



CHARTERED SURVEYORS • VALUERS • LAND AND MINERAL AGENTS

Our Ref: JRS/lg
Your Ref: 68C-16944
Date: 9th September 2014

Mrs Parveen Akhtar
Head of Legal and Democratic Governance
Corporate and Support Services
Stockport Legal Services
2nd Floor, Stopford house
Stockport
SK1 3XE
For the attention of John Hill

Dear Mrs Akhtar

The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) Compulsory Purchaser Order 2013 and

The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) (Side Roads) Order 2013

Public Local Inquiry – 30th September 2014 – Proofs of Evidence

Our Client: Mark and Carole Freedman

I am pleased to attach herewith our Proof of Evidence on behalf of our above client.

I confirm that one hard copy will follow in the post, with three further hard copies being posted to Persona Associates.

Yours sincerely

J.R. Seed

For and on behalf of the Brown Rural Partnership

Email: jrs@brownrural.com



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Regulated by RICS



Public Local Inquiry into

**The Metropolitan Borough of Stockport
(Hazel Grove (A6) to Manchester Airport A555 Classified Road)
Compulsory Purchase Order 2013 and**

**The Metropolitan Borough of Stockport
(Hazel Grove (A6) to Manchester Airport A555 Classified Road)
(Side Roads) Order 2013**

**Proof of Evidence of
John Seed MA (Oxon) FRICS FAAV
For
Mr Mark and Mrs Carole Freedman**

8th September 2014



1. Introduction

- 1.1 I am John Seed and I have been a partner in the Brown Rural Partnership, based in Macclesfield Cheshire, since its inception in 1995. We undertake a full range of land agency and rural property work including compensation, and I have been practicing in the northwest of England, with occasional UK wide instructions, since 1973. I am a former Chairman of the regional Rural Practice division of the RICS and a former President of the Cheshire Agricultural Valuers Association.
- 1.2 I was instructed by Mr and Mrs Freedman in December 2013.
- 1.3 Our clients own a long leasehold interest (990 years from 1969) in 86 Albany Road, Bramhall, Stockport, SK7 1NE. Our clients are concerned about the proposed land take and the impact of the scheme and/or its design on their retained land.
- 1.4 Our clients submitted a letter of objection to the CPO and SRO and the grounds of that objection still stand.

2. Reporting of Our Clients' Objections in Appendices to the Statement of Case.

- 2.1 It is noted that item 2 on our objection letter has not been correctly reproduced in Appendix 32 of the Council's Statement of Case of May 2014. It appears to have been copied and pasted from elsewhere.
- 2.2 It is noted that item 3 on our objection letter has been entirely omitted from Appendix 32 of the Council's Statement of Case.
- 2.3 Given these fundamental errors, we are concerned as to the accuracy of the Statement of Case document, including appendices, as a whole.

3. Permanent Acquisition Affecting Access to and Enjoyment of Clients' Property

- 3.1 Our clients have objected to the compulsory purchase of their land due to the issues the proposed cycle path will create at such close proximity to the end of their driveway. It is proposed that the cycle path will pass less than three metres away from the end of the driveway.
- 3.2 This effectively reduces the usable width of our clients' driveway by half in what is already an awkward driveway to access given the angles involved. This will inhibit our clients' vehicular access to their property.
- 3.3 We see from the Inspector's Pre-Inquiry Note s.2.3 that:
- "The statutory test that must be satisfied before the Side Roads Order can be confirmed are that:
- a) No highway shall be stopped up unless another reasonably convenient route is available or will be provided before the highway is stopped up.
 - b) The stopping up of a private means of access shall only be authorised if no access to the premises is reasonably required; or if another reasonably convenient means of access to the premises is available or will be provided."
- 3.4 Even if a vehicle were still able to access the property, which is not accepted, this could not be achieved without a significant re-landscaping of the frontage to the property including the removal of a wide mature beech hedge along the boundary between 86 and 84 Albany Road.
- 3.5 We have proposed an alternative access point for the purpose envisaged, which is the existing gateway from Albany Road to the land to the south. This would deal with most of our clients' concerns.
- 3.6 Our clients have significant concerns over the creation of a public open space (POS) adjacent to their boundary. This proposed space will be narrow, covered in trees and have only one access point, that being between the exit from the cycle path and our clients' driveway. Over time the trees will begin to shade over our clients' garden as they will be to its south, which will make it feel very enclosed. The other key concern is that the POS will attract undesirable individuals and anti-social behaviour in a very closed in 'open space' which is also adjacent to the Primary School's boundary.

4. Safety

4.1 Safe Lines of Visibility

- 4.1.1 Our clients feel strongly that the proposed path access should not be at the end of their driveway but instead use the point where a gateway to the current field already exists. This solution would not only not hinder the use of our clients' driveway so greatly but it would also afford cyclists with better visibility when they approach Albany Road from the new path, particularly as Albany Road can become extremely busy during rush hour due to the very close proximity of Bramhall Queensgate Country Primary School.
- 4.1.2 Given the proposed extra tree planting to the south and east of our clients' boundary and bordering the access route from the new road, any cyclist accessing Albany Road via the new exit will not be seen until the moment they are effectively at the end of our clients' drive.

4.2 Cyclists' Safe Access to and from Albany Road

- 4.2.1 In Henry Church's response to this issue by e-mail dated 1st September 2014 (16:05), he stated that:

"The project doesn't see safety issues on the current alignment – it would like cyclists to enter Albany Road on the left hand side of the road i.e. the correct side."
- 4.2.2 This appears to assume that cyclists will only ever be travelling in one direction on the new path – from the new relief road onto Albany Road. We would assume that cyclists would indeed also want to access the relief road from Albany Road and therefore given the above statement, would need to place themselves entirely on the wrong side of the road in order to access the path.
- 4.2.3 Therefore our clients' proposal that the entrance is located more centrally at the end of the road would mean that cyclists travelling in both directions would be able to reach the correct side of the road more quickly and safely.

6. Conclusion

- 6.1 This layout has been poorly considered from the beginning and it seems that there is a great reluctance to reconsider what should really be quite a minor issue in relation to the scheme as a whole, particularly given the safety considerations raised above, which could be fairly simply rectified by a minor realignment of the proposed path.
- 6.2 The proposed acquisition and its layout, and the consequences in terms of access and safety, have not been fully thought through, and the authority has failed to demonstrate a compelling case for the acquisition of our clients' land. The safety and access concerns could be addressed by relocation of the proposed access to the east. Accordingly the CPO/SRO should not be confirmed on the lands in question.

John R Seed MA (Oxon) FRICS FAAV
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8th September 2014