

Dear Planning Committee Members

RE: Applications 05 F/0207 and 05 O/0206 concerning Land and Buildings at Edge Lane, Liverpool 7

Presented before 17 August 2005 Planning Applications Committee

As a Member of the Planning Committee I urge you to reject both the outline and the detailed planning applications, for the following pressing reasons.

1 Applications are contrary to the principal material policies of the adopted UDP

- 1.1 The application is contrary to many of the pertinent planning policies of the City Council as expressed in the adopted UDP. The committee will need no reminding s38 (6) of the Planning Compulsory Purchase Act 2004 requires:-

"...the determination must be made in accordance with the UDP unless material considerations indicate otherwise".

As I shall outline below the applications evidently to not accord with the adopted development plan policies of the City Council.

- 1.2 Contrary to **T11 ROAD CORRIDORS** which states:-

"2. Along these corridors, resources will be targeted for the design and implementation of measures designed to:

- improve the image of the City for visitors residents and potential investors;*
- improve conditions for local residents,*
- businesses, pedestrians and cyclists;*
- facilitate the efficient operation of public transport services; and ensure the most efficient and effective use of the Major Road Corridors, in order to relieve sensitive locations of heavy traffic."*

The full application's proposal for the creation of dual carriageway will greatly increase the degree of *community severance* between the north and south side of this section of Edge Lane.

- 1.3 **Policy T11** makes specific reference to the Eastern Corridor and Edge Lane but significantly neither it nor the adopted *UDP Proposal Plan* includes any policy expression to suggest a future plan to construct a dual carriageway along this section of Edge Lane as these applications propose. To underline this **Paragraph 8.112:-**

"Improvements to this corridor (and to Edge Lane in particular) will include alterations to junctions and traffic signalling. Selective road widening may be implemented where there will be no loss of residential amenity".

Furthermore to underline the fact these applications do not accord with the adopted City Council development plan key transport policy, in respect to Edge Lane states, road widening on Edge Lane *"may be implemented where there will be no loss of residential amenity"*.

¹ Underling is my emphases and not in the original

1.4 Demolition of housing necessarily amounts to catastrophic loss of residential amenity to the residents directly concerned and hence the requirement on a planning authority to 'flag up' such potential proposals/details and in the process offer such proposals up to the most rigorous public scrutiny prior to adoption. .

2 Contrary to **T7 Encouraging Walking** states

"The City Council will implement measures to encourage walking as a mode of transport and to make the pedestrian environment safer and more convenient by:

- iv. developing safer routes to schools, play areas, parks and other community facilities;*
- vi. catering for pedestrians' needs in the design of all new highway improvement schemes, traffic management schemes, the road maintenance programme, and giving consideration to the provision of safe and convenient walking routes through all major development and redevelopment sites; and*
- vii. investigating the possibility of introducing traffic calming measures and speed reduction measures in areas where heavy pedestrian flows are experienced or can be anticipated."*

2.1 Contrary to **T7 (iv)**:- the construction of a dual carriageway will hinder, not assist, safe routes to the primary school. The school is located just to the north of Edge Lane with very many of its pupils residing just to the south of the proposed dual carriageway.

2.2 Contrary to **T7 (vi)**:- the drawings of the detailed treatment to the highway's edges show the proposals will have the functional effect of separating vehicles from the pedestrians on the 'pavement proper'. It is well understood such a pronounced divorcing of vehicles from pedestrians only encourages vehicles to speed. The priority of the road is clearly set for the driver not the person on foot. Indeed the stated aesthetic intention is to enhance a "cinematic" unfolding of the entry to the city. The psychological separation of driver from surroundings viewed through the windscreen, already a danger with any driving, is to be deliberately exaggerated.

3.3 Contrary to **T7 (vii)** the scheme provides no consideration given to the Edge Lane/Holt Road junction and the close proximity school of the primary school.

2.4 The full application with its dual carriageway will not serve City Council's stated ambition in paragraph 8.143:-

"The City Council aims to provide a "barrier free" environment for pedestrians in all areas of the City."

3.1 **Contrary to T8 TRAFFIC MANAGEMENT**

- "1. Priority for investment in roads will be given to the maintenance and enhancement of the Primary and Strategy Route Network. Schemes will be implemented which:*
- improve public transport facilities and services;*
 - improve road safety;*
 - protect and improve the environment,*
 - particularly for local residents";*

The application fails to meet Policy T8. The proposed dual carriageway is lacking appropriate traffic calming measures, its construction as proposed can only encourage speeding obviating against: improved road safety; protection and improvement of the

environment particularly for the community of Kensington nestled either side of Edge Lane.

3.2 Paragraph 11.89 of UDP Transport Chapter states:-

“The priority for highway investment in the Plan period is to improve the efficiency of the Primary and Strategic Route Network as shown on the Proposals Map. Particular emphasis will be placed on alleviating traffic problems at the worst affected locations. Measures designed to achieve this include junction improvements, highway repairs and road safety measures.”

Edge Lane forms part Primary and Strategic Route Network as shown on the Proposals Map but the two linked applications clearly represent a marked material departure from the adopted plan since the measures laid out in Paragraph 11.89 are unambiguously different in kind to the creation of a dual carriageway not found on the adopted Plan’s Proposal’s Map².

4. Damage Built Environment of the City, contrary to Strategic UDP Policy

GEN3

“The Plan aims to protect and enhance the built environment of the City by:

- ii. encouraging a high standard of design and landscaping in developments;*
- iv. creating an attractive environment which is safe and secure both day and night.”*

The full application, with its formation of a motor vehicular conduit, as opposed to the existing altogether more tightly knit streetscape will not encourage high quality design [contrary to GEN3 (ii)]. The full application’s designs for a dual carriageway will also prove a hostile environment for pedestrians and not therefore sustain an “*attractive environment which is safe by day or night*” [contrary to GEN 3 (iv)].

5. Wholly premature to grant outline permission at this stage in design process.

The Officers commend approval of the outline application.

It needs stating outline approval at this point could bring the Council into disrepute and open up exploration of a potential judicial review. Committee Members may be aware of the highly pertinent case law of *Lewis Thirkwell v Secretary of State for the Environment* [1978] JPL 844.

This case underlined the granting of outline planning permission commits the local planning authority to a form of development which is comprised in the outline permission subject only to the strictures of the reserved matters. *Article 2* of the *Town Country Planning (Applications) Regulations* defines reserved matters as meaning (a) *siting*, (b) *design*, (c) *external appearance*, (d) *means of access* (e) *the landscaping of the site*.

² **Paragraph 8.182 UDP** states:-

“The **A5047** is the main route into the City from the M62 and is an economic regeneration area.It will be necessary to encourage the private sector to maintain, tidy up, and landscape building frontages on Edge Lane. Other improvements could include the provision of street trees improved street furniture.’

Please Note: Absolutely no mention is given in this paragraph of the UDP to widening or demolition of housing on the sides of the A5047: nor either in POLICY QE 15

5.1 The outline application before the Committee leaves unresolved many critical features of a finished scheme (not least floor areas for differing land uses and the volume of the residential units proposed). The risk of granting the scheme via an outline application at this stage (and crucially without a consistent marking on the plans for *illustrative purposes only*) will be the local planning authority will find itself bound into a commitment to a form of development that is too vague to inform. An application which the residents of the local community will have little powers to control at a later stage but at this point no party to the application has sufficient details to make a truly informed decision.

6. Role of Edge Lane Supplementary Planning Guidance - developing new policy not merely supplementing agreed development plan policy

6.1 The Officer's report to the planning committee builds the bulk of the case in support on the application upon the Edge Lane West Supplementary Planning Document.

The core justification lying at the heart of EDWSPG is the following statement

“The Edge Lane West Supplementary Planning Document (SPD) does not amend the policies in the Liverpool UDP [adopted 2002]; instead it provides guidance on how they should apply to the Edge Lane West area.”

Paragraph 1.2 Final Consultation Statement – **ELWSPG, March 2005**

6.2 However for the development plan policy reasons outlined in the paragraphs 2- 5 above which cite directly from the adopted 2002 Liverpool UDP the Officer's argument is simply not sustainable. Put quite plainly the ELWSPG over extends itself, beyond its statutory bounds, by *amending* policy rather than merely providing supplementary planning guidance to the adopted development plan.

6.3 Much of the reasoning for this is found in Paragraph 1.6. of the September 2004 draft EDWSPG

“The SPG has been produced at this stage because the Liverpool Core Strategy DPD will not be published until 2005. Therefore, detailed policy is required to guide development proposals which are likely to come forward in advance of that date. Given that a planning application for the Edge Lane improvements and adjacent development is likely to come forward in autumn 2004, policy guidance is therefore required to supplement the policies in the adopted UDP.”

6.4 The decision to produce a finished ELWSPG prior to the production of Liverpool Core Strategy DPD is not judicious. The decision to proceed prohibits the ELWSPG being informed by Liverpool's Core DPD and the consultation process that will help it take its final form.

6.5 Unquestionably the *premature* production of the ELWSPG has been motivated by an Corporate objective external to the Kensington area; namely that of producing a policy development document capable of driving through the sought dual carriageway ready for 2008 - Liverpool City of Culture.

6.6 Paragraph 1.7 of the Sept 2004 ELWSPG states

“The policy is being taken forward in advance of the changes to the planning system but the procedures undertaken in the drafting of the SPD follow those which will apply under the new planning system. This ensures the material in the [ELWSPG] policy will form part of the Core Strategy DPD at the same time.”

- 6.7 However the premises of the above statement can not support the implied necessity of its conclusion. The EDWSPG may follow the procedures undertaken in producing the future Core Development Plan Document (Core DPD), but that alone can not provide assurance the respective *contents* are compatible. **To state otherwise would prejudice the Core Strategy DPD and fatally pre-judge the statutory consultation process surrounding it formation.**

In conclusion

For the reasons stated above (and for other that time and space did not afford me an opportunity to proffer) I strongly commend you to reject these 2 applications and in the process give time for more thorough consideration of other altogether more sensitive solutions to Edge Lane and the necessary housing regeneration of the Kensington neighbourhood.

Galib Khan

80 Edge Lane

A brief appendix to the above objection

The EDWSPG can be further criticised on the following grounds:

A)

Appendix 2 to ELWSPG states

- 2.10. The objective of the SPD is to deliver the satisfactory redevelopment of the Edge Lane West area, which will help a number of other programmes and projects (for example, Housing Market Renewal Initiative) to provide an improved residential environment, better connect existing and future educational and community uses, act as a catalyst for further economic regeneration through more efficient use of the strategic road network, and improve the pedestrian environment by improving north - south connectivity.

Neither the EDWSPG itself nor the applications before the Committee today provide any compelling evidence to advance an argument that these laudable objectives will be met by the current set of schemes. Indeed for the reason outlined in paragraphs 1 –6 of my letter there is every reason to suppose it will exacerbate: community severance; hostile streetscape for pedestrians; hinder housing renewal and economic regeneration for Kensington.

B) Lack of Meaningful Community Involvement

The Edge Lane West Supplementary Planning Document Final Statement of Community Involvement states:-

- 1.12 23 responses were received on the consultation draft (full details are provided in the Schedule below). Respondents were broadly supportive of the SPD. Detailed comments related to:

This claim of “*broad support*” fails to distinguish between the bulk of the reported positive comments received to the SPG - that came from statutory consultees external to Kensington – and those altogether more ambivalent or hostile expressions from residents and businesses of the neighbourhood.

C) A missing credible and concrete ‘blueprint’ for Kensington

Appendix 3 of the Draft Edge Lane West Supplementary Planning Document September 04 states

- “5.2. Kensington Regeneration has a physical ‘blueprint’ for Kensington. This is a community led plan outlining how the community would like to see the area developed. The blueprint is accompanied by a design guide, community consultation document, environmental strategy and audit, and an implementation strategy.”

In the dictionary definition of the word no such ‘blueprint’ exists: it would be a travesty of natural justice to state what was produced was honestly ‘*community led*’; the design and implementation of the scheme to date remains shrouded in doubt and confusion for most, if not all, local residents and businesses.

D) General Development Design Principles

Section 6 of the EDWSDG states CABE's "*By Design: Urban Design in the Planning System, Towards Better Practice*" (CABE 2000) will guide the scheme's urban design, specifically applications will offer:-

- *“Character: creating places that respond to locally distinctive and positive characteristics;*
- *Continuity and enclosure: creating continuous street frontages and enclosures of space ensuring a clear distinction between private and public space;*
- *Quality of the public domain: creating safe, attractive and functional public spaces and routes for all users;*
- *Ease of movement: creating well connected and accessible places which put people before traffic*
- *Legibility: creating places with a clear image, with recognisable routes, spaces and landmarks to help people find their way*
- *Adaptability: creating places that can change easily and respond to economic and social changes*
- *Diversity: creating viable mixed use places that respond to local needs, provide easy access to a wide range of facilities;*
- *Integration and efficiency: creating sustainable places that integrate built form, land use, transport and the natural environment”*

The outline application provides precious little substantial evidence these principles will be acted upon; on the contrary in respect of Edge Lane itself there are good reasons to suppose not (not infrequently for the well grounded reasons outlined 2002 adopted UDP).