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Press release: judge rules against save's judicial review in manchester high court regarding demolition plans for liverpool's lime street. Save considers going to court of appeal

In a rolled up expedited hearing that took place on 18th December 2015, Mrs Justice Patterson heard SAVE's claims put forward by Richard Harwood QC of 39 Essex Street Chambers, regarding the proposed demolition of over 10 Georgian and Victorian buildings on Lime Street, including the 1912 Futurist Cinema, and their replacement with an eleven-storey student accommodation block and shopping mall, all in the city's World Heritage Site (WHS) Buffer zone.



Photo by Barry and Genesis Eveleigh

We challenged Liverpool City Council's decision on the grounds that it was clear that they had failed to inform the Department for Culture Media and Sport (DCMS) (who would then decide whether to notify the World Heritage Committee) about the application, before permission was granted, even though the development may have impacted upon the Outstanding Universal Value of the World Heritage Site. In turn,

DCMS only informed the World Heritage Committee about the plans after they had been approved. This meant proper consultation could not take place.

Liverpool's WHS has been on the WHS At Risk list since 2012, having been inscribed in 2004. The only other European site to be on the At Risk list is Kosovo's medieval monuments, following the war in 1998. As Richard Harwood said in his closing statement "World Heritage Sites are usually placed on the At Risk list following war or natural disaster. Liverpool is on the list due to a series of bad planning decisions."

Unfortunately, in their letter of response to the application last year, Historic England did not comment on the impact of the proposed development on the Outstanding Universal Value of the WHS (this is the standard by which value of significance is judged). From SAVE's point of view this is an oversight: the present system of consultation is unsatisfactory and leaves the nation's most significant heritage vulnerable.

During the hearing, Justice Patterson took the highly unusual step of allowing the cross-examination of a witness – Liverpool's Urban Design and Heritage Director Rob Burns. This was requested by SAVE because there was no contemporaneous evidence that any assessment of the impact that the development would have on the Outstanding Universal Value of the WHS had been undertaken. In particular, there was no reference to OUV at all in Mr Burns' consultation response on the application. We wished to establish whether any assessment had been undertaken and if so, when. In addition, Mr Burns' consultation response regarding this matter was not disclosed until shortly before the hearing, even though the matter of potential impact on the Outstanding Universal Value had been an issue from the start of the proceedings. This all needed clarification.

Despite these inconsistencies, Mrs Justice Patterson did not find in our favour. We consider that her justifications are not sufficient and are in discussions with our lawyers about challenging the development in the Court of Appeal. We consider that we have strong grounds of appeal.



Photo by Barry and Genesis Eveleigh

Liverpool City Council and the developer of the site, Neptune Developments, demanded an expedited hearing arguing that they would lose their investor for the student accommodation development if it was not guaranteed to be completed by the autumn.

Subsequently it became clear that they can deliver the following year and that the perceived pressure was illusory. This contributes to the sense that the proceedings have been hurried through and the correct design solution has not been sought, rather just a way of turning a profit, without exploring options, whatever the sacrifice.

SAVE Director Clem Cecil says: “SAVE does not agree with the decision and is looking into appealing against it. This is Liverpool’s gateway street. It is imperative that proper consultation takes place in order to secure the best possible design solution for the site. In this case it has not taken place. SAVE has been campaigning for historic buildings in Liverpool for 40 years and knows how important it is to take the long term view. The suggested replacement proposals are poor and, crucially, unnecessary. They replace a coherent streetscape that has evolved over centuries, with a monolithic student block and bland shopping centre. The fact that the street is in poor repair is not an excuse to tear it down. SAVE is staggered that John Whittingdale MP, Secretary of State for Culture Media and Sport, is happy for this kind of crude destruction to take place in a UK WHS that is already on the At Risk list. This development may lead to it being deleted. Does he want this on his watch? We need to wake up before it’s too late.”

For more information and images please contact the SAVE office on 0207 253 3500 or office@savebritainsheritage.org



The proposals

Notes to Editors:

On 11th August Liverpool City Council voted to grant planning permission for the proposal. SAVE objected along with the Victorian Society, the Merseyside Civic Society and many others. SAVE offered mediation, Liverpool Council refused, following which SAVE served Judicial Review proceedings with Solicitor Susan Ring of Richard Buxton Environmental Law.

The Futurist is a much loved Liverpool landmark: it is the city’s first purpose built cinema and one of a diminishing number of pre-WWI movie theatres in the UK. It was

constructed in 1912 by renowned theatre architects Chadwick and Watson. It has a highly decorative façade of faience tiles.

Lime Street is one of Liverpool's most famous streets – enshrined in the folk-song Maggie May, once a West End hit for Hollywood's Judy Garland, and also because it shares the name with Liverpool's only surviving mainline Rail Terminus, and Alun Owen's play 'No Trams to Lime Street'.

SAVE believes that the impact runs against World Heritage Site policy as enshrined in Liverpool's WHS UDP and the NPPF, and places Liverpool's already officially 'endangered' WHS at further risk.

If Liverpool is deleted from the list of WHSs by UNESCO, it would be only the third ever WHS to be deleted from the list, and would be of great embarrassment to the UK Government for failing to uphold its treaty obligations to protect an asset of 'outstanding universal human value'.

SAVE challenges Liverpool Council's claim that the proposed development will not affect the 'Outstanding Universal Value' of the WHS, even though they admit that it will affect its setting. SAVE holds that these two things cannot be divided and that setting is integral to OUV.

Lime Street is the thoroughfare from the station that leads up to Liverpool's Cathedrals. It also leads into the Georgian area of the city, framing views of the Anglican cathedral tower (Grade I) and St. Luke's Church (Grade II*) to the south, and St. George's Hall (Grade I) and plateau, the Cenotaph (Grade I) Lime Street Station (Grade II) and the Walker Art Gallery (Grade II*), Picton Library (Grade II*) and County Sessions House (Grade II*) to the north.

Despite being mostly in city council freehold, and despite the fact that the council has a repairing lease on the Futurist, this historic gateway street has been left under-repaired and decaying for over two decades. SAVE recognises the need to improve the area, but strongly condemns these plans to demolish rather than repair, and the deliberate neglect over many years of publicly owned heritage assets that should have been maintained under full repairing leases.

SAVE Britain's Heritage has been campaigning for historic buildings since its formation in 1975 by a group of architects, journalists and planners. It is a strong, independent voice in conservation, free to respond rapidly to emergencies and to speak out loud for the historic built environment.

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