

Daylight and Sunlight Amenity Impact Assessment Statement

Proposed Redevelopment
49 Spring Gardens / 50 Fountain Street
Manchester

Prepared for: M&G Real Estate Limited

Prepared by: Michael Scanlan BSc (Hons) MRICS & Jerome Muir MRICS

Date: 18 August 2021

Reference: [2878]MPS/JM – Final

Directors:

Simon C Hill BSc MRICS
Michael P Scanlan BSc (Hons) MRICS
Darren S Hughes BSc (Hons) MRICS



Gray Scanlan Hill is a trading name of Gray Scanlan Hill Limited - Regulated by RICS
Registered office: The Old Post Office, 63 Newton Street, Manchester M1 1ET - Registered in England No. 05544147

0161 835 2101
grayscanlanhill.com
info@grayscanlanhill.com

Contents	Page
1. Executive Summary	4
2. Introduction	5
2.1 Background and Instructions	5
2.2 Scope of this Report	5
2.3 Professional Experience.....	5
2.4 The Site	6
2.5 The Proposed Development.....	6
2.6 Information Relied upon and Site Specific Limitations.....	6
2.7 Around the Site	7
3. Standards	12
3.1 National Planning Policy.....	12
3.2 Local Planning Policy and Guidance.....	12
3.3 The BRE “Site Layout Planning for Daylight & Sunlight”.....	14
4. The BRE Tests	15
4.1 Daylight	15
4.2 Sunlight to Buildings	16
4.3 Sunlight to Open Spaces	17



Appendices

Appendix 1: Jon Matthews Architects Plans & Elevations

1. Executive Summary

M&G Real Estate Limited (“M&G”) has developed a proposal for the commercial redevelopment of 49 Spring Gardens / 50 Fountain Street in Manchester City Centre.

Gray Scanlan Hill is appointed to evaluate the daylight and sunlight amenity impact of the Proposed Development on those key parts of the surrounding built environment.

Our appraisal is based on the provisions of the Building Research Establishment’s (“BRE”) *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. Whilst not Planning Policy, the BRE Guidance provides an objective means for evaluating daylight and sunlight amenity impact in the built environment.

The BRE Guidance primarily seeks to promote the daylight and sunlight impact assessment of neighbouring buildings of residential use; it highlights the consideration of daylight and sunlight to living rooms and daylight to bedrooms and family kitchens.

No detailed computerised assessment of daylight and sunlight amenity impact of the Proposed Development needs to be undertaken, on the basis that none of the neighbouring windows that overlook the Site serve habitable room uses.

On this basis, none of the neighbouring windows, including those of Hotel Gotham (for reasons set out in this Statement), are considered to be sensitive to changes in daylight and sunlight levels and are not therefore “key receptors”. They currently rely heavily on artificial and task lighting to function and will continue to do so.

There are no obvious external public amenity spaces in the vicinity of the Site that would merit assessment with reference to the BRE’s 2 Hour Time in Sun Test.

We see no technical justification why planning permission for the Proposed Development would be denied on daylight and sunlight amenity impact grounds.

2. Introduction

2.1 Background and Instructions

M&G Real Estate Limited (“M&G”) has developed a proposal and seeks planning permission for the commercial redevelopment of the building known as 49 Spring Gardens / 50 Fountain Street in Manchester City Centre.

Gray Scanlan Hill is appointed to evaluate the daylight and sunlight amenity impact of the Proposed Development on those key parts of the surrounding built environment.

This Statement considers the impact of the Proposed Development with regard to its urban location relevant national planning policy, Local Development Plan policies, relevant design guidance and other material considerations. This Report confirms our assessment methodology, findings and opinions.

2.2 Scope of this Report

For reasons explained elsewhere in this Report, our appraisal is based on the provisions of the Building Research Establishment’s (“BRE”) *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. The BRE Guidance provides an objective means for evaluating daylight and sunlight amenity impact in the built environment.

2.3 Professional Experience

This appraisal has been overseen by Mike Scanlan, who is a Director at Gray Scanlan Hill. He has, over the course of the last 18 years, specialised in advising and representing his Clients on various third-party development issues, including rights of light (common law), daylight and sunlight and overshadowing amenity assessments (for Town & Country Planning), the Party Wall etc Act 1996 and access to land / airspace negotiations.

He commenced his training at building surveying consultancy, Malcolm Hollis, until August 2005 when he became a founding Director of Gray Scanlan Hill, where he has continued to provide third party development consultancy advice to Clients.

He has advised both developers and neighbouring adjoining owners in respect of the impact of proposed developments. He has also accepted instructions to advise Local Authorities on the practical application of the BRE Guidance.



A member of the Royal Institution of Chartered Surveyors (“RICS”), he has frequently lectured on third party development issues to fellow property professionals as part of numerous regional CPD programmes and conferences.

2.4 The Site

The Site is bounded by Spring Gardens to the south west, Fountain Street to the south east, Concert Lane to the north west and the Estate Exchange building to the north east with York Street beyond. The Site is approximately 5 minutes’ walk from Market Street to the north, St. Peter’s Square to the south and Deansgate to the west, highlighting its prime location.

The Site currently comprises of a 4-storey office building including ground level, with an additional basement level and rooftop plant. The present building at 49 Spring Gardens was constructed in the late-19th century, then extensively altered and extended in the 1970s by Fairhurst and Sons. The building was listed at Grade II in June 1974 as a building of special architectural and historic interest due to the retained facade.

The wider area is predominantly of commercial use, mainly office accommodation with leisure and retail uses, where present, found at ground floor levels.

2.5 The Proposed Development

The Proposed Development comprises the retention and refurbishment of the Grade II Listed 49 Spring Gardens façade following demolition of the existing 50 Fountain Street building, and erection of an adjoining 8 storey commercial building (Use Class E) with basement areas, roof terraces and plant enclosure, landscaping, and associated works.

In massing terms, the Proposed Development is of greater height than the existing building, and will step back from the retained listed façade at upper floor levels.

2.6 Information Relied upon and Site Specific Limitations

We have inspected the Site and walked its surroundings and in so doing have identified the window provision of the neighbouring buildings that overlook the Site (to the extent that such windows are capable of being observed from the adjacent public highways).

Our understanding of the Proposed Development is based on a review of the following drawings, which form part of the Planning Application and are included at Appendix 1:

- JMA Dwg. No. 142-JMA-B1-SE-E-A-042200 Rev. B – Elevation AA
- JMA Dwg. No. 142-JMA-B1-SW-E-A-042201 Rev. B – Elevation BB
- JMA Dwg. No. 142-JMA-B1-NE-E-A-042202 Rev. B – Elevation CC
- JMA Dwg. No. 142-JMA-B1-NW-E-A-042203 Rev. B – Elevation DD
- JMA Dwg. No. 142-JMA-MP-RF-P-A-001000 Rev. A – Proposed Block Plan

The neighbouring buildings have not been inspected. We have had to make assumptions as to their use and function. Our assumptions are primarily influenced by observations made during our Site inspection. We have also researched whether the neighbouring buildings are of residential use, through reference to Valuation Office Agency records – neighbouring buildings with a Council Tax Band being of residential use.

2.7 Around the Site

The Site is located in Manchester City Centre.

It is surrounded by a number of commercial use properties. Those neighbouring buildings that have windows that overlook the Site directly, or through which the Proposed Development will be seen, are confirmed as follows:

Barnet House, 53 Spring Gardens is a 9 storey commercial office building. Part of its window provision overlooks the Site directly.



55 Spring Gardens is a 9-10 storey commercial office building with retail use to part of the ground floor. It is located to the south east of the Site its window provision overlooks the Site directly.



Brook House, 62-74 Spring Gardens is located to the south of the Site. It is a 6-7 storey commercial office building with windows at its northern corner that overlook the Site directly.



60 Spring Gardens is a 5 storey commercial office building located to the south west of the Site. It has windows that overlook the Site directly.



The Chancery, 58 Spring Gardens, is a 7 storey commercial office building is located to the west of the Site. Its windows do not overlook the Site directly, however, the Proposed Development will be seen through them once constructed.



The Hotel Gotham, 100 King Street, is a hotel building located to the west of the Site. Its window provision overlooks the Site directly, albeit via the airspace of the adjacent 45-47 Spring Gardens.



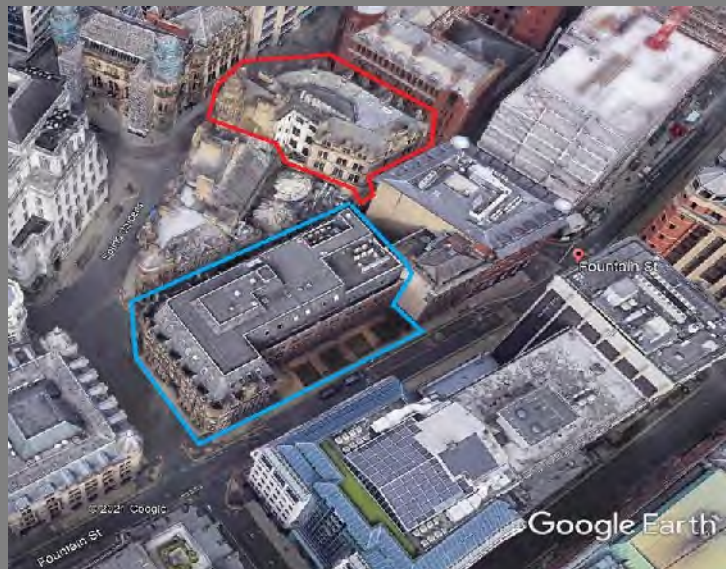
47 Spring Gardens is a 3 storey commercial building located to the north west of the Site and separated from it by Concert Lane. Its window provision overlooks the Site directly.



43-45 Spring Garden is a 4 storey commercial building located to the north west of the Site and separated from it by Concert Lane. Its window provision overlooks the Site directly.



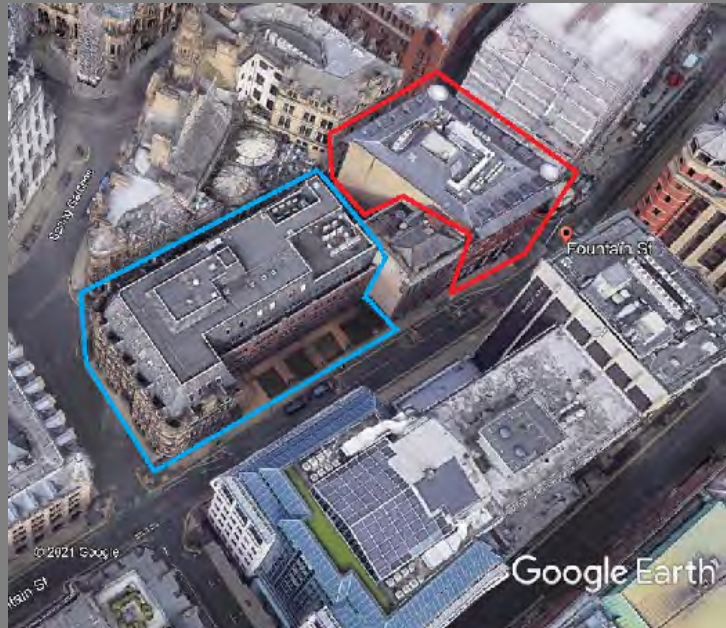
41 Spring Gardens is a 4 storey commercial building located to the north of the Site. Part of its window provision overlooks the Site directly, albeit via the airspace of 43-45 Spring Gardens.



46 Fountain Street is located to the immediate north of the Site. It abuts the existing building of the Site, and the Proposed Development will be seen through the windows of the rear elevation once constructed.



42-44 Fountain Street is a commercial located to the north east of the Site, and separated from it by 46 Fountain Street. It does not have any windows facing the Site or through which the Proposed Development will be seen.



17 York Street is an 8 storey commercial office building. Its window provision does not overlook the Site directly. However, the Proposed Development will be seen through its York Street windows once constructed.



York House, 20 York Street is a 12 storey commercial office building. Its window provision does not overlook the Site directly. However the Proposed Development will be seen through its Fountain Street windows once constructed.



3. Standards

3.1 National Planning Policy

There are no national planning policy guidelines that directly govern daylight and sunlight amenity in terms of sufficiency and acceptable impacts.

It is, however, acknowledged that the National Planning Policy Framework (“NPPF”) 2021 confirms the Government’s objective to conserve and enhance the natural and local environment in the planning system. The availability of daylight and sunlight are, of course, natural resources that can enhance an environment.

3.2 Local Planning Policy and Guidance

Manchester City Council’s Core Strategy was adopted on 11th July 2012 and is the key Development Plan Document in the Local Development Framework (“LDF”).

It describes Manchester today and outlines the Council’s vision for Manchester in 2027 along with the planning policies which will be used to deliver that vision.

Supplementary Planning Documents (SPDs) provide more detail to policies in the Core Strategy. Manchester adopted its ‘Guide to Development in Manchester SPD and Planning Guidance’ in April 2007. We understand that it has yet to be updated to reflect the adopted Core Strategy and the saved Policies from the UDP.

The Council will promote / encourage the construction of tall buildings - Policy EN2 of the Core Strategy refers. Proposals for tall buildings will be supported if certain design criteria are met. It is acknowledged that tall buildings can have a significant impact on the local environment and the Council expect that the impact be modelled / measured.

The Council do, however, acknowledge, in Policy CC6 – City Centre High Density Development - of the Core Strategy that development in the City Centre will generally be “high density” and that the scale, massing and height of development in the City Centre will significantly exceed what is appropriate elsewhere in the City.

Policy DM1 – Development Management – confirms that all developments should have regard to a number of issues, such as the effects on amenity, including light.

Neither the above mentioned National Planning Policy or Local Planning Policy and Guidance contain a specific or bespoke “daylight and sunlight” policy regarding development in the City Centre. Further, no guidance is provided on how daylight and sunlight amenity impact might be measured and evaluated in practice.

Accordingly, it is necessary to consider and administer the design guidance available from the Building Research Establishment and in particular their Guidance Note *“Site Layout Planning for Daylight & Sunlight: A Guide to Good Practice”*.

3.3 The BRE “Site Layout Planning for Daylight & Sunlight”

The BRE Guidance was produced following extensive consultation with architects, planning officers, consultants, professional institutions and Government officials.

The Guidance was first published in 1991 and superseded the Department of the Environment Guidance “Sunlight and Daylight Planning Criteria and Design of Buildings”. The current edition of the BRE Guidance was published in 2011.

Its overall purpose is to assist in evaluating the relationship between new and existing buildings to ensure that each retains the potential to achieve a “fair share” of available daylight and sunlight given their relative siting, height and mass.

The BRE Guidance is technically robust and has become the industry standard methodology for assessing daylight and sunlight amenity in the built environment.

The provisions of the BRE Guidance are not mandatory and the BRE have taken steps to confirm that it should not be read as an instrument of planning policy:

‘The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly because natural daylight is only one of many factors in site layout design’.

It is important to note that the BRE Guidance was principally developed for use in the assessment of low density suburban environments and should, therefore, be applied flexibly for developments in urban City Centre sites, or commercially influenced areas.

The BRE targets should not, therefore, be seen as absolute and immovable targets when applied in a town or City Centre or other high-density built environment.

To facilitate the flexible application of the BRE Guidance, it promotes the setting of alternative target values for use in built-up urban areas, such as a City Centre, which have different characteristics to lower density suburban areas.

4. The BRE Tests

4.1 Daylight

The BRE Guidance confirms that its daylight provisions are principally intended for use for rooms in neighbouring dwellings where daylight is required, which would include living rooms, kitchens and bedrooms. It goes on to confirm that windows serving bathrooms, toilets, store rooms, circulation areas, and garages need not be analysed.

There are no living room, kitchen, or bedroom windows overlooking the Site. As confirmed above – see Section 2.7 – all of the neighbouring buildings are of commercial use - predominantly office space, with some ground floor retail and leisure provision.

The BRE Guidance does suggest that it can be applied to existing non-domestic buildings where the occupants have a reasonable expectation of daylight - they suggest schools, hospitals, hotels / hostels and specialist workshops by way of example.

In our opinion, none of the neighbouring commercial office or retail buildings are considered to have a particular special need for daylight and with all commercial office space having minimum design standards for artificial lighting, the need for natural light in the City is a nice to have, rather than an absolute requirement.

For completeness, we acknowledge the presence of the Hotel Gotham on King Street, to the north of the Site.

On the basis that Hotel Gotham is of short term and transient occupation, and further, is a city centre hotel – for business and city break use, as opposed to “R&R” use (where daylight / sunlight are part of the appeal) – we do not consider that it has a special requirement for daylight and sunlight. On this basis it is not considered to be a sensitive daylight and sunlight receptor.

The Council also acknowledge, via the Core Strategy, that they anticipate that City Centre will be ‘high density’ – effectively an environment comprising buildings of relatively substantial massing with not much space between them. As opined above, the creation of a high density environment and the preservation of the levels of daylight contemplated by the BREs low density targets are at odds with one another.

Because none of the neighbouring windows serve habitable room uses, we do not consider that a detailed scientific appraisal of daylighting levels is required.

None of the neighbouring commercial office or leisure / retail uses are considered to be sensitive to changes in daylight levels – they will continue to be used and function as they do currently through their high degree reliance on artificial and task lighting – and in this regard none of the windows are considered to be “key receptors”.

4.2 Sunlight to Buildings

Unlike daylight, which is not influenced by orientation and assumes that light from the sky is uniform, the availability of sunlight is dependent upon compass orientation.

As the United Kingdom is in the northern hemisphere, sun is only received from the south, rising in the east and setting in the west. The availability of sunlight is therefore dependent upon the orientation of the window being tested relative to due south.

The BRE Guidance for sunlight concludes that:

“If a living room of an existing dwelling has a main window facing within 90° of due south and any part of the new development subtends an angle of more than 25° to the horizontal, measured from the centre of the window in a vertical section perpendicular to the window, the sunlighting of the existing dwelling may be adversely affected”.

The BRE Guidance goes on to conclude that sunlight will be adversely affected if the living room window *“...receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March”.*

Sunlight, therefore, only needs to be considered for windows serving living rooms, which is in contrast to the daylight test that applies equally to kitchens and bedrooms.

There are no living rooms windows overlooking the Site. As confirmed above – see Section 2.7 – all neighbouring buildings are of commercial use. Further, as noted above regarding Hotel Gotham, this building is not considered to be a sensitive sunlight receptor.

In the absence of any of the neighbouring windows serving living rooms, we do not consider that a detailed scientific appraisal of sunlighting levels is required. None of the neighbouring windows are considered to be sensitive to changes in sunlight levels, and in this regard they are not considered to be “key receptors”.

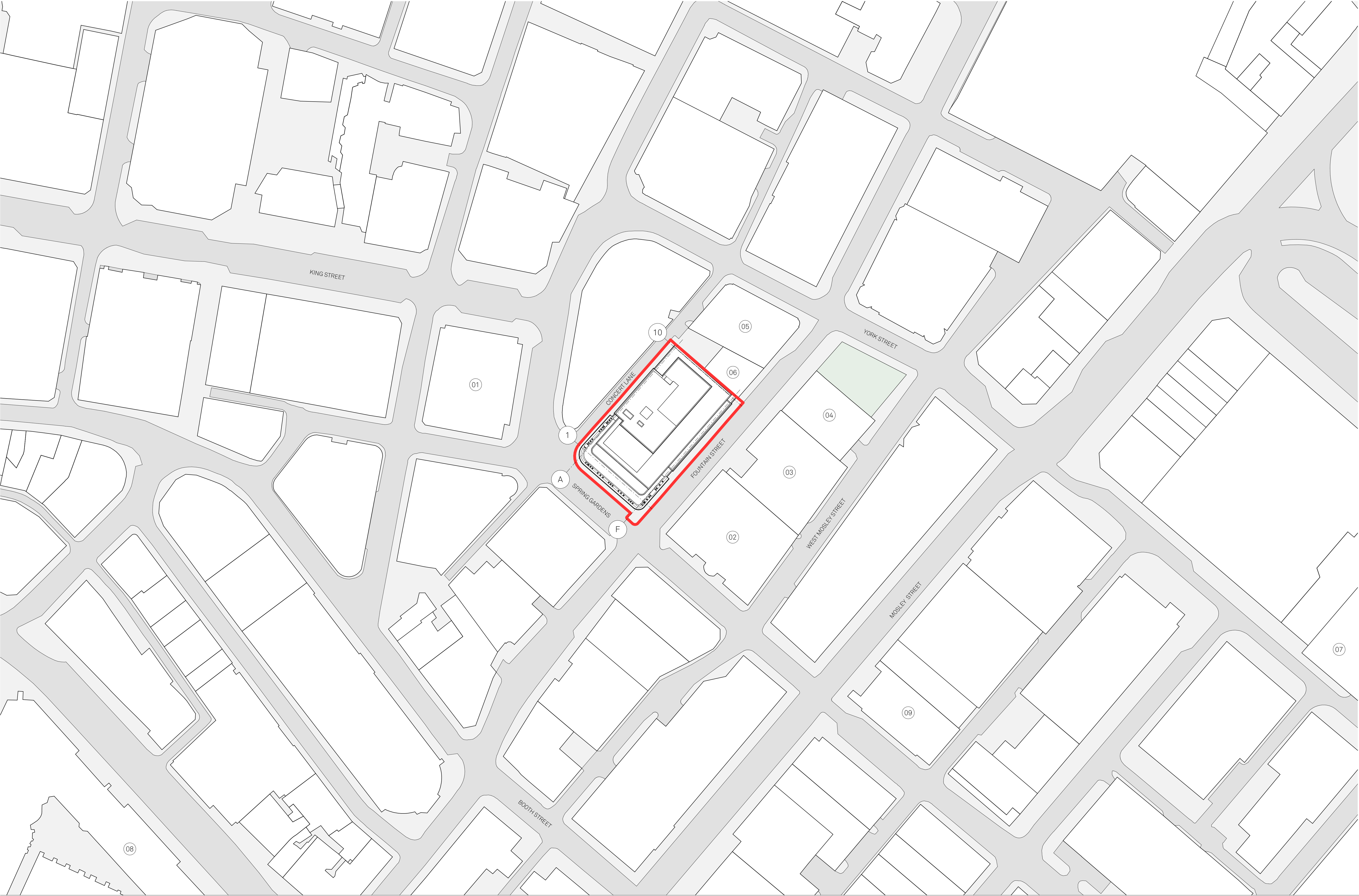
4.3 Sunlight to Open Spaces

As well as ensuring that living rooms receive a good level of sunlight, it is also important that open spaces between and around buildings such as gardens, are suitably sunlit. The BRE recommend that the availability of sunlight should be checked for all open spaces where it will be required and this would normally include:

- Gardens, usually the main back garden of a house
- Parks and playing fields;
- Children's playgrounds;
- Outdoor swimming pools and paddling pools;
- Sitting out areas, such as those between non-domestic buildings / public squares;
- Focal points such as monuments or fountains.

With regard to the above listed examples, there are no external amenity areas close enough to the Site that would justify a "time in sun" impact assessment.

Appendix 1: Jon Matthews Architects Plans & Elevations





Notes

KEY:

- | | | | |
|---|--|--|---|
| 01 Capless CW system. Dark grey frames with clear glass. | 04 Projecting anodised aluminium framing | 07 Clear glass balustrade to external terraces | 10 Refuse store & Substation enclosure. Anodised metal panel. |
| 02 Perforated anodised metal panel concealing Vent panel | 05 Anodised aluminium panel | 08 Anodised aluminium cladding on a 1.5m module | 11 Concealed Fire escape door. |
| 03 Recessed PPC aluminium spandrel panel to hide floor and ceiling zone | 06 Glazed door set. Frame finish to match CW system. | 09 External plant roof enclosure. Back painted glass on capless CW system. | 12 Secondary access to GF lobby and direct access to Basement Hub |

Project
50 Fountain Street

Drawn
ER

Details
06/08/21 Issued for Information

Title:
Elevation AA, Fountain Street
GA Elevation

Checked:
MH

Status:
S3

Drawing No:
142-JMA-B1-SE-E-A-042200

Scale:
1:125 @A1

Rev:
B

Jon Matthews

22 City Tower, Picadilly Plaza, New York St, Manchester, M1 4BT

0161 974 3690

Copyright of this drawing is vested in Jon Matthews Architects and it must not be copied or reproduced without written consent. Figured dimensions only are to be taken from this drawing. Do not scale from this drawing. For full company disclosure please visit www.jonmatthewsarchitects.com



Notes

KEY:

- 01 Capless CW system. Dark grey frames with clear glass.

02 Perforated anodised metal panel concealing Vent panel

03 Recessed PPC aluminium spandrel panel to hide floor and ceiling zone

04 Projecting anodised aluminium framing

05 Anodised aluminium panel

06 Glazed door set. Frame finish to match CW system.

07 Clear glass balustrade to external terraces

08 Anodised aluminium cladding on a 1.5m module

09 External plant roof enclosure. Back painted glass on capless CW system.

10 Refuse store & Substation enclosure. Anodised metal panel.

11 Concealed Fire escape door.

12 Secondary access to GF lobby and direct access to Basement Hub

Project
50 Fountain Street

Drawn
ER

Details
06/08/21 Issued for Information

Title:
Elevation BB, Spring Gardens
GA Elevation

Status:

S3

Drawn No:

142-JMA-B1-SW-E-A-042201

Scale:
1:125 @A1

Rev:

B

Jon Matthews

22 City Tower, Picadilly Plaza, New York St, Manchester, M1 4BT

0161 974 3690

Copyright of this drawing is vested in Jon Matthews Architects and it must not be copied or reproduced without written consent. Figured dimensions only are to be taken from this drawing. Do not scale from this drawing. For full company disclosure please visit www.jonmatthewsarchitects.com



Notes

KEY:

- 01 Capless CW system. Dark grey frames with clear glass.

02 Perforated anodised metal panel concealing Vent panel

03 Recessed PPC aluminium spandrel panel to hide floor and ceiling zone

04 Projecting anodised aluminium framing

05 Anodised aluminium panel

06 Glazed door set. Frame finish to match CW system.

07 Clear glass balustrade to external terraces

08 Anodised aluminium cladding on a 1.5m module

09 External plant roof enclosure. Back painted glass on capless CW system.

10 Refuse store & Substation enclosure. Anodised metal panel.

11 Concealed Fire escape door.

12 Secondary access to GF lobby and direct access to Basement Hub

Project
50 Fountain Street

Drawn: ER
Checked: MH

Date: 06/08/21
Issued for Information

Title:
Elevation CC
GA Elevation

Status: S3

Drawing No: 142-JMA-B1-NE-E-A-042202

Rev: B

Scale:
1:125 @A1

Jon Matthews

22 City Tower, Picadilly Plaza, New York St, Manchester, M1 4BT

0161 974 3690

Copyright of this drawing is vested in Jon Matthews Architects and it must not be copied or reproduced without written consent. Figured dimensions only are to be taken from this drawing. Do not scale from this drawing. For full company disclosure please visit www.jonmatthewsarchitects.com



Notes

KEY:

- 01

Capless CW system. Dark grey frames with clear glass.
- 02

Perforated anodised metal panel concealing Vent panel
- 03

Recessed PPC aluminium spandrel panel to hide floor and ceiling zone
- 04

Projecting anodised aluminium framing
- 05

Anodised aluminium panel
- 06

Glazed door set. Frame finish to match CW system.
- 07

Clear glass balustrade to external terraces
- 08

Anodised aluminium cladding on a 1.5m module
- 09

External plant roof enclosure. Back painted glass on capless CW system.
- 10

Refuse store & Substation enclosure. Anodised metal panel.
- 11

Concealed Fire escape door.
- 12

Secondary access to GF lobby and direct access to Basement Hub

Project
50 Fountain Street

Drawn
ER

Details
06/08/21 Issued for Information

Title:
Elevation DD, Concert Lane
GA Elevation

Status:

S3

Drawing No:

142-JMA-B1-NW-E-A-042203

Scale:
1:125 @A1

Rev:

B

Jon Matthews

22 City Tower, Picadilly Plaza, New York St, Manchester, M1 4BT

0161 974 3690

Copyright of this drawing is vested in Jon Matthews Architects and it must not be copied or reproduced without written consent. Figured dimensions only are to be taken from this drawing. Do not scale from this drawing. For full company disclosure please visit www.jonmatthewsarchitects.com