

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Town and Country Planning (Inquiry Procedure) (England) Rules 2000

REBUTTAL

CAMBRIDGE CITY COUNCIL

REBUTTAL BY: Ian Dias BSc (Hons) MRICS

on

DAYLIGHT, SUNLIGHT & OVERSHADOWING

PLANNING APPLICATION CALLED-IN BY THE SECRETARY OF STATE

LOCAL PLANNING AUTHORITY REFERENCE: 23/03204/OUT

INSPECTORATE REFERENCE: APP/Q0505/V/25/3360616

APPLICATION MADE BY RAILWAY PENSION NOMINEES LTD

**ADDRESS: BEEHIVE CENTRE, COLDHAMS LANE, CAMBRIDGE,
CAMBRIDGESHIRE, CB1 3ET**

JUNE 2025

REBUTTAL PROOF

Please note – the comments within this Rebuttal are not intended to be exhaustive in consideration of the Proof of Evidence prepared by Mr Lonergan and how this compares with my own Proof of Evidence.

1.0 Mr Lonergan’s Proof of Evidence - Section 9 – Local Planning Precedent and Comparators (para. 9.1.21 to 9.1.52 inclusive)

- 1.1 Within paragraphs 9.1.21 to 9.1.52 inclusive, Mr Lonergan seeks to provide three local planning cases where daylight and sunlight effects have been considered. In para. 9.1.26 he says:

“These examples identify both pre-existing values around or below the ‘mid teens’ for habitable rooms as well as numerical reductions being accepted despite being within the bands that may be considered ‘moderate’ or ‘major’ against the significance criteria outlined at 8.1.8 above.”

- 1.2 The 3 cases Mr Lonergan has put forward are;

- **137 And 143 Histon Road (24/01354/FUL)** (CD10.10)
- **Pembroke College, Mill Lane (18/1930/FUL)** (CD10.06)
- **Grafton Centre (23/02685/FUL)** (CD10.11)

- 1.3 I consider the narrative that Mr Lonergan has presented within his Proof of Evidence relating to these 3 cases is selective, and does not present a fair and reasonable summary assessment on the analysis relating to each respective case; and nor do I consider it provides meaningful relevance / comparables to the Beehive Centre proposal.

- 1.4 Accordingly, this rebuttal seeks to address some of my main concerns in this respect. I examine each case in turn, comparing narrative comments from Mr Lonergan with that evident from the analysis submitted within the corresponding Daylight and Sunlight report that was submitted for the planning application of each respective case.

2.0 137 And 143 Histon Road (24/01354/FUL) (CD10.10)

2.1 My source reference on the daylight and sunlight analysis is the 'Daylight & Sunlight Amenity Study (Neighbouring) Report dated 2nd April 2024 ref. NBB/23-02743 prepared by Rapleys and submitted as part of the application for 137 And 143 Histon Road (24/01354/FUL).

2.2 In respect of Mr Lonergan's Proof of Evidence (PoE), Mr Lonergan states within para. 9.1.28:

"The context of a mix of Victorian Terraces and more modern flatted development has some similarities with the Beehive Centre site. As a predominantly low-level housing scheme the effects of the proposal to neighbours was generally limited. The flats at 1-15 Greengates Court did however have pre-existing VSC levels of c.14% - 15% for main living areas despite facing a currently open car park area. Under the proposals these experience 'moderate' numerical impacts of up to 34% reductions and were left with more limited retained VSC values of c.11% to main living spaces."

2.3 As an initial comment, Mr Lonergan highlights that 137 and 143 Histon Road is stated as "low-level" and that "the effects of proposal to neighbours was generally limited"; neither is the case for the Beehive Centre proposal.

2.4 Mr Lonergan goes on to say that "The flats at 1-15 Greengates Court did however have pre-existing VSC levels of c. 14% - 15% for main living areas despite facing a currently open car park area." Whilst this statement is correct for three of the windows at ground floor level within 1-15 Greengates Court, Mr Lonergan fails to highlight and acknowledge that for each of these specific three windows, they are set back within a recessed balcony arrangement within Greengate Court, so that the window is inherently restricted by both the balcony soffit above the window and also the projecting walls either side, thereby 'enclosing' and forming the recessed position of these particular windows.

2.5 For the first window at ground floor level that is *not* constrained in that way, the existing VSC value is 36.40% (window reference W4) which is an excellent VSC value.

2.6 Thus, the example of "existing VSC levels of c.14% -15%" only relates to these three specific ground floor windows in a recessed balcony position, which have inherent restrictions to daylight - which is not acknowledged within Mr Lonergan's statement. Nor is it acknowledged that for the Beehive Centre, there are no such windows in neighbouring properties: none of the neighbouring properties share a similar occurrence of windows within a recessed balcony position.

2.7 Mr Lonergan further states; "under the proposals these experience 'moderate' numerical impacts of up to 34% reductions and were left with more limited retained VSC values of c.11% to main living spaces." In my view it is quite typical that such windows would undergo a reduction not

meeting BRE Guide default target criteria given the inherent sensitive of such windows within a recessed balcony position. Neither is it surprising that when starting from VSC values of c.14% - 15% for these particular windows, a proposed VSC value of c.11% could result, given the inherent sensitivity of these window positions and limited existing VSC value.

- 2.8 I highlight that for the same first window at ground floor that is not so constrained – i.e., being outside of such a recessed balcony position - an existing VSC value of 36.40% (window reference W4), would have a VSC value of 32.93% in the proposed scenario, thereby representing a 10% reduction and thereby, readily meeting BRE Guide default target criteria. This demonstrates the comparable inherent sensitivity of the recessed balcony windows. They are really a special case, and cannot be compared to windows without that context.
- 2.9 Indeed, from the 24 windows analysed for VSC for 1-15 Greengates Court overall, only 4 windows have reductions in VSC not meeting BRE Guide default target criteria and unsurprisingly, these particular windows all have a recessed balcony position where there is inherent sensitivity due to the balcony soffit and projecting wing walls either side of such windows.
- 2.10 In summary, the 'Primary Comparable' quoted by Mr Lonergan is neither fairly presented or relevant as a comparator to the Beehive Centre and as he has summarised;
- VSC reductions between c.25%-34%
 - Pre-existing VSC levels of c.14%
 - Wider pre-existing VSC values between c.17%-23%
- 2.11 In respect of the above latter point, this is not a fair representation. Neighbouring properties without any inherent constraint typically, have existing values above the range of c.17%-23% with a substantial number with existing VSCs greater than 30%.

3.0 Pembroke College, Mill Lane (18/1930/FUL) (CD10.06)

3.1 My source reference on the daylight and sunlight analysis for this case is the 'Daylight & Sunlight Report dated 2nd November 2018 prepared by GVA and submitted as part of the application for Pembroke College, Mill Lane (18/1930/FUL).

3.2 In respect of Mr Lonergan's Proof of Evidence (PoE), Mr Lonergan states within para. 9.1.31:

"The proposals comprised the repurposing of existing buildings and construction of new residential buildings in close proximity to the southern boundary with Little St Mary's Lane. There were existing residential windows within between c.1m – 3m of this boundary."

3.3 In respect of the Beehive Centre, existing neighbouring residential windows are not within between c.1m-3m of the boundary. In such instances, the BRE Guide recognises inherent limitations of windows placed so close to the boundary.

3.4 Equally, it is noted that the Pembroke College site is within Cambridge historic centre which is a differing context to that of the Beehive Centre. Mr Lonergan states within para. 9.1.34:

"The residential properties neighbouring the Pembroke College site included a number of existing VSC levels to neighbouring windows at c.14% VSC and some main living rooms with their only window having existing VSC levels at only 4.5% VSC."

3.5 Whilst there is some evidence of existing VSC values at such levels, it is important to highlight that the context and typology of this historic centre site is totally different to that of the Beehive Centre. This is readily demonstrated by the existing massing arrangement visually presented within the GVA Daylight and Sunlight report extracted as follows;

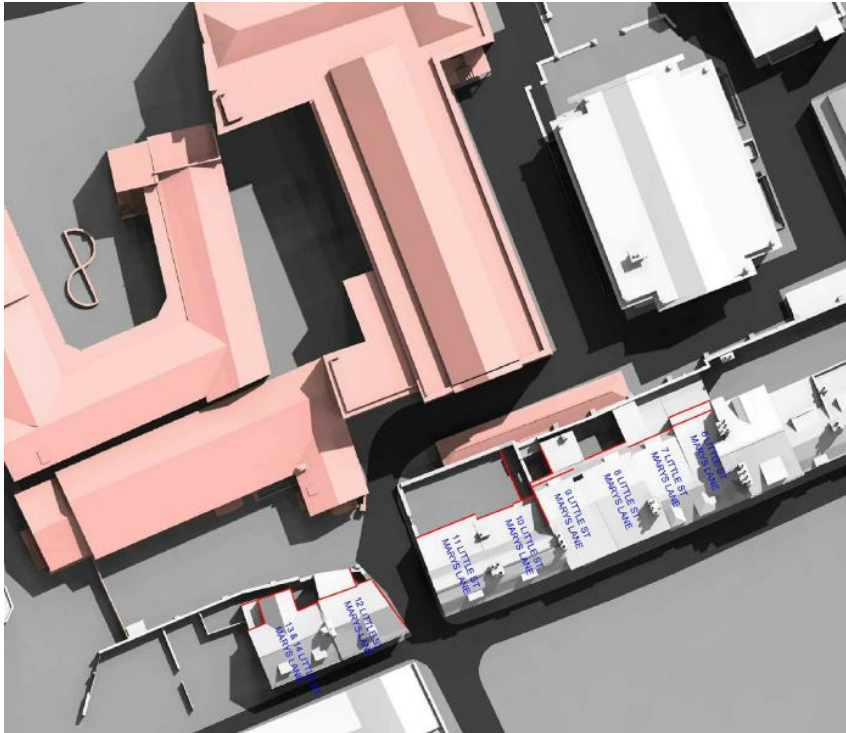


Image No. 1 – Pembroke College - Existing massing in context to neighbouring properties along Little St Mary's Lane. To note, very close proximity of neighbouring properties to existing buildings on site and high boundary wall. To also note existing 'lightwell' arrangement to neighbouring Nos. 8 & 9 Little St Mary's Lane. (Image extract courtesy of GVA's DS report)



Image No. 2 – As Image No. 1 but 3D perspective view - existing massing on site in foreground with Little St Mary's Lane neighbouring properties behind.

3.6 In respect of Mr Lonergan’s statement that “*some main living rooms with their only window having existing VSC levels at only 4.5% VSC*”, this actually relates to just 2 isolated instances, both relating to a ground floor window within a lightwell relating to Nos. 8 & 9 Little St Mary’s Lane; please see **Appendix A – Image Nos. 3 & 4** for photo reference. Such a lightwell arrangement is not applicable to the neighbouring properties to the Beehive Centre, and amounts to a completely different context.

3.7 Mr Lonergan states in para. 9.1.35;

“The proposals resulted in effects that reduced two windows serving main habitable rooms by moderate to major reduction factors. Retained VSC levels were c.10.5% VSC for the main living room window with the secondary window to that space achieving c.5.5% VSC.”

3.8 From a total of 37 No. neighbouring windows analysed for VSC relating to the Pembroke College proposal, the results can be summarised as follows (based on GVA analysis results);

Table 1 – Pembroke College neighbouring - VSC analysis summary

Category grouping	No. of windows applicable
Windows having reductions meeting BRE Guide target criteria	19 No.
Windows not having a reduction but actually gaining an improvement in existing VSC	15 No.
Windows with a reduction not meeting BRE Guidelines	3 No.
Total windows analysed	37 No.

3.9 From **Table 1**, despite an historic setting with windows close to the boundary, with some within lightwell arrangements and ground floor windows facing a high boundary wall, it is evident that for the Pembroke College proposal, the effects in terms of VSC would be that 34 (i.e. 19 + 15) would meet BRE Guidelines (indeed, 15 out of the 34 experienced an improved VSC compared to existing). This is a very different context and outcome to that of the Beehive Centre proposal.

3.10 In terms of the daylight distribution / no sky line, in para. 9.1.36 Mr Lonergan states:

“Additionally, the report identified multiple reductions of c.30% - 40% in respect of the No-Sky Line with impacts affecting main living rooms and bedrooms.”

- 3.11 From a total of 28 neighbouring rooms analysed for daylight distribution / no sky line in the Pembroke College proposal, the results can be summarised as follows (based on GVA analysis results):

Table 2 – Pembroke College neighbouring – No sky line analysis summary

Category grouping	No. of windows applicable
Rooms having reductions meeting BRE Guide target criteria (including instances of no reduction)	14 No.
Rooms not having a reduction but actually gaining an improvement in no sky line	9 No.
Rooms with a reduction not meeting BRE Guidelines	5 No.
Total rooms analysed	28 No.

- 3.12 From **Table 2**, despite an historic setting with windows close to the boundary, with some within lightwell arrangements and ground floor windows facing a high boundary wall, it is evident that for the Pembroke College proposal, the effects in terms of daylight distribution / no sky line would be that 23 (i.e. 14 + 9) would meet BRE Guidelines (indeed, 9 out of the 23 experienced an improved no skyline compared to existing). This is a very different context and outcome to that of the Beehive Centre proposal.
- 3.13 As background, for the 5 rooms that did have reductions to the no sky line not meeting BRE Guide default target criteria, these relate to 1 living room (28.35% reduction), 3 bedrooms (respective reductions of 30.45%, 34.59% and 47.48%) and 1 room of unknown use (32.51%).
- 3.14 In summary, this is not a suitable comparable in context or typologies to that of the Beehive Centre.

4.0 Grafton Centre (23/02685/FUL) (CD10.11)

4.1 My source reference on the daylight and sunlight analysis is the 'Daylight & Sunlight Report dated 1st June 2023 prepared by Pioneer Group Ltd and submitted as part of the application for Grafton Centre (23/02685/FUL).

4.2 In respect of Mr Lonergan's Proof of Evidence (PoE), Mr Lonergan states within paras. 9.1.41 and 9.1.42:

Para. 9.1.41

"There is generally good separation to the neighbouring properties but the results of the daylight / sunlight assessment identified areas of particular constraint. These constraints affected both the pre-existing amenity levels to neighbours prior to the proposed Grafton Centre development and instances of numerical reductions outside of the BRE targets caused by the proposal leading to lower retained amenity."

Para. 9.1.42

"Examples include the flats at 1 Hilderstone House which, despite a separation of c.40m-50m from the Grafton Centre proposals, included examples of existing VSC levels of c.8% and 10.5% affecting two habitable rooms. These would be further reduced to c.6% and 8% respectively as a result of the proposals."

4.3 In examining the Grafton Centre daylight and sunlight report, for Flat 1 Hilderstone House (Building ref. B18), whilst there are 2 windows with existing VSC levels of c.8% and 10.5% at ground floor respectively, equally, there are 2 ground floor windows each with an existing VSC of c.30%.

4.4 Unfortunately, there appears to be no window referencing readily available to help identify the location of windows analysed for this neighbouring property, but it is evident that the lowest residential floor at Hilderstone House is effectively one storey lower than the adjacent main road (A603), and due to the splay angle on plan of Hilderstone House with that main road, the effect of this higher roadway level will diminish as you move along the Hilderstone House elevation which faces the roadway, as the offset distance increases. At first floor level to Hilderstone House, which is then at a similar height with that of the main roadway, all existing VSC values range from 25.9% to 32.77%.

4.5 Whilst for the 2 windows quoted by Mr Lonergan, it is true that they would be reduced to a VSC value of circa 6% and 8%, which amount to reductions of (respectively) 24% and 21% - these are 'minor adverse' and relatively close to the BRE Guide default target.

- 4.6 In examining the 14 windows analysed within Hilderstone House, the only reductions *not* meeting BRE Guide target criteria are those windows identified by Mr Lonergan.
- 4.7 Further, in terms of the effects to VSCs levels from the Grafton Centre proposal, nearly all neighbouring windows would have reductions meeting the BRE Guide default target (68 out of 71). For the 3 windows having reductions *not* meeting BRE Guide target, these have reductions considered as 'minor' (ranging >20% to 30%); and 2 of which relate to Hilderstone House.
- 4.8 In summary, deviations from the BRE Guide target are extremely limited (only 3 instances and limited to 'minor adverse') and the existing VSC levels of c.8% -10.5% are not the norm but isolated, and relate to inherent sensitivities of that particular context. Thus, I do not consider that this scheme is a suitable comparable to the Beehive Centre.

5.0 Paragraphs 9.1.44 to 9.1.52 within Mr Lonergan’s Proof of Evidence.

- 5.1 Following the 3 Local Planning Precedents and Comparators presented by Mr Lonergan, his evidence states (within paras. 9.1.44 and 9.1.45):

Para. 9.1.44

“The above comparators illustrate examples of different residential typologies and forms of development around Cambridge where numerical impacts beyond the BRE guidance have been accepted.”

Para. 9.1.45

“These examples also identify multiple instances where both pre-existing and post-development amenity will be somewhat compromised with VSC levels as low as 10% or below but still considered to be acceptable.”

- 5.2 I do not consider that these statements are a fair representation of the 3 examples given, and nor are the examples suitable comparators to the Beehive Centre. Where such existing levels do occur in those cases, they appear to result from an existing inherent restriction to daylight e.g. due to a recessed balcony window position, or a window within a lightwell etc., and that typically, reductions have been sought to be limited in such instances.
- 5.3 Mr Lonergan includes ‘Table 1’ (after para. 9.1.47) which includes 6 rooms surrounding the Beehive Centre where existing VSCs range from 9.5% to 14.3%, as examples of windows having pre-existing constraints. It is interesting to note that all but one relate to York Street; none relate to neighbouring properties on Silverwood Close or ground floor rooms on St Matthews Gardens (and where a significant proportion of harm occurs from the proposal).
- 5.4 It appears that Mr Lonergan then utilises the 3 comparator examples (and these 6 inherently restricted rooms neighbouring the Beehive Centre) as justification for his statement at para. 9.1.48 that *“16% -18% retained VSC value [to be] a suitable benchmark when assessing the adequacy of retained amenity levels”*
- 5.5 It seems to me that Mr Lonergan has sought to seek out some isolated examples of low existing VSCs within 3 local cases, but these are not comparable to the typology of the Beehive Centre proposals. Similarly, the 6 examples of low existing VSC values appear to relate to rooms that have an inherent restriction to existing daylight; this is not the norm or a fair representation of the typology for daylight to properties neighbouring the Beehive Centre and, in particular, for those relating to St Matthew’s Gardens and Silverwood Close (which I examine within my Proof of Evidence).

- 5.6 Accordingly, I do not consider that the 3 nearby cases, or the 6 examples of neighbouring rooms presented by Mr Lonergan provide any real assistance for consideration of possible retained levels of daylight as a result of the appeal proposals.

6.0 Statement of Truth

- 6.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.



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Ian Dias BSc (Hons) MRICS

10th June 2025

Appendix A – Pembroke College – Neighbouring Nos. 8 & 9 Little St. Mary's Lane

	Image No. 3 – No. 8 Little St Mary's Lane – note existing ground floor window serving a living room has a lightwell arrangement (Photo an extract and courtesy of GVA's daylight and sunlight report)
	Image No. 4 – No. 9 Little St Mary's Lane – note existing ground floor window serving a living room has a lightwell arrangement (Photo an extract and courtesy of GVA's daylight and sunlight report)