



Ref: A104470/TAS/TH
Date: 10 January 2019

Planning Department
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Submission via Planning Portal

Dear Sirs

**JOLLYES PET FOOD SUPERSTORES
WELLINGTON RETAIL PARK, HAMBLEDON ROAD, WATERLOOVILLE PO7 7FG
APPLICATION FOR CERTIFICATE OF LAWFULNESS FOR USE OF PART OF FLOORSPACE
WITHIN EXISTING RETAIL UNIT AS ANCILLARY PET GROOMING / DIY DOG WASH
FACILITY
PLANNING PORTAL REFERENCE: PP-07526084**

Introduction

Please find enclosed, on behalf of our client Jollyes Pet Food Superstores (Jollyes), an application for a Lawful Development Certificate for a Proposed Use at Wellington Retail Park, Hambledon Road, Waterlooville PO7 7FG.

The Site and Lawful Plan Use

The site comprises the Jollyes Store at Wellington Retail Park, Waterlooville. The Jollyes store has a gross internal floor area of approximately 911sq. m. The Jollyes store is situated between a Home Bargains retail outlet to the south and a Sainsbury's petrol station to the north. East of the site is a Sainsburys store with associated parking and to the west bordering the site is Hambleton Road.

The lawful planning use of the Jollyes store is for retail falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission was granted in 2014 (ref. APP/13/01233) to remove restrictions set within Condition 21 of planning permission 88/50241/000 which specified the type of retail goods that could be sold from the unit. The Jollyes unit is therefore permitted to sell all non-food retail goods. The use of the premises by Jollyes Pet Food Superstores as a retailer of pets, pet foods and associated accessories fall within comparison goods retail use.

Proposed Use

The proposal is for the use of up to 5% (47sq m) of the gross floorspace of the unit to be used for an ancillary pet grooming / DIY dog wash facility.

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This application seeks confirmation that the proposed pet grooming / DIY dog facility was does not result in a material change of use of the unit and in turn is not development as described under Section 55 of the Town and Country Planning Act (1990) as amended (The TACP Act) and does not require planning permission.

Assessment of the Proposed Use

Jollyes is the second largest pet superstore retailer in the UK and offers a wide range of pet care goods, including feed, accessories and small livestock. Ancillary to their main retail offer Jollyes also provide a complimentary pet grooming/DIY dog wash facility in the majority of their stores.

The proposed use, as identified within the Land Use Gazetteer, is a sui generis use (dog parlour). The proposed pet grooming/DIY dog wash facility will be operated by Jollyes themselves.

No separate external access or external alterations are proposed. The pet grooming/DIY dog wash facility will only be accessible through the retail floor area and any required internal alteration works would not constitute 'development' as described under Section 55 of The TACP Act. Being only accessible from the retail floor area itself the facility will have the same operating and servicing hours as the retail floor area/store.

In terms of the quantum of floorspace, the proportion of floorspace of the unit proposed to be used for the pet grooming facility/ DIY dog wash (up to 5%) is de minimus and clearly reflects its ancillary nature/purpose. The primary use of the unit would remain A1 retail.

Taking into account the above and the permitted use of the unit it is clear that the proposed ancillary pet grooming/DIY dog wash facility does not result in a material change of use of the unit and in turn is not development as described under Section 55 of The TACP Act and therefore does not require planning permission.

Our assessment is supported by numerous other local planning authorities across the UK who have issued Certificates of Lawfulness for other pet grooming facilities in Jollyes stores. We attach four examples to assist your consideration of the subject application:

- Certificate of Lawfulness issued by Erewash Borough Council – Jollyes Unit, Unit 5, Waterside Retail Park, Ilkeston (reference. ERE/0717/0020)
- Certificate of Lawfulness issued by Maidstone Borough Council - Jollyes Unit, London Road Retail Park, Maidstone (reference. 17/500809/LAWPRO);
- Certificate of Lawfulness issued by Tonbridge and Malling Borough Council – Jollyes Unit, Cannon Lane Retail Park, Tonbridge (reference. TM/17/01150/LDP); and
- Certificate of Lawfulness issued by Cannock Chase Council – Jollyes Unit, Linkway Retail Park, Watling Street, Cannock (reference. CH/17/470).

In all four cases, the Council's confirmed that an ancillary pet grooming/DIY dog wash facility in a Jollyes store did not result in a material change of use and was not development as described under Section 55 of The TACP Act. Should you require any further information on these examples please do let us know.



Application Submission

The application package consists of the following documentation:

- Completed Application Form and Ownership Certificates;
- Site Location Plan (drawing no. JPS-WLV-00);
- Planning Application APP/13/01233
- Certificate of Lawfulness issued by Erewash Borough Council – Jollyes Unit, Unit 5, Waterside Retail Park, Ilkeston (reference. ERE/0717/0020);
- Certificate of Lawfulness issued by Maidstone Borough Council - Jollyes Unit, London Road Retail Park, Maidstone (reference. 17/500809/LAWPRO);
- Certificate of Lawfulness issued by Tonbridge and Malling Borough Council – Jollyes Unit, Cannon Lane Retail Park, Tonbridge (reference. TM/17/01150/LDP); and
- Certificate of Lawfulness issued by Cannock Chase Council – Jollyes Unit, Unit 4c Linkway Retail Park, Watling Street, Cannock (reference. CH/17/470)

A BACS payment for the sum of £231 as the requisite application fee has been made to the Council.

Concluding Remarks

We trust the Council will agree that the proposed ancillary pet grooming/DIY dog wash facility does not result in a material change of use of the unit and in turn is not development as described under Section 55 of the TACP Act and does not require planning permission.

We look forward to receiving confirmation of receipt of this application in due course. In the meantime, please do not hesitate to contact us should you have any queries or require any further information.

Yours faithfully



Tristan Hutton
Director – Planning

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