

Application Number	Expiry Date	Parish	Ward
242147	18 November 2024	Woodley	South Lake;

Applicant	Mr Thomas Johnston of New World Payphones
Site Address	Land outside 145 Crockhamwell Road, Woodley, RG5 3JP
Proposal	Full application for the proposed installation of 1 no. new communications kiosk
Type	Full
Officer	Connie Davis
Reason for determination by committee	Listed by Councillor Rowland for the following reasons: • Concern that the positioning of the kiosk could affect community events such as the Saturday Market, Sunday car boot and Christmas events. • The proposed location of the kiosk could present an obstruction of partially sighted people, those on mobility scooters and emergency vehicles.

FOR CONSIDERATION BY	Planning Committee on Wednesday, 13 November 2024
REPORT PREPARED BY	Assistant Director – Place and Growth
RECOMMENDATION	APPROVAL subject to the conditions outlined in Appendix 1 of this report.

SUMMARY

The application site relates to land outside 145 Crockhamwell Road which located towards the northern end of the Woodley Precinct. No. 145 is currently occupied by Domino's Pizza. The Precinct comprises of commercial and retail uses at ground floor level with residential dwellings located at first floor level above a number of the commercial and retail units.

Permission is sought for the installation of a communication kiosk on the highway. On one side of the structure, the kiosk will incorporate a telephone (which will enable free calls mobiles, landlines, emergency services and various charities), a defibrillator, interactive wayfinding information and having Wi-Fi connectivity. 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.

The proposal is acceptable in terms of visual amenity and highway safety. The siting of the kiosk would be within the varied retail precinct and surrounded on either side by shop frontages, advertising and other street furniture. It is acknowledged that there are no other examples of this particular type of street furniture within the Precinct, however in this particular context of a largely enclosed shopping parade, the proposal would be a familiar feature commonly found within retail locations. WBC Highways were content with the siting of the kiosk in terms of highway safety and it would not pose an obstruction that would impede vehicle or pedestrian movement.

Overall, when taking all matters into account, Officers do not consider the proposal would result in a substantial level of harm in any respect and therefore the application is recommended for approval, subject to the conditions set out in this report.

A separate Advertisement consent (242148) is pending consideration specifically for the display of advertisements on the digital advertising screen.

RELEVANT PLANNING HISTORY

242148/ADV - Application for advertisement consent for the proposed installation of 1 no. internally illuminated digital display within a communications kiosk – Under consideration

DEVELOPMENT INFORMATION

Land use	Highway Land
CONSTRAINTS	Major Development Location (Woodley) Green Great Crested Newt Zone District Town and Local Centre Primary Shopping Area Mineral Safeguarding Area

CONSULTATION RESPONSES

WBC Highways	No objection subject to condition
WBC Environmental Health	No objection
WBC Trees and Landscaping (although not formally consulted)	Raised concern over the proposed siting of the kiosk in visual terms
Thames Valley Police – Designing Out Crime Officer	Amendments to the scheme suggested and conditioning of management plan requested

REPRESENTATIONS

Town/Parish Council: Objection raised which reads as follows:

The Committee's main objection is that the proposed location is unsuitable. Councillors wished to highlight that, whilst this area is pedestrianised, it is still classified as a highway. The precise location proposed is an area regularly used as access by vehicles involved with Woodley's two weekly markets as well as other annual events, such as the Town Council's Halloween and Christmas events. The introduction of this kiosk would cause disruption to the flow of traffic and lead to an increased likelihood of conflict between vehicles and pedestrians, as well as impeding the running of Town Council events, popular with the community.

The Committee also noted there was already a telephone kiosk and a defibrillator in the Town Centre, in close proximity to this location. Whilst they would not be opposed to the addition of a communications kiosk they felt there was no significant demand for this, and if it were to happen they recommend it takes place in a different location.

Local Members: Cllr Rowland expressed concerns, as noted in the listing request. During the assessment of the application, Cllr Jewell contacted the case officer to advise that the document provided by the applicant showing the location of the phone kiosks and defibrillators in the locality was inaccurate.

Neighbours: 3 comments were made by members of the public (2 of which were duplicates). The following concerns were raised:

- Would like to see a plan to reduce night time pollution, especially if the sign flashes or changes image, causing disturbance to bedroom windows.

Officer comment: *This particular application can only assess the acceptability of the kiosk structure and not the digital advertising screen. The acceptability of the screen will be considered under advertisement consent application 242148.*

- Vehicle access for our markets will be severely hampered - There will be an increased likelihood of accidents with vehicles having to manoeuvre around this new obstacle
- It will impede the operation of some of our key events, in particular the carol concert and Christmas extravaganza

Officer comment: *The above will be discussed and responded to within this report.*

PLANNING POLICY

National Planning Policy Framework
National Design Guide
National Planning Practice Guidance

Core Strategy (CS)

CP1 – Sustainable Development
CP2 – Inclusive Communities
CP3 – General Principles for Development
CP6 – Managing Travel Demand
CP9 – Scale and Location of Development Proposals
CP10 - Improvements to the Strategic Transport Network.
CP13 – Town Centres and Shopping

MDD Local Plan (MDD

CC01 – Presumption in Favour of Sustainable Development
CC02 – Development Limits
CC03 – Green Infrastructure, Trees and Landscaping
CC06 – Noise
CC07 – Parking
TB15 – Major Town, and Small Town/District Centre development
TB16 – Development for Town Centre Uses
TB21 – Landscape Character

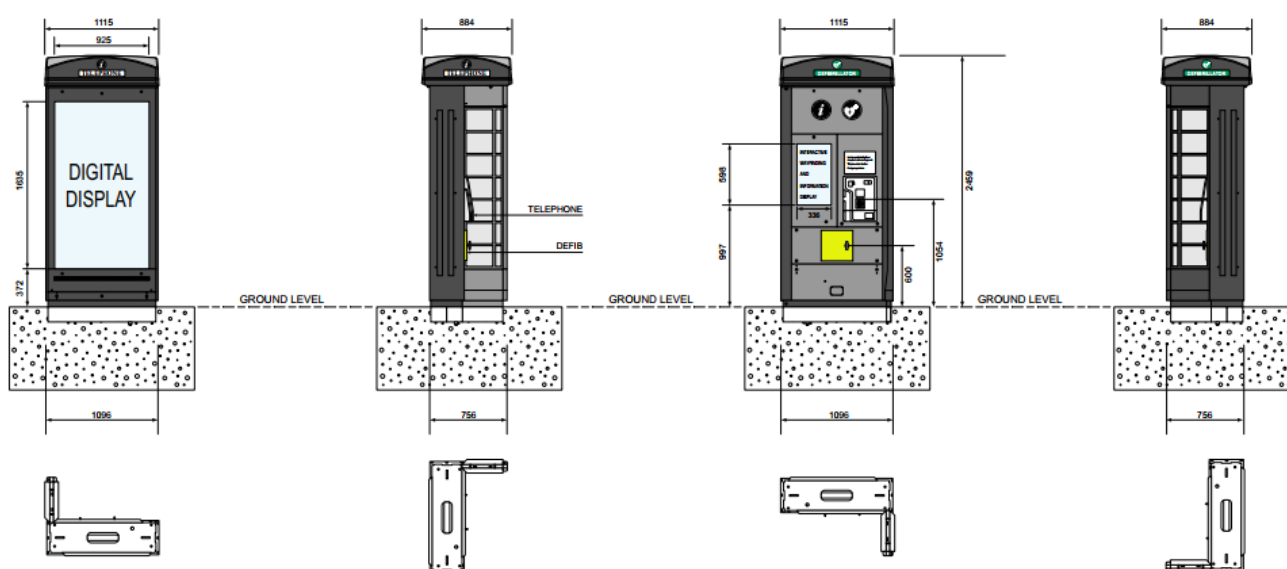
Other

Borough Design Guide Supplementary Planning Document (2012)
Woodley Design Statement (2008)

PLANNING ISSUES

1.0 Description of Development

- 1.1 Permission is sought for the installation of a communication kiosk on highway land. The kiosk would measure 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 and having Wi-Fi connectivity. 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.



Proposed elevations of communication kiosk

2.0 Site and its surroundings

- 2.1 The application site relates to land outside 145 Crockhamwell Road which located towards the northern end of the Woodley Precinct. No. 145 is currently occupied by Domino's Pizza. The Precinct comprises of commercial and retail uses at ground floor level with residential dwellings located at first floor level above a number of the commercial and retail units.



Site Location Plan

3.0 Principle of Development

- 3.1 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.
- 3.2 The site is located within settlement limits and as such the development should be acceptable in principle providing that it complies with the principles stated in the Core Strategy. Furthermore, the site is located within a designated small town/ district centre under policy CP13 of the Core Strategy. The principle of a piece of street furniture such as this is not considered to be incompatible with this retail/ commercial location.
- 3.3 The site area also falls below the 3ha threshold outlined in the Joint Minerals and Waste Plan (2023) for sites located in the Minerals Safeguarding Area and so is acceptable in principle in relation to minerals.

4.0 Design/ impact on surrounding area

- 4.1 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. Achieving well designed places is also reiterated by section 12 of the NPPF.

- 4.2 The WBC Trees and Landscaping Officer highlighted that the proposed location is an area which is fairly open, and the kiosk would be better positioned in an alternative location so it does not add additional clutter to the public realm in an area that is already visually busy.
- 4.3 Highlighting that the area is visually busy is accurate, with the Precinct containing an array of street furniture including but not limited to: bollards, cycle stands, seating and circular advertising posts. The kiosk's general form, size and scale would not be excessive in the context of the wide highway, nor would its dimensions be at odds with surrounding furniture or the character of the area. The siting of the kiosk would be within the varied precinct and surrounded on either side by shop frontages, advertising and other street furniture.
- 4.4 It is acknowledged that there are no other examples of this particular style of street furniture within the Precinct, however in this particular context of a largely enclosed shopping parade, the proposal would not be out of place within these types of retail locations. Adding an additional piece of street furniture is acknowledged to contribute to this concern over cumulative visual clutter, however in the context of the prevailing character of the Precinct, officers do not consider the proposal to result in a 'tipping point' being met, with this one extra piece of street furniture being that which individually, or cumulatively with other street furniture, results in visual detriment to the Precinct to a level that would warrant refusal of the application in relation to policy CP3 of the Core Strategy.
- 4.5 Attention now turns to policy CP1 of the Core Strategy states that proposals should provide attractive, functional, accessible, safe, secure and adaptable schemes. This is reiterated by paragraph 135(f) of the NPPF.
- 4.6 The Thames Valley Police Designing Out Crime Officer 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 standing behind them
 - Drug offences and anti-social behaviour within the kiosks
- 4.7 Officers make the following comments in response to the above:

Concern over criminal damage and misuse of emergency phone line

- 4.8 A management plan has been provided by the applicant which states that the kiosks will be subject to bi-weekly inspections. Concern over potential future criminal damage and misuse of emergency numbers are not material planning considerations as no identified problematic crime rates have been identified by Thames Valley Police and therefore cannot be reasons to resist this application as they are speculative. Having access to free calls to a range of telephone numbers at no cost is also a benefit of the scheme.

Drug offences and anti-social behaviour

- 4.9 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 result in a truly enclosed space. Hence it would not lend itself for offences or anti-social behaviour because it would be well publicly surveyed, as outlined in more detail below.



Image of proposed kiosk showing it would be part open sided with transparent screen on the other side

Concealment

- 4.10 The kiosk would be located in an urban area that is subject to existing 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 physically open at all times. It is not considered this concern would pose a substantial risk such that it would warrant refusal of the application in its own right.
- 4.11 To overcome the above concerns, the Thames Valley Police Designing Out Crime Officer 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 also unclear 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 as it would not meet the required 6 tests as outlined in paragraph 56 of the NPPF.

- 4.12 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. An informative will instead be included reminding the applicant that conversations with 3rd parties will be needed prior to the installation of any CCTV cameras.
- 4.13 Tactile paving was also recommended by the Designing Out Crime Officer 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.
- 4.14 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.
- 4.15 As such, Officers consider that on balance, the proposal is acceptable in light of comments from the Thames Valley Police Designing Out Crime Officer. It will be conditioned that the development is carried out in accordance with the submitted management plan which includes measures to help combat the issues raised by the Designing Out Crime Officer, such as the bi-weekly inspections, Wi-Fi can be switched off if being abused and an escalation process to New World Payphones should issues arise. The public benefits of the kiosk along with the acceptability of the kiosk in terms of safety and within the street scene mean that Officer consider the proposal acceptable in relation to policies CP1 and CP3 of the Core Strategy and the NPPF.

5.0 Neighbouring Amenity

- 5.1 Policy CP3(a) states that development should not detriment the amenities of adjoining land users and occupiers and their quality of life.
- 5.2 The kiosk would not be located immediately next to residential neighbours and there would be no concerns over loss of light or overbearing to any commercial premises due to a suitable separation distance from buildings being proposed. The concerns raised by a neighbour in terms of light and display impacts of the digital advertising screen in relation to residential windows would need to be considered under the advertisement consent application (242148).
- 5.3 Based on the above, the kiosk structure would not unduly impact neighbours and so acceptable in relation to policy CP3(a).

6.0 Highways

- 6.1 Policy CP6(g) of the Core Strategy states that proposals should not cause highway problems or lead to traffic related environmental problems.
- 6.2 The kiosk will be installed within the pedestrian precinct and highway land. WBC Highways have been consulted on this application and advise that the siting of the kiosk would not have any adverse impacts on sight lines and pedestrian visibility.
- 6.3 It is noted that comments from both neighbours, the Town Council and Cllr Rowland in her listing request raised concerns of the proposal in relation to highways matters. In particular:
- The proposed location of the kiosk could present an obstruction of partially sighted people, those on mobility scooters and emergency vehicles
 - The location is an area regularly used as access by vehicles involved with Woodley's two weekly markets as well as other annual events, such as the Town Council's Halloween and Christmas events. The introduction of this kiosk would cause disruption to the flow of traffic and lead to an increased likelihood of conflict between vehicles and pedestrians, as well as impeding the running of Town Council events, popular with the community.
- 6.4 In response to the first concern, WBC Highways have advised that the presence of the kiosk will not be dissimilar to other structures placed in the vicinity and for that reason there would be insufficient grounds to resist the proposal on the basis that it would be an obstruction for partially sighted individuals. The clearance to the west of the kiosk is circa 5.4m, and the clearance to the east is circa 3.3m, which WBC Highways have confirmed will be sufficient for emergency vehicles, disabilities and mobility scooters to pass through. As such, there are not substantial concerns to warrant refusal of the application based on the first bullet point.
- 6.5 In response to the second concern, the planning process is unable to take into account potential impact on the referenced community events as this consideration does not fall under national or local planning policies. Furthermore, these are not everyday events and they are events which could theoretically cease. WBC Highways have not raised objection on this basis and consider the proposal acceptable in relation to everyday pedestrian and cycle movements.
- 6.6 It should be noted that even if this application approved, the applicant will also require permission from the WBC Streetworks Team to install on the public highway. This was confirmed via the WBC Streetworks Team. Under the New Roads and Streetworks Act, Statutory Undertakers are permitted to install apparatus on the public highway, provided they apply for the appropriate licenses with the Streetworks team.

7.0 Trees

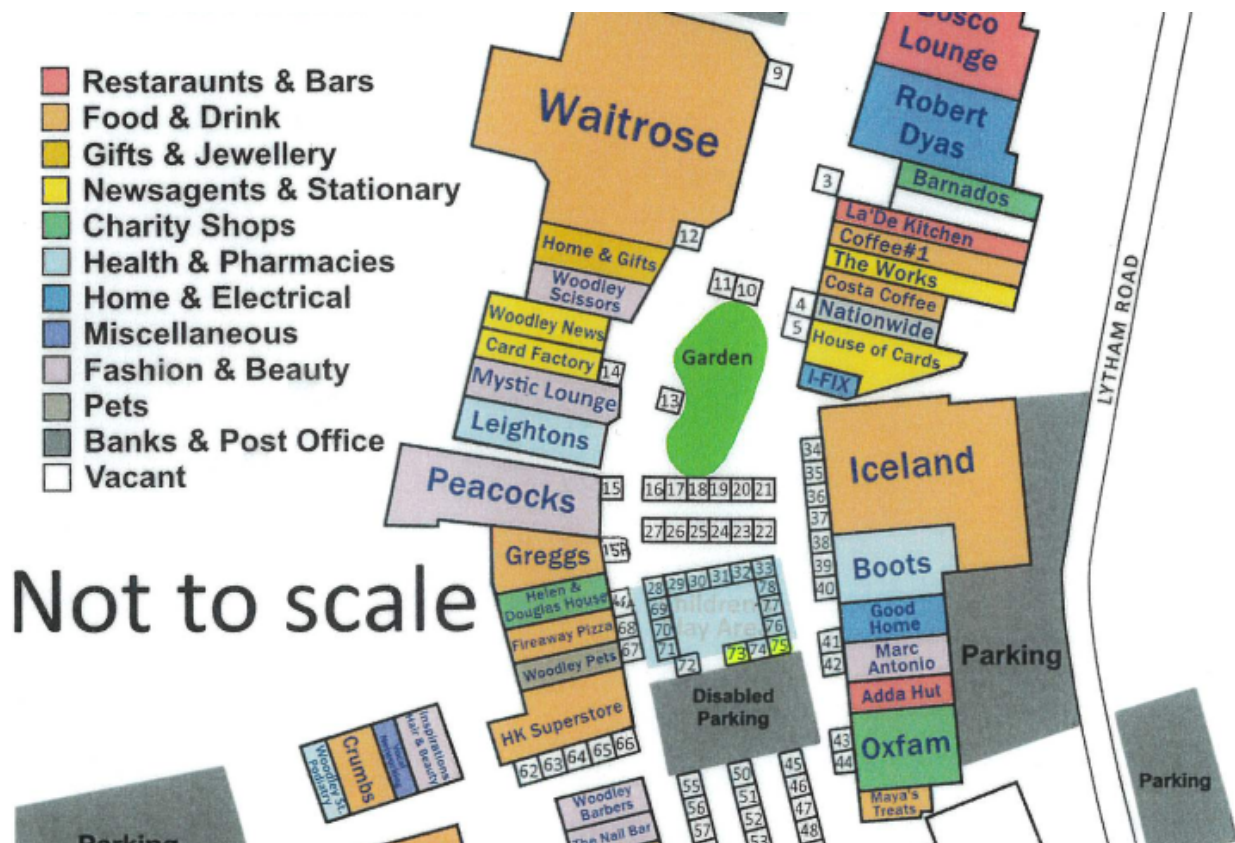
- 7.1 Policy CC03 states that proposals should protect and retain existing trees, hedges and other landscape features and incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.

- 7.2 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 condition or a S278 Highways agreement or for trees to be delivered via the partner charity.
- 7.3 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) to allow flexibility with what off site planting this could be used for. Officers noted this request and have to assess whether it 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
- 7.4 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.
- 7.5 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.

8.0 Other Matters

'Need' of the development

- 8.1 Within the Town Council's objection, the 'need'/ demand of the development has been queried and it was highlighted that there is an existing defibrillator and phone kiosk within the Precinct. The applicant provided their own map based on third party data pinpointing the nearest existing defibrillator and phone kiosk location. However, Woodley Town Council have provided the map below which accurately highlights that an existing defibrillator is located at pitch 73 and a phone kiosk at pitch 75 within the Precinct.



Map produced by Woodley Town Council showing existing defibrillator and phone kiosk locations

- 8.2 Each application has to be assessed on its merits and there is no requirement for Officers to question the 'need' of a development such as this. Notwithstanding this, the proposed kiosk will provide a range of technological functions not presently found in the Precinct such as a free phone (as opposed to a pay phone already in the Precinct), Wi-Fi hub and navigation information. Having additional defibrillators is also a benefit.

9.0 Conclusion and Planning Balance

- 9.1 The proposal would see the introduction of a communication kiosk into a varied and non-uniform shopping precinct that would not result in any substantial highways issues. Furthermore, there are notable public benefits of the proposal in terms including a telephone which will enable free calls mobiles, landlines, emergency services and various charities, a defibrillator, interactive wayfinding information and having Wi-Fi connectivity. Whilst concerns have been raised, particularly from the Town Council and Local Councillors, these are considered to be suitably and robustly addressed by Officers. As such, on balance, there is not considered to be substantial justification to refuse the application and as such the officer recommendation is to grant planning permission.

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 the protected groups 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 upon protected groups as a result of the development.

APPENDIX 1 - Conditions / informatives

APPROVAL subject to the following conditions and informatives:

Conditions

1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. Approved Plans and Documents

This permission is in respect of the following plans and documents:

Location Plan

PY4623-022-004 – Site Plan

NWP-KIOSK/001 – Elevations

Received 22nd August 2024

The development shall be carried out in accordance with these approved plans and documents.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. Accordance with Management Plan

The approved kiosk shall be maintained and managed in accordance with 'New Communication Kiosk Management Plan', dated October 2024, prepared by New World Payphones, for the lifetime of the development.

Reason: In the interests of maintaining the quality and safety of the environment in accordance with policies CP1 and CP3 of the Core Strategy (2010).

Informatives

1. Please note that if the works carried out depart from the scope of this planning permission and a retrospective application under Section 73A is subsequently required, there may be CIL liability implications. The scope of any retrospective planning application will cover the chargeable development for the purposes of CIL, this will include past works that are unauthorised and any additional future works included within the planning permission. If the total floorspace of these works is over 100sqm, they will be liable to pay CIL. In such cases, no CIL exemption can be claimed, and payment will become due immediately as development for which planning permission is granted under a subsequent Section 73A or Section 177(1) application must be treated as commencing on the day any such planning permission is granted. Any demolished floorspace will not be able to be considered for offsetting if the relevant building is not on the land on the day that the permission is granted.
2. The development accords with the policies contained within the adopted / development plan and there are no material considerations that warrant a different decision being taken.

3. Any works/ events carried out by or on behalf of the developer affecting either a public highway or a prospectively maintainable highway (as defined under s.87 New Roads and Street Works Act 1991 (NRSWA)), shall be co-ordinated and licensed as required under NRSWA and the Traffic Management Act 2004 in order to minimise disruption to both pedestrian and vehicular users of the highway. Any such works or events, and particularly those involving the connection of any utility to the site must be co-ordinated by the developer in liaison with the Borough's Street Works team (0118 974 6302). This must take place AT LEAST three months in advance of the intended works to ensure effective co-ordination with other works so as to minimise disruption.
4. Although notice has been served on the adjoining property the applicant should note that this permission does not give any property rights to building on or encroach over or under the adjoining property. The applicant may be required to serve notice under the Party Wall etc Act 1996.
5. Prior to the installation of any CCTV cameras on the kiosk, the applicant is reminded to discuss this aspect with both the Council and Thames Valley Police.
6. Should any tactile paving be proposed to be installed, this will need to be carried out via a minor highway works agreement.
7. This permission does not convey or imply any approval or consent that may be required for the display of advertisements on the site for which a separate Advertisement Consent application may be required. You should be aware that the display of advertisements without the necessary consent is a criminal offence liable to criminal prosecution proceedings through the courts.
8. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

APPENDIX 2 - Town Council Comments

PLANNING REF : 242147
PROPERTY ADDRESS : The Oakwood Centre
: Headley Road, Woodley, Wokingham
: RG5 4JZ
SUBMITTED BY : Woodley Town Council
DATE SUBMITTED : 18/09/2024

COMMENTS:

The Planning & Community Committee have considered this application and wish to submit objections.

The Committee's main objection is that the proposed location is unsuitable. Councillors wished to highlight that, whilst this area is pedestrianised, it is still classified as a highway. The precise location proposed is an area regularly used as access by vehicles involved with Woodley's two weekly markets as well as other annual events, such as the Town Council's Halloween and Christmas events. The introduction of this kiosk would cause disruption to the flow of traffic and lead to an increased likelihood of conflict between vehicles and pedestrians, as well as impeding the running of Town Council events, popular with the community.

The Committee also noted there was already a telephone kiosk and a defibrillator in the Town Centre, in close proximity to this location. Whilst they would not be opposed to the addition of a communications kiosk they felt there was no significant demand for this, and if it were to happen they recommend it takes place in a different location. In future, prior discussion with the Woodley Town Centre Manager, Brian Fennelly, would assist with such an application to identify a suitable location.

Members noted that Borough councillor Rowland had been requested to list this application, should planning officers be minded to approve it.

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