

Appendix 9.1

Planning Policy

National Planning Policy

National Planning Policy Framework (December 2024)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. It places an emphasis on sustainable development and delivery of housing.

Chapter 11 of the NPPF, entitled "Making effective use of land", promotes the effective use of land in meeting the need for homes and other uses. It gives examples such as developing under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively, and upward extensions to create new homes, where they would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.

In particular, paragraph 130 of the NPPF states:

Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Planning Practice Guidance, Effective use of Land: July 2019

The Planning Practice Guidance (PPG) provides guidance on making effective use of land including planning for higher density development.

Paragraph: 006 – Reference ID: 66-006-20190722 states that:

Where a planning application is submitted, local planning authorities will need to consider whether the proposal would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

Appeal Decisions

Rainbird, R (on the application of) v The Council of the London Borough of Tower Hamlets: March 2018

When assessing the daylight and sunlight implications of a scheme at 3-5 Arnold Road, London. John Howell QC evaluated whether the effects would be material by applying a two-stage application, which has since been widely adopted. In Paragraphs 83 and 84 discuss this approach stating:

83. Policy DM25 requires consideration of two questions about the impact of a proposed development on the sunlighting and daylighting conditions of surrounding development: (i) whether or not it would result in a "material deterioration" of those conditions and (ii) whether or not any such deterioration would be "unacceptable".

84. The guidelines in the BRE Guide identify cases in which normally it is likely that a proposed development will result in a significant, adverse effect on the sunlight and daylight available to relevant rooms in existing dwellings. In my judgment they are thus intended to identify when there will be a material deterioration in the relevant conditions in such rooms: if the change is adverse, it involves a deterioration; if it is significant, it is material. Paragraph [1.6] of the Introduction indicates, however, that there may be cases in buildings in which "natural light is of special importance" when there will be a material deterioration, even if the guidelines do not themselves suggest that there will be. But the BRE Guide does not suggest that the "flexibility" to which it refers is intended to indicate that there will be no such material deterioration if the guidelines indicate that there is likely to be. In such cases the "flexibility" to which it refers are cases in which any such deterioration may be justified from the point of view of the designer of the new building to whom the BRE Guide is primarily addressed. Moreover "different [target values] may be used based on the special requirements of the proposed development or its location", for example, if "a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings". This is not to suggest that there may not be other reasons relating to the design and layout of a new development that may justify or render acceptable a significant adverse effect on the sunlight and daylight enjoyed by existing dwellings. There may also be other, town planning considerations not related to that such matters that may render a material deterioration in such conditions acceptable when considering the application of Policy DM25. But, unless natural light is of special importance in a building, in my judgment the guidelines in the BRE Guide are those that assess the impact of a proposed development and whether or not there is likely to be a "material deterioration" in the relevant conditions in any relevant room, albeit that the extent to which any dwelling containing such a room is adversely affected as a result may vary depending on a number of factors.

In summary, assessing the effects of development on daylight and sunlight amenity is a two-part process: first, as a matter of calculation, whether there would be a material deterioration in conditions by reference to the BRE guidelines; and second, as a matter of judgment, whether that deterioration would be acceptable in the circumstances.

Regional Planning Policy

Greater Manchester Places for Everyone Joint Development Plan 2022 to 2039. (March 2024)

The joint outlines the vision for the Greater Manchester area up to 2039. Policy JP-P1 Sustainable Places sets key attributes for development, including addressing microclimate issues such as sunlight and shade by considering the following:

15. Comfortable and inviting, with indoor and outdoor environments:

- A. Offering a high level of amenity that minimises exposure to pollution; and*
- B. Addressing microclimate issues such as sunlight, indoor air quality, overheating, shade, wind and shelter.*

Local Planning Policy

Manchester Core Strategy 2012-2027 – Updated March 2024

The Core Strategy was adopted by Manchester City Council on 11 July 2012. It is the key document in Manchester's Local Development Framework and covers a period of 15 years from 2012-2027.

Policy H 12 considers the provision of Purpose Built Student Accommodation. Priority will be given to schemes which are part of the universities' redevelopment plans. Paragraph 6 states that:

- 6. Consideration should be given to the design and layout of the student accommodation and siting of individual uses within the overall in relation to adjacent neighbouring uses within the overall development in relation to adjacent neighbouring uses. The aim is to ensure that there is no unacceptable effect on residential amenity in the surrounding area.*

Policy DM1: Development Management states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter. Vermin, birds, road safety and traffic generation. This could also include proposal which would be sensitive to existing environmental conditions.*
- Adequacy of internal accommodation and external amenity space.*

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (SPD) – April 2007

The Supplementary Planning Document has been developed to bring together the main development principles that will assist in the creation of such a City.

Development Quality

12.8. It will always be important for the City to be able to accommodate new interest and activity in its different forms, including tall buildings. There is now much more interest in these types of developments than there has been for many years, and this is a great indication of the strength of the City Centre economy. Schemes will be considered on an individual basis, by reference to their appearance, their impact on the immediate area and the effect on the City's skyline. Key questions will be the quality and interest of the roofline; the design of the lower floors; the relationship to the surrounding streets; the impact of servicing and parking requirements; the microclimate, including overshadowing

and air turbulence effects, created by the relationship of the building to those adjacent; and the quality and usability of the spaces surrounding the building.

Guidance

BRE Report 209, 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2022)

The leading publication providing national guidance on the provision of daylight and sunlight to new development, and the impacts of development on daylight and sunlight to neighbouring buildings and open spaces, is BRE Report 209, 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (third edition, 2022). It is referred to in the development plan documents or supplementary planning documents of most planning authorities. This guide supersedes the 2011 edition, which is now withdrawn.

The BRE guide states:

Summary

This guide gives advice on site layout planning to achieve good sunlighting and daylighting, both within buildings and in the open spaces between them. It is intended to be used in conjunction with the interior daylight recommendations for new buildings in the British Standard, 'Daylight in buildings', BS EN 17037. It contains guidance on site layout to provide good natural lighting within a new development; safeguarding of daylight and sunlight within existing buildings nearby; and the protection of daylighting of adjoining land for future development. ... It is purely advisory and the numerical target values within it may be varied to meet the needs of the development and its location...

Introduction

(Its) main aim is ... to help to ensure good conditions in the local environment considered broadly, with enough sunlight and daylight on or between the buildings for good interior and exterior conditions.

This guide is intended for building designers and their clients, consultants and planning officials. The advice given is not mandatory and the guide 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 since natural lighting is only one of the many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings... The calculation methods ... are entirely flexible in this respect...