

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242145
Site Address:	Land outside 58 and 60 Peach Street, Wokingham, RG40 1XG
Expiry Date:	17 October 2024
Site Visit Date:	27 August 2024
Proposal: Full application for the proposed installation of 1 no. new communications kiosk.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Conservation Area
Contaminated Land Consultation Zone
Archaeological Sites
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
District Town and Local Centres
Nuclear Consultation Zone
Primary Shopping Area
Primary and Secondary Shop Frontages
Borough Wards
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
JCEB Mineral Safeguarding Areas

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP6 – Managing Travel Demand CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP13 – Town Centres and Shopping CP14 – Growth and Renaissance of Wokingham Town Centre
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping TB21 – Landscape Character TB24 – Designated Heritage Assets TB25 – Archaeology

Joint Minerals and Waste Plan (JMWP)	M2 – Safeguarding sand and gravel resources
Other	Borough Design Guide Supplementary Planning Document Wokingham Town Centre & Langborough Road Conservation Areas Study

PLANNING HISTORY

Application No.	Description	Decision & Date
242146	Application for advertisement consent for 1 no. digital advertisement display within proposed new communications kiosk.	Under consideration

CONSULTATION RESPONSES

Internal

WBC Property Services – No comments received
WBC Built Heritage Officer – Objection
WBC Highways – No objection
Environmental Health – No objection

External

Crime Prevention Design Advisor – Amendments to the proposal required

REPRESENTATIONS

Parish/Town Council	Objection: <i>The structure is just a large, illuminated advertising board that will be susceptible to vandalism and has no real benefit to the community. This is in a heritage area and completely out of place. It encroaches onto the pavement area. There is an already, an old-style telephone box with a defibrillator very close by. CP3 - General Principles for development - f) sense of place CP 1 - Sustainable development 1) quality of environment 10 - attractive, safe, secure</i> Officer comment: The above is noted and will be discussed within the report.
Ward Member(s)	No comments received
Neighbours	One comment received from 58 Peach Street (objection) relating to the following matters: Concern over impact on trade/ business

	• Would block shop front window which they rely upon for marketing • Loss of light to business premises Officer comment: Impact on trade/ business is not a material planning consideration. Loss of light will be discussed within the report.
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APPRAISAL

Site Description:

The application site is sited on Council highway land. It is located on the northern side of Peach Street. In the vicinity are commercial/ retail units at street level. The site is located within the Wokingham Town Centre Conservation Area.

Proposal:

Planning permission is sought for the installation of a communication kiosk measuring 2.5m in height, 0.84m in depth and 1.15m in width. On one side of the structure, the kiosk will incorporate a telephone (which will enable free calls mobiles, landlines, emergency services and various charities; the only paid service is to international calls, which will be made by card payment), a defibrillator, interactive wayfinding information USB charging points and Wi-Fi. On the reverse will be a digital advertising screen. The screen will be able to be used to display Council public information, public health information and emergency incident messaging. However, primarily it would be used for private advertising.

It should be noted that two separate applications have been submitted for this scheme; this FUL application for the kiosk structure and an associated advertisement consent application for the digital advertisement screen (WBC ref. 242146). This report will only assess the kiosk and physical structure; the advertisement consent application will discuss the acceptability of the digital screen.

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

The site is located within settlement limits and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. The site also falls below the 3ha threshold outlined in the JMWP for sites located in the Minerals Safeguarding Area and so is acceptable in principle in relation to minerals.

Design, Impact on Heritage Assets and Character of the Area:

Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character

to the area in which it is located and must be of high quality design.

Policy TB24 of the MDD states that the Council will conserve and seek the enhancement of designated heritage assets in the Borough and their settings by:

“Requiring works to or affecting heritage assets or their setting to demonstrate that the proposals would at least conserve and, where possible enhance the important character and special architectural or historic interest of the building, Conservation Area, monument or park and garden including its setting and views.”

The application proposes the erection of a digital media advertisement screen formed of kiosk with associated telephone on Peach Street, opposite the junction with Easthampton Road within the Wokingham Town Centre Conservation Area – a designated heritage asset. In addition to the impact upon the Conservation Area, the proposals impact upon the wider setting of nos. 45, 48-50, 52 and The Overhangs (53, 55, 55A, 57 and 59) Peach Street – all Grade II listed buildings.

The proposed structure is presented as public telephone kiosk which has been designed in a manner to make a visual reference to Giles Gilbert Scott’s 1924 K2 kiosk. The K2 was the precursor of the much more famous K6 ‘red telephone box’. However, the proposed design lacks the refinement of the original with the large digital screen over-dominating the suggested primary purpose of the structure. The result is that the structure is seen as a platform for advertising, rather than a telephone kiosk. The provision of the digital screen necessitates an overly large structure, much larger than would be required to house the telephony, Wi-Fi and wayfinding equipment proposed. At circa 2.5 metres in height, it would be an oppressive structure which is visually imposing, exacerbated by its sheer solidity due to the advertisement panel. It would add significantly to the street clutter in the vicinity and detract from the high quality and minimalist streetscape environment. Street furniture in the vicinity is proportionate and functional, such as columns for road signage, litter bins and benches. This would see an excessive and out of keeping piece of street furniture.

Wokingham – whilst altered and expanded – remains a classic example of a Berkshire market town. This market town character is a key component of the Conservation Area’s significance and thus value is designation. Whilst elements of the core have been altered/lost/remodelled, it is still read and understood as a market town. This is characterised by the irregular historic street pattern, the mixture of vernacular building types and materials, which have developed over time. The proposed kiosks belong to busier metropolitan cityscape, as opposed to the relatively simple market townscape. Given this relatively simple, uncluttered character, by introducing the kiosk which has a divergent character, this would seek to erode part of the identified significance of the Conservation Area.

It is acknowledged that the kiosk would be located outside of the 1960s parade which in itself does not positively contribute to the character and appearance of the Conservation Area (although arguably it does represent ‘honest’ developmental history), this should not be an argument to permit further harmful aspects within the Conservation Area. Where negative aspects occur, the argument should be on improvement not adding to the negative. The location is still a historic part of the Conservation Area and this is demonstrated through the number of listed buildings in

the setting.

Through the identified erosion of character and appearance of the character of the area and conservation area, the proposals would also fail to preserve the setting of the aforementioned listed buildings, thus causing harm to their special interest. The requirement of policy TB24, for developments to as a minimum, 'at least conserve' the conservation area, is not being achieved.

Notwithstanding the identified harm above, Paragraph 208 of the NPPF 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."*

In this case, the proposal, as discussed, will result harm to the conservation area and setting of the aforementioned listed buildings. The level of harm is considered to be less than substantial. The harm needs to be weighed against public benefits. It is acknowledged that the kiosk will provide a public facility (with the range of functions outlined earlier in this report). The applicant has provided a map of where they consider the nearest defibrillators and phone boxes are located. Officers have reviewed this and see there is a defibrillator located approx. 92m to the east on Easthampstead Road. There does not appear to be a public phone box in the immediate vicinity. It is noted that the proposal will provide some extra functions such as an interactive map and Wi-Fi which are benefits. However, it is the view of Officers that these benefits do not equal, override and outweigh the level of harm that has been identified to the heritage assets. This view is also agreed by the WBC Built Heritage Officer.

Notwithstanding the above, attention now turns to policy CP1 of the Core Strategy states that proposals should provide attractive, functional, accessible, safe, secure and adaptable schemes.

The Thames Valley Police Crime Design Prevention Officer (CDPO) raised the following concerns with the design of the kiosks with particular emphasis on safety:

- Concern over criminal damage
- Misuse of emergency 999 line
- Street clutter and pinch points – the structures would conceal people behind them
- Drug offences and anti-social behaviour within the kiosks

Officers make the following comments in response to the above:

Concern over criminal damage

A management plan has been provided by the applicant and advises that the kiosks will be subject to bi-weekly inspections. Concern over criminal damage and misuse of emergency numbers cannot be reasons to resist this application as they are speculative. The benefits of having access to free calls to a range of telephone calls at no cost is also a benefit of the scheme.

Drug offences and anti-social behaviour

Is noted that the kiosk is not enclosed, being open sided one end and having a transparent screen the other side and so will not be enclosed spaces for offences or anti-social behaviour.

Concealment

The kiosk would be located in an urban area that is subject to natural surveillance from good levels of footfall. The structure would not be located in an area of open space as opposed to being located in close proximity to another structure to create a hiding place for individuals. Whilst it is acknowledged that due to the height of the structure that it would conceal individuals located behind them, the built environment is not level or open at all times. It is not considered this would pose a substantial risk such that it would warrant refusal of the application in its own right.

To overcome the above concerns, the CPDO recommended that CCTV be installed both sides of the kiosk structure. Within the submission, the applicant has highlighted that an integrated camera has the potential to be installed on the side of the digital screen. Installing on both sides would provide a greater level of formal surveillance. However, Officers do not consider this to be a requirement to make the development acceptable given the natural surveillance that would occur, Thames Valley Police not highlighting this as an area of high crime and because it is not clear who would monitor such CCTV. Therefore, although the applicant has advised that integrated CCTV on one side of the structure may be possible (subject to agreement with the Police and Council), this will not form part of the planning permission in the form of a condition and will be down to separate agreement between those parties as to whether it can and will be installed. A condition would not meet the required 6 tests as outlined in paragraph 56 of the NPPF:

- Necessary
- Relevant to planning
- Relevant to the development permitted
- Enforceable
- Precise
- Reasonable in all other respects

The installation of CCTV cameras would not be considered necessary to make the development acceptable (as described above) and reasonable in all other respects as the installation of CCTV cameras will require agreement from 3rd parties.

Tactile paving was recommended to avoid individuals loitering or sitting up against the kiosk. However, the installation of tactile paving would be outside of the application site and on highway land. It is not considered that this would be required to make the development acceptable. Nevertheless, this could still be carried out outside of the planning process subject to a minor highway works agreement.

No concerns have been raised by the Parish Council regarding the structure's impact on CCTV camera sightlines as Officers understand it is the Parish Councils that are responsible for CCTV surveillance in their areas.

As such, whilst Officers consider the proposal is, on balance, acceptable in light of

comments from Thames Valley Police, given the identified harm to the conservation area, settling of listed buildings and character of the area generally, the proposed development would conflict with Policy CP3 of the Wokingham Borough Council Core Strategy and Policy TB24 of the Managing Development Delivery Local Plan.

Neighbouring Amenity:

Policy CP3 states that development should not detriment the amenities of adjoining land users and occupiers.

The kiosk would not be located immediately next to residential neighbours. However, as noted in the objection from a commercial business, there was concern over loss of light to a shop front (no. 58 Peach Street). Given the distance away from the shop front (by approx. 2.7m) and the depth of the structure being less than 1m, it would encompass a very small portion of the shopfront. As such, the proposal will not result in a substantial loss of light to no. 58 or 60 Peach Street. Furthermore, it is noted that no. 58 has largely obscured all their windows with vinyl advertisements and so this is presently blocking access to light already. As such there is insufficient grounds to resist the proposal on this basis.

Impact on Highways:

Policy CP6(g) of the Core Strategy states that proposals should not cause highway problems or lead to traffic related environmental problems.

WBC Highways were consulted on the application.

Visibility

This section of Peach Street is a one-way street, is not a crossing point and is not at a bend. The proposed location is offset from the carriageway by on-street parking spaces. It is unlikely to have negative impacts on sight lines and pedestrian visibility, which is acceptable.

Footway Clearance

The reduced effective width of the footway is circa 2.6m, which is considered acceptable. Despite it is recommended that the minimum distance between a structural and the carriageway is 500mm, due to the separation of carriageway with on-street parking, the proposed distance of 450mm is considered acceptable for this location.

As such, the siting of the kiosk is acceptable in relation to Highways considerations.

Trees:

Policy CC03 states Protect and retain existing trees, hedges and other landscape features and incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.

No trees or landscaping will be removed or affected by this proposal.

In terms of new planting, the applicant, in their submission, states that they are partnered with charity 'Trees for Cities'. The applicant has proposed the planting of a street tree in locations agreed with the Council, to be delivered via planning condition

or a S278 Highways agreement, or for trees to be delivered via the partner charity.

The Council's Tree Officer was contacted to discuss the above and the potential of including a Grampian (off site) condition to secure an off-site tree. However, the Officer advised that a sum of money towards off site planting would be preferred (the amount not specified) as securing locations via condition would prove challenging. Officers noted this request and have to assess whether the obligation would meet the tests outlines in the CIL (2010) regulations. To secure the obligation, the following tests have to be met:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

It is not considered that off-site planting would be necessary to make this specific development acceptable, nor would it be directly relevant to the proposal given the proposal would not see a loss of trees or landscaping. As such, a contribution would not be fairly and reasonably related in scale and kind to this type of development.

It is welcomed that the applicant would plant trees in connection with their partner charity, albeit this could not be formally controlled or insisted upon under this planning application.

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

Conclusion: The public benefits of the scheme are noted and have been considered. However, these do not outweigh the harm that the development would have on the Wokingham Town Centre conservation area, setting of Listed Buildings and the area generally.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Refuse for the following reason: 1. Owing to its location, siting and scale, the proposed

	development would result in an incongruent, oppressive and visually imposing addition to street scene. It would also fail to conserve or enhance the Wokingham Town Centre Conservation Area and the setting of 45, 48-50, 52 and The Overhangs (53, 55, 55A, 57 and 59) Peach Street which are all Grade II Listed Buildings. The proposed development is therefore contrary to policy CP3 of the Core Strategy (2010) and TB24 of the Managing Development Delivery Local Plan (2014) and the NPPF.
Date:	15 October 2024
Earliest date for decision:	19 September 2024

Recommendation agreed by: (Authorised Officer)	
Date:	16/10/24