

The Thorney Island Society's Objections to the application to build a Holocaust Memorial and Learning Centre in Victoria Tower Gardens (19/00114/FULL) – 26th February 2019

WE ARE A LOCAL CONSERVATION AND AMENITY GROUP FOUNDED IN 1985 TO PROTECT AND REPRESENT THE INTERESTS OF RESIDENTS AND BUSINESSES IN THE "VILLAGE" OF ANCIENT WESTMINSTER (ORIGINALLY "THORNEY ISLAND"). IN 1994 THE SOCIETY ADOPTED THE ACTIVITIES OF THE FRIENDS OF ST JAMES'S PARK AND THE GREEN PARK. WE ARE A REGISTERED CHARITY AND AN OFFICIAL CONSULTEE FOR WCC PLANNING APPLICATIONS.

- 1 The Thorney Island Society is not in any way against improving memorialisation of the Holocaust. We also agree that improved education about the Holocaust is essential. However, we think the choice of Victoria Tower Gardens as the site is deeply wrong. A development of this size, freighted with the appalling reality of the Holocaust, will profoundly and completely change the nature of this well-loved local park.
- 2 There was no proper consultation regarding the choice of site. No regard was had to the fact that this is open space and a public park held by the DCMS for that purpose and not available as developable land. We are aware of several alternative sites which would be more suitable and make a better use of resources than excavating a large hole in a public park. The Imperial War Museum is the obvious site: they offered to incorporate the Memorial and Learning Centre into their plans for renewing their galleries. This would have been a much more effective use of the government's pledged £50m but the offer was rejected.
- 3 Below we set out our general objections, but we would like to point out that the planning submission is inadequate in these ways:
 - a) There are insufficient drawings and CGIs to properly explain the scheme and its effect on the park. Specifically, a) there are no views at all taken from the playground, and b) it is impossible to determine from exactly where the view across the courtyard towards the memorial fins is taken.
 - b) The photographs on which the CGIs are based were taken with too wide an angle lens (32mm), which distorts the view, reducing the impact of the building [in most views]. We suggest that under Regulation 25 of the EIA Regulations 2017, the applicants should be asked by WCC to prepare CGIs that give a more accurate representation of the bulk of the structure.
 - c) Under Clause 18 (3) (d) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 there is a requirement for:

a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main SI 2017/571 Page 24 reasons for the option chosen, taking into account the effects of the development on the environment;

We have not seen any reference to the consideration of the comparative impacts of alternative sites by the applicants, even though we are aware that several alternative sites were considered. Since, in addition to the adverse effects of the

proposal on green space, biodiversity and, very possibly, trees, the effects on the environment of this scheme will be severe, both while under construction and while in use, we think that a study of the alternatives should be made.

BELOW ARE OUR COMMENTS ON NUMEROUS ASPECTS OF THE DESIGN

4 APPEARANCE/DESIGN

- a) The memorial consists of a shiny metal façade and a grass roof, pierced by projecting fins and a glass skylight. These materials have nothing to do with the stone, enamelled metal and mosaic of the Buxton Memorial, the granite embankment wall, the Edwardian stone buildings on Millbank, the Palace of Westminster or the river. There is no meaningful connection between this and any of the nearby buildings and infrastructure, which make up the elements of a conservation area and the setting of a World Heritage Site.
- b) The separate elements of the scheme, the memorial fins, the Courtyard and the entrance pavilion, lack a discernible relationship to each other, either in the choice of material or detailed design.
- c) The mound will divide the park into two, and the learning centre entrance and courtyard will put an intrusive secure area between the playground and the rest of the gardens. It will also restrict an iconic view of the Palace of Westminster, part of a World Heritage Site. Note that the height of the fins will be 9.4 metres, the same height as the Georgian buildings in nearby Smith Square.

5 LOSS OF THE INTRINSIC CHARACTER OF THE PARK

- a) VTG is Grade II listed as a park, so its existing status and ambience should be fully protected by all heritage policies. We endorse the Heritage Statement submitted by the London Parks and Gardens Trust.
- b) The simple expanse of grass, which was deliberately created to give an uninterrupted view of the Palace of Westminster, will be destroyed by the changes in level and the curved path that will cross it.

6 LOSS OF GREEN SPACE

- a) Note that the Mayor of London has a stated ambition for London to become the world's first National Park City in 2019. Reducing areas of public parks directly contradicts this aim.
- b) We note that the area of hard landscaping will increase dramatically, at the expense of the grass area. We have calculated that the reduction in the grass area will be almost 27% of the existing lawn.
- c) Members of the public spend time sitting on the grass and enjoying the views across the grass. The grass areas are particularly valued.

- d) We also expect that additional areas of grass will end up fenced off because it is either too steep (near the service entrance) or presents too much of a temptation to people to climb on the fins. Fencing might also be needed around the proposed rooflight halfway down the slope.

7 CHANGES TO THE CHILDREN'S PLAYGROUND

- a) Although the applicant claims that the playground will remain the same size, the reality is that there will be a reduction of 167 square metres because the Spicer Memorial is to be moved southwards. Part of the compensatory area which the Application allocates to the future playground is a sliver of land taken from the existing shrubbery, which will expose the playground to more traffic fumes.
- b) The playground will be completely cut off from the main grass area.
- c) The insertion of the café into the main area of the playground is highly undesirable and will have two effects:
 - i) The number of people who will want to use the café either before or after visiting the Learning Centre is too large for the space available. Playground users will find that benches and play equipment are occupied by café-users.
 - ii) Many parents will not want a café so conspicuously sited, leading to demands for what is on offer.
- d) We draw your attention to the comment made on 12th February by a historian of playgrounds.

8 THE DAMAGE TO PLANE TREES

- a) We refer you to the Report submitted by Barrell Tree Consultancy on the very insufficient testing done for roots in the pre-application investigations.
- b) Several arboricultural experts have told us that the piling and excavations for the learning centre and courtyard are highly likely to damage the tree roots on either side of the gardens, even more so on the river side, where the roots are already constrained by the embankment wall.

9 SECURITY

- a) The park will become another target for terrorists. If it is not to be vulnerable to attack from outside the building (eg. someone throwing a missile over the fence around the Courtyard – which would roll down the ramp and into the Learning Centre) it will, sooner or later, become subject either to security checks at the entrances to the gardens, and/or be included in the wider Palace of Westminster security envelope. Either way, it will restrict casual entry into the gardens.
- b) Regardless of what the security measures are, the memorial is so close to the playground that children could easily become collateral victims of an attack on the Memorial.

10 DIFFICULTIES DURING CONSTRUCTION

The difficulties created by construction are, strictly speaking, not a planning matter beyond the requirement to have an agreed construction plan and comply with it. However, the use of the remainder of the park is going to be considerably compromised and drastically reduced in size during construction. In particular, to visit the playground, families with buggies coming from the many blocks of flats south of the Horseferry Road will have to walk an additional 600m to reach the playground because the only step-free entrance is the one beside Black Rod's Garden.

11 TRAFFIC

- a) We note that TfL objects to the use of Millbank for coach drop-offs and servicing.
- b) We agree with this opinion. The danger to bicyclists (one quarter of all road users on this stretch of road) from any extra vehicles stopping at the kerb is severe, especially as it is anticipated that coaches alone might be parked beside the kerb for nearly four hours each day.

12 PEDESTRIAN OVERCROWDING

- a) The number of pedestrians is already excessive along Bridge Street and outside New Palace Yard. Additional visitors will only add to the problem – the Key Management Assumptions are for there to be, on peak days, an extra 10,000 visitors to the gardens, 3,000 of which will enter the Learning Centre. The Transport Assessment predicts that this will equate to a 200% increase in visitors to the gardens, most of who will enter via Gate 1.
- b) The figures presented in Section 9.2 predict excessive crowding north of Gate 1 under present conditions: the figures actually predict a Fruin's level of service of E, not C as stated in table 11. The amelioration suggested is widening the footway, but we do not understand how this is achievable without both pulling back the barrier that protects the exit from the House of Lords car park, and also turning that area of road into a widened footway. This would expose Black Rod's garden entrance to attack. We note that no agreement has been reached for this suggested mitigation.
- c) Additionally, we see no reference to the future R & R programme, which is likely to interfere with pedestrian access across Old Palace Yard.

13 FLOODING

- a) We note that VTG lies within Flood Risk Zone 3 but that the risk of flooding from the river is reduced by the river defences.
- b) Even if the dangers of flooding from the river can be discounted, the danger of local flooding from the sewer system is real. Basements were flooded very recently during heavy rain.

14 SUSTAINABILITY

Building an underground Learning Centre, which will consume a vast amount of energy during the construction period, and will then need artificial lighting and ventilation, goes against all national and international policies to reduce waste and energy and resource consumption.

15 CONSTRUCTION MANAGEMENT PLAN

- a) We note that the removal of spoil by river is under investigation. This should be a condition of planning permission being granted.
- b) In the last clause:

'To minimize the amount of tree root protection zone within the site, the Contractor/s shall endeavour to locate the hoarding line as close to the footprint of the UKHMLC as possible. All tree root protection zones within the site hoarding shall be protected by a load bearing surface. The final location of the hoarding will be proposed by the Contractor/s in their respective SEMP's, for Westminster City Councils consideration.'

The implication of this is that construction work will take place over the root protection zone because it will be necessary to work outside the boundary established by the footprint of the UKHMLC. Our expert advice warns that the plane trees will already be affected by their roots being trimmed along the line of the piling – this will further distress them.

PLANNING POLICIES AND LEGISLATION

16 LOSS OF OPEN SPACE, CONTRADICTING NUMEROUS NATIONAL, LONDON AND LOCAL POLICIES

- a) The Courtyard of the Learning Centre will be a secure area and not accessible to the general public. This was not envisaged for the scheme when it won the design competition. The figure of 7% loss of open space refers to the whole park, but the impact on the park will be much more than this: the feeling of openness will be gone, especially for users of the children's playground.
- b) Note the recent judgement in Liverpool's Calderstone Park decision: "Land which is open has an open character and also the quality of openness. Undermining the open character of land undermines its openness."
- c) The Proposal is contrary to paragraphs 96 and 97 of the NPPF (and therefore contrary to many national, London and Westminster policies).
- d) Paragraph 97 states that existing open space should not be built on unless an assessment has been undertaken that clearly shows the open space to be surplus to requirements. Clearly there is no part of VTG that is not needed.

- e) Paragraph 97 also states that open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- f) London Plan Policy 7.18 develops on paragraph 97, stating that the loss of open space must be resisted unless equivalent or better quality provision is made "within the local catchment area". Clearly no suitable replacement open space is available.
- g) A development of this scale could not be considered ancillary or complementary to either maintaining or enhancing the existing valuable open space land at VTG. Indeed, Westminster's adopted and emerging local policies on open space expressly protect open spaces from being changed in this way. Policy S35 of the WAP states that Westminster Council will protect and enhance open spaces and seek to address existing public open space deficiencies, including active play space deficiency and future open space needs "by protecting all open spaces, and their quality, heritage and ecological value, tranquillity and amenity". Westminster Council will have great difficulty justifying that granting the Application would be consistent with preserving the existing tranquillity and amenity of VTG, especially in light of the additional security arrangements that will be required.
- h) Furthermore, the registered status of VTG means that it is afforded a second layer of protection under the NPPF at paragraph 194(a) where it is stated that 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 and that substantial harm to or loss of registered parks or gardens should be exceptional. We argue below that the case for this being exceptional has not been made.

17 IMPACT ON ARCHITECTURAL AND CULTURAL HERITAGE

We refer you to the objection by ICOMOS, and reports by the London Parks and Gardens Trust, The Gardens Trust, and by Paul Velluet on the impact on the local Heritage.

18 WCC MONUMENT SATURATION ZONE (MSZ)

The MSZ policy states that many proposals for new statues and monuments seek a site in Westminster for reasons of prestige only, while other sites in London, or the UK, would have a greater relevance to the subject matter. This deficiency clearly applies to this proposal. The UKHMF has justified the choice of site by suggesting that there is a particularly meaningful link between the Holocaust and Parliament, which we would question. The parliamentary majority of the Government of the day did shamefully little to help Jewish communities, and they seem to have learnt little since about helping refugees from subsequent wars. The applicant's reasoning does not constitute the "exceptionally good reasons" required to qualify as an exception to the MSZ policy. This is examined below.

19 CONSERVATION AREAS

S.72 of the PLBCAA 1990 imposes a duty on Westminster Council to pay "special attention" to the desirability of preserving or enhancing the character or appearance of conservation areas when carrying out its functions. Preserving in this context means doing no harm. We believe that the Proposal does not preserve or enhance the character or appearance of the Westminster Abbey and Parliament Square Conservation Area and will also cause knock-on harm to the adjoining Smith Square Conservation Area.

20 OTHER MATTERS

- a) VTG is public open space and has been held as a park since 1914 (under various government departments) and is managed by The Royal Parks and regulated as Open Space under statutory instruments, the latest being the 1997 Parks Regulations. It is not therefore land that is available for development.
- b) Future funding – if Westminster Council is minded to grant planning permission, the applicant should be required to enter into a section 106 agreement to secure a commuted sum or other financial security/mechanism to ensure that the HMLC is properly maintained.

21 CAN THIS BUILDING BE CONSIDERED SO EXCEPTIONAL THAT ALL THESE PLANNING ISSUES CAN BE DISREGARDED?

No, it fails on its own terms:

- a) The project fails to deliver the basic requirements as set out in the original 'Holocaust Commission Report: Britain's Promise to Remember'. The first two recommendations concern the physical building:

- i) *'A striking and prominent new National Memorial'*

The fins may be superficially striking, but they have nothing to do with genocide or the destruction of European Jewish and other communities.

The Memorial will not be prominent ('highly visible from near and far') because it will be concealed behind trees for most of the year. Victoria Tower Gardens is in fact little known because of its invisibility.

It would appear that the only reason that the IWM bid was rejected was that the Memorial would be insufficiently prominent, but the VTG site is not prominent either.

- ii) *'A world-class Learning Centre at the heart of a campus driving national educational activity'*

The limited space available restricts the ability of the Learning Centre to fulfil this role.

The reference to a 'must-see destination using the latest technology' demeans the vital importance of its educational role, which should be the priority, not tourism.

- b) The design does not work with respect to the Foundation's justification of enabling us to 'hold Parliament to account' – because the memorial faces away from the Houses of Parliament and, even once the visitor has walked round to the entrance pavilion, the view of Parliament is blocked by the Memorial. On leaving the Memorial visitors will have their backs to both buildings. The relationship between the two buildings is weak, if not non-existent.
- c) None of the problems identified in the first public exhibition (loss of green space, security, increased visitor numbers, traffic, and the effect on the children's playground), had been resolved by the time of the second exhibition, despite the claim made on the second exhibition board.

This proposal should therefore be completely rejected.