
Appeal Decision

Site visit made on 18 April 2017

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 April 2017

Appeal Ref: APP/P4605/H/17/3167409

Unit 6-7, Mulberry Walk, Sutton Coldfield, Birmingham B75 5BS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Mr Robert Beecham against the decision of Birmingham City Council.
 - The application Ref 2016/09166/PA, dated 26 August 2016, was approved on 19 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is the Display of four non-illuminated fascia signs and two externally illuminated hanging signs.
 - The condition in dispute is No 2 which states that: *No consent is hereby granted for any illuminated painted signage on brickwork, as referred to as 2.01 and L17 on Drawing Numbers PL 003 Rev. 03 and PL 004 Rev. 02.*
 - The reason given for the condition is: *In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted The Birmingham Development Plan 2031 (BP) on 10 January 2017. The BP replaces policies within the Unitary Development Plan which are referred to in the reason stated for condition No 2. I note BP Policy PG3 has replaced UDP paragraphs 3.8 and 3.10. So, I have considered this appeal on this basis.

Background

3. The appellant seeks to remove condition No 2. The Council consider that condition No 2 is reasonable and necessary as the revised plans (Refs: PL 003 Rev. 03 and PL 004 Rev. 02) submitted on 25 November 2016 referred, in the key, to '2.01illuminated painted signage on brickwork' and 'L17 Strip signage light above painted sign'. Both '2.01' and 'L17' had been omitted from the elevations on plan Refs: PL 003 Rev. 03 and PL 004 Rev. 02 following concerns raised by the Council about their effect on the amenity of the surrounding area.

Main Issue

4. I consider the main issue is the effect that removing the condition would have on the amenity of the surrounding area.
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Reasons

5. The appeal site is part of the Mulberry Walk development in the Mere Green District Centre. This part of Mere Green Road near to the appeal site is generally commercial in character, due to the mixture of uses such as restaurants, café's, retail and a supermarket. Consequently there are a range of advertisements which populate buildings and land next to the road and pedestrian footways which extend along both sides of the carriageway.
6. Units 6 and 7 are on the corner of the building which has a dual frontage to Mere Green Road and Mulberry Walk. Mulberry Walk is a pedestrian walkway. The illuminated painted advertisement subject of condition No 2 would be positioned on the Mere Green Road gable elevation above the fascia signs which have been installed on site.
7. Although the appellant sent in revised plans¹ to comply with the Council's comments, they consider that the illuminated painted sign on the brickwork on the Mere Green Road elevation would only represent a subtle change, as the sign would not be back-lit and there is an illuminated projecting sign on the corner of the site.
8. As part of the Mulberry Walk development, originally approved in 2012 and later amended in 2014 and 2015, a Shopfront, Signage and Lighting – Tenant's Design Guide (Design Guide) was secured by condition² with the aim of protecting the long-term quality and integrity of the Mulberry Walk development. While it applies to Tenant's, the Design Guide is a useful document as it specifically relates to the appeal site and it seeks to ensure *that lighting and signage work seamlessly with the proposed buildings and public spaces. This will provide a harmonious aesthetic quality, without compromising the ability of the retailer/restaurateur to communicate their brand or identity.*
9. The illuminated painted sign would be viewed by motorists and pedestrians using Mere Green Road. In general signs near to the appeal site are small and form part of the shop fronts. They do not form a cluttered environment. Due to the siting and considerable size of the painted sign, it would be a prominent feature which would be very apparent to anyone passing the appeal site. The painted sign would be viewed with various other signs on the site's dual frontage at ground floor. It would lead to a sign on the building at first floor level which would be outside the fascia signage zone as set out in the Design Guide. The effect of this would be a cluttered façade in an otherwise uncomplicated setting which is not dominated by signs at first floor level. I consider an illuminated painted sign would be, as a result, out of character with the surrounding area and not in tune with paragraph 67 of the National Planning Policy Framework (the Framework), even if painted signs are a longstanding method of branding in historic and contemporary developments.
10. I note the examples used at other restaurants in Birmingham and Altrincham. However these do not seem to be illuminated. They are also on facades which do not contain the same quantity of signs as the appeal site. Furthermore, I am not persuaded that the illuminated painted sign is important for the economic operation of the restaurant, given the various other signs linked to the premise facing Mere Green Road and Mulberry Walk.

¹ Email, 25 November 2016 18:48

² Condition 23 of planning permission Ref: 2015/03319/PA

11. Although the painted sign could be easily removed, as condition No 2 is specifically drafted based on the full content of plan Refs: PL 003 Rev. 03 and PL 004 Rev. 02, I consider, given my findings that it is reasonable, necessary, precise, enforceable, relevant to the development to be permitted and relevant to planning.
12. Accordingly, I conclude that the removal of condition No 2 would have a significant effect on the amenity of the surrounding area which would conflict with BP Policy PG3, the Design Guide and paragraph 67 of the Framework. Jointly these, among other things, seek to reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR