



INVICTA HOUSE

2-4 ATKINSON STREET
MANCHESTER
M3 3HH

HENRY BOOT DEVELOPMENTS &
KE HOTELS

DAYLIGHT & SUNLIGHT
ASSESSMENT

GREY SCANLON HILL
0953MPS
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Daylight and Sunlight Amenity Impact Statement

Proposed Hotel Development
Invicta House
2 Atkinson Street
Manchester

Prepared for: KE Hotels and Henry Boot Developments

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1. Executive Summary

- 1.1.1 We are appointed by KE Hotels and Henry Boot Developments to consider the daylight and sunlight relationship between the proposed hotel redevelopment of 2 Atkinson Street and land on the south side of Tivoli Street, Manchester, M3 3HH and those neighbouring buildings that overlook it directly.
- 1.1.2 Following our review of Manchester City Council's Core Strategy and Supplementary Planning Documents, we note that the City Council has no specific daylight and sunlight amenity policy for development in the City Centre. They do acknowledge, however, that development in the City Centre will generally be of high density massing.
- 1.1.3 This assessment is based on the provisions of the Building Research Establishment's Guidance *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*, which is recognised as the industry standard methodology for evaluating the daylight and sunlight relationship between new and existing buildings.
- 1.1.4 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.
- 1.1.5 On this basis, none of the neighbouring windows are considered to be sensitive to changes in daylight and sunlight levels and cannot therefore be "key receptors". They currently rely heavily on artificial and task lighting to function and will continue to do so.
- 1.1.6 There are no obvious external public amenity spaces in the vicinity of the Site that would merit a sunlight hours or permanent shadowing assessment.
- 1.1.7 Notwithstanding, measures have been taken in the design of the Proposed Development to try and minimise its impact on its surrounding environment (notwithstanding the absence of any "key receptors") through the creation of localised terracing and the setting back of the principal elevations within the Site boundaries.
- 1.1.8 Further, the Proposed Development is of smaller massing than the extant planning permission for the Site (MCC Planning reference 111302/FO/2016/C1) and in this regard will have a lesser daylight/sunlight impact than that previously consented to.
- 1.1.9 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

- 2.1.1 This Daylight and Sunlight Statement has been prepared by Gray Scanlan Hill on behalf of KE Hotels and Henry Boot Developments in support of a Detailed Planning Application for a proposed hotel development at Invicta House, 2-4 Atkinson Street, Manchester, M3 3HH.
- 2.1.2 The application seeks permission for an 9-storey hotel development set behind a retained existing elevation of the existing Invicta House building.
- 2.1.3 The description of development is *'Redevelopment of Invicta House for Use Class C1 hotel development comprising 145no. guestrooms, with ground floor ancillary facilities. Partial demolition of existing building with retention and refurbishment of main facade and erection of eight storey building (Use Class C1) to the rear.'*
- 2.1.4 This Statement is intended to give consideration of the Proposed Development in respect of relevant national planning policy tests, Development Plan policies and other material considerations.

2.2 Scope of this Report

- 2.2.1 For reasons explained elsewhere in this Statement, 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 the evaluating daylight and sunlight amenity in Site Planning.

2.3 Professional Experience

- 2.3.1 This Statement has been prepared by Mike Scanlan, who is a Director at Gray Scanlan Hill. He has, over the course of the last 15 years, specialised in advising and representing his Clients on various third party development issues, including rights of light (common law), sunlight and daylight and overshadowing amenity assessments (for Town & Country Planning), Party Walls and access disputes / negotiations.
- 2.3.2 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 his Clients.

- 2.3.3 He has advised both developers and neighbouring adjoining owners on the impact of proposed construction developments. He has also accepted instructions to advise local planning authorities on the practical application of the BRE guidelines.
- 2.3.4 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.



3. The Site and its Surroundings

3.1 The Site

- 3.1.1 The Site currently comprises a three storey, pitched roofed, L-shaped building known as Invicta House, fronting Atkinson Street, with surface car parking located to the rear or north of the existing building and accessed off Tivoli Street.

3.2 The Proposed Development

- 3.2.1 It is proposed to demolish the existing building, save for the retention of the Atkinson Street frontage. Behind that façade retention and for the full footprint of the remainder of the Site, it is proposed to construct an eight storey, flat roofed building.

3.3 Around the Site

- 3.3.1 The Site is located at the edge of Spinningfields.
- 3.3.2 It is surrounded by a number of commercial use properties. Those neighbouring buildings that have windows that overlook the Site directly are as follows:

196 Deansgate is a commercial building with windows in its Atkinson Street and Little Quay Street elevation, through which the Site can be seen. The upper floors of this building provide commercial office space. Retail use is located at ground floor level fronting Deansgate.



Sunlight House is a 14 storey building, providing mainly commercial office space, with some degree of leisure use at ground floor level. The Site can be seen through the windows of its Atkinson Street and Little Quay Street elevations.



2 Hardman Street is a recently constructed, 7 storey building forming part of Spinningfields. It provides for Grade A commercial office space with some retail provision at ground floor. The windows in its Scott Place elevation overlook the Site directly.



1 Hardman Street is a recently constructed, 5 storey commercial office building, occupied by Mediacom and forming part of Spinningfields. The windows in its Tivoli Street elevation face towards the Site directly.



Oddfellows House is a 3 storey building that has recently been remodelled for headquarter office use. There is some degree of leisure use at ground / basement floor level fronting Deansgate. It has some window provision in its rear elevations that face towards the Site directly.



201 Deansgate is a 6 / 7 storey commercial office building, located on the opposite side of Deansgate. The windows in its Deansgate elevation face towards the Site and are noted to principally serve circulation space. The view of the Site from this building is via the air space above Oddfellows House.



1 Hardman Square is a recently constructed 9/10 storey commercial office building (with retail provision at ground floor level), forming part of Spinningfields. The windows of its Hardman Street elevation face towards the Site, albeit, 1 Hardman Street (see above) is constructed between them.



4. Standards

4.1 National Planning Policy Context

- 4.1.1 There are no national planning policy guidelines that directly govern daylight and sunlight amenity in terms of sufficiency and acceptable impacts.
- 4.1.2 It is, however, acknowledged that the National Planning Policy Framework (NPPF) 2012 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.

4.2 Local Planning Policy Context

- 4.2.1 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").
- 4.2.2 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.
- 4.2.3 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.
- 4.2.4 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 is met. It is acknowledged that tall buildings can have a significant impact on the local environment and the Council expect that its impact be modelled.
- 4.2.5 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.
- 4.2.6 Policy DM1 - Development Management - confirms that all developments should have regard to a number of issues, such as the effects on amenity, including light.



4.2.7 The Core Strategy does not contain a specific daylight and sunlight policy with regard to development in the City Centre. Further, the SPD provides no guidance on how daylight and sunlight amenity impact might be measured and assessed.

4.2.8 Accordingly, it is necessary to consider and administer the design guidance available from the Building Research Establishment (BRE) and their Guidance Note '*Site Layout Planning for Daylight & Sunlight: A Guide to Good Practice*'.

4.3 The BRE "Site Layout Planning for Daylight & Sunlight"

4.3.1 This Guidance was produced following an extensive consultation with architects, planning officers, consultants, professional institutions and Government officials.

4.3.2 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.

4.3.3 Its purpose is to assist in evaluating the relationship between new and existing buildings to ensure that each retains the potential to achieve appropriate levels of daylight and sunlight given their relative siting, height, mass and mass.

4.3.4 The provisions of the 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'.

4.3.5 That said, the Guidance is technically robust and has become the industry standard methodology for objectively assessing daylight and sunlight amenity impact.

4.3.6 It is, however, important to note that the Guidance was 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, which the Council acknowledge (Policy CC 6) will be generally "high density" massing.

4.3.7 The maintaining of the BREs low density suburban daylight and sunlight targets and the promoting of high density environments are very much at odds with one another.



5. The BRE Tests and Assessment

5.1 Daylight

- 5.1.1 The BRE Guidance confirms that its daylight provisions are principally intended for use for rooms in adjoining 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.
- 5.1.2 There are no living room, kitchen, or bedroom windows overlooking the Site. As confirmed above - see Section 2.2 - all of the neighbouring buildings are of commercial use - predominantly office space, with some ground floor retail provision.
- 5.1.3 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.
- 5.1.4 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.
- 5.1.5 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.
- 5.1.6 Because none of the neighbouring windows serve habitable room uses, we do not consider that a detailed scientific appraisal of daylighting levels is required.
- 5.1.7 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".



5.2 Sunlight to Buildings

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

5.2.2 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 compass orientation of a point being tested relative to due south.

5.2.3 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".

5.2.4 The guidance goes on to confirm 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"*.

5.2.5 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.

5.2.6 There are no living rooms windows overlooking the Site. As confirmed above - see Section 2.2 - all neighbouring buildings are of commercial use.

5.2.7 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".

5.3 Sunlight to Open Spaces: Permanent Overshadowing

5.3.1 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.

5.3.2 The BRE Guidance concludes that:

"It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If, as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 x its former value, then the loss of sunlight is likely to be noticeable".

5.3.3 This ultimately means that 50% of any garden or amenity space must be capable of receiving two hours of sunlight, and thus be free from any permanent overshadowing, on 21 March. A 20% reduction of the existing sunlight amenity is permissible before the reduction is considered capable of being noticed by the occupants.

5.3.4 It is possible for this sunlight hours test to be scientifically measured through computer analysis, but in the context of the Proposed Development and the commercial environment in which it is proposed, this level of detail is not considered necessary as there are no external public amenity spaces in the vicinity of the Site.

5.3.5 The small roof terraces to 1 and 2 Hardman Street are noted. This exterior space is, however, ancillary to commercial office buildings and therefore will be in transient and occasional use. It is also an external space that is available for use by a minority of people, i.e. the building occupants; it is not open for use by the wider general public.

5.4 Mitigation through Design

5.4.1 Steps have been taken in the design of the Proposed Development to try and minimise the impact of its massing on the neighbouring built environment (regardless of the fact that there are no "key receptors" around the Site).

5.4.2 Reference here is made to the extent to which the uppermost floor level is set back or terraced behind the principal building lines. Further, terracing is also established from the proposed third floor level where the elevations of the Proposed Development are set back within the principal building lines adjacent to the neighbouring 2 Hardman Street, Oddfellows House and also behind the Atkinson Street façade retention.

- 5.4.3 Further, in November 2016, Manchester City Council approved the redevelopment of the Site with an nine storey office building (MCC Planning reference 111302/FO/2016/C1). The massing of the Proposed Development is smaller than the extant approved scheme; this can be seen on the proposed elevation drawings where the outline of the extant approved scheme has been annotated with a dashed red line.

