

Recommendation Report for Development under Local or Private Act or Order

REF NO: LU/158/26/RAI

LOCATION: Lineside Way
Littlehampton
BN17 7EH

PROPOSAL: Prior approval under Part 18 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the reconstruction of the existing cattle creep underbridge.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application for Prior Approval is made under Part 18, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Local Planning Authority has 56 days to consider the application and this period expires on 28/08/2026. Under the provisions of the GPDO, the Local Planning Authority must grant prior approval, unless it considers that the development ought to be and could reasonably be carried out elsewhere on the land; or that the design or external appearance of the development would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid this injury. The application is seeks to replace the existing bridge superstructure which is supported by brick piers. The span and soffit level of the bridge will remain the same. The steel bridge deck is to be replaced with a concrete deck, and the existing steel palisade fence will be replaced with handrails with glass reinforced plastic infills.
SITE CHARACTERISTICS	Existing railway bridge over a public right of way. The bridge is a steel structure on brick piers, with a steel palisade fence.
CHARACTER OF LOCALITY	The site is located in an area which is predominantly in industrial and retail use.

RELEVANT SITE HISTORY

LU/249/24/RAI	Prior approval under Part 18 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the replacement of the existing infrastructure with a new bridge superstructure and associated works.	No Objection 20-11-24
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This application is a resubmission of application LU/249/24/RAI, which was granted prior approval in November 2024. The current application proposes an alternative surface water drainage scheme.

REPRESENTATIONS

The Local Planning Authority is not required to carry out consultation on this type of application, or advertise it to local residents.

POLICY CONTEXT

Designation applicable to site:

Within 15m of a railway

Public Right of Way

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The planning legislation relating to the erection, or alteration of bridges such as this is contained within Part 18, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Class A, Part 18 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows an Authority to assess these applications on two grounds:

- (1) whether the proposal could be carried out elsewhere; and
- (2) whether the design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid injury.

These two aspects are assessed below.

The application is a resubmission of application LU/249/24/RAI and proposes an alternative surface water drainage scheme. Surface water drainage is not one of the matters that the Local Authority can assess under Class A, Part 18, and therefore this amendment does not affect the assessment of the proposal.

LOCATION

The application relates to the repair of the existing bridge, through the replacement of parts of the structure. The works are necessary due to the significant corrosion of the existing structure. As the proposal relates to the maintenance of existing infrastructure, which facilitates both rail travel and use of the public right of way beneath the bridge, the location of the development is appropriate.

DESIGN AND VISUAL AMENITY

The proposals will materially alter the appearance of the bridge. The existing steel deck will be replaced with a concrete deck and the existing steel palisade fence will be replaced with handrails with glass reinforced plastic infills. The proposed alterations will result in a minor alteration to the appearance of the bridge. The proposed GRP handrail is a smaller structure than the existing fence, and will improve the visual amenity of the structure. The proposals will not injure the visual amenity of the locality.

CONCLUSION

There is no objection to the proposed replacement bridge superstructure.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

NO OBJECTION