



Appeal Decision

Site visit made on 17 July 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2023

Appeal Ref: APP/B0230/W/23/3317608

Car Park (part of), Wigmore Park Shopping Centre, Wigmore Park, Luton, LU2 9TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sheet Anchor Investments Limited against the decision of the Borough of Luton.
 - The application Ref 22/01414/FUL, dated 3 November 2022, was refused by notice dated 27 January 2023.
 - The development proposed is the installation of a freestanding retail pod.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a freestanding retail pod at car park (part of), Wigmore Park Shopping Centre, Wigmore Park, Luton, LU2 9TA in accordance with the terms of the application, Ref 22/01414/FUL, dated 3 November 2022, and the plans submitted with it, subject to the conditions set out in the schedule below.

Preliminary Matter

2. The Council's decision notice refers to four plan numbers. I have only received three plans and do not have a plan referenced as SC-003. The appellant has clarified that they did not submit a plan reference SC-003 for consideration. Furthermore, the Council has advised that they referenced the Design and Access Statement as SC-003. I have made my decision based on such.

Main Issue

3. The main issue is the effect the proposed development would have on the character and appearance of the Wigmore Park shopping centre, by reason of its design, scale, and location.

Reasons

4. The appeal site is within the car park area of the Wigmore Park Shopping Centre. This is a district shopping centre, which includes a mix of commercial and service uses. To the west beyond a service road is a large supermarket and, to the eastern direction beyond a car parking area is a row of mixed commercial and service units. The area is a vibrant district commercial area with high levels of pedestrian and vehicular movement.
5. The proposed retail pod would occupy 3 No parking spaces set within the existing car park. This would be at the end of a row of parking spaces, which has a large electricity/service box to the immediate southern direction and further parking spaces, which include electric vehicle charging spaces and associated charging box equipment along the parking row in the northern

direction. There are various street furniture and service box facilities evident within the surrounding shopping centre car park and its landscape areas. Also, in front of the supermarket, close to its entrance, there is an existing retail pod unit of similar scale and design to that proposed.

6. The principle of retail use is supported by the Local Plan policy in this designated District and Neighbourhood area. Policy LLP23 of the Local Luton Plan (2017) sets out that planning permission will normally be granted for development that strengthens the functional role, vitality, and viability of the centres and that proposes a flexible use of spaces to optimise the use of land and buildings for shared services and facilities. The proposed retail pod would meet these requirements in terms of the commercial retail character of the area. The design of the proposed retail pod would be functional to its use and scale and would promote the vitality and viability of the surrounding retail area.
7. In terms of character and appearance of the centre, whilst the proposed retail pod would be visible on entrance to the shopping centre and on glances from the main road/Wigmore Lane, due to other buildings, structures and existing landscaping found within the surrounding commercial area and car park, it would not appear overly prominent nor appear incongruous in the location proposed.
8. The existing service box adjacent to the proposed location of the retail pod would partially screen it on approach from the Wigmore Lane direction. Furthermore, there are other street furniture and service boxes in the surrounding commercial centre, which would mean the proposed retail pod of the scale and form proposed would not appear out of context with its surroundings nor the character and appearance of the area.
9. The supermarket and shopping parade building are some 2-3 stories high and are large dominant buildings. The proposed pod with a floor area of approximately twenty-two square metres and height of less than 3 metres would therefore appear small in comparison to other buildings in the surrounding centre.
10. Due to the height and overall scale of the proposed pod, it would not unduly hinder views of the retail frontage of the parade of shops, on entering and moving around the Wigmore Park Centre. The retail shop frontages would remain visible from most directions and at different points from within the car park.
11. Although not clear from the submitted details, it appears the external materials of the proposed pod would be tanalised timber frame finish to three elevations, with glazed windows and door to its front elevation and, a solid door to one of the side elevations. The use of timber external walls would be similar to the materials used on the existing retail pod adjacent to the supermarket. The use of timber boarding is not therefore inappropriate in the context of the local area. Subject to the colour finish used, the pod would appear subdued and not overly prominent. Overall, the proposed pod would not harm the character and appearance of the area.
12. In view of the above, I have found that the scale, form, design, and siting of the proposal would complement the surrounding retail area and would not adversely affect the character and appearance of the Wigmore Park Centre. Thereby, it would represent a sustainable form of development in compliance

with policies LLP1, LLP23 and LLP26 of the Local Luton Plan (2017) (Local Plan). As such, the proposal would comply with the development plan as a whole and there are no material considerations that indicate a decision should be taken otherwise in accordance with the development plan. Accordingly, the appeal should be allowed.

Other Matters

13. Whilst highway safety was not a reason for refusal, concerns were raised by the Council in the officer's report that increased pedestrian movement across the car park would lead to a risk to the safety of visitors. The Local Highway Authority however raise no highway safety concerns, and I have no evidence that there would be such harm caused. The proposed retail pod would have a walkway in front and there is an existing footpath at the rear. The proposed small retail unit would not furthermore generate significant additional movement across the car park. Therefore, the proposal would not conflict with policy LLP31 of the Local Plan, in terms of sustainable transport and highway safety.
14. Whilst the proposal would involve the loss of three parking spaces, this is not an issue of concern raised. Therefore, there is no conflict with policy LLP32 of the Local Plan in this regard.

Conditions

15. No conditions have been recommended by either party, although it is necessary to include a standard time limit condition and plans condition in the interests of certainty to define the plans which the scheme should accord. Also, to protect the character and appearance of the area, it is necessary that an appropriate external materials' colour finish is used. Accordingly, I have included a condition that details of such are agreed prior to the construction of the retail pod.
16. The Council's Environment Protection department recommend a condition requiring details of external plant and machinery to be submitted and agreed, yet the proposed plans do not show any proposed to project above the roof. Therefore, no such condition is necessary.

Conclusion

17. For the reasons given, I conclude that the appeal should succeed.

C Billings

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OCT22-SC-001; OCT22-SC-002 and OCT22-SC-004.
- 3) Notwithstanding the details shown on the approved plans, no development shall take place until details of the external materials and colour finish to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.