



## Appeal Decision

Hearing Held on 27 November 2024

Site visit made on 27 November 2024

by **H Heward BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2025

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**Appeal Ref: APP/K1128/W/24/3347725**

**Land at Stonehanger Court, Devon Road, Salcombe**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Williams against the decision of South Hams District Council.
  - The application Ref 4036/23/FUL, dated 7 December 2023, was refused by notice dated 23 February 2024.
  - The development proposed is a two-storey house.
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### Decision

1. The appeal is allowed, and planning permission granted for the construction of a two-storey house on land adjacent to Stonehanger Court, Devon Road, Salcombe in accordance with the terms of the application, Ref 4036/23/FUL, subject to the conditions in the attached schedule.

### Procedural Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (Framework).
3. I refer to matters relating to a previous appeal, APP/K1128/W/20/3260083, where relevant. However, this decision is based on the merits of the proposal and the evidence before me now.
4. An analysis document prepared by the Architect was not accepted at the Hearing. At my request, correspondence was received after the close of the Hearing regarding a proposed lighting condition.

### The Main Issue

5. Policy TTV1 of the Plymouth & South West Devon Joint Local Plan (2019- 2034), (JLP), prioritises growth in the most sustainable settlements. Salcombe is identified as a tier 2 settlement where a proportionate amount of new growth is appropriate to support services and facilities. Policies SPT2(4) and DEV8(1) of the JLP seek to provide a balance of housing types and tenures to support a range of household sizes, ages and incomes, and to meet identified housing needs. Policy SALC H3 of the Salcombe Neighbourhood Development Plan (2018- 2034) (NDP) requires all new open markets dwellings to include a principal residence occupancy condition.

The site is also within the NDP settlement boundary, where Policy SALC H2 permits market housing on infill sites, subject to requirements.

6. These requirements are broadly consistent with advice in the Framework. Paragraph 61 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified need, including an appropriate mix of housing types for the local community.
7. The Council agrees that the principle of a dwelling on the site is acceptable. The site is in a sustainable location, and the proposal would provide an additional two-bedroom dwelling, with a principal residency occupancy restriction, in line with the general housing need of the town. Overall, the Council found that the development accords with requirements of relevant policies of the Development Plan, other than in relation to potential harm to protected trees.
8. Therefore, the main issue is whether the proposed development would increase the likelihood of significant works to trees subject of a TPO and, if so, whether this would cause harm to the landscape and scenic beauty of the South Devon National Landscape.

### **Reasons**

9. The site comprises an area of steeply sloping former residential garden land. It is surrounded by various forms of residential development, together with a band of well-established trees. In the adjacent garden at 'Rockledge', on top of a rocky bank above the site, stand two large Black Pines. "T1" and "T2" are protected by a Tree Preservation Order (TPO).
10. Black Pines are highly tolerant of coastal conditions and can live up to 400 years. Reports from professional tree specialists state that T1 and T2 are in good health for their species. They have been subject to several safety inspections by an appointed arborist and found to be sound and free from readily identifiable defects. At the Hearing, the main parties agreed that both trees are mature and not expected to grow much more, and that it was reasonable to expect both trees to have a life span of at least another 100 years.
11. Both T1 and T2 stand over 15m tall, with evergreen crowns and light canopies. It is common ground that they are seen in many views, are of high visual amenity value, and make a positive contribution to the local and wider landscape.
12. The main parties agree that the proposed development would not be within the root protection area of either tree and that the design and construction of the proposed dwelling would not harm, damage, or affect the lifespan of T1 or T2.
13. BS 5387:2012 Trees in Relation to Design, Demolition, and Construction, paragraph 5.3.4 d) advises that the relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees. Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration to its predicted height and canopy spread.

14. In the previous appeal the Inspector found that the base of T1 and T2 would be immediately above the proposed dwelling and that an entrance and wooden access walkway on stilts, which would be frequently used by the occupants of the house, would be directly below the canopy of T2. In that case, the Inspector found that tree or branch failure could occur, that debris could fall towards the site, and that the introduction of domestic targets would inevitably lead to a higher risk of harm to people and property from falling branches or tree failure than if the site remained undeveloped. A 'fear of harm' would be foreseeable, rational and reasonable. The Inspector concluded that the proposal would increase the likelihood of significant works to protected trees, which could cause their loss or deterioration. That appeal was dismissed.
15. A Review and Appraisal of Black Pines, Bartlett Consulting, 2022 advises that the rooting habit of Black Pines is conducive to growing in terrain such as exists here. Black Pines tend to have a deep, laterally spreading root habit. The lateral spread ensures anchorage and stability in surrounding rocky ground with limited soil. The root system is bendy and malleable, and failure is ductile as opposed to brittle with a tendency to bend and tear rather than snap. The heartwood of Black Pines is durable and able to compartmentalise wood decay and fungal decay pathogens. The branch wood is also fibrous and malleable.
16. The wide spreading branching structure and growth habit of the crown and canopy of a Black Pine allows the tree to absorb wind-load through the needles, branches, limb, and stem so that the load is significantly reduced by the time it reaches the base of the stem and root system. Black Pines as a species tolerate and grow well in coastal conditions such as are found here. Stem and root failure is much less likely. They rarely fall over as the attached end of the root system anchors and supports the tree. Limb and branch breakages tend to be of a ductile rip and tear nature with hanging rather than dropped branches. Professional evidence about the low risk of stem and root failure in Black Pines is not disputed.
17. An Arboricultural Impact Assessment Report, by Aspect Tree Consultancy concludes that the risk posed by both T1 and T2 is very low and within levels of acceptable risk as recognised by the Health and Safety Executive's Tolerability of Risk Framework.
18. A Meteorological Report from Weathernet Ltd confirms prevailing winds with the highest wind speeds are from the SW and SSW, which are away from the proposed house. If carried on the wind, any shed branches or debris would likely get carried to the North. The adaptive root pattern of both trees would have less ability to withstand wind from the non-prevailing direction. In the previous appeal, the Inspector noted that winds in storms would behave more erratically. On occasions wind could blow from all directions, including the North. Advice from the European Environment Agency is that climate change will make storms and heavy rain events more frequent and severe and that wind speeds are reaching levels never seen in Europe before, causing accidents and severe damage to property.
19. However, the Weathernet Ltd Report states that the frequency of high winds that may cause damage to the trees at Beaufort Scale 9 and 11 are 1 in 2.5 years and 1 in 35-year occurrences, respectively. The undisputed arboricultural evidence is that prevailing winds and conditions over 35 years have not caused damage to the trees, and that the trees have not experienced any significant harm in recent weather events, including Storm Ciaran in November 2023. A tomograph

assessment by Aspect Tree Consultancy determined that even with full coastal exposure conditions equivalent to Beaufort Scale 12, T2 has a safety factor of 970%. T2 is over nine times stronger than it need be in average weather conditions. The Council's Arboricultural Officer questioned the assessment of the site as 'sheltered' but the strength of the tree is unquestionably substantial, and any risk of collapse or causing harm is very low.

20. At the Hearing, the Council's Arboricultural Officer did not dispute that information from the Health and Safety Executive also indicates that the risk of human loss of life through falling trees is extremely low. The exceptionally few fatalities caused by high winds are typically where the person was outside in the open air.
21. Notwithstanding the above, the Council's Arboricultural Officer opined that if the Council was faced with an application from occupants of the proposed dwelling to fell the trees for fear of failure or falling branches, the Council would have to recommend felling. This was at least partly due to concern about the Council's future liability should an application to fell be refused. The Council is also concerned that canopy works can lead to a cycle of life shortening crown decline beyond the natural slow progression or which could activate decay.
22. The previous Inspector acknowledged that the construction would be strong enough to withstand a tree falling on it. The scheme that I am considering provides increased separation between the trees and proposed dwelling and a raised walkway. In the current scheme, the stem of T1 would be 13m from the proposed dwelling. The canopy would not overhang the site. At its closest the proposed dwelling would be roughly 10m from T2, and beyond the canopy. T1 and T2, would not be immediately above the proposed dwelling, nor would the entrance and walkway be directly below the canopy of T2. The siting allows adequate space for the trees' natural development and significantly mitigates the chances of ancillary damage.
23. Given the location of the trees and their modest canopies normal tree debris and branch shedding would be limited and would fall within Rockledge's grounds or on the rocky hillside. The topography of the appeal site and design of the proposed dwelling would create a home where open air activities would largely be limited to coming and going and use of external balconies. The balconies and principal windows would have a sunny aspect overlooking the estuary and be sheltered by the building. They would be away from the trees. Future occupiers of the proposed dwelling would be unlikely to spend recreational time in the grounds, and even less on the steep rocky areas, close to the trees. A planning condition preventing domestic use of the roof would further mitigate risks.
24. Within the dwelling, a large stairwell window would have a concrete 'eyebrow' limiting views towards Rockledge and the trees. There is no evidence to say that the presence of the trees would adversely impact light or living conditions within the dwelling. I doubt that the experience of living in the proposed dwelling, and recreational use of the grounds, would lead future occupiers to put pressure on the tree owner for significant works to the trees.
25. At the Hearing, much of the debate was concerned with T2 and the proposed raised access to the dwelling. On my site visit, I stood in the general location of where the walkway would meet the door to the house. I did not feel that I was directly under T2 or that it was particularly close, high, or overbearing. Although

the crown has a more southerly aspect, the canopy appeared quite small, open, and light. I could see much blue sky through the foliage. The raised walkway would be higher but still not under the canopy, and T2 is unlikely to grow much more. The details of the proposals and the body of evidence before this appeal collectively indicate that it is most unlikely that branches would get blown toward the proposed doorway and/or fall on the walkway, even in an errant storm.

26. People would be using the raised walkway daily, coming and going between the house and parking. Even so, from my observations and the evidence before this Hearing, I am not persuaded that future occupiers would be likely to have such fears and apprehensions of harms that would lead to pressure on the tree owner for significant works to the trees.
27. Should pressures arise, the trees are protected under The Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012. The owner would have to seek the appropriate consents for all works, apart from Limited Exceptions.
28. Online Government Guidance about Tree Preservation Orders advises that in considering an application for works to a protected tree, the planning authority should assess whether the proposal is justified, having regard to the reasons and information put forward in support of it. The higher the amenity value of the tree and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. The parties agree these trees are of high amenity value.
29. For an application to be valid it must also be accompanied by appropriate evidence describing any structural damage to property or in relation to tree health or safety. The undisputed professional arboricultural tree health and safety evidence is that T1 and T2 are in good health and that there is very little risk of total or partial failure or of a risk to life and property.
30. I visited Rockledge. The property is above the base of T1 and T2. Their canopies overhang a path around the building and extend up to the property. The stem of T2 is particularly close. The trees will be seen at close quarters from principal windows, a balcony and roof terrace of the apartments here. The prevailing winds could blow the trees and debris towards the property. I noted that T2 has experienced various changes. Recently, facilitative pruning works were required to T2 to enable implementation of a planning permission for a roof terrace. The possibility of future works to T1 and T2 arising from the needs of occupiers at Rockledge, as Limited Exceptions or otherwise, is a factor to weigh in the balance.
31. The proposed dwelling would bring more people to live close to the trees. No amount of evidence, whatever its source, can provide 100% certainty about the future of the trees or of human behaviour. But from my observations and the evidence before this Hearing, I conclude that the Council's concern that the proposed dwelling would lead to pressure on the tree owner that would increase the likelihood for significant works to either T1 or T2 is not sufficiently justified.
32. I find no conflict with paragraph 136 of the Framework 2024 which recognises that trees make an important contribution to the character and quality of urban environments and requires that planning policies and decisions should ensure that existing trees are retained wherever possible. There would be no conflict with



paragraph 189 which gives great weight to conserving and enhancing landscape and scenic beauty in National Landscapes.

33. I also find no conflict with JLP Policy DEV28 which states that development that would result in the loss or deterioration of the quality of high amenity trees including protected trees will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated. Development should be designed to avoid the loss or deterioration of woodlands, trees, or hedgerows.
34. Nor would the proposal conflict with requirements of NDP Policy SALC Env5 that the natural characteristics of the estuary should be retained in any development along the waterside, including retention of existing wooded areas visible from the estuary. I find no conflict with SALC B1 that new development in Salcombe Parish must demonstrate high quality design and, amongst other things, retain existing wooded areas and mature isolated trees.

### **Other Matters**

35. At the Hearing I heard from interested parties about the frequency and amount of pressure to fell or do works to trees in other gardens, and their concerns about the impacts upon tree coverage and other issues. The Council also draws attention to several appeal decisions where perceived fears/safety leading to pressure to fell trees has been an issue. However, I do not know the details of those cases
36. It is common ground between the Council and Appellant that the architecture, detailed design landscaping and materials would be acceptable, no heritage assets would be affected or harmed, and that development would sit comfortably within the local context. I find no reason to disagree.
37. In the previous appeal decision, the Inspector noted that the Salcombe Conservation Area ('CA') Appraisal (2010) highlighted the structure provided by trees to the landscape and contribution to the aesthetic value of the area, specifically referencing the greenery along Devon Road. Considering my findings, I conclude that the setting and significance of the CA will be conserved.
38. An owner occupier at Rockledge states that there has been slippage of the ground above the proposed development evidenced by cracks in their property, terrace, and steps. The objector opines that development would jeopardise the root systems of T1 and T2 which stabilise the bank. It is common ground between the Council and Appellant that the development will not harm the root protection areas of T1 or T2.

### **Conditions**

39. I have considered the conditions suggested in the light of the Framework 2024 and Planning Practice Guidance. I have imposed the standard time limits and requirements that the plans should be confirmed in the interests of certainty and clarity. Conditions relating to solar panels, landscape, external finishes, ecology, and drainage are necessary and reasonable in the interests of securing a high quality and sustainable development, and to secure biodiversity gains.
40. A condition requiring a construction management plan is reasonable and necessary to manage impacts during construction. The Appellant agrees that this and a condition relating to tree protection measures need to be pre-commencement

conditions. A condition requiring finished floor levels is also reasonable to safeguard visual amenities.

41. Whilst the Planning Practice Guidance advises that conditions restricting permitted development rights should only be imposed in exceptional circumstances, I am satisfied that those circumstances exist here and that controls over future alterations, extensions and other works, and use of flat roof areas, are necessary and reasonable to ensure that development does not harm the character and appearance of the area and the amenity of neighbouring properties.
42. A principal residence occupancy restriction condition is necessary and reasonable to ensure that the accommodation is occupied by persons in compliance with policy SALC H3 of the Salcombe Neighbourhood Plan which seeks to safeguard the sustainability of the settlements in the Salcombe Neighbourhood Planning area.
43. A condition to limit the impact of light pollution from artificial light on local amenity is reasonable and consistent with advice at paragraph 198 of the Framework. But, in an area with many properties, requiring glazing that allows only 40% of light to pass through the window in either direction and controlling the type and use of internal ceiling lights would be excessive and unreasonable.

### **Conclusions**

44. The proposal would deliver a two-bedroom dwelling in an accessible location and contribute towards an identified need for smaller units in Salcombe and across the district. These benefits would be consistent with aims of the Framework and Development Plan to boost the supply of new homes in sustainable locations. These benefits attract weight in favour of the development.
45. The Council's concern that the proposed dwelling would lead to pressure on the tree owner that would increase the likelihood for significant works to either T1 or T2 and in that way harm to the landscape and scenic beauty of the South Devon National Landscape is not sufficiently justified in this case. This issue does not weigh against the proposal.
46. The proposal accords with the Development Plan as a whole, and the appeal succeeds, subject to the conditions set out in the attached schedule.

*Helen Heward*

PLANNING INSPECTOR

## **APPEARANCES**

### For the Appellant

Heather Sargent, Counsel, Landmark Chambers  
Peter Williams, Appellant  
Richard Pain BA BArch RIBA, Agent  
Luke Emmerton, DP9 Ltd, Planning Advisor  
Dominic Scanlon, MICFor FArborA CEnv, Arboricultural Consultant

### For the Planning Authority

Peter Whitehead, Principal Planning Officer  
Charlotte Howrihane, Senior Planning Officer  
Lee Marshall, FdSc MarborA, Senior Tree Officer

### Interested Persons

Councillor Mark Long South Hams District Council  
Susan and Chris Hoskin, neighbour  
Peter Andrews, neighbour  
Dr John and Sandra Moore neighbours

## **Documents Submitted at the Hearing**

Photograph of site and proposed site plan with the two trees correctly labelled.  
Plan showing extract of Salcombe Conservation Area Buffer Zone.  
Proposed additional planning conditions.  
Extract from BS5837:2012 – Trees in Relation to Design, Demolition, and Construction.



## **SCHEDULE OF 15 PLANNING CONDITIONS**

### **For the construction of a two-storey house on land adjacent to Stonehanger Court, Devon Road, Salcombe**

#### **Planning Authority Ref 4036/23/FUL**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) The timetable of works.
  - (b) Daily hours of construction.
  - (c) Road closures.
  - (d) Details to ensure that no construction traffic or delivery vehicles park on the county highway for loading or unloading purposes and details to ensure that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works.
  - (e) Measures to ensure delivery and construction traffic vehicular movements to and from the site are restricted to between 08:00 and 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no such vehicular movements taking place on Sundays and bank/Public Holidays unless agreed by the Planning Authority in advance.
  - (f) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits.
  - (g) A site plan showing the compound location where all building materials, finished and unfinished products, parts, crates, packing materials and waste will be stored during the construction phases.
  - (h) Details of the site access and on-site temporary parking, areas where on-site where delivery vehicles and construction traffic will load or unload building materials, storage of finished and unfinished products, parts, crates, packing materials and waste.
  - (i) Hours during which no construction traffic will be present at the site.
  - (j) Means of enclosure of the site during construction works.
  - (k) Details of proposals to promote car sharing amongst construction staff to limit construction staff vehicles parking.
  - (l) The proposed route for all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highways prior to commencement of any work and any damage incurred to the highway because of construction vehicles to be made good within 3 months of completion of development.

- 3) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees in accordance with BS5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Planning Authority. The following specific issues shall be dealt with in the TPP and AMS:
- (a) Location and installation of services/utilities and drainage.
  - (b) A full specification for the installation of boundary treatment works.
  - (c) A specification for measures to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  - (d) A specification for scaffolding.
  - (e) Tree protection during construction indicated on a TPP with construction and construction activities clearly identified as prohibited in this area.
  - (f) Boundary treatments adjacent to Root Protection Areas.
  - (g) Arboricultural supervision and inspection by a suitably qualified tree specialist and reporting of inspection and supervision.
  - (h) Details of site welfare facilities and storage of equipment, materials, fuels, and waste as well as areas and details for concrete mixing and use of fires.

All tree protection and construction exclusion zone measures shall be implemented on the site and retained for the duration of the construction period, in accordance with submitted Tree Protection drawing 05156/TPP20/I.2023.

- 4) The development hereby permitted shall be carried out in accordance with drawings no's HWS.87.79c, HWS.87.159c, HWS.87.174, HWS.87.175a, HWS.87.176a, HWS.87.177, HWS.87.178, HWS.87.179a, HWS.87.181, HWS.87.183, HWS.87.184, SK03.00.P8, and HDS/23/09/01, received on 21st December 2023.
- 5) The dwelling hereby approved shall not be occupied otherwise than by:
- (i) Person(s) as their only or principal home.
  - (ii) Persons living as part of a single household with such a person or persons.
  - (iii) Persons who were living as part of a single household with such a person or persons who have since died.
  - (iv) Non-paying guests of any of the persons listed in (i) – (iii).

For the avoidance of doubt the dwelling shall not be occupied as a second home or holiday letting accommodation. The Occupant(s) will supply to the Planning Authority (within 14 days of the Planning Authority's written request to do so) such information as the Authority may require to determine whether this condition is being complied with.

- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any

Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- (a) Part 1, Class A (extensions and alterations)
  - (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
  - (c) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and (b) container used for domestic heating purposes/oil or liquid petroleum gas)
  - (d) Part 1, Class F (hard surfaces)
  - (e) Part 2, Class A (means of enclosure)
- 7) No development shall take place above ground level until details of both hard and soft landscape works shall have first been submitted to and approved in writing by the Planning Authority. The Landscape Plan shall include details of:
- (i) Existing features for retention and means of protection during the development.
  - (ii) Features to be removed with clear justification for the proposed removal.
  - (iii) The location, species, density and size of proposed tree, shrub, and hedge planting.
  - (iv) The means of establishment, protection and maintenance of the trees, shrubs, and hedges.
  - (v) Materials, heights, levels, and details of hard landscaping.
  - (vi) Materials, heights, and details of fencing and other boundary treatments.
- All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details. All work shall be completed before the end of the first available planting season following completion of the development hereby permitted. Any trees or plants that, within five years after planting, are removed, die, or become seriously damaged or defective shall be replaced with the same species, size and number as originally approved. The landscaping plan shall be strictly adhered to during the development.
- 8) Notwithstanding the details set out on the submitted drawings, the recommendations, mitigation, and enhancement measures of the Ecology Report by South West Ecology, dated 5th October 2022, shall be fully implemented prior to the commencement of the use hereby always approved and adhered to. If it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Planning Authority.
- 9) Prior to installation, a schedule of materials and finishes, to be used in the construction of all external surfaces, including roofs, shall be submitted to, and approved in writing by the Planning Authority. The development thereafter shall be carried out only in accordance with the approved details.
- 10) All areas of new stone walls shall be constructed of natural stone which matches the geological type, colour, and texture of that occurring locally. The stonework

shall be laid on its natural bed and pointed in a lime mortar with well graded sand and brush stippled joints. Machine cut or sawn faces shall not be used in the wall or for quoin stones. Prior to the construction of any of the new walls, a sample panel or not less than two square metres shall be approved in writing by the Planning Authority. All new stone walls shall be constructed to match the approved panel and thereafter retained for the life of the development.

- 11) The solar panels as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved. Solar panels shall hereafter be retained and maintained for the life of the development.
- 12) The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.
- 13) The flat roof areas of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further permission from the Planning Authority.
- 14) The dwelling hereby approved shall be constructed to provide the finished levels in accordance with Drawings HWS 87.178 and HWS 87.79b unless otherwise approved in writing by the Planning Authority. For the avoidance of doubt those levels include:
  - Roof waterproof layer 49.3m
  - Upper floor level 44.8m
  - Lower floor level at 41.3m.
- 15) Prior to installation a schedule of proposed glazing including measures to mitigate light transmission shall be submitted to and approved in writing by the planning authority.