

Mike Moon
DP9
100 Pall Mall
London
SW1Y 5NQ

Ref: PS3173

13th June 2024

Dear Mike,

RE: (PLANNING REF. 2024/1364/P) NCP SAFFRON HILL, 14 ST CROSS STREET, LONDON EC1N 8UN – DAYLIGHT, SUNLIGHT AND OVERSHADOWING

This letter has been prepared in conjunction with the submitted Daylight, Sunlight and Overshadowing Report for the above Site prepared by Point 2 and dated April 2024 and seeks to provide a response to the recent representations made in respect of the daylight, sunlight and overshadowing position with regard to the Ziggurat Building.

Point 2 have been provided with a copy of the representations raised by various residents of the Ziggurat Building, including a formal letter to the London Borough of Camden prepared by Maddox Planning and an independent Daylight, Sunlight and Overshadowing Report prepared by Delva Patman Redler ('DPR') both dated 14th May 2024.

This letter seeks to provide substantive responses to the key areas of concern raised by residents, insofar as they relate to daylight, sunlight and overshadowing, as well as the findings of the DPR independent assessment.

Modelling Clarifications

In regard to the Point 2 modelling and assessments, our technical studies have been based on a highly detailed and accurate measured survey-based 3D model to ensure all of the surrounding buildings and windows are accurately modelled relative to the Site. Point 2 have also cross-checked the massing model of the Submitted Scheme as detailed in the Daylight, Sunlight and Overshadowing Report with the submitted architectural plans prepared by AHMM Architects, and AHMM have also verified the model.

The massing is consistent with the submitted plans and the only minor discrepancy (as referred to in the DPR Report) relates to a 60mm (6cm) difference in where the AOD datum for the plant room enclosure has been taken. This difference is nominal and within a degree of reasonable tolerance that will have no bearing on the technical analysis or outcome of the daylight/sunlight assessments undertaken.

It is also worth stating that it is certainly not commonplace for developers to provide neighbouring representatives with a detailed set of modelling and source information during the planning process, particularly pre-submission. It is, however, common for neighbours to instruct their own advisors to carry out their own independent daylight and sunlight technical assessments, which is the case here.



17 SLINGSBY PLACE
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Daylight

Living in Central London, particularly the more densely built-up areas of the City, must come with a reasonable expectation of redevelopment regularly taking place, and naturally lower levels of light amenity than one might expect in more suburban, less built-up areas. The BRE acknowledged this in their advice on daylight and sunlight and as such emphasise that the numerical targets provided must be applied flexibly and not be used as an instrument of planning policy.

Farringdon is itself going through a sustained period of regeneration, catalysed by the completion of the Elizabeth Line and major infrastructure improvements, and therefore daylight and sunlight is only one of many factors that should contribute to the overall planning balance. It must be acknowledged that current levels of daylight and sunlight enjoyed by residents within Central London are not permanent and if new development, particularly of buildings that require modernisation, is to take place then some amenity impacts are inevitable.

To assist in assessing the effect of the Proposed Development on neighbouring daylight amenity to surrounding residents, Point 2 carried out a supporting contextual daylight study to identify levels of retained daylight that would be commensurate for this locality. This is because it is important to not only consider the relative change in daylight, but also whether sufficient daylight levels will remain.

We wholly disagree with DPR's view that the contextual study provided poor examples that unnecessarily favour our justifications and are not illustrative of the Ziggurat situation. In the case of the Ziggurat Building, the existing relationship with the Site is such that windows are located very close to the boundary on the opposite side of a tight street (Saffron Street). The Ziggurat Building is also a taller building in form than the current NCP Car Park building. Some flats on the upper floors of the Ziggurat Building also have windows that are heavily overhung by architectural projections above them, which naturally limit their view of the top part of the sky dome.

In respect of the contextual locations identified within the Point 2 Report, 6 of the 7 locations identified illustrate building to building relationships that are less onerous/tight than the current relationship between the Site and Ziggurat Building. It is therefore not the case that the contextual study seeks to identify more favourable situations to that of the Ziggurat situation.

Vertical Sky Component (VSC)

The submitted Point 2 Report confirms 79% of the windows tested within Ziggurat Building will meet the BRE guideline recommendations for VSC. This equates to 136 of the 173 windows tested, with 37 windows experiencing a degree of change in VSC that falls below the BRE guideline recommendations. Whilst the DPR Report identifies that 15 of the 23 flats assessed will experience some reduction in daylight (either VSC or NSL) that falls below the BRE guidelines, their criteria for assessing the VSC relates solely to the degree of alteration (relative percentage change) and does not reference the scale of absolute alteration or level of retained VSC.

This is particularly important in the case of the Ziggurat Building because many of the windows facing the Site have much lower existing levels of VSC than the BRE guideline recommendations, owing to the very tight street and close proximity of buildings. When there are low existing daylight levels, even small changes can manifest as disproportionately larger percentage alterations. It is therefore key to not only consider the relative change, but also the degree of absolute alteration to determine whether

the retained levels are commensurate with the local context. This is particularly critical for the VSC form of assessment.

DPR also fail to acknowledge the fact that the majority of rooms assessed are served by multiple windows that all contribute to the overall view of sky from within the room. Within the DPR Results there are only three rooms across the Ziggurat Building where all of the windows serving those rooms fall below the BRE guidelines for VSC. The remaining rooms all have other windows that comfortably meet the BRE guidelines and also meet the NSL Daylight Distribution test.

No Sky Line (NSL) Daylight Distribution

The submitted Point 2 Daylight, Sunlight and Overshadowing Report confirms full compliance to the BRE NSL daylight distribution form of assessment, demonstrating that the Proposed Development does not have a noticeable effect on the daylit areas within the habitable rooms facing the Site.

The DPR Report does, however, identify two small single-aspect rooms within Flat 4.5 whereas these are not shown on the lease plans that we have used within our analysis, which instead show a large, open-plan space. We have not had sight of the plans and site inspection notes used by DPR to inform their assessment, however, based on the size of the two rooms in question it is likely that they serve bedrooms which the BRE acknowledge are less important for NSL. Whilst these two rooms are shown as experiencing a technical transgression of the NSL guidance within the DPR analysis, the principal living space with the flat continues to remain BRE compliant for NSL Daylight Distribution.

Daylight Conclusions

Point 2 acknowledge that there is a degree of sensitivity in respect of the daylight amenity enjoyed by the Ziggurat Building, owing to the tight street and close proximity to the Site. As a result, many of the windows presently have low existing levels of daylight and as such any form of development on the Site is likely to give rise to reductions in those existing levels. It is therefore important to consider not only the degree of relative change in daylight, but also the absolute level of alteration and the level of daylight that is retained. The degree of harm should not be wholly attributed to the relative change in daylight, but also whether the daylight that remains is still commensurate with what one should reasonably expect within an Inner London location.

When reviewing the daylight position in both VSC and NSL terms, the analyses demonstrate that despite alterations, the levels of retained VSC are generally commensurate with the wider locality and comparable to a mirror-massing form of development that seeks to match the scale and proportions of the Ziggurat Building. This is before one acknowledges the existence of the projecting architectural features on the upper levels of the building that limit their access to direct light from the top part of the sky.

The NSL daylight distribution results also confirm that aside from two small single-aspect rooms at fourth floor level, there is full compliance to the BRE guidelines illustrating that there will be virtually no noticeable effects on the daylit areas within the flats, in particular the principal living spaces within each dwelling.

Sunlight

The BRE clearly advises at paragraph 3.2.6 that ‘if a room [emphasis added] can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of APSH in the winter months between 21 September and 21 March, then it should still receive enough sunlight [emphasis added].’ It is also worth adding that our specialist computer software used to undertake the APSH sunlight assessments, accurately calculates the APSH for rooms with multiple windows whilst ensuring that sunlight hours are not double counted. Therefore, the APSH results by room provide an accurate reflection of sunlight availability within a room and are more informative than focusing on individual windows as DPR have done in their report.

In this context, the APSH results as detailed within the Submitted Daylight, Sunlight and Overshadowing Report confirm that 21 of the 24 rooms tested will meet the BRE guideline recommendations for both annual and winter sunlight. In respect of the 3 remaining rooms, two comfortably exceed the BRE annual sunlight criteria (25% APSH) and the other retains 16% APSH which is a 27% relative alteration from existing levels which is arguably ‘minor’ in the context of an urban location. The winter APSH position confirms that only two rooms fall short of the 5% target; one of which retains 2% APSH, which is 1% reduction from the existing level of 3%; and the other retains 4% APSH, just 1% off the BRE recommendation. Whilst it is acknowledged these represent a deviation from the BRE guideline recommendations, these are relatively minor transgressions in the context of an urban development, where in both cases the annual APSH targets are comfortably exceeded.

DPR have identified within their Report that 9 flats within Ziggurat Building experience some reductions in sunlight which are beyond the BRE guidelines, either annually, during winter or for both assessments. This means that 14 of the 23 flats assessed within the building would meet the BRE guideline recommendations for sunlight with the Proposed Development in place.

Of those 9 flats referred to in the DPR Report, whilst individual windows may experience some reductions in sunlight compared to current site conditions, the following should be noted in respect of the sunlight availability to the rooms serving each of those flats:

Ziggurat Building Flat No.	Comments
Flat 2.4	Fully meets BRE; retaining 41% APSH annually, with 1% in winter (no change from existing level)
Flat 2.5	Meets BRE in winter; retains 16% APSH annually (from 22% in the existing condition) representing a relative alteration of 27%.
Flat 3.4	Meets BRE annually retaining 49% APSH; retains 2% APSH in winter, representing a 1% reduction.
Flat 3.5	Fully Meets BRE; retaining 38% APSH annually, with 6% APSH in winter.
Flat 4.4	Meets BRE annually retaining 52% APSH; retaining 4% in winter.
Flat 4.5	All three rooms within this flat meet the BRE annually; 1 room also meets BRE in winter, with the remaining 2 rooms experiencing a 1% reduction in APSH. Worth noting that in both cases, these relate to small, single-aspect rooms served by one window. Whilst the uses of the rooms are not confirmed within the DPR tabulated results, it is possible that they are bedrooms which the BRE acknowledge need not be analysed for sunlight. In any event, the principal living space within the flat meets BRE guidance for APSH.

Ziggurat Building Flat No.	Comments
Flat 5.4	Fully Meets BRE retaining 42% APSH annually with 7% in winter.
Flat 5.5	Fully Meets BRE retaining 72% APSH annually with 13% in winter.
Flat 6.3	Fully Meets BRE retaining 54% APSH annually with 15% in winter.

It is evident from the above table that of the 9 flats that DPR identify as experiencing some form of sunlight reduction beyond BRE guideline recommendations for specific windows, in all but one instance, the Annual APSH target is comfortably exceeded for the rooms in question (retaining between 38% and 72% which is significantly higher than the BRE 25% target, particularly in the context of an dense inner-city location). Whilst it is recognised that some reduction in winter sun within an urban environment might be unavoidable, in the case of 7 flats the winter APSH recommendations are met, with the other flats either experiencing no greater than a 1% reduction in winter sun, or alternatively retaining just 1% short of the BRE target.

It is also important to acknowledge that the BRE recognises the sensitivities surrounding sunlight availability in certain circumstances and that care needs to be taken in applying the guidelines in such situations (BRE paragraph 3.2.10) each of which evidently apply to the Site and its relationship to Ziggurat Building which include:

1. *"If an existing building stands unusually close to the common boundary with the new development, or has a large balcony or overhang above the window [both of which apply in the case of Ziggurat Building] then **a greater reduction in sunlight access may be unavoidable**" [emphasis added].*
2. *"The guidelines are purely advisory".*
3. *"Sometimes a larger reduction in sunlight may be necessary if new development is to match the height and proportion of existing buildings nearby".* At present, the Ziggurat Building is taller than the current NCP Car Building (the Site) and therefore some windows on the upper levels of Ziggurat do enjoy higher levels of sunlight access over the Site than may otherwise be expected within a densely built inner-London location. If the Site is to be redeveloped to align with the height and proportions of neighbouring buildings (i.e. Ziggurat Building) then naturally there is likely to be some reductions in sunlight as a result.

Sunpath Diagrams

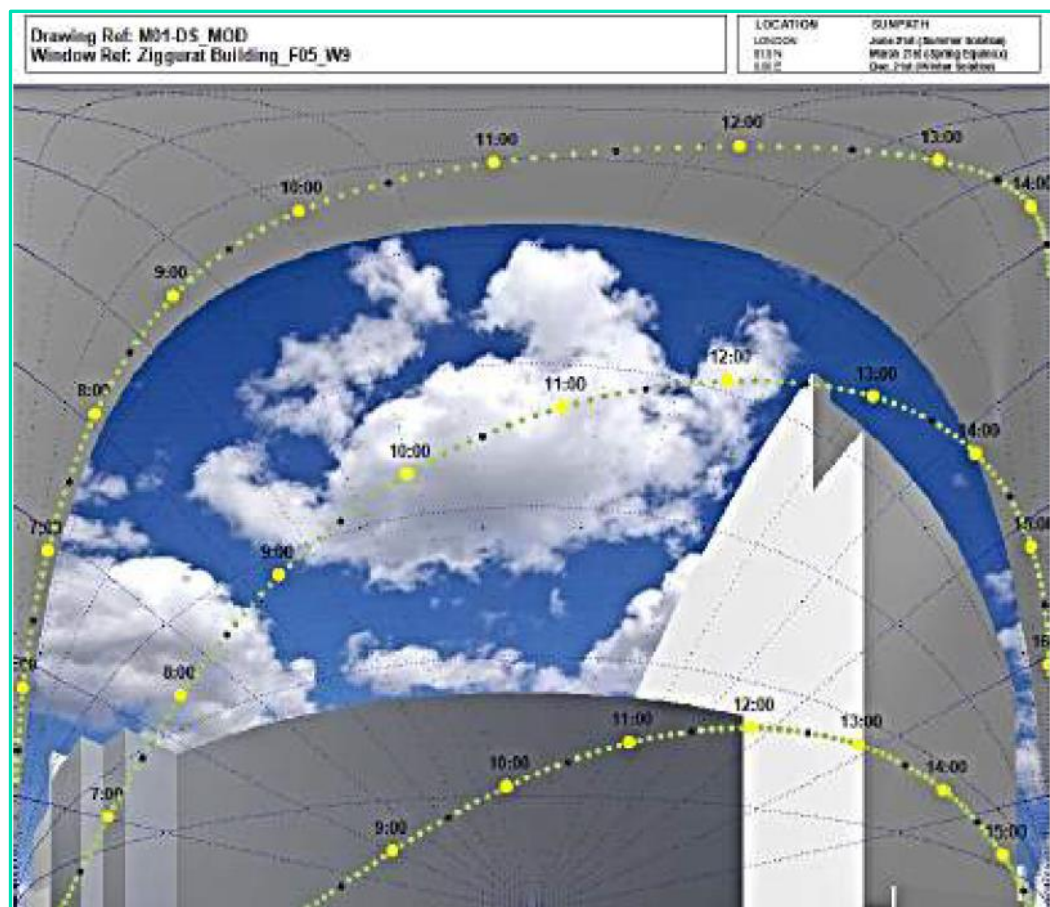
DPR have also provided some supplementary sun path diagrams within their Report that seek to show the path of the sun on 21 March, 21 June and 21 December from different window locations across the south facing elevation of the Ziggurat Building. The images show a comparison between the existing and proposed conditions at each of the selected windows and they have sought to provide some commentary on the impact that the development is likely to have on the sunlight availability at specific times of the year.

It is important to reiterate at this juncture that the BRE does not provide any specific guidance or informative on this approach and in fact it states at paragraph 3.2.4 of the Guidelines that *"**the APSH is a better way of quantifying loss of sunlight**" [emphasis added] because it takes into account sunlight received over the whole year, not just on one particular date."*

Whilst the descriptive text on each of the images at Appendix 5 and 6 of the DPR Report is virtually ineligible due to the poor quality of the resolution on the images, it is just about possible to identify the individual flat and window references to which each image relates.

The first point to raise is that, as with DPR's assessment of the APSH results, the sunpath diagrams are taken from individual windows and do not take account of the sunlight availability to the rooms as a whole. Setting aside the fact that virtually all of the rooms within the Ziggurat Building meet the BRE guidelines for APSH and therefore in accordance with the BRE guidelines should continue to receive enough sunlight, the following can be noted from the DPR sunpath diagrams:

1. 17 of the 72 window views show no impact on the sunpath at all during the course of the year – these are windows located on the lower levels of the Ziggurat Building.
2. A further 21 of the window views indicate no impact on sun on 21 March or 21 December (or the months in between) and only fractional reductions close to the 21 June.
3. A further 22 window views, all taken from flats on the upper levels, clearly illustrate the limiting effect of the overhanging projections above the window; an inherent design feature of the Ziggurat Building, which blocks out the top part of the sky dome. In many cases this blocks out the sun path completely on 21 June – see below example of a window at 5th floor level within Flat 5.5:



Example window view of W9, Floor 5, Flat 5.5 taken from DPR Report, Appendix 4

In the above example, the window receives no sunlight on 21 March because of the existing building obstructions opposite, and no sunlight on 21 June due its own overhanging projection above the window. Given the very tight nature of Saffron Street and the close proximity to the Site, this makes this particular flat inevitably more susceptible to sunlight reductions during the middle part of the year – and it is clear that even a modest form of extension to the existing NCP car park would result in a loss of sunlight.

In respect of the window views taken from the flats located at Floor 7 and above, it is clear that whilst there will be a reduction in some sunlight access during the earlier and latter part of the year during the winter months, there remains a significant portion of the sky dome visible above the Proposed Development and between the months of March and September, virtually full access to direct sun will remain, except where the Ziggurat's own architectural features block the upper part of the sky in June.

Sunlight Conclusions

DPR have concluded in their independent report that there will be a “*substantial reduction to the access of direct sunlight to the upper floors of Ziggurat Building*”. Whilst it is fully acknowledged within the submitted Point 2 Daylight, Sunlight and Overshadowing Report that the Proposed Development will have the effect of reducing the sunlight availability to some flats within Ziggurat Building, what DPR fail to acknowledge in their review is the fact that virtually all of the habitable rooms will meet the BRE guideline recommendations and therefore continue to retain enough sunlight throughout the year. In fact, where the greatest relative reductions in sunlight access arise, the vast majority of rooms will continue to retain annual APSH levels that far exceed the BRE guideline recommendations.

The BRE guideline recommendations on sunlight are not a ‘no harm policy’ and it is clearly recognised in the BRE Guidelines that contextual factors such as the proximity of neighbouring buildings, the presence of architectural features within neighbouring buildings and the fact that sunlight reductions may be unavoidable in densely built up locations and where proposed development seeks to match the height and proportions of neighbouring buildings, all contribute to the relative loss of sunlight.

Whilst the Proposed Development will give rise to reductions in direct sunlight amenity to some residents within the Ziggurat Building, any form of development that extends beyond the envelope of the current NCP Car Park will inevitably have an effect on sunlight amenity because of the close proximity of the Ziggurat Building to the site. The residual sunlight levels remain commensurate with urban locations, particularly those within inner-city areas such as Central London, and in fact the BRE guideline recommendations, especially for annual sunlight, are in virtually all instances far exceeded.

Sun on Ground (Overshadowing)

It is important when considering overshadowing within urban environments to reiterate what the BRE Guidelines advise is this regard. The initial guideline recommendation on overshadowing is set out within the summary at paragraph 3.3.17 of the BRE Guidelines which states:

“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 than can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.”

In this regard, the submitted Point 2 Daylight, Sunlight and Overshadowing Report confirms that each of the private terraces within the Ziggurat Building will comfortably exceed the above BRE guideline recommendation. In fact, all of the terraces will continue to receive at least two hours of direct sunlight to in excess of 84.8% of their area and in the case of five of the terraces this would be 100%.

With direct reference to the BRE guidelines, it is evident that these detailed technical assessments confirm that the roof terraces should therefore continue to appear adequately sunlit throughout the year and any loss of sunlight is unlikely to be noticeable.

Transient Overshadowing

It is acknowledged by Point 2 that the BRE Guidelines also note that in addition to the above two-hour sun on ground assessment, it can often be illustrative to plot a shadow plan showing the location of shadows at different times of day and year (BRE paragraph 3.3.13). This supplementary assessment has been undertaken by DPR and is illustrated on the drawings showing the comparative shadow paths on 21 March, 21 June and 21 December within Appendix 3 of their report.

Before commenting on the results of the DPR transient shadow plans, it is worth reiterating what the BRE state about the expectation of overshadowing within urban environments.

Firstly, the BRE advises at paragraph 3.3.13 of the BRE Guidelines that when comparing existing and proposed shadow plots, *"it must be borne in mind that nearly all structures will create areas of new shadow, and some degree of transient overshadowing of a space is to be expected."*

21 March

When reviewing the shadow plots on 21 March, the DPR analysis clearly shows that there will be no noticeable overshadowing on the terraces at the lower levels of Ziggurat Building as they are already presently in shadow for most of the day with the existing site building in place. The terraces on the upper floors are in direct sunlight for the majority of the day, with the exception being a degree of new shadow in the morning. After around 11am, the terraces will continue to have access to direct sunlight throughout the rest of the day, until they begin to be overshadowed by their own building from around 5pm onwards.

In our view, this degree of additional transient overshadowing falls within what could be considered to be 'as expected' for this type of inner-city location and the terraces will clearly continue to have access to very good levels of direct sunlight in March.

21 June

With regard to sunlight availability on 21 June, this represents the best case of minimum shadow as it is the height of midsummer. The DPR 21 June transient shadow plans clearly illustrate that the Proposed Development will give rise to no noticeable additional shadow on the Ziggurat Building external terraces throughout the day and in fact the most noticeable shadows are cast by their own building in the latter part of the day.

It is therefore clear that the Proposed Development will have no impact on the direct sunlight availability to the external roof terraces of the Ziggurat Building during the height of summer.

21 December

The BRE acknowledges at paragraph 3.3.15 of the BRE Guidelines that *“if winter shadows (e.g. 21 December) are plotted, even low buildings will cast long shadows. In a built-up area, it is common for large areas of the ground to be in shadow in December.”*

In view of the above, the Site is located within a built-up part of Farringdon and therefore any form of development on the Site is inevitably going to give rise to additional overshadowing in the winter months when the sun is at this lowest throughout the year and shadows are naturally cast longer than at other times of year. In that context, the extent of additional overshadowing on the Ziggurat Building terraces is within what is to be expected with any development taking place within an urban environment such as this.

The analysis for the other months of the year clearly demonstrates that the terraces will continue to receive very good levels of direct sunlight throughout the day, despite some inevitable reductions to existing levels at certain periods, which is common for virtually every development in Central London.

Transient Overshadowing Conclusions

When reviewing the results of the Two-Hour Sun on Ground Assessment on 21 March, alongside the transient shadow plots prepared by DPR on 21 March, 21 June and 21 December, when considering the analysis in the context of a development within a densely built-up area such as Farringdon, we disagree with DPR's conclusion that that the upper floor terraces of the Ziggurat Building will *“experience substantial levels of additional overshadowing cast throughout the year”*.

Rights to Light

Finally, we reiterate the fact that Rights to Light is a private legal matter and is separate from daylight, sunlight and overshadowing (planning) considerations and should not form part of the decision-making process for this planning application.

The applicant has already advised neighbouring residents that they are fully committed to dealing with any legal Rights to Light matters, where relevant and applicable, in due course.

I trust that the above is clear, however, I would be more than happy to discuss any of the above in greater detail with Officers if additional clarification or explanation is requested.

Yours Sincerely



Matthew Harris
Director
For and on behalf of Point 2