



WOKINGHAM BOROUGH COUNCIL

Statement by Wokingham Borough Council Local Planning Authority

Appellant:	Mr Thomas Johnston New World Payphones
Site:	Land outside 42 Market Place, Wokingham, RG40 1AT
Appeal A	
Local Planning Authority Reference: (Planning Application)	242143
Planning Inspectorate Reference: (Planning Application)	APP/X0360/W/24/3356330
Appeal B	
Local Planning Authority Reference: (Advertisement Consent Application)	242144
Planning Inspectorate Reference:	APP/X0360/W/24/3356331

Dated: 13th January 2025

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Appendix 1 - Suggested Conditions for both FUL and ADV applications

1.0 Introduction

1.1 Full planning permission was refused on 16th October 2024 under application reference 242143. The development was for the installation of 1 no. new communication kiosk with integrated advertising display. The digital advertising display element of the proposal was the subject of a separate advertisement consent application which is recorded under Wokingham Borough Council reference 242144 and was refused consent on 15th October 2024.

1.2 The full application was refused 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.

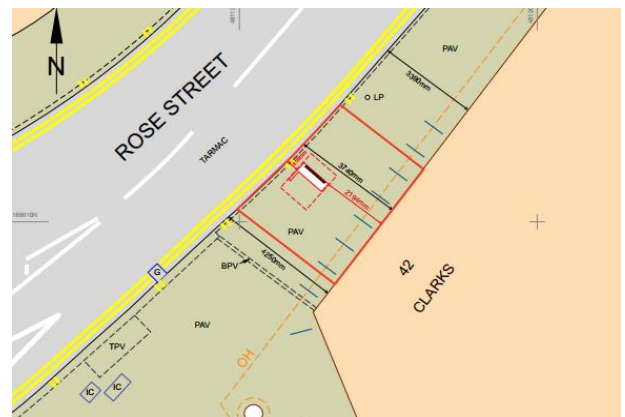
1.3 The advertisement consent application was refused for the following reason:

1. The proposed digital advertising screen would introduce an advertisement that, due to its size, illumination and changing display, would be visually dominant and unduly prominent to the detriment of the streetscape and would fail to conserve or enhance the character or appearance of the Wokingham Town Centre Conservation Area and the setting of Wigmore Lodge, as well as nos. 7, 9, 11-13, 12A-14 Broad Street which are all Grade II Listed Buildings. The proposal is therefore contrary to policies TB19 and TB24 of the MDD (2014).

1.4 The Council's case is largely set out in the officer delegated reports and decision notices. Both delegated reports and decision notices have already been submitted as part of this appeal. Notwithstanding, the Council would be grateful if the Inspector could take into account the comments in this statement of case before deciding the appeal. This statement responds to the grounds of appeal made by the Appellant.

2.0 Site description and surrounding area

2.1 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 and in the vicinity of numerous Listed Buildings.



Left: The site location in wider context. Right: Detailed location of proposed kiosk



*Light green denotes Conservation Area. Brown polygons denote Listed Buildings.
The blue circle denotes approximate location of the proposed kiosk.*

3.0 Planning History

3.1 See Local Planning Authority's delegated officer reports.

4.0 Legal Context and Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework (NPPF) among them the 'presumption in favour of sustainable development'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making.

4.2 It is the Council's view that the of policies relevant to this appeal remain unaltered, as outlined in the officer's delegated reports.

4.3 However, it should be noted that since the refusal of both the full planning and advertisement consent application, a new version of the NPPF has been published (December 2024) which supersedes the version used when

determining the applications (December 2023). It is not considered that the new version of the NPPF fundamentally or significantly impacts the assessment of these proposals. The Council is of the view that the proposals remain contrary to principles outlined in the NPPF in relation to principles of design, heritage assets and highway safety, with particular reference, but not limited to paragraphs 116, 117(c) and 215.

5.0 Response to Appellant's Grounds of Appeal and Planning Considerations in relation to refused full planning application (242143)

- 5.1 The following comments are made in response to specific parts of the grounds for appeal and related documents submitted by the Appellant to date and should be read in conjunction with the officer report. Each reason for refusal will be discussed in turn with a response to the Appellant's comments.

Reason for refusal 1

- 5.2 This reason for refusal centres around the inappropriate location, siting and scale of the proposed development in the street scene and the development failing to conserve or enhance heritage assets, namely 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.
- 5.3 The Appellant states the *"proposed communication kiosk via the heritage design will at least conserve the surrounding area. Although heritage assets have been identified, within a conservation area and Listed Buildings at Wigmore Lodge and along Broad Street, the considerations of the local environment must include all factors, including the recent modern additions to buildings adjacent the appeal site."*
- 5.4 The Appellant is also of the view that *"Due to the positioning and orientation of the proposed communication kiosk, it is considered the effect of the proposal on the conservation area would be of a neutral effect. The proposed kiosk is*

away from the main core conservation area centre and the views within this protected area have been taken into account during the assessment”.

- 5.5 As noted in the Officer delegated report, the Council respectfully disagree with the Appellant do not consider the proposed kiosk would ‘conserve’ or ‘enhance’ the conservation area or setting of referred to Listed Buildings. Consequently the proposal would be a clear breach of policy TB24 as neither benchmark has been satisfied. Therefore, the proposal would not have a ‘neutral’ effect on these heritage assets.
- 5.6 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.
- 5.7 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. The NPPF, at paragraph 117, states that proposals should “*avoid unnecessary street clutter, and respond to local character and design standards*”. This proposal would fall foul of both. 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.

- 5.8 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.
- 5.9 Through the identified erosion of character and appearance 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.
- 5.10 Notwithstanding the identified harm above, Paragraph 215 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."*
- 5.11 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 level appears to be agreed by the Appellant (page 18 of their statement of case). This harm needs to be weighed against public benefits.

5.12 It is acknowledged that the kiosk will provide a public facility with the range of functions above and beyond a traditional telephone box. These benefits have been quantified by the Appellant and the 'need' aimed to be justified. It is noted in paragraph 123 of the NPPF states that Local Planning Authorities should not question the need for electronic communications systems. This proposal is an enhanced communication system, with some elements (and presented benefits of the scheme) not relating to the electronic communication element of the proposal, such as the defibrillator. Not all benefits are encompassed or relate by the benefits of electronic communication apparatus outlined in the NPPF. As such, the weight of these benefits should be reduced in the heritage, and overall planning, balance. The Council do not consider that that these benefits do not equal, override and outweigh the level of harm that has been identified to the heritage assets.

Reason for refusal 2 – Highways

5.13 The Appellant considers that drivers would be able to adjust their driving accordingly without causing a highway danger owing to the siting of the kiosk being a short distance from a pedestrian crossing. Furthermore, they consider the pavement width suitable to accommodate the kiosk without significantly impacting pedestrian flow.

5.14 Rose Street is a classified road subject to a 30mph speed limit. The proposed communications kiosk would be located on public footway.

5.15 While the exact siting of the kiosk in relation to the junction cannot be identified from the submission, the proposed location is in close proximity with the priority junction Rose Street/Broad Street. It is also situated right before a pedestrian crossing point and appears to fall within the pedestrian sightlines. This will potentially block the intervisibility between pedestrians and approaching vehicles, which is not in the interest of highway safety.

5.16 Section 15 within Chapter 6 of Traffic Signs Manual gives advice on design requirements for controlled and uncontrolled crossings. The recommended

visibility distances for pedestrian's crossing roads with a 30mph speed limit is 40 metres. Section 15.5 also states:

- *'Pedestrians should be able to see and be seen by approaching traffic (15.5.2).*
- *Visibility should not be obscured or restricted by factors such as ... street furniture. Obstacles should be moved or removed wherever possible, especially if doing so enables a crossing to remain on the desire line ... Street furniture ... should be placed in a position that does not obstruct intervisibility between pedestrians and approaching vehicles (15.5.3).*
- *Footways on the approach to a crossing should be well-maintained and kept clear of obstructions. If poorly placed ... street furniture can be a hazard for pedestrians, especially disabled people (15.5.5).'*

5.17 The proposed kiosk would also obstruct the existing road traffic signage and potentially obstruct the visibility splays along Rose Street (from the junction of Market Place with Broad Street and Rose Street) and create distraction to the road users. The local Highway Authority doubt the required visibilities would be achievable, and the appellant has not demonstrated those suitable visibilities can be achieved.

5.18 In summary the major highway concern falls on the siting of the kiosk, which would obstruct visibility splays. The Appellant has not submitted further supporting information in the appeal to demonstrate that sufficient intervisibility between pedestrians and approaching vehicles can be achieved.

5.19 The appeal submission has been reviewed by the local Highway Authority (as was the original application), and the concerns raised remain unaltered and it they concur with Planning Officers that the proposed siting of the kiosk would have negative effect on the road safety and therefore be contrary to Policy CP6 of the Core Strategy and the NPPF.

6.0 Response to Appellant's Grounds of Appeal to Advertisement Consent application

- 6.1 Advertisement consent was refused for the illuminated digital display screen on the kiosk due to concern that the advertisement visually dominant and unduly prominent to the detriment of the streetscape and would fail to conserve or enhance the character or appearance of the Wokingham Town Centre conservation area and setting of several listed buildings.
- 6.2 Owing to the structure of the Appellant's statement of case, there is not separate grounds of appeal for the advertisement consent application. However, it is noted that the Appellant argues that the *"orientation of the kiosk will ensure the advertisement display is not within the curtilage of the listed building"*. Respectfully, the Council do not consider this outweighs or justifies the harm to heritage assets. To avoid repetition and to outline the Local Planning Authority's position, please refer to the Officer's delegated report for the Council's case on the harm the advertisement would pose to the historic environment which remains unaltered in light of the Appellant's submission.

7.0 Conclusion

- 7.1 After consideration of the Appellant's Statement of Case, the Council remain strongly of the view that the proposal subject of these appeals remains unacceptable, as discussed throughout this statement. The Appellant is of the opinion that the development would be acceptable in relation to the surrounding historic environment and in terms of highway safety. However, the Council respectfully disagree with this and is unable to see that the proposal would 'conserve' or 'enhance' the setting of heritage assets; the requirement of policy TB24 of the MDD, nor would the less than substantial harm be outweighed by the public benefits when taking into account paragraph 215 of the NPPF. The Local Highway Authority also maintain their view that the proposal is unacceptable in relation to highway safety. This is having regard to the provisions of the Development Plan and other material

considerations, including the National Planning Policy Framework and associated guidance.

- 7.2 The Inspector is therefore respectfully requested to dismiss both the planning and advertisement appeals on the basis of the above assessment and other supporting documentation already submitted.
- 7.3 If the Inspector is minded to allow one or both of the appeals, the Council would be grateful if the suggested conditions outlined in Appendix 1 could be considered.