



10<sup>th</sup> October 2022

## To Members of the Consultations and Highways Committee

You are hereby summoned to a meeting of the **Consultations and Highways Committee** to be held on Monday 17<sup>th</sup> October 2022 at 7.30pm at Thanet House, 58 London Road, Stroud, to conduct the following business.

Helen Bojaniwska  
Town Clerk

### AGENDA

1. To receive apologies
2. To receive declarations of interest or requests for dispensations
3. To approve the minutes of the meeting of 28<sup>th</sup> September 2022 previously circulated
4. To receive questions from members of the public
5. To receive the Assistant Clerk's Report (for information only)
6. To note planning decisions from the Stroud District Council
7. To comment on planning applications as listed
8. To note County Council roadworks
9. To receive a progress report on Definitive Map Modification Order Applications within the Town of Stroud
10. To consider [Stroud District Local Plan Review Additional Technical Evidence - Limited Consultation](#)
11. To consider short term street trading application – Stroud Goodwill Evening

*Members are reminded that the Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities (age, race, gender, sexual orientation, faith, marital status and disability); Crime and Disorder (Section 17); Health and Safety; and Human Rights.*

## Decisions Made By Local Planning Authority

<b>Application</b>	<b>Status</b>	<b>STC Comments</b>
19 Central Road S.22/1037/HHOLD Single storey rear extension and upper floor front extension, install airsource heat pump, dormer extension and external insulation and new render.	Withdrawn	Neutral
Land At 14 Belle Vue Road S.22/1176/FUL Erection of two dwellings.	Permission	Neutral
Land Opposite Rose Inn Paganhill Lane S.22/1086/FUL Erection of two dwelling with reconfiguration of public house car park and associated parking and landscaping	Permission	Neutral
1 Springfield Villas Springfield Road Uplands S.22/1488/HHOLD Erection of rear single storey extension, replacement of windows to the North West elevation.	Permission	Neutral
121 Horns Road S.22/1469/HHOLD Erection of two storey rear extension and external insulated render to side elevation	Permission	Neutral
Unit 1 Five Valleys Shopping Centre S.22/1698/ADV 1 No roundel. 1 No Starbucks wordmark. 1 No projecting sign. All internally illuminated.	Consent	Object
Crofty Cowle Road S.22/1636/HHOLD Erection of outbuilding to provide an office/ studio/ annexe	Permission	Neutral
2 Bisley Road S.22/1881/TPO Cherry tree situated to west of property is 9m tall - reduce the size by 3m, with the objective to reduce & contain	Consent	Neutral

**Item 7 APPLICATIONS 17<sup>th</sup> Oct 2022**

<b>Planning Application No.</b>	<b>Location</b>	<b>Details</b>	<b>Ward/notes</b>
S.22/2097/HHOLD	160 Bisley Old Road	Erection of two storey rear and side extension with associated works	Slade
S.22/2114/TCA	73 Cainscross Road	Lime Tree - Removal	Central
S.22/1525/FUL	Land West Of, Painswick Old Road	Installation of two ponds, including beach (retrospective)	Uplands

**Delegated applications**

These applications will not be discussed unless a ward Cllr calls in or there are significant objections from members of the public.

<b>Planning Application No.</b>	<b>Location</b>	<b>Details</b>	<b>Ward/notes</b>
S.22/2177/AFPA	Oakbrook Farm, Wick Street	Prior Approval - Agricultural/Forestry Description: Installation of an underground rainwater harvesting tank.	Uplands
S.22/2104/FUL	89 Bisley Road	Replacement existing broken solar water heater panels with 4 Photovoltaic Panels, 2no. rooflights to roofslope and installation of Air Source Heat Pump to the ground floor southern elevation	Slade
<b>Arrived since agenda went out:</b>			
S.22/2163/HHOLD	118 Slad Road	Removal of existing conservatory & construction of a single storey extension with raised decking.	Valley

## Gloucestershire Highways

## COUNTY COUNCIL ROADWORKS

Promoter Organisation   Address 1   Address 2   Description   Works Type   Traffic Man   Start   End   Status

Promoter Organisation	Address 1	Address 2	Description	Works Type	Traffic Man	Start	End	Status
BT	NELSON STREET	OPP JUC OF MIDDLE STREET TO OPP 1-6 ON, NELSON STREET	[Diversionary works] Build 1 concrete chamber 1820mm x 680mm x 1665mm deep in Carriageway, Build 1 precast chamber 1310mm x 610mm x 1265mm deep in Footway, Demolish 1 existing jointbox(s) or cabine	MAJOR	ROAD CLOSURE	10/10/2022	26/10/2022	PROPOSED WORKS
Wales& West Utilities	NELSON STREET	NELSON STREET	[Utility repair and maintenance works] LAY 52M X 250MM LPPE ABANDON 50M X 250MM LPPE	MAJOR	GIVE & TAKE	21/07/2022	28/10/2022	IN PROGRESS
Wales& West Utilities	WICK STREET	O/S THE GATE LODGE TO O/S BROWNS HILL COURT	[Utility repair and maintenance works] REPLACE 867M OF OLD METALLIC GAS MAINS WITH NEW PLASTIC MAINS IN THE HIGHWAY / FOOTWAY AND RENEW / TRANSFER APPROX. 7 SERVICE PIPES TO ADJACENT PREMISES.	MAJOR	ROAD CLOSURE	03/10/2022	09/12/2022	PROPOSED WORKS

GLOUCESTERSHIRE COUNTY COUNCIL	LONDON ROAD	nr junction Cornhill	pedestrian signals upgrade	MAJOR	TWO-WAY SIGNALS	03/10/2022	21/10/2022	IN PROGRESS
SEVERN TRENT WATER LTD.	ACRE STREET	From the junction of Middle Street to the junction of Parliament Street	[Utility asset works] Service diversions and installation of new storm foul water system	MAJOR	ROAD CLOSURE	14/03/2022	16/06/2023	IN PROGRESS
SEVERN TRENT WATER LTD.	MIDDLE STREET	From the junction of Nelson Street to the junction of Acre Street	[Utility asset works] Service diversions and installation of new storm foul water system	MAJOR	ROAD CLOSURE	14/03/2022	16/06/2023	IN PROGRESS
SEVERN TRENT WATER LTD.	NELSON STREET	From the junction of Parliament Street to the junction of Middle Street	[Utility asset works] Service diversions and installation of new storm foul water system	MAJOR	ROAD CLOSURE	14/03/2022	16/06/2023	IN PROGRESS

### **A419 Stroud to Aston Down**

This road will be closed from 31<sup>st</sup> October 2022 to 4<sup>th</sup> November 2022 from 19.00 hrs to 06.00hrs each night. This to allow for signing and lining works on behalf of Gloucestershire County Council.

Emergency and pedestrian access will be maintained.

### **TEMPORARY ROAD CLOSURE 407593 PARK ROAD**

Gloucestershire County Council intend to make an order under the Road Traffic Regulation Act 1984 to temporarily close part of the 407593 Park Road from its junction with Field Road to its junction with Crofton for a total distance of approximately 95 metres. The reason for the closure is to install a water pipe. The road is expected to be closed from the 24<sup>th</sup> October 2022 until the 27<sup>th</sup> October 2022 only or until the works have been completed.

### **The Knoll, Stroud**

This road will be closed from the 12<sup>th</sup> December 2022 to the 14<sup>th</sup> December 2022. This is to allow for the installation of a new water supply by Severn Trent Water Ltd. Emergency and pedestrian access will be maintained.

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**Closure - TTRO 3676 Stratford Road, Stroud**

Please be advised that completion of these works will take place under a road closure from 24<sup>th</sup> October 2022 to 28<sup>th</sup> October 2022. Emergency access cannot be maintained through the works site.

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**TEMPORARY ROAD CLOSURE A46 BATH ROAD**

Gloucestershire County Council intend to make an order under the Road Traffic Regulation Act 1984 (as amended) to temporarily close part of the A46 Bath Road from outside the property known as The Clothiers Arms to the end of the car park for the said property for a total distance of approximately 100 metres. The reason for the closure is to carry out remedial works to the carriageway. The road is expected to be closed on the 30<sup>th</sup> October 2022 only or until the works have been completed.

## Item 9

### **Progress Report to Stroud Town Council on Definitive Map Modification Order Applications within the Town of Stroud**

#### **Background**

1. Stroud Town Council some years ago supported action being taken to ensure that all public rights of way were added to the definitive map of public rights of way, as a consequence of the planned “cut of date legislation” which would have prevented pre 1949 routes being claimed in the future.

#### **Number of Applications Made**

2. Within Stroud a total of 19 new applications within Stroud, have been made in the last 15 months with a further 11 in surrounding parishes. Primarily they are for the recording of additional footpaths, but a small minority are for bridleway status – which recognises use by cyclists and horse riders. Primary method of claims has been based on historical evidence although one claim has included user evidence statements. A further two applications currently under investigation are likely to be based on a combination of user and historical evidence.
3. In three cases applications were not needed as the County Council was willing to progress Section 25 Highways Act Creation Agreements with the landowners – 2 with the town council and 1 with a private landowner. This approach is only possible where there is an identified landowner.

#### **Determination of Applications**

4. Whilst the County Council is under an obligation to promptly “determine” applications there is a backlog of applications, which has increased partly by applications in the Stroud area. With current progress it could be some years before the County Council determines all of these applications. By way of illustration an application for Gunhouse Lane (now in Brimscombe and Thrupp submitted by Penny Fernando and William Reddaway has taken 22 months for the Council to make a decision, whereas an application for Bowbridge made in 2016 took 29 months to determine. But where there are unresolved objections there can be excessive delays in the County Council referring cases to the Secretary of State for decision (normally before an Inspector employed by the Planning Inspectorate). I am trying a number of methods to highlight this both to the County Council and to regulatory bodies, unfortunately, so far with limited success.

#### **Two tier maintenance of Paths Created after 1959**

5. When the original rights of way legislation was introduced in 1949 it clarified the law that the County Council as highway authority was responsible for the maintenance of public rights of way that “existed in 1949 or in the future”. Such duties are now referred to as “highways maintainable at public expense”
6. The County Council has recently discovered, in considering a case submitted by Minchinhampton Parish Council at Brimscombe, that the Highways Act 1959 repealed this arrangement and the law as now interpreted, requires any newly created path to be have been formally adopted in line with what is now the Highways Act 1980. It is now clear, following trying to prove that path existed in 1960, and raising it with officers and also with the Chair of the Commons and Rights of Way Committee, that the Council fully intend to apply this rule to all future decision for a Definitive Map Modification Orders.

7. This new policy does not apply to paths which can be proven to have existed before 1 January 1960 nor does it apply to paths created by a number of legal order or agreement processes including a Creation Agreement under Section 25 of the Highways Act 1980 (or other powers e.g. Section 38 relating to new developments) or by way of a creation or diversion order under highways or planning legislation.
8. This means that there will in future be two tiers of routes added to the Definitive Map, one that the County Council accepts it has a statutory duty to maintain and one which it will not maintain. It is likely that the responsibility of such paths will fall on Parish and Town Councils.
9. It is important to stress that continuing with the current DMMO applications does have the advantage of ensuring that the County Council records and therefore has a duty to assert and protect paths but it does not resolve the future maintenance of paths by the County Council.
10. Nevertheless, I have reviewed all the applications which might be affected by this new interpretation of the legislation and have identified 5 cases in the Town which could be affected and these are summarised below (with copies of the application maps as appendices to this report).

#### **Case 1 - Stratford Park Cycleway and Footpath – Central Ward**

11. For those with very long memories will recall the Tesco Supermarket planning/highways debacle in 1989 which threatened the removal of the large beech trees in Stratford Park. This was resolved by a compromise arrangement (which was reluctantly accepted by Stroud District Council and Gloucestershire County Council ) which provided a cycleway and footpath through the park. This included a three-year experimental period to prove to Stroud DC (as planning authority) that the trees did not need to come down. After the assessment period the County Council had the option of adopting the cycleway and footpath. This option has not been exercised so the paths remain unadopted but actively used by the public. Whilst the paths may be protected by planning conditions these could be at risk by any future decisions of the District Council granting itself planning permission (although this is considered a very low risk).
12. In discussion with officers at SDC and GCC it was clear that neither authority wanted to take the initiative to resolve the issue themselves, consequently I made a DMMO. As there is no status as a cycleway under rights of way legislation this application was made as a bridleway and footpath as shown on the application map attached at appendix 1

#### **Case 2 - New Path as alternative to obstructed footpath on County Council owned Educational Land - Paganhill and Farmhill Ward**

13. Archway School since it was developed in the late 1950's and early 1960's has been affected by piecemeal diversion or extinguishment of footpaths across the school site. However in the case of the poorly maintained sports pitch to the north of the main school site (believed to have been developed in the 1970's) a footpath is obstructed by chainlink fencing on two boundaries. Whether by design or accident is unclear but a well-used path including a stile (including waymarks as public footpath) has been established along the boundary. It was considered that recognising the new route which follows the course of the Ruscombe Brook was more beneficial than pursuing other means of re-opening the legal path. The application map is shown at appendix 2



### **Case 3 - Public and Private Sector Redevelopment diversion of paths at Mill Farm Drive, Stroud /Hyett Road Cainscross – Paganhill and Farmhill Ward**

14. This path was formerly known as the Stroud Footpath 21 but since the re-establishment of Stroud and Cainscross Parishes it is now known as Cainscross 14 and Stroud 21. Possibly three phases of development have affected this path. The development of Mosley Road by Stroud Urban District Council in the 1950's resulted in the obstruction of part of the route by what is 20 Mosley Road (which has subsequently been sold). A new route on the boundary of 20 to 22 Mosley Road was created but has not been adopted as this can be shown to have been created prior to 1 January 1960 it is likely that the DMMO will be successful both to record and maintain this route.
15. A second section on the Stroud Town section of the path has been redeveloped as part of the construction of a new dwelling, providing a different route to the bridge crossing into Cainscross. Technically, again this is an obstruction of the path by the developer of Brooklands (who may not be the current owner). The third section is between Walter Preston Court (council housing) and a social housing development now owned by Bromford Housing (numbered 33 to 45 Hyett Road) both developed in the 1990's which appears to have affected the route now laid out. The application map is shown at appendix 3.

### **Case 4 - Nouncells Cross Council Housing Development, Slade Ward**

16. As part of slum clearance dating back to the 1950's Nouncells Cross and the Middle Hill area was subject to comprehensive redevelopment under Housing Act powers completed in about 1972. None of the routes through the estate have been adopted. This maybe because there is a legal uncertainty whether the District Council has title to the extinguished section of the Middle Hill highway which ran through the centre of the estate before redevelopment. Land registry records show no recorded owner. It is probable that more detailed investigation under the "ad medium filum" rule would demonstrate council ownership to the majority of this route.<sup>1</sup>
17. This application was pursued as the adoption practice applied to this council housing estate is inconsistent with practice applied on other estates (eg Mathews Way). The unclear legal status of this routes creates uncertainty about whether users of the paths through this estate could be excluded by current or future owners of the estate.

The application map can be found in Appendix 4

### **Case 5 - Footpath from Target Close to Hilltop Close Slade Ward**

18. This path was originally created as part of the Hill Top Close development undertaken in the mid to late 1970's and led via a garage site to Target Close. The garage site was redeveloped as part of the major redevelopment of the Mason Road site and retained the footpath. However, arrangements were not made for the adoption of the footpath. As with Nouncells Close the unclear legal status of this routes creates uncertainty about whether users of the paths through this estate could be excluded by current or future owners of the estate. Please note this application also includes two paths which are shown on the highway maintenance record ("the list of streets") but not on the definitive map but would not be affected by the 1959 maintenance rule. The application map can be found in Appendix 5.

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<sup>1</sup> For further information on this rule see this article <https://imbusiness.passle.net/post/102fuj6/mind-the-gap-between-your-development-and-the-highway>

#### **Case 6 – Footpath from Shepherds Croft to John Bevan Close**

19. Part of this footpath, within the John Bevan Close development is adopted as a “class 6” footway but the path on land which formed part of the Peghouse development is not adopted. This is probably the most challenging in that the footpath has not been constructed to adoptable standards and is much narrower than normal. It is actually on land in the ownership of the 13 Shepherds Croft. An option that might practically solve this is to approach the owner to consider making a Section 25 agreement with the County Council. An application map can be found in appendix 6.

#### **Case 7 – Stanton Road/ Queens Drive to Mill Farm Drive**

20. Only a small fragment of this path (to the east of the stream) is in Stroud Town, the remainder being in Cainscross Parish. The date of this path’s development is uncertain although the evidence researched at the time of submission suggested that it originated in the mid 1960’s – although it is possible that further research could extend that date but could be unsuccessful. Whilst the majority of this is in Stroud District Council ownership (in Cainscross) the section in Stroud Town has no recorded owner meaning that it cannot be adopted by agreement. The application plan can be found at appendix 7.

#### **Conclusion**

21. I have set out in my correspondence with the County Council that probably the best way forward would be arrange a “round table” meeting with all the affected parishes/towns (Stroud Cainscross and Randwick) to agree way forward and action plan.
22. Given the current priorities set by the Council for the resolution of Definitive Map Modification Order applications is slow it has to be recognised that resolution by other means is likely to be subject to similar delays.
23. The Town Council is asked to consider asking for the parts of the routes **within the Town of Stroud** are resolved as set out below: -
- a. Stroud District Council and Gloucestershire County Council resolving the future maintenance of cases 1, 4 and 5 and 7, by means of statutory agreements between the District Council and the County Council or by Creation Orders under Section 26 of the Highways Act 1980 by either the District Council or County Council.
  - b. That in respect of case 2 the County Council is asked to make a diversion order to formally create the new route as a replacement for the currently obstructed route across part of the Archway School campus.
  - c. In respect of case 3 (as the land is in private ownership within Stroud Town) that the County Council seeks to regularise the current path by way of a diversion order. That the District Council as local planning authority reviews processes to ensure that development control processes protect rights of way during development.
  - d. That in respect of case 6, as the land is in private ownership, that the County Council seeks to resolve this by agreement with the owner.

Chas Townley  
26 September 2022

**Appendix 1** Map accompanying DMMO Application Number 573/11/214(25) Stratford Park  
[https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214\(25\)-MAP.PDF](https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214(25)-MAP.PDF)

**Appendix 2** Map accompanying DMMO Application Number 573/11/214(28) Archway School  
[https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214\(28\)-MAP.PDF](https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214(28)-MAP.PDF)

**Appendix 3** Map accompanying DMMO Application Number 573/11/214(27) Hyett Road to Mill Farm Drive  
[https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214\(27\)-MAP.PDF](https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214(27)-MAP.PDF)

**Appendix 4** Map accompanying DMMO Application Number 573/11/214(19) Nouncells Cross  
[https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214\(19\)-MAP.PDF](https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214(19)-MAP.PDF)

**Appendix 5** Map accompanying DMMO Application Number 573/11/214(23) Target Close/Hill Top Close  
[https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214\(23\)-MAP.PDF](https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214(23)-MAP.PDF)

**Appendix 6** Map accompanying DMMO Application Number 573/11/214(13) John Bevan Close – Shepherds Croft  
[https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214\(13\)-MAP.GIF](https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationForms%2f573-11-214(13)-MAP.GIF)

**Appendix 7** Map accompanying DMMO Application Number 573/11/42.5(5) Stanton Road/Queens Drive to Mill Farm Drive  
[https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationFormsrtinserts%2f573-11-42.5\(5\)-MAP.PDF](https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileContents?Filename=ApplicationFormsrtinserts%2f573-11-42.5(5)-MAP.PDF)

# Stroud District Local Plan Review Additional Technical Evidence - Limited Consultation

## Stroud District Local Plan Review Additional Technical Evidence - Limited Consultation

27<sup>th</sup> September 2022

The Council's Draft Plan and background evidence were submitted to the Government's Planning Inspectorate to commence an Examination of the Draft Local Plan in October 2021.

During summer 2022, the Council updated some technical documents relating to transport, infrastructure and viability and published some background evidence on the accessibility of sites to services and facilities.

In order to assist them in considering this additional technical evidence, the Inspectors would like representors, where it is relevant to their existing representations, to be given the opportunity to comment on this additional evidence, if they so wish. The consultation is only open to existing representors who submitted comments during the Regulation 19 consultation in summer 2021. Comments at this stage should be limited to the contents of these additional documents and other comments will not be accepted.

The consultation will run for 4 weeks from Tuesday 27<sup>th</sup> September 2022 until midnight on Tuesday 25 October 2022. Only comments received during this period will be considered.

The Consultation is limited to only the following documents, EB98, EB108, EB109, EB110, EB111, EB111a, EB111b, EB112, EB112a, EB112b, EB112c. Any other comments will not be accepted:

**[EB98 Traffic Forecasting Report Addendum](#)**

**[EB108 Sustainable Transport Strategy Addendum \(July 2022\)](#)**

**[EB109 Transport Funding and Delivery Plan \(July 2022\)](#)**

**[EB110 Infrastructure Delivery Plan \(IDP\) Addendum Report \(August 2022\)](#)**

**[EB111 Stroud Local Plan Viability Assessment 2022 Refresh Report \(August 2022\)](#)**

**[EB111a Stroud Local Plan Viability Assessment 2022 Refresh Appendices 1-11](#)**

**[EB111b Stroud Local Plan Viability Assessment 2022 Refresh Appendices 12-18](#)**

**[EB112 SALA Accessibility Scoring Note \(August 2022\)](#)**

**EB112a SALA Transport Accessibility Assessment November 2020**

**EB112b SALA Transport Accessibility Assessment October 2019**

**EB112c SALA Transport Accessibility Assessment July 2018**

<https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/stroud-district-local-plan-review/stroud-district-local-plan-review-additional-technical-evidence-limited-consultation>

**Item 11**

**Subject: Application for Short Term Street Trading Consent  
Stroud Goodwill Evening Christmas Market - 2nd December 2022**

Good afternoon,

We have received an application for a short term street trading consent for Stroud Goodwill Evening on 2<sup>nd</sup> December 2022.

Type of application: Short term street trading consent

Type of stalls: Christmas Farmers Market Stalls

Location: Union Street and John Street, Stroud (There will also be stalls in the Cornhill Market Place)

On: 2<sup>nd</sup> December 2022

Times: Between 17:00 to 21:00.

Please can you let me know if you have any objections or concerns by **14<sup>th</sup> October 2022**.