



## **DELEGATED APPLICATIONS - ASSESSMENT SHEET**

### **APPLICATION NO./ADDRESS:**

DISC/26/0253

Chanctonbury Nurseries, Rectory Lane, Ashington, Pulborough, West Sussex, RH20 3AS

### **DESCRIPTION:**

Application for Approval of Details Reserved by Condition 17 (Lighting Design - Biodiversity) to approved application DC/26/0221 (Variation of condition 1 of previously approved application reference DC/24/1081 (Variation of condition 1 of previously approved application DC/22/0372))

### **RELEVANT PLANNING HISTORY:**

|            |                                                                                                                                                                                                                                                                                              |                                     |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| DC/22/0372 | Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping.                                                                                                                                                                                       | Application Permitted on 05.09.2023 |
| DC/24/1081 | Variation of condition 1 of previously approved application reference DC/22/0372 (Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) amendment to the affordable housing plans and to the approved site layout to include a sub-station. | Application Permitted on 04.10.2024 |
| DC/26/0221 | Variation of Condition 1 of previously approved application DC/24/1081 to amend the plans relating to affordable housing.                                                                                                                                                                    | Application Permitted on 01.07.2026 |

### **PLANNING ASSESSMENT**

Planning Application DC/26/0221 was granted consent on 01 July 2026. This permission was for the following:

**Variation of Condition 1 of previously approved application DC/24/1081 (Variation of condition 1 of previously approved application reference DC/22/0372 (Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) amendment to the affordable housing plans and to the approved site layout to include a sub-station) to amend the plans relating to affordable housing.**

Consent is sought to discharge the details reserved by condition 17.

### **Condition 17:**

**Pre-Occupation Condition:** The development hereby approved shall be carried out strictly in accordance with the approved Proposed Lighting Scheme Project ref: 24-034-1A Rev A (DW Windsor, January 2024) approved under DISC/25/0136 on 23.05.2025. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

As can be seen, details have already been granted in respect of the lighting scheme, pertaining to the original condition 17 as worded as follows:

***Pre-Occupation Condition:*** *No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority.*

***Reason:*** *To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).*

The applicant is now seeking approval of revised external lighting details in substitution for the previously approved scheme, and has submitted the following documents:

- Lighting Layout Plan (ref. 4775-DFL-HLG-XX-DR-EO-13001 REV P01)
- Illuminance Report (ref. 4775-DFL-ELG-XX-CA-EO-13001)
- Design Summary Report (ref. 4775-DFL-HLG-XX-RP-EO-13001 REV P01)

These documents have been reviewed by the Council's Ecological Consultant who has advised the information provided is sufficient to enable satisfy Condition 17 as originally worded.

The current wording for condition 17 states that 'Under no circumstances should any other external lighting be installed without prior consent from the local planning authority'. This technically allows for an alternative lighting scheme to be agreed. Whilst this could be achieved by way of a s.96A or s.73 amendment to the planning permission, in this instance it is considered acceptable to approve the new lighting scheme via this discharge of condition application, given condition 17 is not specific as to what approval mechanism should be pursued.

The requirements of the condition have been satisfied.

### **Recommendation: Application Permitted**

#### **NOTE TO APPLICANT**

#### **POSITIVE AND PROACTIVE STATEMENT**

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

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#### **Plans list for: DISC/26/0253**

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved:**

| Plan Type | Description | Drawing Number | Received Date |
|-----------|-------------|----------------|---------------|
|           |             |                |               |

