



Arun District Council
 Maltravers Road
 Littlehampton
 West Sussex BN17 5LF
 Tel: 01903 737756
www.arun.gov.uk

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
505437	101942

Description

The North end of Amberley Road adjoining Glenville Road.

Applicant Details

Name/Company

Title

Mr

First name

Tom

Surname

Sparks

Company Name

Amberley Road Residents Association

Address

Address line 1

6

Address line 2

Amberley Road

Address line 3

Town/City

Rustington

Country

Postcode

BN16 2EE

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

[REDACTED]

Secondary number

[REDACTED]

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☒ Yes
☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

The installation of an automated 4 meter gate at the north end of Amberley Road
The installation of speed humps conforming to the Highways (Road Humps) Regulations 1991

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☐ Yes
☒ No

Has the proposal been started?

- ☐ Yes
☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Amberley Road which is classified as a private road and as residence we are responsible for the health and safety of the general public that have use our road whether as a motorist or a pedestrian. Due to the fact that we have no pavements, we need to install road calming measures, in particular an automated gate and speed humps both at our expense. Amberley Road Residents Association committee have consulted all our residents receiving overwhelming support by ballot for these proposals.

The gate will be automated for residents to open by the use of wireless controllers. The gate can also be opened by non-residents for continued access to the road by activating a switch on the control post adjacent to the gate.

The gate will be 4 meters wide which will give ease of access to all that wish to have access and blue light service vehicles which have also given approval for this installation.

Power for the gate will be professionally installed by UK Power Networks accessed from the main grid adjacent to the gate.

Speed humps cannot be installed by a local authority as per the Highways (Road Humps) Regulations 1991 as they can only construct them on highways maintained at public expense therefore we propose to include them when our private road is resurfaced.

Installation of the gate and speed hump as per the attached map will not in any way block or obstruct the movement or access to the road.

We understand that planning permission is required for a "development" which includes "building operations" but given the size of the gate or road humps they cannot sensibly be regarded as "buildings" for the purposes of planning control and thus there is no need for a planning application.

If the construction of road humps does involve development, however, then it appears to be covered by the GPDO (General Permitted Development Order 2015).

By Schedule 2, Part 9, Class E the permitted development is: "The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way."

Although these additions to the road are not within the scope of "maintenance" they are within the scope of "improvement". This word is defined in the Town and Country Planning Act 1990, s. 336 as "improvement", in relation to a highway, has the same meaning as in the Highways Act 1980'. And in the latter Act: "improvement" means the doing of any act under powers conferred by Part V of this Act and includes the erection, maintenance, alteration and removal of traffic signs, and the freeing of a highway or road-ferry from tolls".

This provides support for the proposition that "improvements" to a road, in the context of planning law, are not confined to upgrading the surface. A gate and a road hump will slow the traffic, making the road safer and quieter, and reducing wear and tear on it which we believe is clearly an "improvement".

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

1. Artist Impression Gate: A single, right handed automated gate. Space either side for pedestrians, wheelchair, or electric mobility scooters free access.
The right-hand post will have a switch for opening the gate for those that do not have electronic fobs
2. Ballot Gate & Result: Copy of ballot paper sent to all residents of Amberley requesting approval to instal a gate at the north end of Amberley Road.
Copy of email from Secretary of Amberley Road Residents Association declaring 21 in agreement with two abstentions from 38 households. A majority of 58%.
3. Ballot Humps & Result: Copy of ballot paper sent to all residents of Amberley requesting approval of speed humps at the north end of Amberley Road.
Copy of email from Secretary of Amberley Road Residents Association declaring 25 in agreement from 36 households. A majority of 69%.
4. Gate Specifications: Drawing dimensions of single four metre gate.
5. Ordinance Survey Map: - Block Plan Scale 1/500 required by Planning Department
6. Ordinance Survey Map: - Site Plan Scale 1/1250 required by Planning Department
7. Ordinance Survey Map: - Local Development Scale 1/2,500 required by Planning Department
8. Plan: - Proposed Position Gate & Speed Humps showing relevant distances.
9. Plan: - Gate Location & Dimensions distances from public road to the gate and the width of access for non-car users of the road.
Description of automated equipment, controls and safety features.
10. Road Ownership: Extract from email correspondence with Green, Wright, Chalton and Annis solicitors to investigate ownership of Amberley Road in 2013.
11. Road Ownership Public Notice: Copies of Worthing Herald and Littlehampton Gazette Planning Notices section showing the public notice printed on June 24, 2021, as required by the Planning Office under 'Notice under Article 13 of Application for Planning Permission.
12. Services: Extracts of e-mail acceptance of a gate by the Fire and Rescue, Ambulance, Police and Refuse services.
13. Services: Extract of e-mail acceptance of speed humps by the Fire and Rescue, Ambulance, Police and Refuse services.
14. Signs: Traffic Signs Regulations and General Directions 2016. images to provide warnings for;15mph, No Parking, Pedestrians and Humps.
15. Speed Hump Specification: Two speed humps will comply with Highway Regulations (Road Humps) 1999 in positions shown in the Plan: Proposed position gate and speed humps document.
16. Traffic Survey Results: Survey of road users in two weeks where an average of 132 walkers per day used this road which has no pavements.
17. Routes: Satnavs access to four adjacent roads i.e. Merton Avenue, Cheam Road, Evelyn Road and Shirley Close, from Broadmark Lane or Glenville Road are not outed via Amberley Road.
18. UK Power Installation Contract: Quotation to access the national grid to supply power to the control box operating the automated gate
19. Pre-Application Advice: Letter from Neil Crowther Ref: PAA/49/19/ (24/07/2019)

Select the use class that relates to the existing or last use.

Other

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other (please specify)

Installation of an automated gate and a speed humps

Information about the proposed use(s)

Select the use class that relates to the proposed use.

Other

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other (please specify)

Installation of an automated gate and a speed hump

Is the proposed operation or use

- ☒ Permanent
☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

We are concerned that as there are no pavements residents and the general public, many elderly, walking along our road are endangered by passing motor vehicles.
We believe pedestrian safety would be significantly enhanced if vehicles were restricted by having a gate and speed reduced by the installation of humps.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

Mr

First Name

Neil

Surname

Crowther

Reference

PAA/49/19/

Date (must be pre-application submission)

23/07/2019

Details of the pre-application advice received

The advice given is 4 pages long and is submitted as a PDF file as evidence.

The conclusion based on his comments advises that, subject to the submission of plans and their assessment, were an application for planning permission submitted it would likely be approved, subject to any necessary conditions. The comments of the Highways Officer may be sought regarding highway safety and their comments could warrant refusal of the application.

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
- ☐ Lessee
- ☒ Occupier
- ☐ Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

Land Registry Office Copy Entries and File Plan Title number SX593 covers Amberley Road and under the Ownership of Leonard Godfrey Davey and Wilson Duncan Brown, as Executors of Ernest Godfrey Davey Deceased.

As this title was registered on 12 May 1953 (68 years ago), with no further communication it is unlikely to be able to now contact them.

On the 24th June 2021 a notice was posted in the Worthing Herald and Littlehampton Gazette under Planning Notices requesting any owner or tenant who wishes to make representation about this application should write to the council within 21 days of this notice.

Declaration

I / We hereby apply for Lawful development: Proposed use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Tom Sparks

Date

14/02/2022