



Appeal Decision

Site visit made on 9 December 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/L2250/W/24/3347607

Land Rear of 38 Burrow Road, Folkstone, CT19 6DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs R & A Brown against Folkstone & Hythe District Council.
 - The application Ref is 22/1950/FH.
 - The development proposed is described as demolition of redundant garages and residential re-development comprising the erection of 1 one bed house and 2 one bed apartments together with all necessary infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of redundant garages and residential re-development comprising the erection of 1 one bed house and 2 one bed apartments together with all necessary infrastructure at Land Rear of 38 Burrow Road, Folkstone, CT19 6DJ in accordance with the terms of the application, Ref 22/1950/FH, and the plans submitted with it, subject to the conditions set out in the attached conditions schedule.

Preliminary matters

2. The appeal is against a failure of the council to determine the appeal application within the prescribed period. The council has since confirmed that had they made a decision it would have been to approve the application subject to a list of suggested conditions. This has been taken into consideration in the determination of this appeal.
3. The revised floor plan reference no: 30490B/30 Revision B and associated design and access statement submitted to the council clearly show windows and glazed doors in the northeasterly side elevation of units 2 and 3, although they are not included on elevation drawing No. 30490B/32 Revision B. As this is clearly a drafting error and the siting and width of the windows are shown on the submitted floor plan it has been possible and appropriate to invite the submission of a corrected elevation plan. The council was invited to comment on the revised drawing and has raised no concerns. Accordingly, I am satisfied that I am able to accept a corrected elevation drawing without prejudice.
4. As indicated by a local resident, not all of the scale bars and scales referred to on the submitted drawings are consistent. Whilst it is possible to measure the proposed buildings from the details supplied, in the interests of clarity the appellants have submitted corrected drawings with scale bars which reflect the scale of the details submitted.
5. Since the appeal application was refused the National Planning Policy Framework 2023 has been replaced. The new National Planning Policy Framework December 2024 (the Framework) includes various changes and many of the paragraphs have been

renumbered. This includes paragraphs 11, 38, 47, 60, 114, 189 & 193 of the Framework 2023 which have been referred to by the council and/or the appellant. Both the appellant and the council have been given the opportunity to comment on the new Framework and the comments received have been taken into consideration. I confirm that in this decision I refer to the 2024 Framework.

Main Issues

6. I consider that the main issues in this appeal include:
- a) The effect of the proposal on the character and appearance of the site and its surroundings;
 - b) The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to visual impact, privacy and sunlight.
 - c) The effect of the proposal on highway safety and the demand for on-street parking in the locality and highway safety

Reasons

Character and appearance

- 7. The appeal site is located within an accessible urban area that is primarily characterised by terraced two storey Victorian and more recent houses with a mixture of red or buff coloured brick and rendered walls under plain tiled and slate roofs. The dwellings are set back from the streets behind modest sized front gardens and most parking is accommodated within the highway. The land rises gently in a north/north-eastly direction with the dwellings being either stepped or raised above ground level as the ground level rises.
- 8. The appeal site occupies a 'backland' position, between rows of traditional terraced houses which front onto Penfold Road and Burrow Road. The appeal site is narrow, irregular in shape and is currently occupied by an assortment of brick-built garages with shallow mono-pitched corrugated roofs and corrugated metal doors. Most of the appeal site is hard-surfaced with patches of grass, weeds and scrub. It is enclosed by a combination of the garage rear walls and close boarded timber fence panels.
- 9. The site has two access points, one mid-way along and the other at the end of Burrow Road, which is a cul-de-sac with on street parking on both sides of the road. The access mid-way along Burrow Road is bordered on one side by the rear wall of a brick-built garage building and on the other by the flank wall of the adjacent terraced dwelling. The access at the end of Burrow Road is flanked on one side by a side garden and on the other by the end of the rear gardens of the adjacent dwellings in Penfold Road. Opposite this access is a footpath which leads to the wider road network and a range of facilities, including a local primary school.
- 10. Overall, the current character and appearance of the appeal site is utilitarian and unsightly. It has a degrading impact on the setting of the adjacent dwellings and the local area.
- 11. Together and amongst other things policies SS1 and SS3 of the Folkstone & Hythe Core Strategy Review 2022 (CSR), identify Folkstone as a Sub Regional Town where new development should be focused and priority given to the use of previously developed land within the urban area for housing. This is provided the site is not of high environmental value. A design led and sustainable access approach is advocated along with making efficient use of land and meeting social and economic needs.
- 12. Collectively and amongst other things policies HB1 & HB2 of the Folkstone & Hythe Places and Policies Local Plan 2020 (LP) and paragraph 135 of the Framework, seek to ensure that new development respects existing buildings and land uses, integrates with its

surroundings and makes a positive contribution to the location. Proposals should be sympathetic to local character and history while not preventing appropriate innovation or change. They should relate well to the local landscape character and take advantage of existing topography and other landscape features. Developments should also meet nationally prescribed technical housing standards, and provide private gardens of at least 10 metres in depth. Low vehicle speeds, accessible locations where car dependency is reduced; and well-integrated parking are all promoted.

13. Collectively, paragraphs 8, 11, 61, 73 & 125 of the Framework promote sustainable forms of development. They seek to significantly boost the supply of homes and state that small and medium sized sites can make an important contribution to meeting local housing requirements. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and proposals should be approved unless substantial harm would be caused. LP Policy NE2 and paragraph 193 of the Framework seek to protect and enhance biodiversity.
14. With the proposal all of the garage buildings would be removed. The proposed dwelling on plot 1 would reflect the design and appearance of the adjacent Victorian style terraces. Whilst it would be slightly taller than the adjacent terrace to the south, the proposed dwelling would be comparable in height to the terrace to the north. As indicated above the roof heights of the existing dwellings vary as they follow the rise in ground levels. The proposed dwelling would also break up the rather stark frontage created by the existing wide garage building at the front of the appeal site, together with the flank walls of the adjacent garage and the dwelling to the north. The proposed entrance gates pick up on local architectural detailing.
15. The proposed apartments and attached carport would replace the existing row of garages at the rear of the site. The proposed building would take on a more contemporary form which respects the commercial identity of many urban 'backland' sites, whilst also taking advantage of the topography and blending in with the surrounding rear garden environment. The proposed building is well proportioned and detailed and its form and materials would relate satisfactorily to the surrounding built environment. The remainder of the site would comprise gardens, a soft landscaped strip, access and parking areas.
16. Public views into the site would be restricted to the two access points. From the northern access this would be dominated by the proposed landscaped strips with glimpses of the side elevation of the flats building beyond. The front elevation of the proposed apartments would be visible from the southern access point when the entrance gates are open. The proposed development would be seen against the backcloth of the terrace to the rear, which sits at a higher level and would be readily assimilated into its 'backland' setting.
17. The gardens to the proposed apartments would exceed the council's minimum standards set out in LP Policy HB3. Whilst the garden to the proposed dwelling on plot one would fail to meet the minimum standard, it is usable in shape and would benefit from a southerly aspect. It is also consistent with the size of other gardens in the local area. Although the proposed apartments would have no east facing windows, they would have north and west facing windows and the first floor flat would have a south-westerly facing window. This would adequately serve the two apartments.
18. As a result of the above factors the proposal would respect and enhance the character and appearance of the appeal site, biodiversity and its residential setting. It would also make full and effective use of an existing brownfield site and deliver three small homes in an accessible location.
19. As suggested by the council adherence to the submitted drawings; the architectural detailing; external materials; hard & soft landscaping details; biodiversity gains; external lighting; and boundary treatments are all matters that could be satisfactorily dealt with by the imposition of conditions. These details are important elements of the scheme visually;

to protect and secure biodiversity gains; to protect the living conditions of existing residents; and in the interests of certainty. As such the suggested conditions would be necessary.

20. I also agree with the council that it would be necessary to impose a condition which restricts householder permitted development rights. This is due to the constraints of the site and the need to ensure that the scheme does not become over-intensive or result in an unacceptable loss of privacy for local residents.
21. I conclude on the first main issue that the proposal would enhance the character and appearance of the site and its surroundings. Accordingly, in this respect it would comply with CSR Policies SS1 & SS3, LP Policies HB1 & HB2 and paragraphs 8, 11, 61, 73 & 125 of the Framework.

Living conditions

22. The appeal site is located within an urban area where the distance and juxtaposition between buildings varies considerably. The proposed dwelling on Plot 1 would be modest in size, its roof would be hipped at the front and rear, and much of the building would sit forward of the side flank wall to the dwelling at 26 Burrow Road (No.26). As a consequence, although the flank wall of the proposed dwelling would be clearly visible from the rear windows and garden at No.26, it would not be visually overbearing and their relationship would be comparable to that of other dwellings in the local area.
23. The proposed dwelling would be separated from the dwelling at No.26 and its immediate rear garden by an enclosed triangular parcel of land. Having regard to this and the juxtaposition between No.26 and the proposed dwelling it is clear that the rear rooms and immediate garden areas to No.26 would continue to receive good levels of sunlight.
24. The proposed apartments would be clearly visible from the rear facing windows and gardens of the dwellings at 30 to 34 Penfold Road in particular, although those dwellings and their gardens sit at a higher level to the proposed flats building. The proposed building would be sited to the west/northwest and away from the joint boundary with the existing dwellings and its roof would be modest in height and form. Also, some of the rear facing projecting gable ends to the existing dwellings in Penfold Road have no first floor windows in them; there are a number of outbuildings within the rear gardens; and there would be a tall boundary fence or wall to the rear of the proposed building. This would restrict views towards the proposed building.
25. Not only would the proposed apartments building sit at a lower level and be set in from the boundary, it would be located to the west/northwest of the adjacent dwellings in Penfold Road. Accordingly, the proposed apartments building would not result in a material loss of sunlight within the adjacent dwellings and the loss of light to the rear gardens would be limited.
26. For these reasons, whilst I acknowledge that the proposed apartments building would have an enclosing impact on the outlook and would result in limited overshadowing of the gardens of 30 – 34 Penfold Road in particular, it would not result in substantial harm.
27. Within the immediate area the intensity of development, irregular shaped/ sized rear gardens and the sloping topography results in mutual levels of overlooking between properties that is typical of many urban locations. This includes the appeal site. The proposal is for just three one bedroom dwellings. The dwelling on Plot 1 would have no windows in its northerly flank wall; or in the outer rear facing wall; and the windows on the other side wall would face towards the plain flank wall of the adjacent dwelling. As a result, there would be no inter-looking between the proposed house and the adjacent dwellings.
28. The proposed apartments would have no windows in their rear and southerly flank walls, which would prevent loss of privacy or light pollution. The proposed first floor balcony

would have an angled screen to prevent inter-looking between the balcony and the dwellings at 26–38 Burrow Road. The precise nature of this screen is a matter that could be satisfactorily dealt with by condition. The proposed balcony would be screened from the dwelling at 22 Burrow Road by the proposed first floor built out window. Whilst this built out window would facilitate views towards the dwelling at 22 Burrow Road, it would be at an oblique angle and would serve a bedroom rather than a main living room. The proposed windows in the northerly elevation would be angled away from 38 Burrow Road and the adjacent dwellings in Penfold Road.

29. There would be some inter-looking between the proposed gardens and the adjacent gardens in Penfold Road and Burrow Road. However, most gardens in the immediate area are over-looked and there are already views into neighbouring gardens from the appeal site. There is also no reason why the occupation of 3No. one bedroom dwellings would result in undue noise or disturbance in this established residential area.
30. For these reasons, whilst I acknowledge that the proposal would result in a greater sense of enclosure and some inter-looking and overshadowing, this would not amount to a reason for dismissing this appeal. The scheme would also deliver a number of benefits. The removal of the existing garages and the proposed landscaping would enhance the setting to and outlook from the adjacent dwellings along Penfold Road and Burrow Road. I also consider that the occupation of three small dwellings would deliver greater security for the adjacent properties than the use of the site for lock up garages.
31. A number of concerns have been raised concerning contamination and disturbance during the construction period. Contamination could be dealt with by the imposition of conditions. Whilst the construction of many developments can result in some noise and disturbance this is rarely a reason for preventing development from taking place. However, as suggested by the council such harm can be minimised by imposing conditions relating to working hours, the provision of a construction method statement that deals with on-site parking, loading/unloading, storage, wheel washing and measures to control the emission of dust. These conditions are both necessary and reasonable to protect the health and living conditions of existing local residents and in particular those with existing health concerns.
32. I conclude on the second main issue that the proposal would not result in unacceptable harm due to visual impact or loss of privacy or sunlight for the occupiers of neighbouring properties. In this respect the proposal would comply with LP Policy HB1 which seeks to avoid adverse impacts on the living conditions of existing and proposed residents or the area as a whole.

Highway safety and parking

33. At the time of the appeal site visit there were numerous on-street parking spaces available in both Burrow Road and Penfold Road. However, I fully appreciate that in the evenings and at weekends the demand for on-street parking in the locality is far higher. I also note that a controlled parking regime is operated by the council.
34. LP policy T2 gives priority to on-street parking, whilst stating that sufficient and well-integrated resident and visitor parking should be provided so that it does not dominate the street. The Council uses the parking standards set out in Table 13.1 while also taking account of local context. Table 13.1 sets a maximum parking standard of 1 space per one/two bedroom dwelling in edge of centre locations, plus a maximum of 0.2 spaces per dwelling for visitors. The supporting note advises that this provision can be reduced or even nil provision is encouraged in support of demand management and the most efficient use of land. LP Policy HB2 promotes low vehicle speeds, accessible locations where car dependency is reduced; and well-integrated parking. LP policy T5 requires the provision of on-site cycle storage.

35. The proposed dwellings all have just one bedroom and so the maximum parking required equates to three spaces for residents plus 0.6 spaces (1 space) for visitors. The proposal includes three parking spaces and as stated by the council their retention could be secured through the imposition of a condition. Whilst the scheme does not include any visitor parking spaces, the site is located in an accessible location and a pedestrian access is proposed adjacent to the footpath at the northern end of the site. The site is within easy walking and cycling distance of numerous community facilities and services and cycle parking could be secured by condition. In addition, the site would benefit from an on-site turning and dropping off area, thus avoiding the need for residents, their visitors or emergency vehicles to stop in the street or turn their vehicles at the northern end of Burrow Road.
36. In view of the urban location of the site; the modest size of the proposal; and nature of the proposed parking and turning facilities, and subject to the conditions set out in paragraph 35 above, I am satisfied that the proposal would not have a material impact on highway safety or the demand for on-street parking or turning within Burrow Road and the adjacent streets. As stated in paragraphs 115 & 116 of the Framework sustainable transport modes should be prioritised, along with safe and suitable access to a site for all users. Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, taking into account all reasonable future scenarios.
37. Finally, concern has been expressed that the proposed path would exit at the end of Burrow Road where vehicles turn. There is a pavement immediately adjacent to where the proposed path would exit and one on the opposite side of the road. Also, vehicle speeds are likely to be very slow at the end of Burrow Road and there would be good visibility of and from the existing and proposed paths.
38. I conclude on the third main issue that the proposal would not have an unacceptable impact on highway safety or the demand for on-street parking in the locality. It would comply with LP Policies HB2, T2 & T5 and paragraphs 115 & 116 of the Framework.

Conditions and Other matters

39. In addition to the conditions referred to above the council has suggested the imposition of conditions relating to Archaeological interests; water consumption, energy efficiency, sustainable construction techniques, the provision of electric car charging points and high-quality broadband services. These conditions are all necessary in the interests of recording features of archaeological interest; energy efficiency, reducing carbon emissions; and to ensure the development is provided with high quality broadband services.
40. I have however amalgamated two of the suggested landscaping conditions; made changes to the list of approved drawings and the suggested contamination condition having regard to the submitted Phase 1 Land Contamination Assessment. I have also made several minor changes to the wording of other conditions. These changes have been made in the interests of precision and enforceability. Both the council and the appellant have been given the opportunity to comment on the proposed changes and neither party has raised any concerns.
41. Local residents have suggested that the site should continue to be used for garages for use by local residents. Planning law requires that the appeal proposal is determined in accordance with the development plan, unless material considerations dictate otherwise. The appeal has been determined on this basis. Whilst I note the concerns expressed regarding drainage and sewerage this is a matter that would be dealt with under other legislation.

Conclusion

42. Having regard to the conclusions on the main issues and taking all other matters raised into consideration, the appeal is allowed.

Elizabeth Lawrence

INSPECTOR

Conditions schedule

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

Location Plan 30490A/01, Proposed site layout plan 30490A/10 Rev. B, Proposed site layout plan 30490A/11 Rev. B, (Colour)

Plot 1 - Proposed street elevation from Burrow Road 30490A/40, Proposed Floor Plans & Roof Plan 30490A/20 Rev.A and Proposed Elevations 30490A/21 Rev.A.

Plots 2 & 3 Proposed Sections A-A, B-B & C-C 30490B/33 Rev.D, Proposed Elevations, including the fenestration on the north eastern side elevation of the proposed building 30490B/32 Rev.C, Proposed Elevations 30490B/34 Rev.D (Colour), Proposed Ground and First Floor Plans 30490B/30 Rev.C, and Proposed Roof Plan 30490B/31 Rev.C.

Phase 1 Land contamination Assessment undertaken by Ecologia in October 2022

- 3) No Development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the local planning authority so that groundworks are observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.
- 4) (A) No development shall take place until further investigation and risk assessment as set out in the conclusions and recommendations of the Phase 1 Land contamination Assessment undertaken by Ecologia in October 2022 have been undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the local planning authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments; and
 - (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

- (B) If investigation and risk assessment shows that remediation is necessary, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- (C) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- (D) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i the parking of vehicles of site operatives and visitors.
 - ii loading and unloading of plant and materials.
 - iii storage of plant and materials used in constructing the development.
 - iv wheel washing facilities.
 - v measures to control the emission of dust and dirt during construction.
- 6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:
- Monday to Friday 0730 – 1900 hours
- Saturdays 0730 – 1300 hours
- unless in association with an emergency or with the prior written approval of the local planning authority.
- 7) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been

submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

- 8) No development beyond the construction of foundations shall take place until the relevant details set out below have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details unless agreed otherwise by the local planning authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:
 - a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
 - b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well as projecting from it (such is the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the cill details and the extent of projecting elements from the façade).
 - c) prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.
 - d) prior to installation - 1:50 scale details of the parapet capping,
- 9) Prior to first occupation, secure, covered cycle storage at a ratio of one space per bedroom shall have been provided in accordance with details submitted to and approved in writing by the local planning authority and shall thereafter be retained.
- 10) Prior to first occupation, the car parking spaces shown on the approved plans shall have been provided in full and shall thereafter be retained.
- 11) Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided in accordance with specifications and in location(s) that have been submitted to and approved in writing by the local planning authority.
- 12) Prior to first occupation, details of the screen to the first-floor balcony area shall have been submitted to and approved in writing by the local planning authority, implemented in full and thereafter retained for the lifetime of the development.
- 13) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include any existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
- 14) The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as agreed in writing by the Local Planning Authority, and within whatever planting season is agreed.
- 15) No development beyond the construction of foundations shall take place until details have been submitted to and approved in writing by the local planning authority demonstrating how the development will enhance biodiversity. The approved details will be implemented and thereafter retained.
- 16) No development beyond the construction of foundations shall take place until details have been submitted to and approved in writing by the local planning authority, which set out

what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

- 17) Prior to first occupation, details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day shall have been submitted to and approved in writing by the local planning authority. The details shall be implemented as agreed.
- 18) Prior to first occupation, a lighting design plan for biodiversity shall have been submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.
- 19) Prior to the first occupation of any dwelling hereby permitted, a 'Fibre to the Premises' (FTTP) Statement for the development shall have been submitted to and approved in writing by the local planning authority for the installation of a high speed wholly FTTP connection to each dwelling within the development, unless otherwise agreed in writing by the local planning authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP).

The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out in accordance with the approved FTTP Statement or approved details at the same time as other services during the construction process and be available for use on the first occupation of each dwelling hereby approved.
- 20) No further development, whether permitted by Classes A, B, C, D, E, F, G or H of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.