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Howden Joinery Properties Limited

Units 2 & 3, Eldon Way Trading Estate,
Hockley, Essex, SS5 4AD

Supporting Statement

December 2015



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1.00 Introduction

This Statement has been prepared in support of a planning application submitted by Howden Joinery Limited in respect to land currently used for Class B2 purposes, which is located at Units 2 & 3, Eldon Way Trading Estate, Hockley, Essex, SS5 4AD. 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 applicants case and the justification for the proposals.

It should be noted that Howden Joinery Limited are an expanding B8 operator with some 540+ units nationally. All of their depots are located within warehouse/industrial 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 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 an 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-minimus' trade counter area, further details of which are provided in the issues section of this Statement.

Proposed Use

Howden Joinery Limited operates as a depot to serve small builders within a geographical catchment area of the depot concerned. Within each depot, they store rigid and self-assembly kitchens and associated accessories and joinery products, such as doors, windows etc. It should be noted that no manufacturing or industrial processes of any kind take place within the depots, they purely serve as storage warehouses. 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 it is embodied within the general terms of employment of all Howden staff.

Refurbishments will be made to the internal premises as part of the proposals and it will be fitted-out to meet the requirements of the Disabilities Discrimination Act, in accommodating Howden Joinery within the unit.

Role and Function of the Trade Counter

The ancillary trade counter, which is incorporated within this application, is designed to serve as a subordinate or de-minimus 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'.



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From the information provided, it is clear that the applicants 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 usually located in industrial/commercial warehouse 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.

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 storage and distribution 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.



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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 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 given the hours concerned it is clear that there would also be no detrimental impact on neighbouring occupiers. The unit will be open Mondays-Fridays 07:30 hrs – 18:00 hrs and on Saturdays between 07:30 hrs – 13:00 hrs. The unit will be closed on Sundays and Bank Holidays.



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3.00 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 survey of operations 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. 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.



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4.00 Conclusions

It has been demonstrated above that the proposed use falls within Use Class B8 Storage and Distribution. Furthermore, the proposed use is consistent with other uses in the area. The application also seeks permission for the unit's ancillary and de-minimis trade counter, with regard to this matter it is considered that the proposals also accord with Development Plan Policies.

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 most other trade counter operations who sometimes can allow an element of retail sales to the public.

Against that background it is considered that the proposals accord with Development Plan Policy, have significant planning benefits and further, do not adversely 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 activity.



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ANNEX A



**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 400 depots nationally with an expansion programme that envisages the establishment of some 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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ANNEX B

Howdens Joinery Limited - Survey of Operations

Branch	Branch size (m ²)	No. of Staff	Staff travelling to work by car	No. of Trade Accounts	Busiest Times	Max no of customers at any one time	Main customer vehicle	Monday	Tuesday	Wednesday	Thursday	Friday	No. of Deliveries per week	Vehicle Type
Ashton under Lyne	736	10	7	569	08:00-11:00	6	Transit	50	40	40	40	25	3	Articulated Lorry
Avonmouth	979	10	9	600	08:00-10:00	5	Van	35	25	28	25	29	3	Articulated Lorry
Berwick	838	5	2	685	Early am, Lunchtime, late pm	6	Van	20	25	20	20	25	3	Articulated Lorry
Colindale	1115	11	6	537	08:00-11:00 & 15:30-17:00	6	Van	30	30	40	40	35	3	Articulated Lorry
Doncaster	1179	11	9	1045	08:00-10:00	5-10	Van	25	27	40	23	20	2	Articulated
Eastbourne	891	12	7	842	08:00-09:00 14:00-15:00 16:15-16:45	10	Transit Van	40	30	30	40	40	3	Articulated Lorry
Haverfordwest	1069	7	5	429	Constant	3	Van	15	15	15	15	10	3	Articulated Lorry
Hawick	737	6	4		08:00-10:00	4	Transit Van	20	20	20	20	20	3	Articulated Lorry
Hemel Hempstead	878	10	7	509	08:00-10:30	10	Van	25	30	20	25	30	3	Articulated Lorry
Longbenton	1306	17	15	1573	08:00-10:00	7	Van	50	50	50	50	40	4	Articulated Lorry
Margate	1394	9	5	448	08:00-11:00	5	Van	20	20	20	20	20	3	Articulated Lorry

Poole	918	18	14	1276	08:00-10:00 11:00-15:00	10	Van	51	48	45	58	69	4	Articulated Lorry
Rochdale	1315	7	3	730	10:00-14:00	6	Transit Van	30	30	30	30	20	3	Articulated Lorry
Slough	625	11	9	695	12:00-14:00	9	Transit Van	35	35	25	35	35	3	Articulated Lorry
Telford	1194	12	9	855	08:00-10:00 12:00-14:00		Transit Van	50	45	55	50	50	3	Articulated Lorry