

Change of Use for Smith & Byford Offices in Upper Mulgrave Road

Please give us your support – this affects you!

Planning Applications (A2006/55791, A2006/55792) have been submitted to request a change of use for the Smith & Byford premises at 56 and 50 Upper Mulgrave Road.

The applications are formally described as :

No 56: “Retrospective application for use of ground, first and second floors of premises for purposes falling within Class B1 (Business) of the Town and Country Planning (Use Classes) Order, installation of a new shopfront and use of three garages at rear for purposes falling within B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 2005 (as amended).”

No 50: “Retrospective application for use of ground floor of premises for purposes falling within Class B1 (Business) of the Town and Country Planning (Use Classes) Order 2005 (as amended) and retention of metal sheds at rear for storage purposes.”

Planning History

The operation of Smith & Byford’s business from their premises in Upper Mulgrave Road has been a continual source of complaint from our members in recent years for a variety of reasons (see overleaf). Many approaches have been made to the Council by local residents and earlier this year the Council’s planning enforcement team formally wrote to Smith and Byford pointing out that the nature of the business that is now being run from the above premises is not consistent with the Planning Use Class of “Shop – Sale of Retail goods to the Public” (Use Class A1) that is currently permitted for these premises.

After discussion with the Council, Smith & Byford accepted that they are in violation of planning regulations and have accordingly submitted two retrospective planning applications to attempt to regularise the situation. In addition to the shops, the enforcement action considers that the garages to the rear of number 56 are being used for Warehousing / Distribution purposes (Use Class B8) which is also not currently permitted.

The Smith and Byford premises at No 64 Upper Mulgrave Road (the old car showrooms) is not part of this application as it was granted permission for “Use of premises for office purposes, installation of new shopfront and change of use of showroom to the rear to a system assembly plant” on 3rd February 2003.

It should be noted that these applications do not propose any changes to the physical structure of the buildings, only how they can be used as commercial premises. The application for No 50 shows it being used as an office with 6 desks on the ground floor; that for No 56 shows 9 desks on the ground floor and 13 desks and other rooms in the flat above (56a). This is a total of 28 desks across both premises. This number excludes those staff who work at No 64 Upper Mulgrave Road.

The flat at No 56a was granted permission to be used as an office in 1999 for a limited period of 2 years after which it should revert to residential use. This never happened.

Smith and Byford employ a total of around 180 staff (their number) many of which are field based. In addition to the resident office staff mentioned above, a significant number of these field based staff pass through the Upper Mulgrave Road premises at the start and end of each day to receive work instructions etc.

Why we are objecting

The shops in Upper Mulgrave Road are designated in the Council's current Unitary Development Plan (UDP) as one of the Borough's 28 "Local Centres" for shopping. This gives it a specific status and there are a set of planning policies that consequently apply to it. These policies are defined to ensure that any change of use does not adversely affect the retail use of the properties within a Local Centre, and that there is no detrimental impact on adjacent residential properties. These policies identify unacceptable uses that closely match the problems reported by our members.

Consequently we are objecting to these two applications for the following reasons:

a) Loss of retail shops in the Upper Mulgrave Road Local Shopping Centre.

The Upper Mulgrave Road shops provide an important convenience shopping centre for South Cheam, having 'basic shops' that include food shops, chemist, newsagent, and a post office. The post office is particularly important having recently been expanded to handle the additional custom arising from the closure of the post offices in Cheam village and Belmont. If permitted, these applications would mean that a total of 3 shops in the centre would be used by Smith and Byford as offices and would consequently be lost to retail use, threatening the viability of the Local Centre. Changes that have occurred in recent years to the profile of their business mean that Smith and Byford no longer provide any significant service direct to local customers and hence there is no reason for their continued presence in this shopping centre.

b) Loss of Residential accommodation

It is stated council policy to encourage the use of upper floors above shops as residential accommodation. This policy is intended to add to the stock of affordable housing in the area and to act as a crime deterrent. This was recognised by the condition attached to the 1999 permission granted for the flat 56a, which stipulated that its use as an office should be temporary and that it should be returned to residential use after 2 years.

c) Noise and Disturbance

The planning policies for Local Shopping Centres specifically state that any change of use must ensure that "Residential Amenity adjacent to a Local Centre must be safeguarded in terms of Noise, Litter, Fumes, Traffic Flows and Road Safety". As a retail shop of this size, it might be expected that only a handful of staff (typically less than 5) would be needed. Customers would be in modest numbers spread throughout normal shop opening hours.

The applications show a total of 28 staff being accommodated across the two shops, with a massive peak of Smith & Byford employees also visiting the premises during the morning and evening rush hours. Staff start arriving at the premises from around 07.00 (sometimes earlier) and disturb local residents by parking cars and slamming doors. This early start and the sheer numbers of staff are a much greater disturbance to local residents than a genuine retail shop.

The use of the garages at the rear for storage purposes is also the source of early morning noise and disturbance for the neighbours.

d) Traffic, Parking and Road Safety

Further to the points above, the presence of staff cars during the working day and the large number of service vans that visit during the rush hour periods, means that there is considerable congestion on a daily basis around the junction of Manor Road and Upper Mulgrave Road. This road is recognised as a hazardous area and traffic calming measures have been in operation for some years. The road is particularly busy in the morning as commuters are being dropped off at Cheam Station.

Parking is regularly a problem in front of the shops because of the Smith & Byford service vans parked there. This causes significant inconvenience to customers wishing to visit the genuine retail shops. In the surrounding residential area and stretching well into South Cheam, staff cars and vans are a regular feature (including over weekends) to the annoyance of local residents. We understand that staff cars not only belong to the office based staff, but also to a proportion of the much larger base of field staff who will be picked up by a van in the morning.

In summary

The management and staff of Smith and Byford are to be congratulated on the success of their business. Over the past 5 years, the business has transformed itself from a small family concern, to a major local government service provider that provides employment and training to a significant number of people from the Borough.

Unfortunately this success from a business perspective means it is no longer acceptable to its neighbours for it to continue to operate from within a shopping centre set in a residential area.

In the words of Planning Policy EM12, it has become a 'Bad neighbour' industry and should be encouraged to relocate to a more appropriate site. We believe that this would be to the mutual benefit of local residents and to the Smith and Byford workforce.

What we want you to do

The Residents' Association is objecting to these applications for the reasons shown above.

Please support us by writing to the Council to show your objection to these two retrospective applications.

Your letter must be sent to the council Case Officer quoting BOTH of the references A2006/55791 AND A2006/55792. It should be addressed to:

De la Rey Ferreira,
Planning and Transportation Division, London Borough of Sutton,
24 Denmark Road, Carshalton, Surrey SM5 2JG.

You must ensure that your letter arrives by 9th October at the latest.

An example of the type of letter you could send is as shown at the back of this pack. Use this as a basis, but put your objections into your own words rather than just copying out the example.

Please also send a copy of your letter to our local co-ordinator, Lyn West:

1 Champneys Close, Cheam, SM2 7AL; (Tel 020 8642 7508);

or by email: lyn.west@bscra.com

For more information, see the Local Matters Forum at www.bscra.com

Thank you for your support.

V2 25.9.2006

99 Your Road
Cheam, SM2 7XX
Tel: 020 899 0000

26th September 2006

De la Rey Ferreira
Planning and Transportation Division
London Borough of Sutton
24 Denmark Road
Carshalton
Surrey SM5 2JG

Sample letter

Dear Mr Ferreira

I am writing to strongly object to the planning applications A2006/55791 and A2006/55792, which have been submitted for 56 and 50 Upper Mulgrave Road respectively.

My reasons for objecting are:

- a) The retrospective approval of the conversion of another 2 retail shops to office use will threaten the viability of the Upper Mulgrave Road local shopping centre. This is an important local asset for the residents of South Cheam.
- b) At times when there is ever increasing demands for affordable housing, this application proposes the permanent loss of the residential unit above number 56 Upper Mulgrave Road (Flat 56a).
- c) It is proposed that the garages at the rear of the property be approved for use as warehousing and distribution. These are adjacent to residential properties and this usage is quite unacceptable to local residents for reasons of noise.
- d) The large number of office based and field staff arriving and leaving the premises by car and van, often early in the morning, are a cause of significant disturbance to local residents.
- e) The Smith and Byford vehicles parked in Upper Mulgrave Road mean that it is often difficult for customers of the genuine retail shops to find a parking space.
- f) Staff cars and service vans are regularly parked in the residential areas of South Cheam to the annoyance of local residents.
- g) The arrival and departure of a large number of Smith & Byford service vehicles particularly during the early morning rush hour is a major traffic safety concern at the busy junction of Manor Road and Upper Mulgrave Road.

In summary, the use of premises in Upper Mulgrave Road as the focal point of a major service provider is quite inappropriate and positively dangerous from a road safety perspective. I strongly oppose these applications and request that the council encourage Smith & Byford to relocate to a more suitable location.

Yours sincerely

<Your name>