stephen Greenberg outlines the educational content and benefits which the UKHMLC will deliver.
- 10.14 The need for and benefits of the UKHMLC are set out in the Report of the Commission, outlined above. These benefits are acknowledged by GLA and in the many letters of support, including the Statement of Case of Anthony Lishak (CD5.27).

The Environmental benefits of the Proposed Development

10.15 The Proposed Development is located in a highly accessible location and has been designed to achieve BREEAM Excellent. The Proposed Development is of the highest architectural and design quality, which will enhance the character and appearance of VTG. The landscape enhancements to the rest of VTG will enhance the character and appearance of VTG.

The Economic benefits of the Proposed Development

10.16 The London Plan and WCP both confirm the importance of London's cultural offer to the economy. The Mayors Culture Strategy 2018 highlights that cultural/creative industries contribute £47bn to London's economy, and the WCC recognizes the economic importance of Westminster's cultural and tourist attractions.

10.17 In addition to direct and indirect employment generated during the construction and operational phase the estimated up to one million ticketed visitors per annum and additional visitors to the Memorial Gardens will support the generation of additional visits to London, and create additional demand for local hotels, restaurants, and services.

Summary

10.18 A number of important material considerations further reinforce the case for the Proposed Development; the UKHMLC forms an integral part of the Government's commitment to commemorate the Holocaust and improve Holocaust education in the UK and it delivers nationally and internationally important public benefits, as well as a range of social, environmental and economic benefits.

11.0 THE PLANNING BALANCE AND OVERALL CONCLUSIONS

- 11.1 I have examined the Proposed Development against the relevant policies of the Development Plan. The Development Plan supports nationally and internationally important uses which reinforce the role of London and Westminster as a world city and directs these uses to the Core CAZ which includes the Site. The Development Plan also includes policies which seek to protect designated heritage assets and open spaces, and there is inevitably some tension between these and other policy objectives.
- 11.2 For the reasons outlined in my evidence, I have had regard to the need to balance the loss of some open space with the wider enhancement of VTG. I have also had regard to the need to consider the breach of UDP heritage policies against the requirement to balance any harm to any designated heritage asset against the public benefits which the Proposed Development would deliver, in line with the NPPF.
- 11.3 When considering the impact of the Proposed Development on the significance of any designated heritage asset, great weight should be attached to the asset's conservation. In this case, I concur with the evidence of Dr Miele, the GLA and Historic England that any harm arising would be less than substantial, and therefore the provisions of paragraph 196 of the NPPF apply, and the relevant test is whether the public benefits of the Proposed Development outweigh this harm.
- 11.4 Dr Miele considers the degree of harm to be at the lower end of the spectrum, having regard to the widely adopted definition of substantial harm used in the 'Bedford case'. He acknowledges that if the evidence of WCC that trees would be damaged by the Proposed Development is accepted (which is contradicted by the evidence of Dr Frank Hope) this would result in some harm to the significance of VTG. However, even in this scenario, he does not consider any harm arising would be even close to substantial harm, particularly given the opportunity to replace any trees lost or damaged in the worst conceivable case.
- 11.5 As noted in the evidence of Dr Miele, in reaching a view on 'heritage harm' the 'Palmer case' suggests an internal heritage balance applies, and in this case any heritage harm to the significance of VTG would need to be weighed against the enhancements to VTG. Adopting this approach, he concludes that any harm to VTG would be offset by such enhancements. This conclusion is shared by the GLA, and I concur with this view.
- 11.6 The more recent Brighton and Bramshill cases cited in Dr Miele's evidence suggest it is not appropriate to carry out an internal 'heritage balance'. I understand this approach is subject to challenge but adopting this approach it would still be necessary to consider any heritage benefit as part of the public benefits. Adopting either approach, I consider the public benefits described in the last section would outweigh the heritage harm

identified. I also consider that in the wider balance relating to open space and the character of VTG, the ‘loss’ of 7.58% of freely accessible open space would be offset by the enhancement to VTG.

- 11.7 In these circumstances I conclude that the Proposed Development is in accordance with the Development Plan, when read as a whole and, in accordance with Section 38(6) of the Act, the determination which would be in accordance with the Development Plan would be to allow this Application.
- 11.8 However, having regard to the ‘Cornwall case’, I recognize that this judgement falls to the decision maker, and that a different conclusion could be reached on the evidence in this case. As such, I have also considered whether there are material considerations which would warrant approval of this application if it is found to be contrary to the Development Plan.
- 11.9 In this respect, as noted in the previous section, the Proposed Development delivers very significant public benefits, including a nationally and internationally significant memorial and learning centre which would reinforce the role of London as a world city and Westminster as the seat of government, faith and education. It also delivers a host of social, environmental and economic benefits.
- 11.10 These benefits would readily outweigh any non-compliance with the development plan such that material considerations would indicate that planning permission should be granted.
- 11.11 Whichever approach is taken to compliance with development plan, and approach to the heritage balance, I consider that these public benefits are important material considerations which taken together would outweigh any potential less than substantial heritage harm to the significance of any designated heritage asset.
- 11.12 I do not consider the Proposed Development would conceivably result in substantial harm to the significance of any designated heritage asset, but if the decision maker reaches a different view I consider the public benefits are wholly exceptional in this case and would outweigh any such harm.
- 11.13 On either basis, I conclude that planning permission should be granted.