



Appeal Decisions

Site visit made on 17 July 2025

by **E Catchside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st August 2025

Appeal A Ref: APP/B0230/W/25/3363040

Galaxy Pavement, Bridge Street, Luton LU1 2NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Habib Ullah (Shah's Streatham Ltd) against the decision of the Council of the Borough of Luton.
 - The application Ref is 25/00049/FUL.
 - The development proposed is the installation of a hot food takeaway kiosk permanently on the pavement to the front of the Galaxy on Bridge Road.
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Appeal B Ref: APP/B0230/H/25/3363041

Galaxy Pavement, Bridge Street, Luton, LU1 2NB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Habib Ullah (Shah's Streatham Ltd) against the decision of the Council of the Borough of Luton.
 - The application Ref is 24/01385/ADV.
 - The development proposed is: Two separate advertisement signs are proposed: one for the front façade, and the other for the kiosk's rear façade. Both signify the franchise's logo and lettering, but they are still different sizes, each fitting the size of the façade for which they are. Both signs are an arrangement of the 3D letters and flame shapes, with each of them internally illuminated with filament-type LED bulbs.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Each of the appeals relates to the installation of a permanent hot food take-away kiosk. The difference between them is that Appeal A is for planning permission and Appeal B is for express advertisement consent. To avoid duplication, I have dealt with the appeals together, except where I have indicated otherwise.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) require that decisions are made only in the interests of amenity and public safety, taking into account the provisions of the development plan, insofar as they are material, and any other relevant factors. I have considered Appeal B accordingly.

Main Issues

5. For Appeal A, the main issue is the effect of the proposed development on (a) the character and appearance of the area and (b) pedestrian accessibility, movement, and safety.
6. For Appeal B, the main issue is the effect of the proposed advertisement on (a) the visual amenity of the area and (b) public safety.

Reasons

(a) Character, appearance & visual amenity

7. The appeal site lies within the vibrant core of Luton town centre. Whilst the wider town centre has a rich mix of building types and styles, the area immediately around the appeal site is predominantly made up of large commercial buildings, including The Galaxy, that are separated by streets and public areas. The main entrance to The Galaxy has a distinctive concave shape which, along with the absence of permanent buildings within the adjacent forecourt, provides intervisibility between Guildford Street, New Bedford Road, and the edge of St George's Square. As part of the forecourt, the site contributes to a sense of openness along Bridge Street despite the dense nature of the built-up area.
8. The proposed kiosk would have a modern design, utilising sustainable materials and appliances. However, its relatively small size would be uncharacteristic in this location given that most of the permanent buildings in the area are substantially larger. The kiosk would therefore be an incongruent feature that would have a harmful cluttering effect on this visually prominent corner.
9. Moreover, the proposed building would occupy an area of The Galaxy forecourt that is currently devoid of permanent buildings. At over 3 metres tall, and due to its width, depth, and siting, the kiosk would partially block public views that could otherwise be gained along Bridge Street from Guildford Street and New Bedford Road. Therefore, notwithstanding its scale relative to adjacent buildings, the kiosk would have a deleterious effect on the sense of space and openness that prevails in the area despite the number and proximity of buildings.
10. The proposal would be contrary to the Luton Town Centre Design Guide Supplementary Planning Document (July 2023) (SPD) which notes that the design of the space between buildings should be as high a priority as the buildings themselves; and it would also conflict with the objectives of the Luton Town Centre Masterplan Framework: Luton 2020-2040 A Place to Thrive (the Masterplan) insofar as it seeks to reduce clutter. However, whilst I note that there are long-term aspirations for the delivery of a waterside space in this part of the town centre, there is little evidence to indicate redevelopment proposals are likely to come forward in the foreseeable future. Consequently, this matter would not, in and of itself, justify planning permission being withheld for the appeal scheme.
11. I recognise that the site is currently used for the siting of a mobile trailer, which could continue in the event that the appeal is dismissed. However, unlike the existing trailer, the proposed building would have a 24-hour presence on the site for 365 days per year. The kiosk would also be wider, deeper, and taller than the trailer; and it would have a bulkier appearance due to it being connected to the ground rather than raised up on wheels and stands. The proposed kiosk would

therefore cause permanent and irreversible harm to local character, which would be greater than the effects of the temporary trailer. For this reason, the fallback position carries limited weight in my decision.

12. Whilst the proposed advertisements would be small in size and they would not obstruct views of historic buildings or valued landscapes, they would nonetheless add to the prominence of the kiosk development through their colour, illumination, and siting, which would be in the direct sight line of pedestrians moving between Guildford Street, The Galaxy, and St George's Square. In that regard, the advertisements would differ from other signage I observed in the area, which was predominantly located on the facades of large buildings sited at the edge of pedestrian routes. Overall, they would add to the visual clutter in this prominent corner, causing a degrading effect on visual amenity.
13. I have had regard to the seating area that has become established on the Bridge Street pavement adjacent to The White House public house. However, from my observations, the effects of the seating area are different to those that would be caused by the appeal scheme, because the seating has a lower height and transparent boundary screens which, together, allow for longer views to be retained along Bridge Street.
14. Overall, I conclude that Appeal A would cause harm to the character and appearance of the area. It follows that there would be conflict with Policies LLP1, LLP3, and LLP25 of the Local Luton Plan 2011-2031 (LP) which expect proposals to enhance local character and improve the built environment.
15. The first reason for refusal on the decision notice for Appeal A refers to policies LLP22, LLP26, LLP31, and LLP32 of the LP. Policy LLP22 seeks to direct town centre uses to primary and secondary shopping areas and frontages but does not make any reference to the character and appearance of developments. Consequently, whilst I do not find conflict with this Policy, I also do not find it to be determinative to my decision. Policy LLP26 refers to advertisements and signage and, therefore, is not a relevant policy in respect of Appeal A. Policies LLP31 and LLP32 relate to sustainable transport and parking. Therefore, I do not find these policies to be relevant to my consideration of this main issue.
16. For Appeal B, I conclude that the proposal would cause harm to visual amenity. In coming to this view, I have taken into account Policies LLP1, LLP3, LLP25, and LLP26 of the LP which, taken together, seek to ensure that development, including advertisements and signage, do not adversely affect the character or appearance of the area. These policies are material in my consideration of Appeal B. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.

(b) Pedestrian access, movement, and public safety

17. The proposed kiosk would be sited across a main pedestrian thoroughfare that connects Guildford Street with Bridge Street. However, whilst pedestrians would experience some inconvenience in that they would be required to manoeuvre around the new building, there would be sufficient space to enable them to do so safely, even in the unlikely event that customers had left parked vehicles on nearby streets. Therefore, pedestrian accessibility into and around the town centre would be maintained in this location that is accessible by sustainable modes.

18. It has been put to me that the kiosk would obstruct views of The Galaxy forecourt from a nearby CCTV camera. However, in all reasonable likelihood, the kiosk would provide natural surveillance through increased footfall and additional lighting during its operational hours, and it would be unlikely to lead to an increase in crime. Furthermore, whilst it would be outside of the control of the appellant, I have no reason to conclude that the CCTV camera could not feasibly be relocated or re-orientated should it be necessary to do so. Consequently, the proposal would not cause harm to public safety through its effect on crime and surveillance.
19. The evidence refers to the opportunities available to provide a below or above ground power supply connection to the kiosk. Therefore, if the appeal were to be allowed, I am satisfied that it could be delivered in a manner that would not create a trip hazard on the footway.
20. It is a key objective of the Masterplan to improve accessibility to the town centre, including through potential new pedestrian routes in the Bridge Street area. However, there is little substantive evidence before me to indicate that the proposal would prevent a new pedestrian route from being delivered. Therefore, I am not persuaded the proposal would conflict with the objectives set out in the Masterplan.
21. The proposed signage would be designed to attract attention. However, this part of Bridge Street is a pedestrianised zone with limited use by vehicles. Consequently, the advertisements would be unlikely to distract road or footway users in a way that would increase the risk of conflict between pedestrians, cyclists, and vehicles. Furthermore, from my observations, the proposed building and signage would not be sited so as to restrict views of traffic signs. For this reason, I see no reason to conclude that the advertisements proposed would cause harm to public safety.
22. For Appeal A, I find there would be no significant harm to pedestrian access, movement, and public safety that would justify planning permission being withheld. Therefore, there would be no conflict with Policies LLP1, LLP3, LLP25, and LLP31 of the LP insofar as they aim to ensure places are safe, connected, and provide enhanced accessibility for pedestrians.
23. Although it is referenced in the second reason for refusal on the decision notice, I do not find Policy LLP32 to be determinative to my consideration of this main issue, because it refers to parking rather than access, movement and safety. As I have set out above, Policy LLP26 is not relevant to Appeal A because it refers to advertisements.
24. For Appeal B, I conclude that the proposal would safeguard public safety. In coming to this view, I have taken into account Policies LLP1, LLP3, LLP26 and LLP31 which, taken together, seek to ensure that developments, including advertisements, secure safe and connected places. These policies are material in my consideration of Appeal B. Given that I have concluded that the proposal would not harm public safety, the proposal does not conflict with these policies. However, for the reason I have already explained, I do not find Policy LLP32 of the LP to be determinative to this main issue.

Other Considerations

25. The proposals would contribute to the vitality of the town centre, by enabling a diverse food offering in the central shopping area on a permanent basis. It would

sustain local employment opportunities whilst also contributing to the local and night-time economy by encouraging footfall along Bridge Street. The building would also incorporate improved ventilation thus reducing the likelihood of unpleasant odours. Further benefit would arise for the business because the permanent building would negate the need to relocate the mobile trailer each day, which is time-consuming and inconvenient. There is no evidence to suggest the proposal would conflict with relevant development plan policies in relation to these matters. However, given the small-scale of the proposal, the benefits carry limited weight.

Conclusion

26. Although I have found no harm in respect of pedestrian access, movement, and public safety, the Appeal A scheme would cause harm to the character and appearance of the area. The associated conflict with development plan policies brings the proposal into conflict with the development plan when read as a whole. The other considerations in this case do not lead me to a conclusion otherwise than in accordance with the development plan.
27. In respect of Appeal B, the proposed advertisements would have a harmful effect on the visual amenity of the area.
28. Accordingly, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

E Catchside
INSPECTOR