

Property Implications of the Alternative Highway Scheme Devised by Elizabeth Pascoe

- 1) It is understood that much of the traffic problems at Edge Lane could be improved by adjustment of the traffic signals at the junction of Durning Road/ Holt Road / Edge Lane by, for instance, installing specific provision for right hand hand turns. This could be done with no property impact whatsoever.
- 2) It is understood that the Council has considered several alternative routes of providing rapid highway access into the city centre from the M62. The most popular of these envisaged a route near Olive Mount railway cutting and through Wavertree Technology Technology Park, along Wavertree Road and Tunnel Road and onto Upper Parliament Road. This route was cleared almost in its entirety up to 40 years ago and subsequent new build, until recently has largely respected this corridor although the City Council have now permitted the sites to be sold off or developed or for instance most recently granting planning permission as recently as Tuesday 13th September 2005 to coincidentally, Bellway Homes, for a key part of this route along Tunnel Road. Were this alternative route used as originally planned then there would be no property impact to Edge Lane West.
[.http://councillors.liverpool.gov.uk/Published/C00000307/M00004699/AI00020026/\\$Item13.docA.ps.pdf](http://councillors.liverpool.gov.uk/Published/C00000307/M00004699/AI00020026/$Item13.docA.ps.pdf)
- 3) It is also understood that circa 1979, the City Council previously developed a highway design to bring increased capacity of the highway through the Edge Lane West Order area along the same route as the current proposal without the need to demolish 367 properties as currently envisaged and in fact requiring the demolition of less than 10 properties. Obviously this scheme would also have caused considerably less property impact that the proposal in hand.

General Property Impacts of Alternative Scheme Designed by Ms Pascoe

- 4) The scheme designed by Ms Pascoe safeguards the valuable quality historic character heritage streetscape and villa frontages to Edge Lane which those visiting the city will be able to appreciate on their approach along Edge Lane. Due to the activities of the Promoter's partners discussed earlier, many of the individual properties contributing to this otherwise high quality streetscape is currently run down and leaves the passer by with a poor impression. This is however cosmetic and could be remedied by some cosmetic "enveloping works to the properties" which could comprise refurbishment of the properties and frontages by for instance removing inappropriate brickwork finishes to reinstate the original brick finish, regularising roof, eaves, gutter, door and door furniture, and window frames styles and materials, (providing an opportunity to provide double glazing noise insulation) if this was a concern to the Promoter. Regularising the environment in the building curtilage immediately in front of the property i.e. reinstate to garden and reinstall steel railings to add original character. Finally by ensuring regularisation of paint finishes.

- 5) The above enveloping works could be implemented under the Order, if confirmed, by the service of a notice for a lesser temporary access right to carry out works, and if necessary internal works to bring the dwelling up to decent homes standard (if deficient) handing the dwelling back to the incumbent resident(s) at the end of the works. The use of a formal notice for temporary possession would give rise to a compensation entitlement which would however be most unlikely to be pursued however if it were the promoter would be entitled to reasonably offset any betterment which is likely to be considerable against any quantum of claim resulting in it being unlikely that the incumbents would receive any financial payment at all. This carried out to every property would achieve a high quality gateway to the city whilst at the same time causing the minimum of disruption to the resident(s) and/or owner unlike this schemes proposal to vest every property in the Promoter and ultimately Bellway Homes.
- 6) In order to ensure that the quality of the streetscape was retained following a high quality refurbishment, then a number of options are available to the Promoter to maintain the properties in their renovated condition:
 - a) The Promoter could take permanent powers over the property frontages and roofs facing Edge Lane, in this way ensuring that the property is maintained at the Promoter's expense in the future with conditions that the occupier/owner does not materially change any of the fabric of the building and chooses a colour of finish for woodwork elements from a predetermined list in keeping with heritage colours. As an interest would be acquired in the building then it would give rise to a compensatable claim under the code, however this would be offset against betterment which is likely to be considerable as the value of the property is likely to increase substantially if all exterior maintenance liabilities to the frontage and roof were the responsibility of others.
 - b) The Promoter could take permanent powers over the property frontages and roofs facing Edge Lane, in this instance the owner would be obliged to carry out the works to an appropriate specification at appropriate timescales with the Promoter retaining the powers to carry out the works in the event of default recovering the costs from the building owner. As an interest would be acquired in the building then it would give rise to a compensatable claim under the code. The valuation would be based on the value of the property prior to the scheme compared to after the scheme and it may be seen as an onerous requirement to comply with such a covenant giving rise to a compensation claim although as previously betterment could be offset, the property would have benefited from the immediate improvement works to the property itself but also from the improvements to surrounding properties which would have a beneficial effect on value.
 - c) The Promoter could renovate the properties and designate Edge Lane West as a Conservation Area, restricting the owner's Permitted Development Rights

producing a code for future upkeep of the property enforcing where necessary using Planning Control departments of the City Council. It is unlikely that this would give rise to a compensation claim.

d) The Local Authority possibly directed by the Secretary of State on the recommendation of the Inspector, could introduce a byelaw dictating how the frontages to Edge Lane should be treated. It is unlikely that this would give rise to a compensation claim.

Specific Property Impacts of the Scheme Developed by Mrs Pascoe

- 7) Ms Pascoe's scheme envisages the demolition of only 3 residential properties, with 6 dwellings losing their garden frontages. Land take to the frontages of **6 commercial** properties and to the rear for provision of amenity facilities. Possible "arcading" of **20** smaller retail properties, the conversion of a furniture showroom to a community facility and the demolition or relocation of a small community medical centre for cosmetic streetscape purposes. Together with limiting access for maintenance to a church and residential properties opposite. In addition greater parking than current is provided to the Hindu Centre
- 8) It is proposed that the highway is widened adjacent to 112, 114, 124, 213, 215 and 217 Edge Lane and 97 Durning Avenue with the result that the front gardens/ yards of these properties will be reduced to accommodate footway. These property owners would be entitled to compensation based on the value of their properties before and value after the scheme, together with disturbance under the compensation code. The Promoter however would be entitled to offset betterment.
- 9) The frontages to the commercial properties at 83 to 145 Edge Lane are also affected and these property owners would be entitled to compensation on the basis of value before and value after together with disturbance. The land to the rear of the properties to be utilised for amenity/ recreation land may however be significant to these commercial properties in that it is essential for the operation of the business in that location. If this is indeed the case then the acquisition of this land could give rise to a material detriment claim being served on the promoter requiring the promoter to acquire the entire premises from the owner. Once acquired however the property would be available for alternative use by the Promoter and could be put to community use or redevelopment as appropriate at the time.
- 10) One of the dwellings to be demolished is 211 Edge Lane, this is to make way for a walkway between Holt Road/ Toft Street and Edge Lane close to the pedestrian crossing near St Cyprian's Church and the proposed memorial square. The owners and occupiers of these buildings would be entitled to compensation on the basis of market value (disregarding the scheme) together with a 10% homeloss payment and disturbance to the occupier. The resident of these dwellings could be offered first refusal over one of the currently vacant properties to be refurbished and

brought back into use under Ms Pascoe's scheme to mitigate the upheaval of having to leave their community

- 11) 96 and 94 Durning Avenue are also proposed for demolition to accommodate a footway around the rear of St Cyprian's church to avoid pedestrians using a limited width pavement around the Edge Lane frontage of the church and to provide the memorial square proposed. Compensation entitlement would be as for 211 Edge Lane above.
- 12) It is proposed that the new route through from Toft Street (over the site of former 211 Edge Lane) and along the pedestrian crossing to the (over the site of former 122 Edge Lane) means that pedestrians avoid potential pinch points to the Edge Lane frontage of St Cyprian's church and the corner of Holt Road / Edge Lane Eastbound. There may be difficulties with maintenance access to these properties due to fairly limited clearance between the built walls and the highway. It is envisaged that this maintenance work will be infrequent and limited in scope and can be carried out by coning off one lane of the highway over weekends and public holidays. This may give rise to increased maintenance costs to these properties and depending on extent of land take may give rise to a modest compensation claim based on these capitalised costs.
- 13) The scheme provides for the furniture showroom at 83 Edge Lane to be converted into a community facility which is a requirement of this facility. The owner of these premises would be entitled to compensation on the basis of the investment value of this property by reference to capitalised rental income stream. Whilst the occupying business would be entitled to a disturbance payment in line with the Land Compensation Acts 1961 and 1973 assisting to relocate to suitable alternative premises.
- 14) At the south-eastern edge of the junction of Edge Lane with Marmaduke Street is a single storey uninspiring low cost building in use as a medical Centre. Ms Pascoe's alternative scheme provides for the demolition of this property on the grounds that it is out of keeping with the high quality historic character of Edge Lane. Compensation to the owner (likely to be an NHS Trust) is likely to be as for other demolished properties above. However if the property is especially constructed for its purpose in some way then it may be a Rule 5 Equivalent Reinstatement situation. If this is so then it is possible that, following refurbishment of the historic properties along Edge Lane, this facility could be relocated to the ground floor of one of these properties then permitting this building to be demolished.
- 15) Faced with a pinch point at its most westerly side, the scheme also proposes the "Arcading" of shops at numbers 1-41 Edge Lane which would basically comprise of converting the part of the ground floor retail area closest to Edge Lane into a covered footway for pedestrians whilst retaining the first floor supported by columns from ground floor. This would give rise to a compensatable claim on the basis of land taken and disruption to businesses. The landlord would lose some

Zone A retail trading space at the front of the property the investment value of which could be capitalised for compensation purposes whilst the tenant would suffer disruption and loss of profits during the carrying out of the works with potential loss of trading area when works complete.

- 16) At this location (1-41 Edge Lane) it may also be possible to consider an alternative where the central reserve was reduced in width and the scheme moved slightly over to the south side of Edge Lane which would prevent the need for the shops to be affected.
- 17) Alternatively the scheme could adopt the demolition of this parade of shops giving rise to compensation payments along a similar basis to the furniture showroom at 83 Edge Lane mentioned above. The resultant site treated as a disposal at the end of the scheme giving rise to a capital receipt to the Promoter and a new development could be specified that was sympathetic to the historic character of the area with a similar strong retail bias but also larger unit areas suitable for modern leisure facilities such as restaurants and cafes and also commercial uses.
- 18) Overall the effect of Ms Pascoe's alternative scheme can be seen to provide all the highway benefits of the scheme advocated by the promoter but with far less disruption and negative impacts upon local residents and the wider community which would be unnecessarily dispersed far and wide under the Promoters proposals.