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5 August 2015

Planning Development Services Team
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX

Dear Sir/ Madam

**WATERLOOVILLE – WELLINGTON RETAIL PARK (PHASE 1 – DFS UNIT)
APPLICATION REFERENCE PP-04403101**

We act on behalf of Henderson Retail Warehouse Fund in relation to the above site. On 20 July 2015 planning permission APP/15/00577 was granted for a mezzanine floor within the building (reference APP/15/00577), to be used in either for a companion care facility for Pets at Home or as further retail floorspace, in conjunction with the primary role of the ground floor retail area. Notwithstanding the application documentation, the decision notice did not specify the approved use of the mezzanine other than it being ancillary to the ground floor use. Condition 3 to the permission reads

The development hereby permitted shall be carried out in accordance with the following approved plans.

Following discussions with Rachael McMurray we are instructed to submit the enclosed non-material amendment application to modify condition 3 of planning permission APP/15/00577 to read:-

The development hereby permitted shall be used for retail and/or a pet care, treatment and grooming facility and shall be carried out in accordance with the following approved plans. (Proposed changes in italics).

In addition to this letter, the application comprises the following documentation:-

- Application forms;
- Certificate of Lawfulness, Templar's Retail Park Oxford; and
- Application Fee of £195

Background

Unit 3 is occupied by DFS and extends to 2,397sqm. DFS wishes to downsize into a smaller unit of 1,623sqm; Henderson is happy to facilitate to this, provided it has an alternative occupier for the space vacated by DFS. Henderson has secured planning permission for the sub-division of Unit 3 (APP/15/00576) and has agreed terms with Pets at Home for a new store, subject to Pets at Home being able to operate a "companion care" facility within a 267sqm mezzanine floor in the new retail unit. Planning permission APP/15/00577 approved the mezzanine floor. The non-material change sought to that permission is for confirmation that the mezzanine can be used for the proposed "companion care" facility.

Pets at Home is the UK's largest retailer of pets and pet products, which includes a wide range of pet care goods. Given this, and its predominant use of retail warehousing accommodation, the company largely

defines the nature of the large format, pet retailing market within the UK, which can be described as a retail use for the sale of pets and pet goods, with complementary pet care facilities.

Companion Care is part of the Pets at Home Group, and many of its stores include a Companion Care facility. Companion Care offers pet care, treatment and grooming facilities for pets, as an integral part of the overall product range and services offered by Pets at Home in its larger format stores. The facility comprises three consulting rooms where general pet care advice is given, animals receive basic preventative medicine and treatments (such as worming or flea treatments), and small scale procedures such as spaying and X-raying are carried out. The facilities also provide for dog and cat grooming.

Planning Issues

Implementation of the sub-division and mezzanine floor in Waterlooville will lead to the formation of a unit with total floor area of 1,034sqm GIA. Therefore the mezzanine will comprise 26% of the total floor area. The companion care facility represents a modest but integral part of its offer. The ground floor of the new retail unit will be used for the sale of pets and pet related products as a Class A1 retail activity, in accordance with its lawful use. The mezzanine floor would be utilised by the Companion Care facility, and will be ancillary to the ground floor retail use, for the following reasons:-

- The proposed pet care and treatment facility will extend to 267sqm. This represents 26% of the floorspace within the unit, comparable to the circumstances Oxford.
- Companion Care will be at mezzanine level, rather than on the ground floor.
- The pet care and treatment facility would only be accessible from within the Pets at Home store, with no independent access or egress.
- The pet care and treatment facility relates directly in functional terms to the primary use of the unit for the sale of pets and pet products.
- The pet care and treatment facility would not open independently of the main retail use, and the hours of opening of it would not exceed those of the store.

We therefore consider that the pet care use is physically and functionally subordinate to the retail use, and therefore ancillary to that primary retail use of the new unit. The enclosed certificate of lawfulness obtained in relation to a unit in Oxford, demonstrates that elsewhere a mezzanine for a companion care facility of a similar proportion to the ground floor area has been accepted as being ancillary to the primary retail use.

Conclusions

We consider that the proposed alteration to the wording of condition 3 will clarify the use of the proposed mezzanine floor as being ancillary to the ground floor retail use, and therefore the change sought is non material.

Should you require any clarification of the above, please call Jonathan Best on 0207 866 8608 in the first instance.

Yours faithfully

Montagu Evans

Jonathan Best – Partner
Montagu Evans LLP