

Planning Committee	14th September 2023
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Reference:	Area Team:	Case Officer:	Ward:
ADV/22/00521	DM	Mr T Barton	Bidston and St. James

Location:	St Oswalds Church, BIDSTON VILLAGE ROAD, BIDSTON, CH43 7QT
Proposal:	Installation of 1800mm x 1200mm church noticeboard mounted on aluminium posts.
Applicant:	Revd Smith
Agent :	N/A

Site Plan:



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Development Plan designation:	Bidston Village Conservation Area and Primarily Residential Area.
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Planning History:	APP/03/06856 - Installation of external lighting and security cameras. Conditional approval. Implemented.
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Summary Of Representations and Consultations Received:

1. Ward Member Comments	No comments received.
2. Summary of Representations	<u>REPRESENTATIONS</u> Received: 0

	<p><u>CONSULTATIONS</u></p> <p>Ward Councillor McManus has called the application in for committee determination as they see no justified reason why the application should be refused.</p>
<p>3.1 Site and Surroundings</p>	<p>The application relates to the grounds of a Grade II listed parish church. The listing describes the church as largely dating from 1856 to the designs of W and J Hay but incorporating a late medieval tower with a chancel. The north aisle was also possibly added or remodelled in 1882 by W. E. Grayson. The church and its grounds are located at an elevated level relative to the adjacent highways.</p> <p>Mapping images show that the lychgate has been present on site since at least 1899 and it is likely that the sandstone boundary walls were constructed prior to 1948 also. Both the lychgate and the boundary walls are therefore part of the listing of the church as they are within the curtilage of the church and have formed part of the land since 1948.</p> <p>The site is surrounded by houses with the exception of the grounds of the Village War Memorial being partially located opposite the site.</p>
<p>3.2 Proposed Development</p>	<p>The application proposes the installation of a 1.8m wide x 1.2m high church noticeboard made of colour coated aluminium and mounted on aluminium posts. The height from the ground to the base of the sign would be 1m such that the overall height of the sign would be 2.2m from ground level. The sign is proposed to the western side of the lychgate, behind the sandstone boundary wall fronting onto Bidston Village Road. The purpose of the sign is to communicate church activities to the local community. The proposal requires advertisement consent in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the 2007 Regulations'). It does not benefit from deemed consent under Schedule 3 (2C) of the 2007 Regulations for an advertisement relating to a religious institution because the surface area of the sign exceeds 1.2 square metres at 2.16 square metres, as well as because two signs are proposed on the same premises and road frontage. There is an existing metal framed noticeboard behind the lychgate which mapping images indicate has been present on site since at least 2005.</p>
<p>3.3 Development Plan and Regulations</p>	<p>Advertisements are controlled by Local Planning Authorities under the provisions of the 2007 Regulations. The display of advertisements is controlled through a specific approval process and separate planning permission is not required in addition to advertisement consent. Under section 222 Town and Country Planning Act 1990 (as amended) planning permission is deemed to be granted for any development of</p>

land involved in the display of advertisements in accordance with the 2007 Regulations.

The adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the 'UDP') and the Joint Waste Local Plan for Merseyside and Halton.

There is no policy directly applicable to the display of adverts within the UDP. However, under the Regulation 3(1) of the 2007 Regulations Local Planning Authorities shall exercise their powers in the interests of amenity and public safety taking into account the provisions of the Development Plan, so far as they are material, and any other relevant factors. Under Regulation 3(2) of the 2007 Regulations amenity is not defined exhaustively but factors relevant to amenity include the general characteristics of the locality including presence of any feature of historic, architectural, cultural or similar interest.

Relevant policies of the UDP are:

Policy CHO1 – The Protection of Heritage

In considering all development proposals the Local Planning Authority will pay particular attention to the protection of:

- i. Buildings, structures and other features of recognised architectural or historic importance;
- ii. Historic areas of distinctive quality and character;
- and
- iii. Important archaeological sites and monuments.

Proposals which would significantly prejudice these objectives will not be permitted.

Policy CH1 - Development Affecting Listed Buildings and Structures

This policy requires that proposals are of a nature and scale appropriate to retaining the character and design of the building or structure and its setting. That adequate provision is made for the preservation of the special architectural or historical features of the building or structure.

Policy CH2 – Development Affecting Conservation Areas

Development located within, adjacent to or otherwise affecting the setting or special character of a Conservation Area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance:

- i. The distinctive characteristics of the Area, including important views into and out of the designated Area;
- ii. The general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces;
- and
- iii. The character and setting of period buildings and

	<p>other elements and other elements which make a positive contribution to the appearance and special character of the area.</p> <p>When granting consent, special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials proposed to be used.</p> <p><u>CH4 Bidston Village Conservation Area Policy</u></p> <p>In relation to Bidston Village Conservation Area the principal planning objectives for the area will be to:</p> <p>(i) preserve the rural character of the historic village and the visual separation of the village from the modern, built-up areas nearby;</p> <p>(ii) retain the character, scale and setting of remaining agricultural buildings and cottages;</p> <p>(iii) preserve unifying features of design, such as window treatments, stone parapets, gabled entrance porches, the mix between brick and stone as building materials, and stone boundary walls; and</p> <p>(iv) retain tree-belts on the lower slopes of Bidston Hill behind Bidston Hall, and on land between Lennox Lane and Bidston Village Road.</p> <p>Priority will be given to retaining primarily rural land-uses within the precincts of Church Farm, Ivy Farm, Yew Tree Farm and Bidston Hall Farm, and to retaining the open aspect of land between Boundary Road and Bidston Hall, and at the junction of Lennox Lane and Bidston Village Road.</p> <p><u>Policy HS15 Non-Residential Uses in Primarily Residential Areas</u></p> <p>Within the Primarily Residential Areas proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:</p> <p>(i) be of such scale as to be inappropriate to surrounding development;</p> <p>(ii) result in a detrimental change in the character of the area; and,</p> <p>(iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.</p> <p>Proposals should make adequate provision for off-street car parking standards and servicing requirements.</p>
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<p>3.4 Other Relevant Factors</p>	<p>Relevant to determination of this application is the statutory requirement for local planning authorities to have special regard to the desirability of preserving a listed building, its</p>
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setting and any features of special interest (s.16 and 66, Town and Country Planning Act 1990). Also relevant is the statutory duty of section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

National Planning Policy Guidance (NPPG) states that issues of amenity are a matter for interpretation by the Local Planning Authority. Nonetheless, it states that it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

National Planning Policy Framework (2021) Chapter 12 Achieving well-designed places and Chapter 16 Conserving and enhancing the historic environment

Paragraph 136 of the Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

National Planning Policy Guidance (NPPG)

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Bidston Village Conservation Area Appraisal (2009)

Bidston Village Conservation Area's special character can be summarised as follows:

- Historic village with pre medieval origins.
- Historic farmstead settlement dating to 16th and 17th century

- Central Church rebuilt in twelfth century, tower dating to 1520, altered 1856 with windows by Morris and Co (1912), H. Hughes.
- Bidston Hall and gates; a late C16-early C17 re-building of an earlier structure
- Good range of historic agricultural buildings and layouts; barns, cow byres, pig styes, stables
- Open land remains at the centre of the village.
- Interesting mix of building scale, height and size with irregular fenestration patterns
- Buff local sandstone, Welsh slate and stone slate roofs
- Rare cruck frame construction survives
- Stone mullioned windows, coped gables, chimneys
- Well-presented gardens, local sandstone boundary walls, gate posts.
- Visible natural bedrock
- Vertical boarded doors
- Stone cobbled, setts, flagged yards

Bidston Village Conservation Area Management Plan (2009)

Emerging Wirral Local Plan and its status

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam

As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision-making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

	<p>Within the emerging Local Plan, the site is located within the Birkenhead to Eastham Conurbation Primarily Residential Area and the Bidston Village Conservation Area.</p> <p>Applications involving heritage</p> <p><u>Main policies:</u> Policy WD2 Heritage Assets including Archaeological assets Policy WP3.1 Policy for Suburban Birkenhead: Conservation Areas - Bidston Village.</p> <p><u>Other supporting policies:</u> Policy WS 1.2 (H)(5) Conserve heritage assets Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking Policy WS 6 Placemaking for Wirral Policy WS 8 Strategy for Sustainable Construction including historic buildings</p> <p>Applications in Primarily Residential Areas</p> <p><u>Main policy:</u> Policy WD 10 Non-Residential Uses in Primarily Residential Areas</p> <p><u>Other supporting policies:</u> Policy WS 3 Strategy for Housing Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking Policy WS 6 Placemaking for Wirral Policy WS 8 Strategy for Sustainable Construction Policy WD 1 Landscaping including Trees</p>
<p>3.5 Assessment</p>	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • Principle of development; • Impact on amenity; • Public Safety.
<p>3.6 Principle of Development</p>	<p>Proposals for advertisements are acceptable in principle subject to impacts on amenity and public safety.</p>
<p>3.7 Amenity</p>	<p>In terms of heritage, the proposal is in a very sensitive location being in the heart of the conservation area and surrounded by listed buildings which are a mixture of buildings constructed from between the 16th century and 1890. To the immediate east of the church are grade II listed buildings at Lilac Cottages and Tithebarn Cottages. The surrounding listed buildings are noted by the Conservation Area Character Appraisal Appendix C as category A Buildings 'critical to the character of the conservation area'. The Village War Memorial to the south of the site is also noted by the character appraisal as a principal building which is importance to the character and/or history of the conservation area.</p> <p>The Conservation Area Character Appraisal states in section 3.3 Views and Vistas within the Area that "With the majority of</p>

buildings predominantly set back from the street line and gardens/agricultural land consistently bounded by local buff sandstone walls, the agricultural and rural origins of the central village are retained. Mounted in an elevated position, the Church and Lilac Cottages are the focus of the village views and vistas:

View of the Church with Stone Farm behind

View of the Church with Church Farm in the foreground

View of the Church with Lilac Cottages in the foreground...

... Perhaps the most significant view within the village is looking down Bidston Village Road with the Lilac Cottages in the foreground and the church, Stone Farm and Church Farm beyond."

There are no heritage concerns raised to the principal of installing a new notice board at the above Church. However, the proposed siting, size and design/materials of the sign would detrimentally affect views to and the setting of not just the Grade II listed church to which the sign would relate, but would also detrimentally affect key views within the conservation area as well as the rural character and appearance of the conservation area.

The large blue aluminium sign would be located in a prominent position. It would be located on slightly elevated land as the ground moves up from the road to the church. The sign would also be located to the west of the lychgate featuring prominently towards the centre of the southern boundary of the site with little screening and set within grounds that are open to the west. A large blue colour coated aluminium sign with aluminium posts in this location and context would appear stark, intrusive and unduly prominent. The character and appearance of the listed church, surrounding listed buildings and conservation area are traditional, historic and rural. The sign would be out of keeping with this character and appearance.

The sign would prominently intrude upon the setting of the listed church, compromising appreciation of the architectural and aesthetic significance of the listed church, including also its historic lychgate and the sandstone boundary walls that it would be more immediately located adjacent to and form part of the listed building. When viewed from the south of the site especially the sign would appear intrusive on the setting of the listed church. Together with the existing metal framed sign to the rear of the lychgate, the intrusion of the proposed sign on the setting would be worsened by the cumulative impact of both metal signs and both would contribute towards visual clutter, again to the detriment of the setting of the listed church, Stone Farm and Lilac Cottages and the character and appearance of the conservation area. The sign would also intrude upon the view noted by the character appraisal above of the church with stone farm behind. It would also intrude

	<p>upon the setting of the church together with the Grade II listed Lilac Cottages to the east of the site, as well as intruding upon what the conservation area appraisal states as "perhaps most significant view within the village is looking down Bidston Village Road with the Lilac Cottages in the foreground and the church, Stone Farm and Church Farm beyond."</p> <p>There was a sign to the eastern side of the lychgate which according to mapping images appears to have been installed by 2005 and was removed by August 2022. There is no planning history of advertisement consent on the site despite their formerly being two signs on the same premises and road frontage. This sign was nevertheless in a more appropriate location where the prominence of the sign and the impact on the setting of the listed church building was not as substantial. It was also a more appropriate sign for the context, being smaller relative to the proposed sign and made of timber.</p> <p>The applicant has submitted an old image of a sign to the left of the lychgate in support of the proposal, which has been labelled by hand with the date of c. 1959. There is no verified evidence that this is the original sign of the church, and this sign has not been present on site since at least 2005. In any case, this former was a more subdued sign than what is being proposed, appearing to be smaller and made of timber. It is also not clear if there were other more historic signs on this road frontage.</p> <p>I therefore do not consider the former presence of these signs on the site justifies the large blue aluminium sign in a prominent location on the site.</p> <p>Whilst the proposal would provide the benefit of a community noticeboard for the church, this benefit is not considered to outweigh the harm of the proposal to the setting and character and appearance of the listed building and conservation area. The church could continue to function without an insensitive sign, by proposing a more appropriate sign in a more appropriate siting. More appropriate would be a smaller timber sign to the right-hand side of the lychgate, which is a less prominent location and the location of the former timber sign.</p>
3.8 Public Safety	<p>The proposal is acceptable with regards to public safety. The positioning and size of the advert is such that it would not prejudice the safe operation of transport or traffic (including the safety of pedestrians).</p>
Summary of Decision	<p>Having regards to the individual merits of this application the decision to refuse advertisement consent has been taken having regards to the interests of amenity and public safety, material Policies in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant factors material including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-</p>

	It is considered that the proposal would result in an unjustified harmful impact to the visual amenity of the surrounding conservation area and setting of listed buildings and is therefore unacceptable.
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Recommended Decision:	Refuse
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Recommended Conditions and Reasons:
1. The proposal by reason of its siting, size, design and materials would be harmful to the setting of the surrounding Grade II listed buildings at St Oswald's Church, Stone Farm and Lilac Cottages and harmful to the character and appearance of the conservation area including its key views contrary to policies CH01, CH1, CH2 and CH4 of Wirral's Unitary Development Plan, National Planning Policy Framework (2021) paragraphs 136, 195, 200 and 202 and Policies WD 2.1, WD2.2, WP3.1 and WD10 of Wirral's emerging local plan.

Last Comments By:	05/07/2023
Expiry Date:	15/09/2023