



Appeal Decision

Site visit made on 2 April 2025 by R Pankhurst

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/P5870/Z/24/3354308

Times Square Shopping Centre, High Street, Sutton, SM1 1LF

- 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 London Lites Ltd against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/01038.
 - The advertisement proposed is one LED Digital Advertisement Display.
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Decision

1. The appeal is allowed and planning permission is granted for one LED Digital Advertisement Display at Times Square Shopping Centre, High Street, Sutton, SM1 1LF in accordance with the terms of the application, Ref DM2024/01038, subject to the following conditions:
 - 1) From dusk until dawn the intensity of the luminance of the advertisement hereby granted consent shall be no greater than 300 candela per square metre.
 - 2) The advertisement display hereby granted consent shall only display static images and shall not display any moving images, animation, intermittent or full motion video images.
 - 3) No individual advertisement shall be displayed for a duration of less than 10 seconds.
 - 4) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Therefore, the main issue is the effect of the proposed advertisement on public safety.

Reasons for the Recommendation

4. The appeal site comprises a footbridge connecting Times Square multi storey carpark to the rear of the Times Square Shopping Centre. The footbridge is located on Throwley Way, a one way street. The surrounding area is commercial in character with the pedestrianised Sutton High Street located just to the west and a large multi storey carpark to the east.
5. The Planning Practice Guidance states that while all advertisements are designed to attract attention, those places where drivers need to be more cautious, such as at junctions, roundabouts, pedestrian crossings, or other areas with traffic hazards, are more likely to impact public safety. It further indicates that road safety problems are less likely if the advertisement is located within a commercial area.
6. Although the proposed advertisement would be close to a pedestrian crossing, it was clear from my site visit that it would be sited well above the traffic signals. In addition, due to the height of the footbridge, the relatively straight road and the low traffic speeds, drivers would have good visibility of the advertisement and the chance to assimilate the material shown well before they reach the crossing. Therefore, the proposal would not obstruct or reduce the clarity or effectiveness of the traffic signals.
7. Throwley Way has four pedestrian crossings spaced out along the full length of the street and another footbridge a few metres before the appeal site. As a result, pedestrians crossing the street are not limited to just the pedestrian crossing nearest to the appeal site. In addition, Throwley Way has a wide layout and is a two-lane, one-way street with an additional bus lane. This simple layout and the low speed limit mean that the cognitive demands on a driver are relatively low. Together, these factors mean that drivers are unlikely to be distracted by the advertisement.
8. If the advertisement were unduly bright, particularly at night, or had flashing, moving or quickly changing images it could draw drivers' attention away at a critical moment on approach to the crossing. These matters can however be controlled by conditions. The appellant has suggested limiting the frequency of advertisement change to every 30 seconds instead of every 10 seconds if necessary, however, given the information above I do not believe this would be needed. With such conditions, the proposed advertisement would not appear unacceptably distracting in this location.
9. In this context, no compelling evidence has been submitted to demonstrate that, subject to conditions, the proposed digital display in this location would unacceptably distract drivers or that there would be an increased risk to pedestrian users of the crossing.
10. Neither the Council nor any other party has raised any objection to the appeal advertisement in relation to amenity. The setting of the appeal site is within a commercial area and from the evidence before me, and my observations on site, I can see no reason to disagree.
11. In light of the above, I conclude that the proposed advertisement would not have an unacceptable impact upon highway safety and therefore public safety. I have taken into account Policy 36 of the Sutton Local Plan 2016-2031 (adopted 2018) and Policy T4 of the London Plan 2021 which seek to minimise adverse transport

impacts and so are material in this case. Given I have concluded that the proposal would not harm public safety, the proposal does not conflict with these policies.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

R Pankhurst

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions above.

L McKay

INSPECTOR