

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137291/LO/2023
Date registered valid: 2 August 2023
Proposal: Listed Building Consent for mural.
Address: 18-20 Star And Garter , Fairfield Street, Manchester, M1 2QF
Ward(s): Piccadilly Ward

Applicant: Mr Atheer Al-Salim Headstock Ltd
Agent (if any): Ms Emma Baxter Orion Heritage
Case officer: David Brettell
Tel: 0161 234 4556
Email: dave.brettell@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 4th September 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 11 August 2023

Standard consultations:

Printed: 10 August 2023 Expired: 31 August 2023

Neighbour notifications

Printed: 10 August 2023 Expired: 31 August 2023

Site notice

Posted: 11 August 2023 Expired: 1 September 2023

Press advert

Published: 15 August 2023 Expired: 29 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area:

Tree Preservation Order:

Description of area

The site is located at the Star and Garter Public House, Fairfield Road, Manchester.

The application site is located to the gable end wall of the Grade II listed Star and Garter public house, which is the only surviving nineteenth century building to the plot of land adjacent to the south flank of Fairfield Street. The remainder of the street frontage is currently gravelled and used for car parking.

The immediate environs of the site are made up of the supporting fabric of the railway infrastructure and associated buildings, including the Grade II listed Engine Shed, undercroft and Goods office at Manchester Piccadilly. The elevated railway track over Travis Street generates a degree of severance of longer vistas. The remaining structure of the former Mayfield Station has been repurposed as an arts and entertainment venue.

Description of development

The proposed development comprises the installation of a mural to the eastern gable end

wall of the public house. The mural occupies the whole of the gable, from 1.8m above ground level, and is non-illuminated.

The mural depicts the singer Ian Curtis of the post-punk band Joy Division. It is intended to replace a previous, similar mural, which was located in the Northern Quarter, and was recently painted over, having become a tourist attraction.

Consultations & Notification Responses

Site notice and press advert - no comments received.

Neighbours - no comments received.

Highways - No objections. The mural and adjacent land is in private ownership, and does not impact on Highways.

UDC – No objection.

Issues

The key issue raised by this application relates to the design and appearance of the proposed mural in relation to the listed building upon which it is proposed, along with highway considerations.

In relation to planning policy, the proposal is in accordance with Core Strategy policy CC 9 - Design and Heritage, and saved UDP Policy DC19.1 (Listed Buildings).

In terms of heritage, UDC raised the prospect of re-rendering the gable, but this is not feasible, given the timescales for painting the mural. The agent offered to render to lower, 1.8m, of the gable, but UDC commented that following the removal of the mural in three years, the reinstatement scheme could secure the rendering of the whole gable. On this basis, the proposal is considered acceptable, subject to a condition, agreed by the agent which states "The gable shall thereafter be reinstated in accordance with a scheme to be submitted to and approved in writing by the City Council local planning authority before this permission expires."

The mural, which constitutes an advert, as it includes some limited branding, and is therefore considered to be appropriate to the external appearance of this listed building.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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:

Article 35 Declaration

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Location Plan showing site edged red, submitted 02.08.23

East Elevation Ref: E-P-X-10 Rev P1, submitted 17.07.23

Ground Floor Plan Ref:P-X-X-01, submitted 17.07.23

Design and Access Statement, dated August 2023 and prepared by Orion,, submitted 02.08.23

COSHH Risk Assessments 17.07.23

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved UDP policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

3) The permission hereby granted is for a limited period of three years only, expiring on 4th September 2026, and the mural for which permission is hereby granted is required to be respectively removed and discontinued. The gable shall thereafter be reinstated in accordance with a scheme to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason - To ensure that the development is acceptable, pursuant to policy DC19.1 (Listed Buildings) contained within the Unitary Development Plan for the City of Manchester, Policy DM1 (Development Management) of the Manchester Core Strategy

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Flat Above, Star And Garter, 18 - 20 Fairfield Street, Manchester, M1 2QF

Mayfield Storage, Fairfield Street, Manchester, M1 2QF

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL