

Committee: Planning and Transportation		Dated: 12 th May 2021
Subject: Daylight & Sunlight Guidance		Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	2, 4, 7, 10	
Does this proposal require extra revenue and/or capital spending?	Y	
If so, how much?	£10,000	
What is the source of Funding?	TBC	
Has this Funding Source been agreed with the Chamberlain's Department?	N	
Report of: Planning and Development Director		For Decision
Report author: David Horkan		

Summary

A report was presented to the Planning & Transportation Committee in July 2019 considering the appropriateness of the City Corporation's current approach to daylight and sunlight and whether there would be a case for having Guidelines more specific to the City setting. Since that time there has been no updated BRE Guidance but it is expected that a draft for consultation will be issued by the end of the year.

It is recommended to continue the City's present practice but to provide a Planning Advice Note setting out the factors that would be taken into account in determining an appropriate level of amenity.

Recommendation(s)

Members are asked to:

- Maintain the City's present policy position as set out in the Draft City Plan 2036 and support the preparation of a planning advice note as to how the present policy and BRE guidance will be implemented within the City. These Guidelines will be brought back to Committee for your consideration.

Main Report

Background

1. A report was presented to the Planning & Transportation Committee in July 2019 considering the appropriateness of the City Corporation's current approach to daylight and sunlight and whether there would be a case for having Guidelines more specific to the City setting. The report suggested three possible options and recommended that one of these options be pursued. The three options were as follows:
 - One: to maintain the City's present approach which is consistent with a city centre context and with the national approach to the efficient use of land.
 - Two: to maintain the City's present approach whilst providing greater guidance on how the range of measurements will be considered and how the City's policy will be implemented
 - Three: to prepare City specific Guidelines which may depart from the BRE approach.
2. Option two was the recommended approach which would continue the City's present practice but would provide further Guidance as to the factors that would be taken into account in determining an appropriate level of amenity. It would include how the range of measurements would be considered, how the City's planning policy would be implemented when noticeable reductions are likely and where losses would normally be regarded as unacceptable except in the rarest of circumstances.
3. A range of views were expressed by Members at the Committee meeting and it was subsequently agreed that a report would be brought back to Committee in due course once the anticipated update of the BRE Guidance on Daylight and Sunlight had been published. Since that time there has been no updated BRE Guidance, but it is expected that a draft for consultation will be issued by the end of the year. Following a Member training session on Daylight and Sunlight it was requested that an update be brought back to Committee for consideration.

Current Position

4. As referenced in the previous report, in 2019 the European Standard for Daylight and Sunlight had an annex added following an EU Directive which requires more precise Europe-wide rules on assessing daylight and sunlight levels within new developments to be taken into account. It was anticipated that the BRE would update the existing guidance in 2020 subject to funding, but it is now expected that a draft for consultation will be issued by the end of the year.
5. In light of the expected amendments to the BRE guidance in relation to standards for new development and following issues raised by Members at recent Committee meetings and training sessions, it is considered appropriate to pursue the approach the City will adopt going forward on the assessment of daylight and sunlight in development proposals.

Policy update

6. The new London Plan was adopted in March 2021 and Policy D6(D) states:

D: The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space

7. This reflects a change to the previous London Plan (2016) as it now refers to the extent of daylight and sunlight that is 'appropriate to its context' which aligns with the BRE Guidance which makes it clear that levels of daylight and sunlight cannot be expected to be as high in dense urban locations as would be the case in suburban or rural ones.

8. The draft City Plan 2036 was published in March 2021 for Regulation 19 consultation and has also been amended to reflect the London Plan and Policy D8 states:

1. Development proposals will be required to demonstrate that the daylight and sunlight available to nearby dwellings and open spaces is appropriate for its context and provides acceptable living standards, taking account of the Building Research Establishment's guidelines.

2. The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight consistent with a city centre context, minimising the need for artificial lighting.

Recommended Option

9. The previous report to Committee addressed the option of the City producing its own standards and assessment method for daylight and sunlight and this was not recommended for the following reasons:

- BRE Guidelines are to be updated shortly to take into account the new considerations and until that is in place it would be untimely to produce City specific guidelines
- If the City were to create a situation that was more restrictive than the BRE Guidelines the Government would be unlikely to support at appeal any criteria which would be more restrictive than the BRE Guidelines and which would prevent the delivery of city centre development including housing. It would be difficult for the City to obtain independent verification of developers' proposals and City-specific guidance would be likely to be challenged on a more regular basis without this wider verification process.
- The City would not wish to restrict further its ability to deliver the accommodation that would provide for the world financial centre provided acceptable living standards are created or maintained.

10. In addition to this it is industry accepted that the technical assessments set out in the BRE guidance are the most appropriate and accurate and that it is their interpretation that is important in arriving at a balanced planning judgement.
11. It is also relevant that the Draft City Plan specifically states in Policy DE8 that assessments will take account of the BRE guidance and the 'How the Policy Works' sections states: '*The Building Research Establishment (BRE) has issued guidelines in 'Site Layout Planning for Daylight and Sunlight' that set out a methodology for assessing changes in daylight and sunlight arising from new development. The City Corporation will apply these methods, consistent with BRE and NPPF guidance that ideal daylight and sunlight conditions may not be practicable in densely developed city-centre locations.*' In such circumstances introducing a different method of assessment may not be in accordance with existing and emerging policy.
12. For these reasons it is recommended to continue the City's present practice but to provide a Planning Advice Note setting out the factors that would be taken into account in determining an appropriate level of amenity. It would provide guidance on how the range of measurements will be considered, how the City's planning policy will be implemented when noticeable reductions are likely and where losses would normally be regarded as unacceptable except in the rarest of circumstances. A new Planning Advice note would also address the use of Radiance assessments which is set out in more detail below and the potential use of 3D modelling which is still an evolving technology.
13. Given the highly technical nature of this subject matter it is considered that it would be necessary to instruct consultants to assist in drafting a Planning Advice Note and a fee of £10,000 has been estimated based on similar instructions. The source of this funding has not been identified.
14. In light of the anticipated update to BRE guidance it is considered appropriate to align the development of a Planning Advice Note with the emerging BRE annex to ensure that the City's assessment of planning application accords with existing and draft City Plan Policy.

Average Daylight Factor (ADF) and Radiance Assessments

15. ADF analysis provides a measure of the amount of daylight that penetrates the room. Developers are increasingly using this analysis alongside VSC and NSL to demonstrate that the impact of a development on existing residential development is acceptable. Such analysis requires knowledge of / access to affected rooms and results will vary according to the number and position of windows that serve the room, the room size, layout and decoration and radiance analysis introduces reflected light and accounts for use of materials and their reflective properties.
16. It is generally accepted to be more applicable to assessing light within a scheme at design stage for a proposed residential development as materials and finishes can be more accurately specified and identified.

17. ADF can be calculated in a number of ways and can be a useful analytical tool to consider the impacts of development on daylight. Radiance analysis can provide additional information, such as looking at the impact of reflected light which can be useful when light levels are already low such as lightwells and courtyards, or where a dark and dull existing building is being replaced with much brighter finishes. It is generally less beneficial where the access of light is already good, or where the building being replaced is of similar materials or finishes.
18. Radiance analysis can be used to assess neighbouring daylight, however without the benefit of access to verify layouts and internal materials it is very much reliant on assumptions which could potentially lead to inaccurate or misleading results. However, undertaking radiance analysis can provide an additional layer of assessment which is helpful in understanding the impact of a development on surrounding premises, particularly if represented in a 3D image. Whilst beneficial in understanding any potential loss of daylight, there is no established methodology by which to quantify the impact as to what would be material as currently exists for VSC, NSL and APSH. It may be that the anticipated update of BRE guidance will address daylight factor and radiance analysis.
19. It is therefore considered premature to require the provision of radiance analysis for all schemes on the basis that there is no existing policy or guidance basis for it, there is no established methodology for quantifying and assessing the impact and there may need to be a reliance on assumptions which can lead to inaccurate and misleading results.
20. Nevertheless, the value of radiance analysis is recognised and Officers will continue to work with developers to provide it in appropriate circumstances where it can be used to supplement the assessment of impacts where the BRE assessment indicates there would be an adverse impact on daylight and sunlight.

Conclusion

21. It is considered that the production of the City's own standards and method of assessment for daylight and sunlight impacts would not be appropriate for reasons set out above. It is therefore recommended to maintain the City's present policy position as set out in the Draft City Plan 2036 and to support the preparation of a planning advice note as to how the present policy and BRE guidance will be implemented within the City.

Appendices

- Appendix 1 - Report to Planning and Transportation Committee 30/7/19
- Appendix 2 – Adopted Daylight and Sunlight Policies
- Appendix 3 - Draft Daylight and Sunlight Policies

Report Author

David Horkan, Assistant Director Planning Development

E: david.horkan@cityoflondon.gov.uk
T: 07738102185