

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242143
Site Address:	Land Outside 42 Market Place Wokingham RG40 1AT
Expiry Date:	17 October 2024
Site Visit Date:	29 August 2024
Proposal: Full application for the installation of 1 no. new communication Kiosk with integrated advertising display.	

PLANNING CONSTRAINTS/STATUS

Conservation Area
Contaminated Land Consultation Zone
Green Routes and Riverside Paths
Archaeological Sites
Scale and Location of Development Proposals – Major Development Location (Wokingham)
Great Crested Newt Consultation Zone
District Town and Local Centres
Nuclear Consultation Zone
Primary Shopping Area
Primary and Secondary Shop Frontages
AQMA 2004
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
Green Routes and Riverside Paths Consultation Zone
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 TB22 – Sites of Urban Landscape Value TB23 – Biodiversity and Development

	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
242144	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 Landscape and Trees - Objection
WBC Built Heritage Officer – Objection
WBC Highways - 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	No comments received

APPRAISAL

Site Description:

The application site is sited on Council highway land. It is located towards the corner of Market Place and Rose Street (on the eastern side). 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. 242144). 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 Rose Street, close to the junction with Broad Street in the heart of the town centre and Wokingham Conservation Area – a designated heritage asset. In addition to the impact upon the Conservation Area, the proposals impact upon the setting of Wigmore Lodge, a Grade II listed building as well as the wider setting of nos. 7, 9, 11-13, 12A-14 Broad Street – all Grade II listed buildings.

Part of the Conservation Area's significance is drawn from the extant townscape which is a direct evolution of the historic street plan and development of the town. Market Place, is arguably the absolute heart of the town – the historic core. As this area is the centre of the Conservation Area, almost by definition, it is the one of the most sensitive. As such, any proposed change should respond and respect the historic characteristics of the vicinity.

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 and setting of listed buildings.

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. This 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. 53m to the east of the proposed site. There does not appear to be a working telephone box in the 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. As such,

the proposal does not result in issues relating to overbearing or loss of light.

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. They highlighted that the proposed location is in close proximity with the priority junction Rose Street/Broad Street. It is also situated right before a crossing point and falls within the pedestrian splays. This will potentially block drivers' visibilities of pedestrians waiting to cross and/or pedestrians' visibilities of approaching traffic, which is unacceptable.

The kiosk would also block the existing street signage, obstruct the visibility splay along Rose Street (from the junction of Market Place with Broad Street and Rose Street) and create distraction to the road users, which is not acceptable.

Despite the reduced effective footway width of circa 2.2m is considered acceptable, it is recommended that the minimum distance between the kiosk structure and the carriageway is 500mm. As such, the distance between the structure and kerb is unacceptable.

The proposal is therefore not acceptable in relation to CP6 of the Core Strategy.

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 reasons:

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 Wigmore Lodge and nos. 7, 9, 11-13, 12A-14 Broad Street which are all Grade II Listed Buildings. The proposed development would therefore be contrary to policy CP3 of the Core Strategy (2010), TB24 of the Managing Development Delivery Local Plan (2014) and the NPPF.
2. Owing to its proposed siting and scale, the proposed development would be located an insufficient distance from the carriageway and will unacceptably encroach the visibility splays of both road users and pedestrians contrary to policy CP6 of the Core

	Strategy (2010) and the NPPF.
Date:	15 October 2024
Earliest date for decision:	19 September 2024

Recommendation agreed by: (Authorised Officer)	
Date:	15/10/24