
Appeal Decision

Site visit made on 25 June 2024

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28.06.2024

Appeal Ref: APP/P5870/Z/23/3331737

Advertising Right 003301, Side of Huntsman Hall Ph, 181 Central Road, Worcester Park, Sutton KT4 8DR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of London Borough of Sutton.
 - The application Ref DM2023/01248, dated 20 July 2023, was refused by notice dated 20 September 2023.
 - The advertisement proposed is 48 sheet "D-poster" advertising hoarding.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Regulations and the *National Planning Policy Framework 2023* confine the assessment of advertisements to issues of amenity and public safety, taking account of cumulative impacts. The Regulations enable the provisions of the development plan to be taken into account, so far as they are material, together with any other relevant factors.
3. The Council has raised no objection to the appeal scheme, having particular regard to amenity. In this respect, the Council considers the proposed hoarding design and its impact upon the character and appearance of the site and the surrounding area to be acceptable. I have no reason to disagree, having regard to the evidence before me. This includes a long-existing externally illuminated hoarding of the same size, and in the same position, as the proposal, and location of the site within a predominantly commercial District Centre location where signs associated with commercial uses are typically found and part of the prevailing character of the area.

Main Issue

4. The main issue is therefore the effect of the proposal on public safety, having particular regard to highway safety.

Reasons

5. The proposed advertisement display would be positioned at first floor height on the south-facing gable wall of the public house, next to the forecourt car park of an adjacent retail store. The site lies at the northwest end of the retail and commercial frontage which aligns Central Road within the Worcester Park

District Centre. To the side of the site there is a signal-controlled junction with Green lane which lies opposite the building.

6. Like the existing hoarding, which is proposed to be replaced, the appeal scheme would not obscure driver views of the traffic light signal heads at any point where they need to be reacted too. However, it would be clearly visible to drivers approaching this junction from the southeast, including those queuing at the Central Road/Green Lane traffic lights. This would be due to a combination of its large size, elevated height above any vehicles parked in the adjacent car park and perpendicular positioning in relation to the highway.
7. Moreover, due to the curving alignment of Central Road between its junctions with Lynwood Drive and Green Lane, views of the proposal would be available to drivers for a distance of around 100m when approaching the traffic lights from the southeast.
8. Whilst my site visit can only provide a snapshot in time, I saw that this part of Central Road experienced a constant flow of traffic. This is reasonably related to its status as an 'A' classified road which provides a local distributor route, and its role as the main thoroughfare serving the facilities and services of the District Centre.
9. Notwithstanding the urban speed restriction and the two-way single carriageway nature of this stretch of Central Road, I find that the proposal would be located within a busy and active urban environment where drivers are required to take particular care. When approaching from the south, in addition to observing the traffic lights, drivers need to be aware that, if turning right into Green Lane, they need to quickly get into the right-hand turning lane just beyond the lights. This lies at a busy box junction.
10. In addition, the vehicular access to the public house also forms part of this junction and is controlled by a separate signal which is demand-dependent in the interests of vehicles exiting the public house and pedestrians. Also, the vehicular access to the forecourt parking for the adjacent store is sited just south of the traffic lights, so approaching drivers need to be aware of the possibility of cars exiting or entering the car park at this point.
11. Moreover, close to the appeal site, within the approach area where the sign would be visible to drivers, there is a highway traffic island where pedestrians are encouraged to cross the road through the provision of dropped kerbs and "look left" and "look right" signs on the carriageway. This crossing is not controlled by crossing lights. I also saw incidences of pedestrians crossing the street at the point of the traffic lights, using the small central traffic island, although this is not a specifically designated pedestrian crossing area.
12. To add to potential driver distractions, there is a cycle lane on the west side of the road which begins and ends within the stretch between Lynwood Drive and the site, so that cyclists would be joining and leaving it within the driver traffic light approach area.
13. The proposed D-poster, like all advertisements, would attract attention. Due to its proximity and juxtaposition to Central Road, it is bound to distract drivers when approaching the site from the south. In so doing, it would take drivers' attention away from the road, from the adjacent traffic lights and from other vehicles, cyclists and pedestrians.

14. The sign may only draw attention for a short period of time. However, I am concerned that the distraction would unacceptably undermine highway safety. It would occur at a stretch of a busy main road where there are a number of different, and potentially conflicting, vehicle, cyclist and pedestrian movements, and where it is likely that drivers need to be constantly aware of unexpected intermittent incidents that could potentially result in collisions.
15. The existing hoarding already draws the eye of drivers, the area within the site vicinity is already well-lit by street lighting, and the luminosity levels of the proposed display could be set so that it would be no brighter and so no more obvious to passing motorists than the existing sign. However, although providing static images, the D-poster's electronic image would change at frequent intervals, albeit instantaneously. Such changes to the display are more likely to draw driver's attention compared to the existing non-moving sign and so the D-poster would constitute a greater risk to highway safety than the current situation.
16. Whilst the appellant states that it is likely that the advertisement content would be simple, clear and easy to disseminate by passing motorists, there is no guarantee that future advertising content displayed on the structure would accord with this.
17. Moreover, according to Transport for London (TfL) most recent available record of 5-year accident data, 14 accidents occurred along Central Road within the immediate vicinity of the Green Lane junction and the southern approach to the appeal site. 3 of these related to pedestrians crossing the road in an unsafe manner and 8 of the incidents took place close to the appeal site in positions where the proposed sign would be visible.
18. There is no evidence before me that the current hoarding has been the cause of these road accidents and there are other signs on nearby commercial premises. However, I find that the aforesaid data lends support to my concerns about the need for drivers to be focussed on potential incidents which could result in highway danger within the vicinity of the appeal site. The D-poster would introduce a frequently changing image that would be unusual to the area. As such, it is likely to be a particular cause of distraction.
19. The appellant refers to a formula in guidance produced by TfL. This uses information on maximum sight distances and traffic speeds to calculate the optimum minimum display duration for electronic signage to reduce the risk of drivers seeing more than one image. However, in the proximity of the appeal site traffic is often not free-flowing due to the traffic lights. Also, there is no information to suggest that the changes in the display can be timed to only occur when drivers are unable to see the sign. As such, the appellant's evidence in these respects does not address my concerns.
20. The appellant has drawn my attention to a number of other sites in the UK where similar installations have been provided with no meaningful effect upon the number of road accidents. However, on the basis of the information before me, none of these schemes are in a similar location to the appeal proposal in terms of the nearby road layout, traffic lights and intensity of activity associated with this part of the District Centre.
21. For the above reasons, I therefore conclude that the proposal would have a materially harmful effect on public safety, having particular regard to highway

safety. As such, the proposal would be contrary to Policy 36 of the *Sutton Local Plan 2016-2031* (February 2018) and Policy T4 of the *London Plan* (March 2021), in so much as these policies seek to ensure that development proposals are located so as to minimise any adverse impact on the highway network and do not increase road danger.

Other Matters

22. The proposal is part of a nationwide project to upgrade traditional advertisement hoardings to a digital format. This will enable an overall reduction in the number of hoardings since multiple advertisement campaigns can be supported by single panels. Other environmental benefits of the project are a reduction in a need for vehicular site visits a reduction in waste associated with the production of printed posters, and lower energy requirements of LED compared to external halogen lighting. Tidier sites would be facilitated due to a more robust design.
23. Economic benefits would result from built-in flexibility enabling operators to have better control over sales and businesses better access to advertising displays, and typical uplifts in rent leading to increased business rates paid to the Council. In respect of social benefits, the D-poster could also be used to broadcast emergency messages and for other public messaging, such as charity and public art campaigns.
24. However, under the terms of the Regulations, my assessment is limited to the matters of public safety and amenity. Therefore, these other factors have no influence on my determination of the appeal. In any event, these benefits do not override or address the harm I have identified in respect of the main issue.
25. The appellant has referred to the Council's procedures during the determination of the planning application, which did not include facilitating the opportunity to reply to the Highways consultation response. This is not a matter for consideration as part of this appeal, which I have determined on the merits of the proposal before me. Moreover, I note that the appellant did not seek pre-application advice from the Council before submitting the application.
26. Notwithstanding that the Framework encourages Local Planning Authorities to approach decisions in a positive and creative way, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified in respect of the main issue.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR