

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133575/P4E/2022

Date registered valid: 27 April 2022

Proposal: Prior Approval for the temporary use of buildings and land at 51 and 89 Shirley Road for the purposes of commercial film making including the provision of a temporary mural to the side elevation of 51 Shirley Road until the end of July 2022

Address: 51 And 89 Shirley Road, Manchester, M8 0WD

Ward(s): Cheetham Ward

Applicant: Mr Ian Findlay Little Island Productions 20 Greek Street, London, W10 4DU

Agent (if any):

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20 June 2022

Application details

Type of application: Temporary Use - Commercial Film-Making

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 4 May 2022 Expired: 25 May 2022

Neighbour notifications

Printed: 4 May 2022 Expired: 25 May 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The proposal seeks prior notification for a temporary permission for filming inside/outside 51 and 89 Shirley Road a predominantly residential area of Cheetham Hill. The filming blocks will be split into 2 x blocks. The block of dates are detailed below:

(Block 1)

Wednesday 4th- Friday 6 May (3 days)

Monday 9th - Friday 13 MAY (5 days)

(Block 2)

Tuesday 21st June through to Friday 24th June.

Monday 27th June & Tuesday 28th June and that's it.

In regard to the mural being painted on the gable end of 51 Shirley Road , would be covered on non filming days), and it will removed as soon as the production have completed their second block of filming.

Prior Notification - Temporary Use for Film Making Purposes

This notification should be used for development consisting of the temporary use of any land or buildings for a period not exceeding nine months in any 27 month period for the purpose of commercial film-making and the provision of any temporary structures, works, plant or machinery required in connection with that use. Applications of this type must comply with the relevant criteria of Schedule 2 Part 4 Class E of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and no representations were received.

The Highways Team - were consulted and raised no objection to the proposal.

Environmental Health - were consulted and agreed the hours of operation are acceptable and requested, external plant and equipment namely the generator be acoustically insulated should when in operation to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location and a condition has been attached to the consent.

The Flood Team- were consulted and commented that based on the provided evidence, recommend no drainage or flood risk condition for this application.

Issues

Due to the nature of the proposal it falls within the parameters set out below for prior notification and consideration is given to (a)the schedule of dates which make up the filming period in question and the hours of operation,
(b)transport and highways impacts of the development,
(c)noise impacts of the development,
(d)light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and
(e)flooded risks on the site.

Legislation

Class E - temporary use of buildings or land for film-making purposes
Permitted development
E. Development consisting of—

- (a) the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and
- (b) the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.

Development not permitted

E.1 Development is not permitted by Class E if—

- (a) the land in question, or the land on which the building in question is situated, is more than 1.5 hectares;
- (b) the use of the land is for overnight accommodation;
- (c) the height of any temporary structure, works, plant or machinery provided under Class E(b) exceeds 15 metres, or 5 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the land;
- (d) the land or building is on article 2(3) land;
- (e) the land or the site on which the building is located is or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area; or
 - (iii) a military explosives storage area;
- (f) the land or building is, or contains, a scheduled monument; or
- (g) the land or building is a listed building or is within the curtilage of a listed building.

Conditions

E.2—(1) Class E development is permitted subject to the condition that—

- (a) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and
- (b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.

(2) Class E development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) the schedule of dates which make up the filming period in question and the hours of operation,
 - (b) transport and highways impacts of the development,
 - (c) noise impacts of the development,
 - (d) light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and
 - (e) flooding risks on the site,
- and the provisions of paragraph E.3 apply in relation to that application.

For reasons to be outlined below, it is considered the proposal accords with these policies.

Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be

decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy DM 1, Development Management, - Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are given below:-

- o Appropriate Siting, layout, scale, form, massing, materials and detail.
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 'Spatial Principles' which states that priority will be given to the creation of neighbourhoods of choice outside of the regional centre. In particular, developments which make a positive contribution and enhance areas for residents will be supported.

Policy EN 17 Water Quality

With reference to the Manchester-Salford-Trafford SFRA and other relevant documents:

- o Development should avoid any adverse impact on water quality, including during the construction phase, and wherever possible should seek to enhance water quality, both chemical and ecological;
- o Development should minimise surface water run-off from development and associated roads, and maximise the use of appropriate sustainable drainage systems, to minimise groundwater contamination, and to avoid pollutants reaching watercourses;
- o Development close to a watercourse should also ensure that waste or litter cannot enter the watercourse from the site;
- o Development should, where feasible and appropriate, seek to open up any culverted or hidden watercourse beneath the site to improve the ecological status of that watercourse.

UNITARY DEVELOPMENT PLAN SAVED POLICIES

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 New noise sensitive developments (including large scale changes of use of existing land or buildings) such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.4 Where the council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose built barriers
- b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or non critical rooms within a building; and
- c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission

The National Planning Policy Framework (NPPF) - The NPPF was published on the 27 March 2012. The NPPF replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF is therefore a material planning consideration in the determination of planning applications.

The NPPF states that the planning system must contribute to the achievement of sustainable development. These are encapsulated into three categories: economic, social and environmental.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Recent changes to legislation under the Town and Country Planning (General Permitted Development) (England) Order 2015 now allow for temporary use of buildings or land for film-making purposes. This applies for a filming period of 9 months in any 27 month period. In this case this would apply as the proposal is due to end in July.

Use and Residential Amenity -The site comprises of two properties, 51 and 89 Shirley two storey brick built building on of which is commercial in nature.

The application site has been used for a TV film location for a drama series between the months of May to June and is seeking consent till the end of July.

The application form confirms that site would be used between Monday to Friday 08:00 - 18:00 However, on most days filming would take place predominately within this time frame.

The days and hours of filming are considered as being reasonable. The month of May included a total of 8 days of filming and June total days of filming is 6. Furthermore, the use is less intensive then the commercial/ retail use of 89 Shirley Road in terms of residential amenity it is considered that the use would not have a detrimental impact on the surrounding residential properties. Furthermore, the use of the generator and lighting would take place between the agreed time fame during the day and takes place within a well-used thoroughfare. Therefore, it is anticipated that there would nominal impact on the occupiers of the surrounding properties. To safeguard noise emanating from the generator a noise condition has been attached to the consent.

Visual Amenity

The mural will be covered with weatherproof boards when not filming and when no longer required the mural will be removed and brickwork painted back to its original state. Therefore, the proposal is considered to be acceptable on a temporary basis as it does not form a permanent feature within the street scene.

Flood

There are no water drainage issues associated with the site.

Highways

The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.

It should be ensured that the weatherproof boards are well secured to the mural and the brick wall when not in use and not impinge on pedestrian movements. It should also be ensured that pedestrians are warned of the wet paint and potential footway reduction on Birkdale Street whilst the mural is being painted. Highways have no concerns in regard to the mural.

It is understood that the applicant has been in contact with Highways regarding the road closures, traffic management and MEWP that is associated with the filming. Therefore, for planning purposes no further action from a highways perspective is required.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Positive and proactive working - Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The permission hereby granted is for a limited period only, expiring on 31st July 2022; and the use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued.

Reason -To safeguard the amenities of the occupiers of nearby residential properties, pursuant to policies SP1 and DM1 of the Core Strategy.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

The Location Plan and the Plan Identifying the location of the Filming Equipment, stamped as received on the 27 April 2022, and the email from Little Island Productions, dated 22 April 2022 showing the mural detail, and the emails from Screen Manchester dated 26, 27 April 2022 and 20 June 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period taking place between the operational hours 08:00 till 18:00, be removed from the land.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) Externally mounted ancillary plant, equipment and servicing such as mobile generators used for filming shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the continued operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

2A Shaftesbury Road, Manchester, M8 0NL
Ground Floor, 51 Shirley Road, Manchester, M8 0ND
43 Shirley Road, Manchester, M8 0WB
66 Shirley Road, Manchester, M8 0ND
9 Birkdale Street, Manchester, M8 0WE
3 Birkdale Street, Manchester, M8 0WE
6 Shaftesbury Road, Manchester, M8 0NL
4 Shaftesbury Road, Manchester, M8 0NL
49 Shirley Road, Manchester, M8 0WB
70 Shirley Road, Manchester, M8 0NE
3 Shaftesbury Road, Manchester, M8 0WL
1 Shaftesbury Road, Manchester, M8 0WL
Flat 2, 2 Birkdale Street, Manchester, M8 0WE
Flat 1, 2 Birkdale Street, Manchester, M8 0WE
47 Shirley Road, Manchester, M8 0WB
6 Birkdale Street, Manchester, M8 0WE
4 Birkdale Street, Manchester, M8 0WE
11 Birkdale Street, Manchester, M8 0WE
7 Birkdale Street, Manchester, M8 0WE
5 Birkdale Street, Manchester, M8 0WE
53 Shirley Road, Manchester, M8 0WD
45 Shirley Road, Manchester, M8 0WB
2 Shaftesbury Road, Manchester, M8 0NL
74 Shirley Road, Manchester, M8 0NE
72 Shirley Road, Manchester, M8 0NE
68 Shirley Road, Manchester, M8 0ND
64 Shirley Road, Manchester, M8 0ND

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH