

By email

(adam.buxton@turley.co.uk)

FAO: Adam Buxton
Turley
Level 5, Transmission
6 Atherton St
Manchester
M3 3GS

ADDRESS

THE WHITEHOUSE
BELVEDERE ROAD
LONDON SE1 8GA

CONTACT

TEL 020 7202 1400
MAIL@GIA.UK.COM
WWW.GIA.UK.COM

Dear Adam,

RE: PROPOSED DEVELOPMENT OF STOCKTONS, GREAT ANCOATS STREET, MANCHESTER ("the Application Site" / "the Proposed Development")

GIA are instructed to respond to the objection from the occupiers of Oxygen Manchester, Store Street ("Oxygen") in relation to daylight and sunlight ("the Objection"), including the independent third-party daylight and sunlight review prepared by Akt. Rights to Light Surveyors Ltd ("AKT") dated 16 July 2025 ("the DS Review").

1 Summary of Observations/Conclusions of the DS Review

- 1.1 The DS Review notes it has reviewed the Primary Environmental Statement ("the ES Chapter"), and the supplementary daylight report ("the Supplementary Report"). The DS Review notes it has also considered the daylight and sunlight report dated 30 September 2015, which was prepared when Oxygen Manchester was submitted and granted planning permission ("the Oxygen DS Report")¹ to Manchester City Council ("MCC").
- 1.2 The DS Review suggests that the ES Chapter and Standalone Report conclude that the impact of the Proposed Development on Oxygen is 'not significant' and that the mirror massing assessment has been used to 'mask the severity of harm'² and its use is 'methodologically weak and planning-policy inconsistent'³. It goes on to state that the Proposed Development would result in an 'unacceptable loss of daylight'⁴.
- 1.3 The DS Review also questions that the mirror assessment has not been undertaken properly, insofar that the mirror line is not correct and that the mirrored mass should be 'confined to the Land Registry redline boundary'⁵.
- 1.4 Section 6.0 of the DS Review provides further details in connection with the conclusions drawn by AKT and we will refer to those within this letter.
- 1.5 In the following sections, we will address and respond to the various points noted in the DS Review, together with the various points that AKT have not captured when correctly applying the BRE Guidelines in the context of Environmental Impact Assessments ("EIA"); including but not limited to, determining and applying significance criteria.
- 1.6 The following headings will be considered:
 - The Use of Alternative Daylight/Sunlight Target Values
 - Determining the Significance of Effect; both in general and in the context of an EIA
 - Position of Mirror Massing
 - Overall Conclusions

2 The Use of Alternative Daylight/Sunlight Target Values

- 2.1 In terms of policy, the DS Review only refers to 'Manchester Core Strategy Policy DM1 (Residential Amenity)' insofar that 'all development must consider the impact on the surrounding areas in terms of...residential amenity'⁶.
- 2.2 Policy DM1 (which relates to Development Management not specifically Residential Amenity to which the DS Review alludes) expands on the abovementioned point to say that 'Development should have regard to the character of the surrounding area'⁷. In other words, when considering acceptability of matters such as daylight and sunlight, the height, proximity and levels of light already established should be taken into account.
- 2.3 This approach is endorsed by the National Planning Policy Framework ("NPPF") and Planning Practice Guidance ("PPG"), which state that:

1 Page 3, Section 2.0 (Executive Summary), Paragraph 02 of the DS Review
2 Page 3, Section 2.0 (Executive Summary), Paragraph 04 of the DS Review
3 Page 16, Section 7.0 (Conclusion / Recommendation), Paragraph 06 of the DS Review
4 Page 3, Section 2.0 (Executive Summary), Paragraph 05 of the DS Review
5 Page 17, Section 7.1, Paragraph 02 part 2 of the DS Review
6 Page 7, Section 5.0 (Assessment Standards), Paragraph 02 of the DS Review
7 Policy DM 1, Manchester Core Strategy 2012-2027

“...when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight...(as long as the resulting scheme would provide acceptable living standards).”⁸

“All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development [emphasis added] as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable...”⁹

“A range of considerations should be taken into account in establishing appropriate densities on a site or in a particular area. Tools that can assist with this include...characterisation studies [emphasis added] and design strategies, dealing with issues such as urban form, historic character, building typologies, prevailing sunlight and daylight levels [emphasis added], green infrastructure and amenity space...”¹⁰

- 2.4 The BRE Guidelines itself recognises in areas with taller buildings greater levels of obstruction are often unavoidable, and encourages that local authorities should consider applying alternative targets, of which one is the use of the BRE recommended ‘mirror massing assessment’^{11 12}.
- 2.5 The below table provides a snapshot of three characterisation studies, illustrating prevailing daylight levels established through comparable density schemes within MCC.

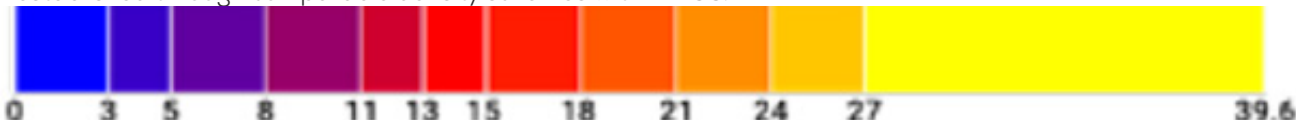


Fig. 01: VSC Banding

RECEPTOR	PREVAILING VSC VALUES
Plot D Great Jackson Street	
Plot F Great Jackson Street	
Vox	

Table 01: Characterisation Study

8 Paragraph 130(c) of the NPPF
 9 Paragraph 007 Reference ID: 66-007-20190722 of the PPG
 10 Paragraph: 004 Reference ID: 66-004-20190722 of the PPG
 11 Paragraph F5 of the BRE Guidelines
 12 Paragraph F6 of the BRE Guidelines

- 2.6 The characterisation study in Table 01 demonstrates consented/established daylight levels less than 5% VSC, groupings of 5%-10% VSC and low-to-mid teen VSC values. With Oxygen retaining VSC value upward from 9.1% (with many being in the mid-teen level), the prevailing results are directly comparable to already established and consented daylight levels – which is consistent with the advice in the PPG and NPPF.
- 2.7 As mentioned above¹³, the DS Review also referred to the Oxygen DS Report, which is similarly helpful to take into consideration when evaluating appropriate daylight targets. Plainly, Oxygen set its own examples for daylight acceptability of neighbouring residential receptors.
- 2.8 It is worth noting that, unlike the Proposed Development, which is considering the impact upon tall buildings, Oxygen is situated immediately adjacent to 3 storey buildings at James Brindley Basin, in particular nos. 28-34.



Fig. 02: 28-34 James Brindley Basin (Elevation)



Fig. 03: Relationship between Oxygen and James Brindley Basin

13 Paragraph 1.1 above

STORE STREET MANCHESTER		DAYLIGHT ANALYSIS EXISTING VS PROPOSED PROPOSED SCHEME 05/05/15			JUL 2025	
Room	Room Use	Window	EXISTING VSC	PROPOSED VSC	LOSS VSC	%LOSS VSC
R17/20		W17/20	1.38	1.25	0.13	9.42
R18/20		W18/20	28.45	28.45	0.00	0.00
R18/20		W19/20	24.69	20.46	4.23	17.13
R19/20		W20/20	26.04	21.42	4.62	17.74
R19/20		W21/20	36.48	6.94	29.54	80.98
R20/20		W22/20	36.24	6.56	29.68	81.90
R21/20		W23/20	36.73	6.19	30.54	83.15
R23/20		W25/20	36.96	5.77	31.19	84.39
R24/20		W26/20	37.00	5.61	31.39	84.84
R25/20		W27/20	36.66	5.21	31.45	85.79
R26/20		W28/20	2.71	0.00	2.71	100.00
R27/20		W29/20	2.69	0.00	2.69	100.00
R28/20		W30/20	36.85	5.40	31.45	85.35
R29/20		W31/20	37.20	5.81	31.39	84.38
R30/20		W32/20	37.21	6.05	31.16	83.74
R30/20		W33/20	26.22	19.26	6.96	26.54
R31/20		W34/20	32.98	28.18	4.80	14.55
R24/21		W24/21	30.88	30.88	0.00	0.00
R24/21		W25/21	28.04	23.56	4.48	15.98
R25/21		W26/21	29.14	24.23	4.91	16.85
R25/21		W27/21	37.72	7.21	30.51	80.89

R26/21	W28/21	37.58	6.88	30.70	81.69
R27/21	W29/21	37.86	6.47	31.39	82.91
R29/21	W31/21	37.99	6.07	31.92	84.02
R30/21	W32/21	37.98	5.95	32.03	84.33
R31/21	W33/21	37.78	5.70	32.08	84.91
R32/21	W34/21	35.60	4.27	31.33	88.01
R33/21	W35/21	29.48	2.98	26.50	89.89
R34/21	W36/21	35.91	4.99	30.92	86.10
R35/21	W37/21	37.86	5.98	31.88	84.20
R36/21	W38/21	38.08	6.32	31.76	83.40
R37/21	W39/21	38.07	6.59	31.48	82.69
R37/21	W40/21	27.73	21.03	6.70	24.16
R38/21	W41/21	35.32	30.48	4.84	13.70
R24/22	W27/22	32.96	32.96	0.00	0.00
R24/22	W28/22	31.38	26.66	4.72	15.04
R25/22	W29/22	32.16	26.98	5.18	16.11
R25/22	W30/22	38.65	7.4	31.25	80.85
R26/22	W31/22	38.52	7.11	31.41	81.54
R27/22	W32/22	38.68	6.71	31.97	82.65
R28/22	W33/22	37.79	5.43	32.36	85.63
R29/22	W34/22	37.93	5.50	32.43	85.50
R30/22	W35/22	38.33	5.88	32.45	84.66
R31/22	W36/22	38.68	6.20	32.48	83.97
R32/22	W37/22	38.75	6.33	32.42	83.66

R33/22	W38/22	38.71	6.38	32.33	83.52
R34/22	W39/22	38.35	6.29	32.06	83.60
R35/22	W40/22	37.96	6.11	31.85	83.90
R36/22	W41/22	37.96	6.46	31.50	82.98
R36/22	W42/22	37.09	30.48	6.61	17.82
R37/22	W43/22	36.65	31.29	5.36	14.62
R1/23	W1/23	33.77	33.77	0.00	0.00
R1/23	W2/23	33.45	28.65	4.80	14.35
R2/23	W3/23	33.94	28.66	5.28	15.56
R2/23	W4/23	38.20	6.72	31.48	82.41
R3/23	W5/23	38.75	7.02	31.73	81.88
R4/23	W6/23	38.19	6.08	32.11	84.08

Fig. 04: James Brindley Basin daylight losses & retained (now established) daylight levels recorded in the Oxygen DS Report

2.9 Figure 02, Figure 03 and Figure 04 above illustrate James Brindley Basin, its relationship with Oxygen and the daylight losses & retained (now established) daylight levels recorded in the Oxygen DS Report.

2.10 The results demonstrate that:

- James Brindley Basin achieved near-maximum VSC values before Oxygen as it looked across a low-rise site (same as the baseline conditions for Oxygen);
- There were proportional losses of VSC up to 86% (larger than the Proposed Development), and;
- The retained VSC values to the impacted windows range 4%-7% (lower than the retained values to Oxygen – the lowest being 9%).

2.11 Decision makers are also referred the committee report for Oxygen dated 06 March 2016 ("the Oxygen Committee Report") which opined that:

*"...the windows worst affected by the approved scheme is an appropriate benchmark of daylight sufficiency [emphasis added] against which the impact of the current scheme can now be measured. This is considered to be a credible and objective means of establishing an alternative daylight target."*¹⁴

2.12 Applying MCC's above reasoning for establishing alternative daylight targets, which is supported by the NPPF, PPG and follows the 'character-based' approach pursuant to MCC Policy DM1, the Proposed Development should be measured against how it performs against an appropriate benchmark (regardless of the contention of the 'mirror assessment'). In this regard, a credible and objective example is already established by Oxygen itself – not only is it an 'approved scheme' on paper, but the prevailing daylight levels have now been established for several years.

3 Determining the Significance of Effect

3.1 As mentioned above, decision makers should bear in mind that there is a difference between the approach to considering significance 'in general' and 'in the context of an EIA'¹⁵.

3.2 For robustness, as the DS Review is questioning the accuracy of the results presented by the 'mirror assessment' (which will be covered in Section 4) and claiming its application is masking the severity of harm, this section will provide further corroboration that the approach taken in the ES Chapter forming a 'not significant' conclusion in relation to Oxygen is fitting.

3.3 Firstly, the ES Chapter is clear in its approach; it evaluates the sensitivity of the receptor, it concludes the existing vs proposed impacts on Oxygen are large and major adverse based on conventional banding criteria¹⁶ ¹⁷(for reference, in broad terms <20% change is classed as negligible; 20-30% is minor; 30-40% is moderate; >40% is major ("Conventional Banding Criteria").

14 Page 33, Paragraph 3 of the Oxygen Committee Report
15 Paragraph 1.15 above
16 Paragraphs 10.80, 10.81, 10.83, 10.87, 10.88, 10.110, 10.115, 10.116 of the ES Chapter
17 Table 10.12 of the ES Chapter

- 3.4 The ES Chapter then goes on to (and applies) the BRE Guidelines' recommended approach to impact assessment for EIAs¹⁸.
- 3.5 As a general point, based on Conventional Banding Criteria, impacts assessed as 'negligible' or 'minor' are assigned as 'not significant'; impacts assessed as 'moderate' or 'major' are assigned as 'significant'.
- 3.6 It should be noted that, whilst the Conventional Banding Criteria has been referenced in the ES Chapter, there are in fact no specific/established numerical threshold criterion for determining the magnitude of change to existing daylight levels.
- 3.7 The ES Chapter does, however, also clearly outline and references the relevant extracts from the BRE Guidelines that relate to determining the level of impact in the context of an EIA^{19 20}. For brevity, the most relevant extract reads as follows:

*"Factors tending towards a minor adverse impact include...there are particular reasons **why an alternative, less stringent, guideline should be applied** [emphasis added]... or **a window standing unusually close to the boundary** [emphasis added]."*²¹

- 3.8 Based on the recommended approach to assessing the acceptability of the impacts of new housing developments on existing in terms of daylight/sunlight, as outlined by the NPPF, PPG, MCC Policy DM1 and the BRE Guidelines, it is evident that alternative, less stringent targets should be applied in this instance – as has been the case for other tall building development in Manchester City Centre, including Oxygen tower. This is further compounded by the fact that the Oxygen windows stand close to the boundary and take the majority of their light over the Application Site.
- 3.9 With all the above in mind, for the purposes of correctly determining significance in the context of an EIA, it is summarised and can be concluded that:
- less stringent targets are appropriate under the circumstances, and;
 - appropriate benchmark targets can be (and have previously been accepted to be) measured against an approved scheme – the Oxygen scheme being a prime example which concluded daylight levels between 4%-7% were not only appropriate on paper but have now been established for several years, and;
 - the absolute lowest retained VSC retained in Oxygen following the Proposed Development is better than those approved/established benchmarks (>9%, then improving across the rest of the building);
 - based on the BRE Guidelines, conforming with a less stringent target = minor adverse impact
 - minor adverse impact = not significant in EIA terms
- 3.10 As stated above, and as noted in the ES Chapter, it is recognised that there will likely be large/major and thereby noticeable losses of daylight to Oxygen as a result of the Proposed Development, when measured against the existing baseline.
- 3.11 However, when determining significance against recognised criteria based on the BRE Guidelines in the context of EIAs²², the effects can be concluded as minor, which, as noted in the ES Chapter, are therefore subsequently defined as 'not significant'.

4 Position of the Mirror Massing

- 4.1 The preceding section should reassure decision makers that, notwithstanding any disagreement between specialists about where the Mirrored Massing should be positioned/confined, the Proposed Development still ultimately follows appropriate alternative target values.
- 4.2 With regard to Mirrored Massing, the BRE Guidelines²³ is not unequivocally clear. For example, the BRE Guidelines uses the term 'boundary', which does not necessarily mean the land registry freehold boundary as the DS Review alludes. Often a redline land registry boundary for a site can be carved into individual parcels, comprising different shapes and sizes, making the defined red line for the purposes of a mirror assessment open to interpretation. Or, in another example, paths/highways previously in the red line could be adopted/acquired, or, some redlines can spill into highways (such is the case with the Application Site).
- 4.3 There is therefore not a clearcut way to determine where a mirror mass should be positioned and specialists will often take a different view based on different site constraints/circumstances.
- 4.4 Ultimately, it is felt the submitted mirror assessment has been applied reasonably. But, based on the wider characterisation studies (detailed in the preceding section), which provides decision makers another means to appropriately address the application of alternate daylight targets (which mirror massing is simply an example of), it is considered that debating the mirror massing point / finding a compromise with third the party objectors/ their representatives, to be a moot point. Wherever the mirror is positioned, there will inevitably be a mixture of results; some improvements compared to a mirror, some losses, some more or less the same- irrespective, the characterisation studies provide adequate reinforcement that the eventual daylight levels are appropriate and consistent with previous approved and established levels.

18 See Appendix H of the BRE Guidelines

19 Paragraph 10.53 of the ES Chapter

20 Paragraphs H4, H5, H6, H7 and H8 of the BRE Guidelines

21 Paragraph H6 of the BRE Guidelines

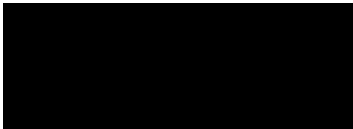
22 Appendix H of the BRE Guidelines

23 See paragraphs F5 & F6 of the BRE Guidelines

5 Overall Conclusion

- 5.1 GIA and the Applicant fully acknowledge the points raised in the Objection in relation to daylight/sunlight, and the subsequent DS Review prepared by AKT on behalf the occupants of Oxygen.
- 5.2 The above letter affirms the submitted ES Chapter does, despite aspersions, in fact report on the magnitude of the effect upon Oxygen, recognising that the impact is inevitably going to be large when compared to the low-rise massing of the existing Application Site.
- 5.3 In such situations, policy (national, regional and local) and nationwide guidance advises local authorities to apply the BRE Guidelines' default numerical advice flexibly, and apply alternative daylight targets in the balanced decision-making process.
- 5.4 Notwithstanding the technical interpretation of the 'mirror assessment', other policy-based approaches such as characterisation studies and considering prevailing daylight levels established by approved schemes, are accepted methods of determining appropriate 'less stringent' targets as has been demonstrated by other examples within Manchester City Centre. Either way, both the mirror and characterisation studies ultimately draw the same conclusions; that the levels of daylight being proposed are not uncharacteristic for the dense urban environment that is envisaged for the area.
- 5.5 In summary, the Proposed Development aligns with the 'less stringent' targets established, thus it follows to conclude a 'minor' impact in EIA terms based on the BRE Guidelines' EIA criteria in Appendix H, and, therefore, based on conventional EIA criteria, the overall 'not significant' effect conclusion as noted in the ES Chapter is maintained.
- 5.6 The above letter should provide adequate clarification that the ES Chapter has been prepared properly and in line with policy/guidance. If there are any further questions, please do not hesitate to contact us.

Yours sincerely,



Matt Hensey

Director

For and on behalf of GIA Surveyors Ltd.