ARUN DISTRICT COUNCIL
No. BR 300 07
Received

Howden Joinery Properties Limited

Units 1, 2 and 3 Durban Business Centre, Durban Road, Bognor Regis, West Sussex

Supporting Statement
(Incorporating Design & Access Statement)

September 2007

Howden Joinery Properties Limited
The Pavilion, Croxley Business Park, Blackmore Lane, Croxley, Watford, Herts, WD18 8GA

Redbourn Group Plc
Watling House, Dunstable Road, Redbourn, St Albans, Herts, AL3 7RG

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Howden Joinery Limited
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1.00 Introduction

This Statement has been prepared in support of a planning application submitted by Howden Joinery Limited on Units 1, 2 and 3 Durban Business Centre, Durban Road, Bognor Regis, West Sussex. This statement describes the nature of the proposals forming the application and addresses the various planning issues associated with this type of use.

This Statement forms an integral part of the application and sets out the applicant's case and the justification for the proposals.

It should be noted that Howden Joinery Limited are an expanding B8 operator with some 360+ units nationally. All of their depots are located on Industrial Estates and operate from commercial buildings normally under the provisions of Class B8 of the Town & Country Planning Act (Use Classes) Order 1987, as amended. The company operates on a national basis and has an extensive expansion programme currently underway. It is their wish to establish a branch within the local area, and within these particular premises. Having regard to the nature of the proposed use, the character of the area to which this application relates and the advantages which will accrue from these proposals in terms of job creation, use of the premises and the fit-out of the unit to accommodate the requirements of the Disabilities Discrimination Act, providing access and facilities to accommodate disabled people, we believe that these proposals will provide a major enhancement and do not, in any way, compromise any interests of acknowledged importance.

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2.00 Planning History

The existing Units 1, 2 and 3 at Durban Business Centre have an established industrial use. The letter dated 22 March 2007 from Arun District Council confirms the original use of the building is as use Class B2. As such, a planning application is required for the proposed change of use from use Class B2 to use Class B8.

3.00 Planning Proposals

This application is submitted on behalf of Howden Joinery Properties Limited and seeks permission for the use of the premises for warehousing/storage purposes and activity within Class B8 as defined by the Town & Country Planning (Use Classes) Order 1987, as amended. The proposals also include the provision of an ancillary and 'de minimis' trade counter area, further details of which are provided in the issues section of this Statement.

The land and buildings on the subject site have an existing B2 use and planning permission is therefore required for the proposed change of use.

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4.00 Planning Issues

Having regarding the nature of these particular proposals, there are a number of issues, which arise in respect to the proposed use. These include: -

1. Planning policy
2. Nature of proposed use.
3. Role and function of the ancillary trade counter.
4. Job creation.
5. Hours of operation.

Planning Policy

The site does not fall within an area designated by Council and the site is not constrained by policy. Therefore, the existing industrial premises are the appropriate location for the Company's business model and the use will support the local economy through new jobs and improved facilities.

Proposed Use

Howden Joinery Limited operates as a depot to serve small builders within a geographical catchment area of the depot concerned. Within the unit, they store rigid and self-assembly kitchens, bedrooms, bathrooms and associated accessories and joinery products, such as doors, windows etc. Each depot solely caters for trade based custom on an account basis and are not aimed at the general retail market. Indeed, stringent controls have been imposed to prevent retail sales from these premises as this would conflict with the company's primary business.

Attached as Annex A is a letter from Howden Joinery Properties Limited, the Department responsible for all property matters, setting out the general background to their operations and the controls in place which prevent retail sales to the public. We would also advise that they take this particular issue seriously and is embodied within the general terms of employment of all Howden staff. Where transgressions are identified disciplinary action has been taken accordingly and where Local Authorities have raised concern regarding the conduct of ongoing operations, investigations are carried out, with reports being returned to the Local Authority and disciplinary action also taking place, if it is deemed necessary to do so.

Role and Function of the Trade Counter

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The ancillary trade counter, which is incorporated within this application, is designed to serve as a subordinate or de-minimis feature of the overall use of the premises. The principle issue associated with trade counter type operations is whether operators allow 'retail sales' to the general public as opposed to restricting custom to purely trade. Indeed, there are a number of operators, who occupy commercial premises and who operate 'trade counters' which on closer inspection are more akin to meeting the needs of the general public. The Town & Country Planning (Use Classes) Order 1987, as amended, defines 'retail sales' as being: -

'Sale, display or services to visiting members of the public'.

Given the basis of the letter from Howden Joinery Properties Limited, it is clear that the applicant's use does not fall within the Use Classes Order definition as the proposed operation is not, in any way, associated with sales to the public. It is, in comparison, a pure warehouse/storage activity, and this is reflected by the fact that Howden depots are located in industrial/commercial areas where the layout and external appearance is designed so as not to lend itself to the visiting members of the public. External advertising, other than corporate identity signs, are not permitted in any way and there are no window displays. Visitors to the site must enter the premises either through a pedestrian door, or via an open roller shutter.

The other issue regarding the function of trade counters is whether they serve as a quasi-retail area. It is accepted that these areas do display certain product ranges, including joinery and components of major items. However, unlike retail units, these are not set out in 'illustrative' displays and indeed the unit lacks any of the 'luxuries' which may be found in retail showrooms. In terms of the function of the Howden trade counter, we would advise that the average new depot has an approximate turnover of £30,000 per calendar month, with just under 10% taking place 'over the counter' as 'cold' ordering by account holders. The remainder of orders are made either by telephone or facsimile and then collected, or distributed from the warehouse itself. It should, however, be noted that given the nature of the trade to which the operation relates, accounts are generally settled either by cash or cheque 'over the counter' and in that respect the trade counter also serves as a general administrative office. Analysis of activities undertaken at an existing depot indicate that approximately 70% of accounts are settled in this manner, with the remainder either being paid by cheque through the postal service, or by credit card over the telephone. However, it should be noted that the latter method of payment is very rare, given the need for trade operators to have a 'paper chain' for tax purposes. In all cases, trade (including trade cash purchases) can be referenced back to a specific account holder number, in line with the method of operation set out in the letter attached at Annex A.

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You will also be aware that the issue of whether trade counters fall within Use Classes A1, B8 or as a sui-generis use, have been tested in both the Appeal and High Courts. It has been found that the use of premises as builders merchants, an operational concept similar to that proposed by our clients, may be classified as being either within Class B8 or a sui-generis activity if sales are not to the public, but confined to trade. Indeed, the High Court and Appeal precedence has established that a limited amount of industrial or retailing activity may be considered as ancillary to the primary use, subject to there not being a material change of use to the building, that the activity is subordinate to the primary use, and that there is no effect on the neighbouring area as a consequence of the activity itself. In the circumstance of the Howden operation, none of these apply, and under the definition of a Class B8 use, the manner in which products are stored and distributed from the site is not a material consideration provided that is how the site is used.

Job Creation

In accordance with company policy, Howden Joinery will, as part of their fit-out programme for these premises, ensure that they comply with the requirements of the Disability Discrimination Act and provide facilities to enable individuals with disabilities to either visit the premises or, more importantly, be employed within the Unit, in certain specific roles. You will be aware that in many cases small commercial organisations are exempt from the obligations imposed by UK Employment Law regarding the employment of individuals with disabilities, given Health and Safety requirements. Meeting the requirements of the Disabilities Discrimination Act, together with their own Health and Safety policies, has ensured that Howden Joinery are able to employ people with disabilities in the office and support functions and this provides considerable enhancement to the level of jobs available for those with disabilities across this particular area.

As part of these proposals, at least 8-12 full time jobs (FTE) will be created within these premises once the use has been established, with scope for additional employment prospects as well as 'hidden' employment creation in the local area.

Hours of Operation

As far as hours of operation are concerned, these are designed to meet trade operator requirements (as opposed to what would be required in respect to retail customers) and it is proposed that the unit would operate Mondays-Fridays 08:00 hrs – 18:00 hrs and on Saturdays between 08:00 hrs – 13:00 hrs. The unit will be closed on Sundays and Bank Holidays.

Conditions

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Against the background of the above, the applicants are prepared to accept conditions imposed upon any consent which prevents the retail sale of any product to the general public. Such a condition would be consistent with National Government advice and, within the provisions of guidance set out in Circular 11/85 (Use of Conditions in Planning Permissions).

In terms of wording, we suggest the following which has proven acceptable elsewhere:

"Any trade counter floorspace shall not exceed 25% of the total floorspace of the unit and shall not be available to visiting members of the public".

In addition, given that Howden Joinery are not a generally large traffic generator in B8 terms (see next section), the company would accept a condition which restricts the use of the site to them, as a named company based upon their modus operandi in order to prevent the site being used for pure and high intensity B8 purposes in the future. Such a condition would be in accordance with the provisions of Section 75 of the Town & Country Planning Act 1990. This would also fulfil the purpose of condition 5 to the previous permission which seeks to protect the amenities of nearby residents.

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5.00 Highways

The issue of parking and traffic is frequently one which gives cause for concern in respect to proposed B8 facilities. Parking and traffic movements are very much dictated by the physical circumstances of the property and rights granted in Lease documentation. Having regard to the guidance contained within PPG13 (Transport) (paragraph 51), Howden Joinery consider that there is adequate space for both visitors and staff parking requirements based upon surveys which they conducted at 15 depots. From this, it was established that not more than 4 or 5 cars or vans could be expected to be on site at any one time, and that there was normally only 3-4 HGV visits per week delivering stock items to the property, on average. A copy of the survey results are attached as Annex B.

The surveys carried out sought to identify the number and frequency of deliveries, number of trade accounts held, visits per day and maximum numbers of customers on site at any one time. Details of employees and staff travelling by private motor vehicle were also identified. The results of these surveys are attached and it will be noted that having regard to the figures established, traffic generation associated with the Howden use is substantially lower than might be expected and certainly lower than activities falling within either Use Classes B1 or B2. An assessment using the TRICS 2006 B Database identifies that, for a B1 use, the daily trip rate would have reasonably been expected to lie between 31-42 movements per day although the actual number would likely be at the higher end of the scale given that this is a small unit where there is a greater intensification of use and activity. Using the existing data for Howden Joinery operations, it will be noted that number of movements estimated is 30 per day and even allowing for this, together with growth inactivity, these proposals would result in a lower frequency of movement and estimated traffic flows would be indiscernible from daily fluctuations in general traffic flows across the highway network.

6.00 Conclusions

In conclusion, this application proposes the re-use of an existing under-utilised unit, which will incorporate a significant refurbishment to the premises and see its fit-out to meet the requirements of the Disabilities Discrimination Act.

The proposed use complies with the provisions of the development plan, is consistent with other uses and operations within the local area and the application seeks permission for the unit's ancillary and de-minimis Trade Counter.

Unlike other trade counter operators specific controls are in place to ensure that retail sales to the general public, as defined by the Use Classes Order, do not occur. In this respect, the applicants are unusual in comparison to all other trade counter operations who do allow an element of retail sales to the public. Additionally, they welcome a condition which prevents such activity, given that such conditions are consistent with company policy and core business as well as Government guidance.

Against this background, it is considered that the proposal has significant planning benefits and further, the proposed use would not affect any interest of acknowledged importance. Accordingly, we trust that your Authority will be minded to consider these proposals favourably and to grant formal planning permission for the proposed change of use.

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HOWDEN
JOINERY
PROPERTIES LTD.

To Whom It May Concern

HOWDEN JOINERY LIMITED – WAYS OF WORKING

I refer to the enquiries or planning application submitted by our agents, Redbourn Group Plc, to establish a local Howden Joinery Limited depot and write to clarify the background of the company and its 'modus-operandi'.

Howden Joinery Limited exists to supply kitchens, bedrooms, bathroom and joinery products to trade and it currently has some 360 depots nationally with an expansion programme that envisages the establishment of some 400-500 units. It must be stressed that Howden Joinery Limited exists to serve trade custom only and very rigid controls have been imposed to ensure that this is the case. To prevent retail sales to the general public, every user of a Howden Depot must prove their entitlement to trade status; being a builder, kitchen fitter, Local Authority, Housing Association etc. These must be approved by our head office and checks on each application are carried out before an Account is approved. Only then can a potential customer use a depot's facilities. Further, the software used within each depot's computer systems prevents sales to individuals without a bone-fide account number, thereby prevent 'cash' sales to non account holders.

In addition to the physical controls established for the operation of Howdens and its depots, the company also regularly monitors depot activity to ensure retail sales are not carried out and various regulations have been imposed on staff which address this issue.

Howden Joinery prides itself that it is a true Class B8 Trade Counter operation and this has been accepted and recognised by hundreds of Local Authorities. It is very much the company's position that this should not be undermined given the wider implications such activity would have. Whilst it is impossible to fully guarantee that this does not occur across the whole network I can confirm that if the company does learn of such instances, full disciplinary action is taken. As a consequence, we are, as a firm, reasonably confident in being able to state that there will be no retail sales from our Howden Joinery Depots. Indeed, we would be more than willing to accept conditions attached to any consent that:

1. Prevent retail sales to the general public as defined by the Use Classes Order and
2. Only allow the use of the unit by bone-fide trade customers

I hope that this letter will address any concerns that you may have on this issue. Please do not hesitate to raise any questions you may have through our agents.

Yours faithfully

MARK K L CHURCHILL
Head of Property

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HOWDEN JOINERY LIMITED - SURVEY OF OPERATIONS

BRANCH	Branch Size (m²)	No Staff	Staff who use private cars to travel to work	No of Trade accounts	Busiest Times	Max no of Customers at premises at any one time	Main customer vehicles	No of Visits (avg) by day						Number of Deliveries per week	Days	Vehicle Type
								Monday	Tuesday	Wednesday	Thursday	Friday	Saturday			
Brentford	800	5	3	397	09:00 - 11:00 14:00-15:00	5	Transit Light Vans Cars	18	21	20	24	19	8	3	-	
Canterbury	799	5	5	375	08:00-11:00	6	Light Vans Cars	17	8	8	7	6	5	3	Mon Weds Fri	4-axle articulated (1 x curtain sided 2 x rear loading avg)
Eastleigh	992	4	2	365	08:00-09:00	6	Luton Transit Light Vans Cars	20	15	15	15	15	10	3	Tues Thurs Fri	4-axle articulated
Enfield	665	4	3	260	08:00-10:00 12:00 - 14:00	5	Grab Lorry (1) Transit Cars	15	15	12	13	13	5	3	-	4-axle articulated
Greenford	960	4	3	349	08.00-11:00	5	Transit Light Vans	25	30	20	20	25	10	3	Tues Thurs Fri	4-axle articulated (1 x curtain sided, 2 x rear loading avg)
Guildford	687	5	4	670	08:00-11:00	6	Transit Light Vans	20	15	15	15	15	8	3	Weds Thurs Fri	4-axle articulated
Kingston	1181	4	3	528	-	8	Light Vans	35	20	20	20	30	10	3	Tues Thurs Fri	4-axle articulated
Pembroke	-	5	3	453	08:00-09:00	6	Transit Light Vans	14	15	11	12	11	7	3	Mon Tues Weds	4-axle articulated
Shrewsbury	842	5	5	490	08:00-09:00	5	Light Vans	25	20	20	20	15	5	3		4-axle articulated
Southampton	64	4	3	568	08:00-10:00	5	Transit Light Vans	10	10	10	15	15	10	3	-	4-axle articulated
Sutton	-	4	4	372	08:00-10:00 15:00-17:00	5	Light Vans Cars	25	25	25	25	25	10	3	Mon Weds	4-axle articulated

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							Pick-ups								Fri	
Swindon	1232	6	4	500	08:00-09:30	5	Luton Light Van Cars	15	12	12	12	18	6	3	Mon Weds Fri	4-axle articulated
Uxbridge	1598	4	3	330	10:00-11:00	7	Luton Light Vans Estate Cars	30	30	30	30	30	15	3	Tues Thurs Fri	4-axle articulated (1 x curtain sided, 2 x rear loading avg)
Watford	1080	4	1	355	08:00-11:00 13:00-15:00	4	Luton Transit Cars	15	15	15	15	15	8	3	Tues Thurs Fri	4-axle articulated
Winchester	717	3	3	323	08:00-09:00	4	Light Vans Cars	20	20	20	20	20	10	3	Mon Thurs	4-axle articulated