



# City of Westminster

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**CITY OF WESTMINSTER  
PLACE SHAPING AND TOWN PLANNING**

**HOLOCAUST MEMORIAL AND LEARNING CENTRE  
VICTORIA TOWER GARDENS  
LONDON SW1**

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## **1. Introduction**

1. My name is Robert Ayton. I have an MA in Urban Design and MSc in Timber Building Conservation and I am a member of the Royal Town Planning Institute and Institute of Historic Building Conservation. I have worked for the City of Westminster as an Urban Design and Conservation Officer for 33 years, and for 28 years I have been a Head of Design and Conservation, first in the South Area Team and then in the Central Area Team. I am familiar with the site and the proposals.
2. My evidence deals with the impact of the proposals on heritage assets.

## 2. The Heritage Assets and Significance

### The Heritage Assets

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

#### Area wide designated assets

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

#### Listed buildings and structures

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

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

4. I have included maps showing the conservation areas, the World Heritage Site and the relevant listed buildings at Appendix 1 .

## Significance

5. The NPPF defines 'Significance' as:

The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

6. The NPPG gives advice on the important of 'significance' in decision making (CD 4.13). It states:

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals

Paragraph: 007 Reference ID: 18a-007-20190723

Revision date: 23 07 2019

7. It also advises on how proposals should avoid or minimise harm to the significance of a heritage asset:

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance.

Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such appraisals or investigations can identify alternative development options, for example more sensitive designs or different orientations, that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

Further advice on assessing the significance of heritage assets can be found on Historic England's website.

Paragraph: 008 Reference ID: 18a-008-20190723

Revision date: 23 07 2019

8. It advises on what assessment of the impact of proposals on the significance of affected heritage assets should be included in an application. It states:

Applicants are expected to describe in their application the significance of any heritage assets affected, including any contribution made by their setting (National Planning Policy Framework paragraph 189). In doing so, applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance.

Paragraph: 009 Reference ID: 18a-009-20190723

## **2A The significance of Victoria Tower Gardens and the heritage assets within it**

### **Victoria Tower Gardens**

9. The Victoria Tower Gardens are listed grade 2 in the Historic England Register of Historic Parks and Garden. The Gardens are now managed by Royal Parks (CD 4.22). The Register's description for Victoria Tower Gardens is also included at Appendix 2.
  
10. The significance of the Gardens is made up of its aesthetic, archaeological, architectural, artistic, communal and historic interest. This significance has been described by the London Parks and Gardens Trust in their report entitled 'Victoria Tower Gardens: Conservation and Significance Statement' (January 2019) (CD 5.23) which analyses the Gardens in detail. It summarises the significance of the Gardens and states:

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

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

#### Historical development

11. It is important to understand the historical development of the Gardens in order to assess their significance and the impact of the proposals on that significance. The following paragraphs are taken from Historic England's Register of Historic Parks and Gardens. Maps showing the evolution of Victoria Tower Gardens are included in Appendix 3.
12. The Houses of Parliament were built by Charles Barry (1795-1860) and Augustus Welby Pugin (1812-52) between 1837 and 1858, and in 1867 an Act was passed allowing land to be obtained to construct an embankment to the south. A design dated 1879 shows the Gardens occupied the square northern end of the present Gardens. The land to the south of the Gardens at that time was still unembanked and occupied by wharves.
13. In 1909 there were proposals under the London County Council (Improvements) Act 1900 to extend the embankment southwards and continue the Gardens along the line of it. The plans were approved in 1912, the Gardens laid out in 1913, and opened in 1914. The northern end of the Gardens was redesigned at the same time and the Burghers of Calais statuary group by Auguste Rodin positioned near the north-west corner. The statue was installed in 1914 and unveiled in 1915.
14. In the 1920's the southern end of the Gardens was redesigned as a children's play area, the Spicer Memorial was installed, and the Gardens were partially altered by the building of the new Lambeth Bridge, completed in 1932. In 1933 the Gardens were simplified and some trees and shrubberies were removed in order to give clear views to the Houses of Parliament.
15. The Gardens were altered to their present appearance in the 1950s. In 1952 there were proposals for resiting the statues and for the incorporation of the Buxton Memorial Fountain from Parliament Square. A scheme for altering the Gardens was carried out in 1956, with the resiting of the Burghers of Calais and the Pankhurst statue, the relocation of the Buxton Memorial Fountain, the planting of new shrubberies at the northern and southern ends of the Gardens and alterations to some of the paths and entrances. The shrubbery at the northern end was designed to mask a new boiler house in Black Rod Garden and a fence which was realigned around it.

16. The fine rows of trees are a very important part of the landscape and contribute positively to the character and significance of Victoria Tower Gardens. The majority of the trees in the Gardens are London Planes. The trees are of two ages, having been planting in the northern site around the 1890s and the southern section in the early 1900s.
17. On the east side of the Gardens the benches adjacent to the path are raised up on plinths, to allow views of the Thames over the embankment wall.
18. The Gardens are clearly of special historic interest and significance for a number of reasons. They have close historical, visual and physical associations with the Palace of Westminster. They were designed and laid out on level ground with excellent, designed, views looking north to the Palace of Westminster and the Victoria Tower, and east over the River Thames.

#### Significance

19. The Gardens were created for use by the public as recreation grounds, including a playground for children. They have also become the setting for a number of important memorials, without these detracting from its character as public recreational space. Because of their size, design and location these memorials have enhanced the character of the Gardens in my opinion.
20. The open flat lawns in the centre of the Gardens are an important part of the significance of the Gardens. They result from deliberate design decisions made in the evolution of the Gardens. The lawns are large and an integral part of its character and they allow long uninterrupted views across the Gardens, so that its extent is apparent and can be appreciated from both the north and south ends of the Gardens. The flat lawns also allow clear views of the Palace of Westminster, the Buxton Memorial and the river wall. The rows of mature Plane trees along the perimeter paths on the west and east sides, enclosing the lawns and defining the boundaries of the Gardens, are also a key component of the Garden's character.
21. The open views of the Palace of Westminster from the south across the lawn, framed by the rows of mature trees, are of particular importance. In the past planting was removed in order to improve the visibility of the Palace. The views allow an appreciation of the southern end of the Palace, including the Victoria Tower, and this part of the World Heritage Site. The memorials and statues within the Gardens have been carefully placed and do not intrude on the overall

open aspect. The Gardens were designed and laid out to allow these views of Palace and I consider it highly important that they be protected.

22. The arrangements of paths is also significant. These too result from careful design of the Gardens. They follow the edges of the Gardens thereby leaving the large expanses of flat lawn uninterrupted by paths. The eastern path, which forms a terrace walk along the embankment wall, has a row of benches set on high pedestals looking out over the river.
23. The paths are also related to features within the Gardens. For example, a path crosses the Gardens from west to east, aligned on the entrance opposite Dean Stanley Street, leading directly to the Buxton Memorial. This creates an important view of the Buxton Memorial from the west, where it is seen against the backdrop of trees and the embankment wall. This path forms an important part of the setting of the Buxton Memorial, providing access and views.

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

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

#### **The Buxton Memorial**

25. The Buxton Memorial by S S Teulon in 1865 (listed grade 2 Star) is the only one of the three listed memorials within the Gardens to have a close enough relationship to the proposed HMLC to have its immediate setting affected. It celebrates the abolition of slavery and commemorates the work of the MP Thomas Fowell Buxton.
26. The list description (CD 4.23) states that the Buxton Memorial Fountain is designated at Grade 2 Star for the following principal reasons:
  - An unusual and exuberant example of the work of S. S. Teulon, in association with Charles Buxton
  - A notable landmark in an important setting, next to the Thames, and alongside the Palace of Westminster; the colourful Gothic pavilion makes a light-hearted companion to the giant of Victorian Gothic architecture
  - Lavish and imaginative use of materials, especially in its enamelled roof

27. The fountain is of particular historic interest having been erected to celebrate the Slavery Abolition Act of 1833. The significance of the monument is enhanced by its location; it commemorates one of Parliaments most momentous Acts, and its principal dedicatee is the parliamentarian responsible for ensuring the passage of that Act. This monument was upgraded from 2 to 2 Star in 2007, the bicentenary year of the 1807 Abolition Act.
28. The current setting of the Memorial in open space is important to its appreciation, understanding and special interest. It is highly visible and accessible within the Garden. Following its removal from Parliament Square under the provisions of the Parliament Square (Improvements) Act 1949, it was carefully placed to align with Dean Stanley Street allowing views from outside the Gardens from the west. This location was deliberate, and had the approval of the Anti-Slavery Society and the Royal Fine Art Commission.
29. The Buxton Memorial is of high significance in its own right and it contributes positively to the significance of the Gardens.

#### **The Memorial to Emmeline Pankhurst**

30. This memorial is listed grade 2 star (CD 4.24). It is sited by the north-west entrance to Victoria Tower Gardens from Abingdon Street. It was erected in 1930, expanded to commemorate Christabel Pankhurst and members of the Women's Social and Political Union in 1959 and is listed at Grade 2 Star. It is of architectural interest as a finely crafted piece of commemorative sculpture and of historic interest for its commemoration of a major figures of the 20<sup>th</sup> century and their contribution to the fight for women's enfranchisement.
31. The Memorial is of high significance in its own right and it contributes positively to the significance of the Gardens.

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

32. This is listed grade 1 (CD 4.25). The bronze group of figures on stone pedestal by Auguste Rodin was erected in 1915. It is a statue of the high artistic importance, the work of one of the greatest sculptors of the 19<sup>th</sup> and 20<sup>th</sup> centuries. There are a number of casts around the world but the original stands in Calais.

33. It is located in the middle of the northern end of the Gardens and seen against the backdrop of the Palace of Westminster in views from the south. There is an area of paving around it to allow the public to see it at close quarters.
34. The statuary group is of high significance in its own right and it contributes positively to the significance of the Gardens.

### **The Spicer Memorial**

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

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

36. The Gardens are the setting for the memorials and the Gardens contribute to the significance of the memorials by providing that setting. The memorials were all carefully located within the Gardens to allow good public access and to allow clear views of them from within, and outside, the Gardens. The Buxton Memorial in particular was carefully located so that it would be clearly visible and accessible from Millbank, and Dean Stanley Street to the west. The flat, open design of the Gardens thereby provides an appropriate setting for the memorials, allowing people to see them from a distance and to gather around them.
37. This was no accident; it was the result of design and planning. The siting of the memorials and their precise locations and relationship to the Gardens and to the Palace of Westminster, were all carefully planned so that the memorials could be easily appreciated by the public and did not detract from the character of the Gardens or harm the setting or views of the Palace of Westminster.
38. Appendix 4 includes photographs of the Victoria Tower Gardens and the Buxton Memorial.

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

39. The wall is listed grade 2 (CD 4.26). It dates from the mid-19th century, contemporary and of a piece with Barry and Pugin's Palace of Westminster. It is built of granite with a battered river wall with mooring rings and weather coped parapet. It is of architectural and historic

significance, and its architectural and historical relationship with the Palace of Westminster is important. It is an important part of the Victoria Tower Gardens, forming its eastern boundary and defining its relationship to the Thames. The adjacent mature trees form part of the setting and significance of the listed wall.

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

40. The Victoria Tower Gardens form part of the Westminster Abbey and Parliament Square Conservation Area which was first designated in 1969 as part of the larger Government Precinct Conservation Area, and redesignated in 1987 as the Westminster Abbey and Parliament Square Conservation Area. The City Council published its conservation area audit in 2008 (CD 3.1). Extracts from the conservation area audit are included at Appendix 5.
41. It is an area of great heritage significance. The area is the political and religious heart of Britain, and this role can be traced back to the end of the tenth century.
42. The hub of the area is Parliament Square, with its world famous views of the neo-Gothic Houses of Parliament and the Elizabeth Tower. The area contains a number of open spaces which provide quiet havens from the constant flow of traffic through Parliament Square. These include Dean's Yard, College Green, the Abbey Garden (open occasionally to the public) and the Victoria Tower Gardens. The Victoria Tower Gardens is significant in the conservation area because, unlike many of the other spaces, it is large and highly accessible to the public. Paragraph 4.23 of the Audit states:

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

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

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

44. Paragraph 5.59 describes the Victoria Tower Gardens as ‘the largest area of green open space within the conservation area...’.
45. The Gardens feature in a number of significant views from within and from outside the conservation area, including views from Lambeth. Some of these views are included in the City Council's ‘Westminster Abbey and Parliament Square Conservation Area Audit’ (Appendix 5).
46. These views include:
- Local View 30: Victoria Tower and southern facade of the Palace, and river embankment from the west side of Victoria Tower Gardens.
  - Local View 31 relates to Victoria Tower and the southern façade of the Palace, Victoria Tower Gardens, the River Thames and the South Bank Conservation Area (London Borough of Lambeth) from the river embankment on the east side of the Gardens.
  - Local View 32 concerns the Victoria Tower Gardens, the River Thames and the South Bank Conservation Area (London Borough of Lambeth) from the south end of the Gardens at Lambeth Bridge.
47. The conservation area is also well known for the large number of highly important statues and memorials within it. Many of these commemorate political activity or activists. The majority are in or adjacent to Parliament Square, and in Victoria Tower Gardens. These form part of and contribute to the significance of the conservation area.
48. A large number of buildings within the conservation area are listed Grade I, including the Houses of Parliament, Westminster Abbey (with the Cloisters and Chapter House), Westminster School, St. Margaret's Church and the Jewel Tower (which is also an Ancient Monument). Middlesex Guildhall (now the Supreme Court), Methodist Central Hall and 11 Great George Street, together with Westminster Bridge are listed Grade 2 Star. Clergy House, Great Peter Street, Church House and the remaining buildings around Deans Yards, Nos. 14, 22, 36-40 Great Smith Street, Nos. 1-2 Abbey Orchard Street, No. 8 Storey's Gate, the Institution of Civil Engineers and the Royal Institution of Chartered Surveyors, Great George

Street are all Grade II listed. Also listed are a number of lamp standards and statues in the area, in particular within and adjacent to Parliament Square.

49. The Victoria Tower Gardens makes a very significant, positive contribution to the character and appearance of the Westminster Abbey and Parliament Square Conservation Area. The Gardens are a special, unique space in the conservation area, providing the largest public open space, with important views of the surrounding heritage assets, including the Palace of Westminster. It is also has the highest density of trees of all the spaces in the conservation area.

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

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

50. The Palace of Westminster and Westminster Abbey, including St Margaret's Church, was inscribed as a cultural World Heritage Site in 1987. The Palace of Westminster, Westminster Abbey, and St Margaret's Church together encapsulate the history of one of the most ancient parliamentary monarchies and the growth of parliamentary and constitutional institutions.
51. The justification for the inscription for the Westminster WHS put forward by the state party to the World Heritage Committee when the site was nominated, illustrated the key attributes of the cultural property. The justification emphasised the architectural, historic and symbolic significance of the site:
- The importance, as a group, of the three buildings of the Palace of Westminster, Westminster Abbey and St Margaret's Church.
  - The Palace as a supreme example of Gothic Revival and the work of Sir Charles Barry and AW Pugin.
  - The surviving buildings of the medieval Palace of Westminster, notably the internationally important Westminster Hall and the Jewel Tower.
  - Westminster as the site of the development of parliamentary ideals since the 13th century and as the pre-eminent symbol of the democratic institution.
  - Westminster Abbey as a major ecclesiastical monument of great antiquity and beauty.

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

52. A retrospective Statement of Outstanding Universal Value was produced for the World Heritage Site and agreed by the World Heritage Committee in 2013 (CD 4.18). The brief synthesis from this Statement is set out below:

The Palace of Westminster, Westminster Abbey and St Margaret's Church lie next to the River Thames in the heart of London. With their intricate silhouettes, they have symbolised monarchy, religion and power since Edward the Confessor built his palace and church on Thorney Island in the 11th century AD. Changing through the centuries

together, they represent the journey from a feudal society to a modern democracy and show the intertwined history of church, monarchy and state.

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

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

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

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

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

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

The Palace is one of the most significant monuments of neo-Gothic architecture, as an outstanding, coherent and complete example of neo-Gothic style. Westminster Hall is a

key monument of the Perpendicular style and its admirable oak roof is one of the greatest achievements of medieval construction in wood. Westminster is a place in which great historical events have taken place that shaped the English and British nations.

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

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

53. The World Heritage Site Management Plan (2007) (CD 4.12) states:

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

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

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

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

54. With respect to its setting it states:

##### **1.1.3 Buffer Zone**

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

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

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

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

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

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

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

56. With respect to views it states:

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

- From Boudicca Statue on Embankment
- From Parliament Square Gardens
- From Canning Green – west of Parliament Square Gardens
- From Victoria Tower Gardens
- From College Green Abingdon Street Gardens

- From George V Memorial Gardens

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

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

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

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

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

58. I consider that the Gardens are an important part of the setting of the World Heritage Site which contributes positively to the Outstanding Universal Value. They have strong historical connections with the Palace of Westminster, in terms of their location and design. The Gardens are of great significance in their own right, as set out above, and they provide open space from which the World Heritage Site can be appreciated and enjoyed by large numbers of the public. The attractive and iconic views of the World Heritage Site from the south, which are affected by the proposal, are of particular importance to the Outstanding Universal Value.

## **The adjacent listed buildings**

### **The Palace of Westminster**

59. The Palace of Westminster is listed grade 1 (CD 4.27). It was built from 1835-60, by Sir Charles Barry with detailing, interior decoration and furnishings by Augustus Welby Northmore Pugin. It has a cruciform and axial spine plan. The massing by Barry combines symmetry on the river front terrace with the asymmetry of the major vertical accents which include the Victoria Tower, the Elizabeth Tower and the central fleche and turrets above the roof line.
60. Pugin's contribution included the perpendicular Gothic detailing of the rhythmic buttresses and bay windows, the close panelling with open and blind tracery and the wealth of sculpture, carved crockets, pinnacles and finials.
61. It is a building of great national (and international) significance, in terms of its archaeological, architectural, artistic or historic interest. Its setting is of great importance to its significance. The Victoria Tower Gardens forms part of that setting and makes a positive contribution to its significance. As stated above the Gardens are of great significance in their own right and as part of the setting, and they allow important public views of the southern part of the Palace.

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

62. Lambeth Bridge and attached parapets, light standards, associated walls to approaches and obelisks, are listed grade 2 (CD 4.28). It was designed by London County Council's consultant engineer Sir George William Humphreys (1863-1945) with Sir Reginald Blomfield (1856-1942) and George Topham Forrest (1872-1945) as consulting architects, and opened in 1932.
63. Its significance lies in its architectural quality and as a landmark on the Thames. The list description refers to the red paint as a point of note, as it links the bridge to the unique ensemble of political institutions on this stretch of the Thames, including the Houses of Parliament and the former headquarters of the LCC at County Hall.
64. Lambeth Bridge has group value with these buildings and others in close proximity: Lambeth Palace (Grade I); the Palace of Westminster (Grade I); the Church of St Mary-in-Lambeth (Grade 2 Star); the contemporary Norwest and Thames Houses of 1928 which frame the

northern approach (both Grade II); and, further downstream, Westminster Bridge of 1862 (Grade 2 Star).

65. There is an important interrelationship between the bridge and the Gardens. The western end of the bridge forms and defines the southern boundary of the Gardens and thereby contributes to the architectural and historic interest of this part of the Gardens, and likewise the Gardens contribute to the setting of the bridge. The trees in particular create the backdrop to the western end of the bridge and the obelisk.

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

66. This is listed grade 2 (CD 4.29). It is located to the west of the Victoria Tower Gardens. It is an imposing Classical office block dating from 1928 by Sir Frank Baines as part of a uniform composition with Thames House, flanking Horseferry Road approach to Lambeth Bridge.
67. The Gardens contribute positively to the setting of the listed building. The building looks out onto the Gardens and the mature trees dominate the setting and views of the listed building along Millbank and from the Gardens. The trees define the eastern side of Millbank, enclosing the street, creating an attractive green backdrop to, and framing views of, Norwest House. They form part of the setting and, therefore, the significance of the listed building.

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

68. The building is listed grade 2 star (CD 4.30). It is a large island block of offices to the west of the Victoria Tower Gardens, towards its northern end. It dates from 1903, designed by W.D Caröe. It is faced in red brick with lavish Portland stone dressings. The list description states: An eclectic yet sophisticated Free Style northern Renaissance.
69. The Gardens contribute positively to the setting of the listed building. As with Norwest House, the building looks out onto the Gardens and the mature trees define the eastern side of Millbank, enclosing the street, creating an attractive green backdrop to, and framing views of, the listed building. The trees form part of the setting and significance of the listed building.

### **The Smith Square Conservation Area**

70. To the west of the Victoria Tower Gardens is the Smith Square Conservation Area which was first designated in 1969 as part of the larger Government Precinct Conservation Area, and then redesignated in 1987 as the Smith Square Conservation Area. The area developed in medieval times around Westminster Abbey (to the north). Millbank ran parallel to the river front and was separated from it by wharves and houses. The existing street pattern is essentially late medieval, as altered by 18th century residential development. There has been little further change to it since then. (See Appendix 6 for a map of the conservation area).
  
71. To the south and east of the Church of St John's Smith Square are large scale commercial buildings fronting onto Millbank. At the northern end of this group are the offices of the Church Commissioners by W.D.Caroe (1903) and Corner House, Great Peter Street by Lutyens (1911). At the southern end are Imperial Chemical House and Thames House. These monumental Classical buildings are by Sir Frank Baines (1927-9). These buildings face the river and dominate views from Albert Embankment, on the South Bank. The area also includes a small section of the riverside, south of Lambeth Bridge.
  
72. The Victoria Tower Gardens lies along the eastern edge of the conservation area and contributes positively to its setting. The Gardens appear in the background to a number of views from within the conservation area. These are identified in the City Council's 'Smith Square Conservation Area Audit' (CD 3.2). Figure 10 shows important local views in and around the conservation area. The views are listed in paragraph 4.38, and these include views away from St John's Church along Dean Stanley Street (towards Victoria Tower Gardens) and along Great Peter Street towards Victoria Tower Gardens, and from Victoria Tower Gardens towards St John's Church. Paragraph 4.39 refers to panoramic views of the Thames from Millbank outside Westminster House and the southernmost point of Victoria Tower Gardens. The Gardens contribute to the significance of the conservation area by providing this attractive landscape setting which also contributes positively to the views. (See Appendix 6 for extracts from the Audit).

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

73. In my opinion the main impacts of the proposals on the significance of heritage assets concern:
- a) the Victoria Tower Gardens
  - b) the Memorials, especially the Buxton Memorial
  - c) the Westminster Abbey and Parliament Square Conservation Area
  - d) the World Heritage Site
  - e) the Palace of Westminster.
74. The impacts include the visual and physical effects of the proposed works, their potential impact on existing trees, and also impacts arising from the use, for example, the number of visitors, associated traffic and security requirements. Overall, these impacts on the heritage assets listed above are considered to be 'less than substantial harm', provided that the trees are not harmed by the proposal.
75. If the trees are harmed significantly or lost then the extent of impacts on the significance of heritage assets would be increased. In such circumstances, the impacts on the following heritage assets are likely to be increased to substantial.
- a) the Victoria Tower Gardens
  - b) the Memorials, especially the Buxton Memorial
  - c) the Westminster Abbey and Parliament Square Conservation Area
  - d) the World Heritage Site
  - e) the Palace of Westminster.
76. If the trees are harmed significantly or lost then there would be additional harm, albeit it would still be within the less than substantial range, to the following:
- f) the Smith Square Conservation Area
  - g) the adjacent listed buildings, Norwest House, Nos. 1 and 2 Millbank
  - h) the river embankment wall.

This is explained further in Section 5 below (page 56).

77. Photographs of Victoria Tower Gardens and images of the proposals are included at Appendices 2 and 8 respectively.

### **The impacts on the heritage assets**

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

78. The proposed HMLC would occupy a significant part of the Garden. Some of this will be covered by a grass mound (with its tall projecting fins) and some by buildings and hard and soft landscaping. The proposals would fundamentally change the character of this open space. Not only would some parts of the space no longer be available for informal recreation, but the disturbance of such a large structure within such a small and intimate open space will have a significant impact on the character of the Garden.
79. The open, level character of the Gardens contributes greatly to its character and significance. That character was the result of carefully considered design in the 19<sup>th</sup> and 20<sup>th</sup> centuries. The large grass mound and fins, covering the underground space, will be alien to the otherwise flat and expansive nature of the garden landscape and will appear incongruous within this tight riverside setting. The design of the Gardens will be compromised and its character and appearance will be harmed significantly.
80. The Gardens provide important, long, uninterrupted views of the Palace of Westminster and the World Heritage Site, and also views of the memorials, including the Buxton Memorial. These views contribute positively to the significance of the Gardens. The HMLC would alter radically the simple design aesthetic of the Garden, of flat lawns enclosed by mature trees, which creates these important views.
81. The HMLC will intrude harmfully on, and curtail, views of the Victoria Tower Gardens from the northern end of the Gardens looking south, so that the full extent of the Gardens could no longer be appreciated.

82. More importantly it would have a significant impact on views of the Palace of Westminster and the World Heritage Site from the southern end of the Gardens. In some of these views it would be difficult to see, let alone appreciate the Palace of Westminster, because the view is blocked by the HMLC. This causes harm to the significance of the Gardens in my opinion. (See Appendix 8 for images of the proposal).
83. Not only would the HMLC dominate the Victoria Tower Gardens physically, it would also generate very high numbers of visitors which would fundamentally change the character of the Gardens from being a relatively tranquil space to one which is very heavily used and busy. This would harm the historic character of the Gardens.
84. Indeed, there is a risk that given the nature and scale of the proposed HMLC, the Gardens would, in functional terms, come simply to be viewed as the setting of the HMLC, which would clearly diminish the importance and significance of the Gardens in their own right, and as the setting for these existing memorials. The impact on the setting and views of the Buxton Memorial is particularly serious. I deal with this below.
85. The Gardens Trust (the statutory consultee with respect to registered historic parks and gardens) raise strong objections to the proposed siting in the Victoria Tower Gardens (CD 5.23). They consider that the decision to locate the memorial here was irrational and made without reference to normal planning considerations. They consider that the site is already 'overloaded with symbolism' and to 'add a monument of such magnitude, gravity and size, would diminish the importance and meaning of the existing memorials'. They are particularly concerned with the impact of the memorial on the setting and significance of the Buxton Memorial. I consider that the comments made by the Trust and other objectors with respect to the impact on the Victoria Tower Gardens are reasonable and justified.
86. This harm to significance is, in my opinion, at the high end of 'less than substantial'. However, the proposals could have serious impacts on the existing mature trees. This could result in a much higher level of harm (substantial harm) to the Victoria Tower Gardens. This is dealt with in Section 5.

## **b. The Memorials**

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

### **The Buxton Memorial**

88. The greatest impact is on the setting of the Buxton Memorial. As stated above its setting in open space is very important to its appreciation, understanding and significance. It is highly visible and accessible within the Gardens and it was carefully placed to allow these views and access, particularly from the west, including from Dean Stanley Street. Its setting and visibility will be changed radically by the proximity of the HMLC and I consider this to be a very harmful change.
89. The Buxton Memorial will lose its prominence within the Victoria Tower Gardens, and its positive contribution to numerous views from within and outside the Gardens, would be reduced greatly. The HMLC would obscure views of the Buxton Memorial from the south, from the west, from the north, and would radically alter its backdrop in views from the east.
90. The HMLC would encroach physically on the Buxton Memorial. The open space around it which allows access and long views would be greatly diminished to an unacceptable degree. It comes uncomfortably close to the Buxton Memorial, creating a cramped and compromised space between the two.
91. Access to the Buxton Memorial is also reduced. At present it can be reached from a Millbank by a path running east-west. The HMLC will be built on this path so that access to the Buxton Memorial from the west is no longer possible.
92. The proximity of the HMLC would reduce the ability to appreciate the Buxton Memorial. Its setting is not preserved and is certainly not enhanced. This aspect of the significance of the Buxton Memorial is harmed.
93. The HMLC would also harm the relationship between the Buxton Memorial and the Palace of Westminster and the World Heritage Site. In views from the south of the Gardens the

relationship between the Buxton Memorial and the Palace of Westminster would be much less apparent, because the HMLC would dominate these views. The same is true of views from the Palace of Westminster/World Heritage Site looking south.

94. Overall, although I consider these impacts to be very serious, I do not consider that they fall into the category of substantial harm. They are at the higher end of less than substantial harm. However, if the trees are harmed significantly or lost this could result in a much higher level of harm (substantial harm) to the setting of the Buxton Memorial.

#### **The Pankhurst Memorial and the Burghers of Calais**

95. The HMLC would not directly affect the immediate settings of the Burghers Of Calais and the Memorial to Emmeline Pankhurst. However, because of the scale of the proposal, and its projected 3.6 million visitors per year, the HMLC would come to dominate and define the Garden. At the moment existing memorials are a prominent part of the Gardens, to be enjoyed in a relatively tranquil environment. They would become secondary to the HMLC and their importance to the significance of the Victoria Tower Gardens would be undermined (although their individual significances would be unaffected). Therefore, in this way, their setting would be changed, and harmed.

#### **The Spicer Memorial**

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

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

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

98. As I have said, the proposals would reduce the degree of openness of the Gardens, and reduce the area that is accessible to the public. It would intrude on views within and of the Gardens, including the local views identified in the conservation area audit, which are an important part of its significance. It would obscure views of heritage assets, the Buxton Memorial and the Palace of Westminster in particular.
99. The harm that would be done to the character of the Gardens, to the settings of the listed memorials within it, and to the local views, would diminish the contribution of the Gardens to the conservation area. Consequently the significance of the conservation area would be harmed, and not preserved or enhanced. I consider this to be less than substantial harm. However, serious harm to the existing mature trees could result in a much higher level of harm (substantial harm) to the conservation area.

**d. The World Heritage Site**

100. The Victoria Tower Gardens are immediately south of the World Heritage Site and form an important part of its setting. The WHS has the highest importance in terms of heritage assets. The Gardens are, by virtue of their proximity, history and design, part of the setting of the World Heritage Site and are part of, and contribute positively to, its Outstanding Universal Value.
101. This is acknowledged in the World Heritage Site Management Plan which states:
- Other key spaces, which, in addition to their intrinsic significance as historic places, share the Outstanding Universal Value of the WHS, are also excluded from the current WHS boundary. They are Victoria Tower Gardens, Parliament Square, Abingdon Street Gardens and part of Old Palace Yard. (paragraph 5.1.2.5).
102. The Gardens are a large, tranquil public space from which the World Heritage Site can be seen clearly and appreciated. They were designed and laid out to allow this. In this way they contribute positively to Outstanding Universal Value. The form and openness of the Gardens allow for striking views of the WHS. The powerful 'V' shape of the Garden, emphasised by the two lines of mature plane trees, directs the gaze of visitors towards one of the most significant views of the Palace of Westminster with Victoria Tower and the south side of the Palace in full view and the top of the Elizabeth Tower in the background. There is little foreground clutter to

obstruct this view and, along with the view of the Palace from the other side of the river, this view must rank as one of the iconic views of the Palace. I consider that the protection of this view is fundamental to protecting this part of the setting of the Westminster World Heritage Site and its Outstanding Universal Value.

103. The HMLC would obstruct this view from the southern end of the Garden. The entrance pavilion, fencing, landscaping and the vertical fins would obstruct views of the Palace to a greater or lesser extent depending on the viewpoint, but all views from the south end of the Gardens would be blocked to some extent. Beyond the HMLC, towards the middle of the Garden, an uninterrupted view of the Palace would be maintained, but nevertheless the significance of the view would be diminished by its presence and its associated structures and landscaping. The proposals harm this view of the World Heritage Site and so harm Outstanding Universal Value.
104. Historic England consider that the proposals would not significantly harm the Outstanding Universal Value of the World Heritage Site. However, the International Council on Monuments and Sites (ICOMOS) raise strong objections. ICOMOS works for the conservation and protection of cultural heritage places around the world and advises UNESCO on the World Heritage Sites. As stated above, UNESCO has expressed general concerns about the lack of both understanding and protection of the Outstanding Universal Value of the World Heritage Site. It considers that planning decisions have already been made which have harmed the setting and Outstanding Universal Value.
105. They consider that the proposals would give rise to a negative visual impact on the integrity and appearance of the World Heritage Site, and it will significantly reduce the viewing distance to the WHS and change the view of the Palace of Westminster.
106. Like Historic England and others, they consider that there is a serious threat to plants, especially the trees, and if the trees do not survive, the proposals would have an even greater significant visual impact on the WHS. They consider that the HMLC should be relocated. If it is not, it should not proceed according to the current visually intrusive design.

107. The World Heritage Site does not have a Buffer Zone but ICOMOS consider that, if it did, it is probable that Victoria Tower Gardens would be included and it would be less likely that the HMLC would have been proposed in the current location.
108. I consider that the objections raised by ICOMOS with respect to the Outstanding Universal Value of the World Heritage Site are valid and should be supported. As I have stated, the Victoria Tower Gardens form a significant part of the setting of the World Heritage Site and they contribute to its Outstanding Universal Value.
109. The harm to the character and appearance of the Gardens which I have identified above, and the impact on views across the Gardens of the Palace of Westminster and the World Heritage Site, would diminish significantly the setting and Outstanding Universal Value of the World Heritage Site. The harm would be less than substantial harm, unless the trees are harmed significantly or lost.

London View Management Framework

110. The Victoria Tower Gardens are within the London View Management Framework (LVMF) Townscape View: Parliament Square to Palace of Westminster (View 27B) (CD 3.14). (Extracts are included at Appendix 7). This is a view looking southwards from the North pavement of Parliament Square. The LVMF states:

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

111. Paragraph 454 states:

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

112. The west side of the Victoria Tower Gardens is a key part of this view and I consider that this important view would be harmed if the trees were to be harmed significantly or lost. However, the view would not be harmed by the proposals if the trees are not harmed.

**e. The Palace of Westminster**

113. The impact on the significance of the Palace of Westminster (Grade 1) is similar to that of the impact on the World Heritage Site. The proposals would cause harm to the setting of the Palace of Westminster. The relationship between the Palace of Westminster and the Victoria Tower Gardens would be radically altered, especially in views from the southern end of the garden. The HMLC would intrude on these views in a harmful way. The setting of the Palace of Westminster, which contributes positively to its significance, would be harmed, and would not be either preserved or enhanced. The impact would be less than substantial harm, unless the trees are harmed significantly or lost.

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

114. If the trees were to be harmed significantly or lost then the proposals would result in additional harm to other heritage assets. The trees contribute positively to the settings of the Smith Square Conservation Area, Norwest House and Nos. 1 and 2 Millbank and the river embankment wall. Harm to the trees adjacent to the conservation area and these listed buildings would harm their settings and their significance. (If the trees were not harmed then these heritage assets would not be harmed by the proposal). This is dealt with in section 5 below.

## **4 The relevant policy considerations**

### **Legislative context**

115. In considering the proposals the City Council has a duty to take into account the Planning (Listed Buildings and Conservation Areas) Act 1990. Sections 16 and 66 require the City Council to have special regard to the preservation of listed buildings including their settings. The Courts have held that harm to listed buildings should be given great weight and importance in planning decisions. This is supported by national policy in the NPPF that requires that 'great weight' be given to the preservation of listed buildings, including their setting. Where harm is found to be caused by a development proposal affecting a listed building or its setting, planning permission / listed building consent should be refused unless that development's public benefits would significantly and demonstrably outweigh that harm.
116. Section 72 of the Act requires that for development proposals within conservation areas, special attention be paid to the preservation or enhancement of the character or appearance of that conservation area. As the proposed development is within a conservation area, this statutory provision is engaged. This requirement does not extend to development outside of a conservation area, although as with listed buildings, the legislation and NPPF requires that 'great weight' be given to the preservation of conservation areas, including their setting.

### **The London Plan (2016)**

117. The London Plan places strong emphasis on protecting London's heritage (CD 2.1). Policy 7.8 Heritage assets and archaeology states:

#### Strategic

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

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

Planning decisions

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

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

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

118. Policy 7.10 is also relevant and states:

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

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

119. The latest version of the London Plan continues the conservation approach to London's heritage assets (CD 2.4). Paragraph 1.2.7 states:

London's distinctive character and heritage is why many people want to come to the city. London's heritage holds local and strategic significance for the city and for Londoners, and will be conserved and enhanced. As new developments are designed, the special features that Londoners value about a place, such as cultural, historic or natural elements, should be used positively to guide and stimulate growth, and create distinctive, attractive and cherished places.

120. Policy HC1 'Heritage conservation and growth' sets out the approach to heritage issues.

A. Boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London's historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.

B. Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:

- 1) setting out a clear vision that recognises and embeds the role of heritage in place-making
- 2) utilising the heritage significance of a site or area in the planning and design process
- 3) integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place
- 4) delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.

121. The 2019 policies most relevant to the proposals are HC1 and HC2. Policy HC1(C) states:

Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

122. Policy HC2 deals with World Heritage Sites and states:

- A. Boroughs with World Heritage Sites and those that are neighbours to authorities with World Heritage Sites should include policies in their Development Plans that conserve, promote, actively protect and interpret the Outstanding Universal Value of World Heritage Sites, which includes the authenticity and integrity of their attributes and their management.
  - B. Development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value, including the authenticity, integrity and significance of their attributes, and support their management and protection. In particular, they should not compromise the ability to appreciate their Outstanding Universal Value, or the authenticity and integrity of their attributes.
  - C. Development Proposals with the potential to affect World Heritage Sites or their settings should be supported by Heritage Impact Assessments. Where development proposals may contribute to a cumulative impact on a World Heritage Site or its setting, this should be clearly illustrated and assessed in the Heritage Impact Assessment.
  - D. Up-to-date World Heritage Site Management Plans should be used to inform the plan-making process, and when considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plan.
123. The plan stresses the importance of protecting the settings and views of London's World Heritage Sites. It regards the settings as being 'fundamental' to Outstanding Universal Value. Paragraph 7.2.3 states:

The setting of London's World Heritage Sites consists of the surroundings in which they are experienced, and is recognised as fundamentally contributing to the appreciation of a World Heritage Site's Outstanding Universal Value. As all four of London's World Heritage Sites are located along the River Thames, the setting of these sites includes the adjacent riverscape as well as the surrounding landscape. Changes to the setting can have an adverse, neutral or beneficial impact on the ability to appreciate the sites Outstanding Universal Value. The consideration of views is part of understanding potential impacts on the setting of the World Heritage Sites. Many views to and from World Heritage Sites are covered, in part, by the London Views Management Framework (see Policy HC3 Strategic and Local Views and Policy HC4 London View

Management Framework). However, consideration of the attributes that contribute to their Outstanding Universal Value is likely to require other additional views to be considered. These should be set out in World Heritage Site Management Plans (see below), and supported wherever possible by the use of accurate 3D digital modelling and other best practice techniques.

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

124. The current Mayor of London considers that protection of the World Heritage Site has not been adequate and proposes greater policy protection. The London Plan Examination in Public: Panel Report October 2019 (CD 2.8) deals with the issue:

#### World Heritage Sites (“WHS”)

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

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

332. The supporting text includes a commitment to include advice on the relationship between setting and buffer zones in supplementary planning guidance.

As setting is a wider definition than buffer zone and not all WHS in London include buffer zones, this approach is proportionate and justified. It is not necessary to refer to potential WHS in this policy. If sites are inscribed in the future, the policy will come into effect. The role of the London View Management Framework (“LVMF”) in the protection of outstanding universal values is considered below.

125. The current proposal, due to its impact on the setting of the WHS and its Outstanding Universal Value, would be contrary to the current and emerging London Plan World Heritage Site policies. It would also be contrary to the London Plan policies on the protection of London’s heritage assets. In particular the proposals is contrary to policies 7.8 (A, C and D) and 7.10 of the London Plan 2016 and policies HC1 and HC2 of the Intend to Publish London Plan 2019.

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

126. The Mayor of London published supplementary planning guidance on the settings of London’s World Heritage Sites in 2012 (CD 3.15).
127. In dealing with the context of World Heritage Sites the guidance states:

**IMPLEMENTATION POINT 1**

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

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

128. Regarding landscape and topography it states:

4.18 Both man-made and natural landscapes are important elements of the setting of each of the World Heritage Sites. Kew and Greenwich are milestones in the history of

landscape design with work by distinguished landscape gardeners, contributing to the OUV of the World Heritage Sites.

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

129. With respect to views it states:

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

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

130. With respect to settings and public realm it states:

4.37 The appreciation of the individual buildings within each of the World Heritage Sites depends substantially on the quality of the public space between and around them. Paths, streets and spaces around the World Heritage Sites should be easy to use and

navigate round, and provide an attractive setting befitting the status of the sites. Ensuring the public realm is free of unnecessary street furniture and clutter will also help to enhance the setting of the sites.

131. The proposals do not accord with this guidance, which emphasises the importance of the contribution of the setting to Outstanding Universal Value. It makes specific reference to the importance of the trees in Victoria Tower Gardens, which are threatened by the proposed HMLC. It highlights the need to protect views of World Heritage Sites, which the proposals fail to do. In harming the Victoria Tower Gardens the HMLC causes harm to the setting of the World Heritage Site, thereby causing harm to its Outstanding Universal Value.

### **The City Council's policies**

132. The City Council's policies are set out in the City Plan (CD 2.3) and Unitary Development Plan (CD 2.2).

### **The City Plan**

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

### **The Unitary Development Plan**

134. Policies DES 9 and DES 10 relate to protecting the character and appearance of conservation areas and the special interest of listed buildings and their settings.
135. Policy DES 12 relates to preserving and enhancing parks, gardens and squares. It states:

Permission will not be given for development on or under those parks, landscaped spaces and public or private gardens, where the open spaces:

- 1) form an important element in the townscape, part of a planned estate or street layout
- 2) are characteristic features of conservation areas
- 3) provide the setting of a listed building

4) are of significant ecological value.

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

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

137. The proposals are clearly contrary to the City Council's existing policies on the protection of its heritage assets. It would harm the Westminster Abbey and Parliament Square Conservation Area (contrary to DES 9), the settings of listed buildings (DES 10), the significance of the Victoria Tower Gardens (DES12), important views (DES15) and the Outstanding Universal Value of the World Heritage Site (DES16).

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

138. The emerging City Plan (CD 2.5) includes the following relevant policies:

39. Design principles

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

40. Westminster's heritage

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

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

1. ensure heritage assets and their settings are conserved and enhanced, as appropriate to their significance;
2. secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs;

3. place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings.

#### WESTMINSTER WORLD HERITAGE SITE

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

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

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

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

#### LISTED BUILDINGS

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

139. The proposals are clearly contrary to the City Council's emerging City Plan policies on the protection of its heritage assets. It would harm the Westminster Abbey and Parliament Square Conservation Area (contrary to 40 A and B), the settings of listed buildings (40 I), the significance of the Victoria Tower Gardens (40 A and B) and the Outstanding Universal Value of the World Heritage Site (40 C and D).

#### **The City Council's Conservation Area Audits**

140. The City Council's conservation area audits for both the Westminster Abbey and Parliament Square Conservation Area and the Smith Square Conservation Area are relevant to the

consideration of the proposal. I consider that the proposals are contrary to the advice set out in these documents.

141. Section 8 of the Westminster Abbey and Parliament Square Conservation Area Audit deals with management proposals (CD 3.1). It states that the audit has identified elements which the City Council will seek to protect. With respect to the World Heritage Site it states:

**Preservation of the setting and iconic views**

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

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

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

143. The Smith Square Conservation Area Audit (CD 3.2) identifies the Victoria Tower Gardens and its mature trees as being an important contributor to its setting, and which should be protected. Harm to the trees would harm this aspect of the conservation area and would be contrary to the aims of the Audit.

**The World Heritage Site Management Plan**

144. The Intend to Publish London Plan highlights the importance of the World Heritage Site Management Plans in determining planning applications (CD 4.12). Policy HC2(A) states:

Up-to-date World Heritage Site Management Plans should be used to inform the plan-making process, and when considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plan.

145. World Heritage Sites each have a management plan which contains both long term and day to day actions to protect, conserve and present the Site. The PPG states that each plan will:

- contain the location and Site boundary details
- specify how the Outstanding Universal Value, authenticity and integrity of each site is to be maintained
- identify attributes
- examine issues affecting its conservation and enjoyment

146. The PPG concludes:

Given their importance in helping to sustain and enhance the significance of the World Heritage Site, relevant policies in management plans need to be taken into account in preparing development plans for the historic or natural environment (as appropriate) and in determining relevant planning applications.

Paragraph: 034 Reference ID: 18a-034-20190723; Revision date: 23 07 2019

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

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

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

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

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

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

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

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

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

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

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

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

148. The Management Plan includes objectives. Objective 1 is:

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

149. Objective 4 is:

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

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

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

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

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

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

5.1.2.5 Other key spaces, which, in addition to their intrinsic significance as historic places, share the Outstanding Universal Value of the WHS, are also excluded from the current WHS boundary. They are Victoria Tower Gardens, Parliament Square, Abingdon Street Gardens and part of Old Palace Yard.

**UNESCO and Outstanding Universal Value**

151. In 2017 the UNESCO Mission visited and reported on the World Heritage Site. The report of the Reactive Monitoring Mission is entitled ‘Joint ICOMOS/ICCROM Reactive Monitoring Mission to the World Heritage property “Palace of Westminster and Westminster Abbey including Saint Margaret’s Church” (United Kingdom of Great Britain and Northern Ireland) (C 426bis) 21-23 February 2017’ (CD 4.19).
152. The Mission expressed the need for development to have regard to the Outstanding Universal Value and stated:

In regard to site management, the Mission Team recommends that the new Management Plan be completed as soon as possible, and that the Steering Committee with an active participation of the Greater London Area be strengthened to ensure more effective implementation. Care should also be taken to ensure that any planned developments within the site or its immediate surroundings, including road closures, new buildings or infrastructure, new visitor facilities, and the proposed Holocaust Memorial, should be carefully evaluated to ensure that they do not negatively affect the OUV of the property. (page 8).

153. Further reference is made to the HMLC on page 38. The report states:

Perhaps the biggest development in regard to urban planning in the immediate vicinity of Westminster is the proposed new Holocaust Memorial which is foreseen for the Victoria Tower Gardens, south of the Palace of Westminster. This is a small plot of land bordered by palace to the north, the river to east, Abingdon Street (which becomes Millbank) to the west, and the entrance to Lambeth Bridge to the south.

The mission team was shown a presentation of the Holocaust Memorial project and had a chance to speak with representatives of the United Kingdom Holocaust Memorial Foundation. This project would bring a major new development to the area adjacent to the World Heritage property. It is worth noting that the design brief of the memorial competition did highlight that it would be adjacent to a World Heritage property and asked that the design, “address the sensitivities of the historic, political and national importance of the exceptional setting, adjacent to the Palace of Westminster, a UNESCO World Heritage Site, and the River Thames – and in one of the most visited, and recognisable parts of London.”

The mission team does believe that it might be possible to place a memorial in Victoria Tower Gardens, which would not have a negative impact on OUV and could possibly enhance the overall urban experience in the area. It will be a very difficult task, however. It is advised, therefore, that the jury take full account of the importance of the World Heritage property and its OUV when considering the final design options. The Foundation may even want to have a representative of the World Heritage Centre, or Advisory Bodies to advise the jury before decisions are taken. In any event, when a

design is selected and plans are more developed, this work would definitely constitute a situation where the State Party, in compliance with Paragraph 172 of the Operational Guidelines, should submit any plans to the World Heritage Centre for review by the Advisory Bodies. (One final note in regard to the planned underground museum as part of the memorial is to remind the State Party that there may also be impacts on the archaeology of the area that should be considered.)

It is also worth pointing out that a buffer zone around the property may have been useful in this case for making decisions as to the final placing of the Holocaust Memorial and its final design. While not useful for issues related to the larger setting, a buffer zone, may be very useful for informing the types and designs of new elements near to the World Heritage property. For this reason, the State Party may still want to consider the establishment of a buffer zone as requested by the World Heritage Committee previously.

154. On page 10 the report makes recommendations on 'Urban Planning Issues Westminster' and states:

Recommendation 17: The Holocaust Foundation may wish to consider setting up a mechanism whereby the Jury of the design competition for the memorial is able to get advice from the World Heritage Centre and/or Advisory Bodies before a final decision is taken. In any event, the selected design and related developments should be submitted to the World Heritage Centre, in conformity with Paragraph 172 of the Operational Guidelines.

I am not aware that these recommendations were acted upon.

155. The 41<sup>st</sup> session of the World Heritage Committee in 2017 then made a number of comments on the state of the World Heritage Site (CD 4.20). They did not comment on the HMLC specifically. However, the Mission and Committee considered that there had been inadequate appreciation of the Outstanding Universal Value of the World Heritage Site and a failure to protect it. New development harmful to the Outstanding Universal Value had been permitted. It stated that the Committee:

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

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

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

156. The report of the 43<sup>rd</sup> session of the World Heritage Committee in 2019 (held in Baku, Republic of Azerbaijan between 30 June – 10 July 2019) included consideration of the proposed Holocaust Memorial and Learning Centre (CD 4.21). It states:

7. While strongly supporting the concept of a Holocaust Memorial and Learning Centre in London, expresses concerns that the proposed monument and its underground rooms located in Victoria Tower Gardens, as currently presented, would have an unacceptable adverse impact on the Outstanding Universal Value (OUV) of the property and therefore further requests the State Party to pursue alternative locations and/or designs;

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

**The NPPF**

158. Paragraph 189 of the NPPF (CD 1.1) states:

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

159. Paragraph 192 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

161. Paragraphs 194 to 196 state:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

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

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

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

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

162. Paragraph 200 states:

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

163. I consider that the proposed HMLC fails to comply with the City Council's policies, the London Plan, the World Heritage Site Management Plan and the NPPF, because of the level of harm to heritage assets as identified above.
164. The NPPF balancing of harm and benefits (paragraph 196) will be assessed by my colleague David Dorward.

## 5. The degree of harm caused

165. The level of harm to significance caused by the proposals depends, in part, on the impact of the development on the trees. If the trees are unaffected, the proposals may be considered to cause less than substantial harm, in my opinion. Nevertheless, the impact on the significance of the Victoria Tower Gardens is considerable, and would be towards the very high end of the scale of “less than substantial”, that is, almost equating to substantial harm, but not quite. The impact on the setting of the Buxton Memorial is also of a high order within the less than substantial scale.
166. This harm then impacts on the contributions made by the Victoria Tower Gardens and the Buxton Memorial to the Westminster Abbey and Parliament Square Conservation Area, the setting of the Palace of Westminster and the Outstanding Universal Value of the World Heritage Site.
167. The proposals would have a major impact on these heritage assets, although these impacts would arguably not have such adverse impacts that they would seriously affect key elements of the significance of these heritage assets, in order to qualify as substantial harm. However, in my opinion the harm would be at the higher end of less than substantial harm.
168. To summarise, the proposals would cause less than substantial harm to the following heritage assets:
- The Victoria Tower Gardens
  - The listed memorials in Victoria Tower Gardens, especially the Buxton Memorial
  - The Westminster Abbey and Parliament Square Conservation Area
  - The World Heritage Site
  - The Palace of Westminster.
169. I consider that the other heritage assets referred to in my evidence would not be harmed if the trees were unaffected.

### **The impact on the trees and the level of harm**

170. The importance of the mature plane trees to the setting and character of the Gardens has been identified. They are a very important part of the character and significance of the Gardens and they play a key, positive, role in a large number of local views.
171. The City Council's Consultant Arboriculturalist, Mark Mackworth-Praed, gives evidence of the potential impact of the proposals on the trees. His evidence states:

For these reasons, I conclude that it has not been adequately or satisfactorily demonstrated that the UKHMLC can be constructed in its proposed siting within Victoria Tower Gardens without there being a clear risk that the London Plane trees lining the boundaries of the park will suffer significant harm, which could be of a sufficient extent or degree to result in their loss, as a result of decline and dieback induced either by the effects of the proposal, or by the process of its construction.

172. In my opinion if the trees were to be harmed significantly or lost, the character of this Victoria Tower Gardens and the views they frame would be substantially harmed to the extent that the significance of the Gardens as an important, historic landscape would be even more severely undermined.

### **Substantial harm**

173. If the trees were to be harmed significantly so as to reduce their visual value, or to die and be removed, then the overall heritage impact on the significance of:
- The Victoria Tower Gardens,
  - The Westminster Abbey and Parliament Square Conservation Area
  - The memorials, especially the Buxton Memorial
  - The World Heritage Site
  - The Palace of Westminster
- would be tipped into the level of substantial harm.
174. As I have stated, the existing trees are a fundamental part of the significance of both the Victoria Tower Gardens and the Westminster Abbey and Parliament Square Conservation Area. They are over 100 years old and were an early part of the design of the Gardens.

175. They enclose and define the edges of the Gardens. They play a very important part in local views and the settings of heritage assets. They frame views of, and form the backdrop to, the Buxton Memorial. They frame and focus views from the Gardens to the Palace of Westminster and the World Heritage Site. They are an important part of the setting of these heritage assets, and thereby contribute to the Outstanding Universal Value of the World Heritage Site.
176. If the trees were to be harmed significantly or lost then the continuous boundary of trees would be disrupted, possibly with sizeable gaps appearing. This would have a serious impact on the character and appearance of the Gardens. Its sense of enclosure and the uniformity of its boundaries would be reduced.
177. The contribution of the Gardens to the character and appearance of the Westminster Abbey and Parliament Square Conservation Area would be consequently further adversely affected. There would also be harm to the views from the south of the Palace of Westminster and the World Heritage Site which are framed and focused by the lines of trees. The settings of these heritage assets would be diminished.
178. The trees are an important part of the LVMF View 27, as they appear in the gap between the Palace of Westminster and Westminster Abbey. This view is similar to local view 13 in the Westminster Abbey and Parliament Square Conservation Area Audit. The trees signal the presence of the Gardens in this view, and provide a continuous green break between the two buildings of the World Heritage Site. This view would also be harmed if the trees were harmed significantly or lost so that gaps appeared in the line of trees. (If the trees are unaffected then View 27 is not harmed in my opinion).
179. There are other local views identified in the Conservation Area Audit which would be harmed if the trees are harmed significantly or lost. These include local panoramic views 15 and 17 from the middle of Parliament Square, which take in the view southwards towards Victoria Tower Gardens.

**Less than substantial harm**

180. If the trees were to be harmed significantly or lost, the additional, but still less than substantial, harm would be caused to the setting and significance of:
- The Smith Square Conservation Area
  - The adjacent listed buildings – Norwest House and Nos. 1 and 2 Millbank

- The river embankment wall
- The London View Management Framework View 27B.2.

181. The trees form the backdrop to views of the Buxton Memorial. They are also highly visible in views of and from the Smith Square Conservation Area, and visually define the eastern boundary of the Smith Square Conservation Area, where it adjoins the Westminster Abbey and Parliament Square Conservation Area. They also form an important part of the settings of the adjacent listed buildings. Significant harm to or loss of the trees would have a harmful impact on these roles played by the trees in relation to these heritage assets.
182. If the trees are harmed significantly or lost then the proposals cause substantial harm and should be considered within the terms paragraph 195 of the NPPF. Planning permission should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
183. The NPPF test requires a consideration of the balance of harm and benefits resulting from the proposal. This weighing up exercise is dealt with by my colleague David Dorward in his evidence.

## **6. The Applicant's Environmental Statement with respect to Heritage Issues**

184. The City Council appointed Land Use Consultants (LUC) to advise on the content of the Environmental Statement (ES). Their report 'Review of the Environmental Statement for the United Kingdom Holocaust Memorial and Learning Centre – Final Review Report' (2019) (CD 5.12) concludes that the ES does not deal with the heritage asset issues adequately. In particular LUC considered that the submission fails to:
- provide a clear rationale for how the reported moderate beneficial effects to assets relate to their heritage significance.
  - assess the significance of heritage assets in line with established guidance and accepted practice.
  - provide a comparison of the impact of this proposal with other iterations of the design and an explanation of specifically what changes were made to it to take account of the effects on the historic environment.
  - consider the impact of the whole scheme on the historic environment and not just the principal memorial building, as well as the impact of individual components of the scheme.
  - consider the potentially significant effects of dewatering on adjacent assets in the CMP; the full impact of the development has not been assessed. (This is not something that can be managed after approval has been given).
185. The Parties disagree on some of the heritage aspects of the ES. For this reason, in reporting the application to the Planning Committee officers did not rely solely on these aspects of the applicant's ES and reached their own conclusions.
186. A key issue is the assessment of the significance of the heritage assets affected. The NPPF states:
- The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

187. The ES does not assess fully the significance of the heritage assets in terms of the NPPF definition. LUC state:

The Applicant has gone into some detail to document the historical development of the site, which is appropriate and welcomed, but this is a narrative of the site's history and physical alterations to it, not an assessment of the significance of heritage assets as required by paragraph 189 of the NPPF. Once the historical development of the site is noted, established best practice is to consider the evidential, historical, aesthetic and communal values of each individually designated asset as well as the contribution the assets' setting makes to those values. (Paragraph 6.22)

188. I agree with LUC. This is a fundamental flaw in the ES. Significance has to be assessed and described before an assessment can be made of the impacts of a proposal on that significance. If the first step has not been carried out properly, then this will undermine the second stage of analysis.

189. LUC give an example of this with respect to Victoria Tower Gardens, at paragraph 6.25:

An example of the former is in the assessment of significance of Victoria Tower Gardens contained in paragraphs 5.22 – 5.29 of the ES. Paragraphs 5.22 – 5.25 summarises the historical development of the site and notes the other designated assets that are located within it. Paragraph 5.26 concludes that the significance of the Victoria Tower Gardens lies in "*its piecemeal development, and as an important area of partially reclaimed land adjacent to the Westminster World Heritage Site*", whilst paragraphs 5.27 – 5.29 describe its setting. It does not consider how the history of the site is illustrated in its form and appearance, how associations with notable people and events in the site's history add interest, how the various phases of the site have influenced its aesthetic qualities, or how component parts of the site are experienced and contribute to its overall significance. Considering the proposal will result in a direct and permanent physical change to the Registered Park and Garden, as well as the character and appearance of the conservation area, the detail allotted to the assessment of significance of this asset is not proportionate and is insufficient to understand the potential impact of the proposal on that significance.

190. The Environmental Statement also fails to show the proposed design evolved in response to the impacts on heritage assets. The HTVIA states at paragraph 6.43 :

... the positioning, layout and form of the Proposed Development has been informed by pre-application design development and designed to respond to the heritage sensitivities and opportunities of the application Site...[the] form of the new memorial, including hard and soft landscaping, has been designed to minimise the impact of the Proposed Development on the heritage receptors and to integrate with the townscape context of the Site.

However, there is no explanation of what the identified 'heritage sensitivities' were or how the design was accordingly amended to address those sensitivities.

191. Section 8 of the HTVIA assesses the impact on the heritage assets. The LUC report states that the HTVIA concludes that there will be no adverse effects on the significance of any heritage assets and that, in some instances, the impact will be moderate beneficial (significant for the purposes of EIA).

192. The reasons for the positive changes are attributed to:

- the ability to appreciate surrounding heritage assets from a new perspective (e.g. paragraph 8.35);
- the high quality of the design of the memorial (e.g. paragraph 8.51); the symbolic purpose of the memorial (e.g. paragraph 8.52);
- the design of the new landscaping being an attractive and sculptural feature (e.g. paragraph 8.60); enhanced visitor experience (e.g. paragraph 8.89);
- the new landscaping scheme being reminiscent of the romantic tradition of planned landscapes (e.g. paragraph 8.188);and
- the assertion that the proposed development would not change the ability to appreciate the heritage values of assets (e.g. paragraph 8.77).

However, the HTVIA largely fails to consider the impact of the proposals on the heritage significance of assets.

193. The LUC report states:

Only in the rarest of circumstances can new development make heritage assets more significant, or better-reveal that significance; not undermining the historic qualities of an asset does not equate to enhancement of its significance – that should be considered to be a neutral effect. The Applicant is requested to revisit the assessment of effects and either provide a clear rationale for how the reported beneficial effects to assets relate to their heritage significance, or revisit the assessments accordingly. (Paragraph 6.29).

194. Section 10 of the HTVIA is the assessment of the visual impacts of the proposals. It assesses 22 views and finds that in most cases the visual impact of the HMLC is 'nil', 'negligible' or 'beneficial'. This is a surprising conclusion given the nature of the proposals and its architectural relationship to the many heritage assets affected.

195. However, it does identify a small number of views which are harmed. These are:

TC4 (9) (looking north from the steps to Lambeth Bridge).

Millbank towards north (11)

Horseferry Road (12)

Dean Stanley Street (13)

Victoria Tower Gardens (19)

196. There is little consistency in these assessments. For example, View 12 would have a 'minor adverse' impact. The reasons for this classification of impact are not made clear in the text but it refers to the entrance pavilion partially obscuring the Buxton Memorial. In contrast Views 15 and 20 show the Buxton Memorial completely obscured but the impacts are described as 'minor' and 'moderate beneficial' respectively. It is not clear why the impacts are considered to be beneficial. These three assessments are not consistent or logical.

197. View 22 is of the Palace of Westminster from south of the Buxton Memorial. The proposals have a very considerable impact on views of the Palace of Westminster and the Buxton Memorial. The Palace of Westminster is almost entirely obscured by the HMLC, except for the upper part of Victoria Tower.

198. The HTVIA fails to acknowledge the obscuring of much of the Palace of Westminster and part of the Buxton Memorial. It concludes that the impact on the visual receptors is 'Moderate Beneficial' but without explaining why this is the case when the key features of the view, which are highly graded heritage assets, are largely or partially hidden.

199. In my opinion the approach to heritage assets taken by the appellant's consultant is flawed and fails to address the significant heritage issues raised by the proposed HMLC. As the NPPG states:

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals

The applicants have failed to comply with this advice.

200. The applicants submissions fail to assess fully the significance of the heritage assets and fail to recognise that the proposals cause harm to the significance of those which are affected. Their submissions cannot be relied upon to reach a proper conclusion about the significance of the heritage assets and the impact of the proposals on those heritage assets.

## **7. Conclusion**

201. In my evidence I have examined the significance of the heritage assets which are affected by the proposed HMLC. I have identified the harm that would be caused to these heritage assets.
202. In my opinion the proposals are contrary to the City Council's policies and the London Plan policies and supplementary planning guidance. It is also contrary to the aims of the World Heritage Site Management Plan.
203. The level of harm depends on the impact of the proposals on the trees which play a very important role in the significance of many of these heritage assets.
204. In accordance with the evidence of Mark Mackworth-Praed, it has not been demonstrated that the HMLC can be built without risk to the future well-being of the trees. That being the case I consider that the level of harm is tipped into 'substantial' and the relevant NPPF test must be applied.
205. My colleague David Dorward will examine the balance between the harm and the public benefits of the proposals.