

**PLANNING STATEMENT
2 PORTLAND ROAD, WATERLOOVILLE PO7 7TN**

1. 2 Portland Road is a two storey semi-detached building lying within Waterloooville Town Centre. It has been in Class B1 (a) office use for many years but has been vacant since December 2017. The property has accommodation on two floors and a private drive at the side leading to a tarmacked parking area in what was formerly a back garden. The other half of the semi-detached pair is 4 Portland Road, a private dwelling.
2. This statement accompanies an application for prior approval to change the use and convert the existing two storey office accommodation to a three bedroom house. In effect to revert back to the historic use.
3. Portland Road is a short cul-de-sac that serves a mix of developments and uses giving access to residential property at 4 Portland Road and flats at Golden Court and to parking areas to the rear of Hambledon Road premises, rear access to the police station and a pedestrian link through to the Asda supermarket.
4. The surrounding area comprises a variety of uses found in town centres ranging for the nearby Asda supermarket, meeting hall, police station, offices, funeral director, dental practice, estate agents and church in Hambledon Road. Upper floors are in office and residential uses. This part of the town centre is not identified as being a primary or secondary retail frontage - unsurprisingly as there is no Class A1 retail activity until Wellington Way is reached. .
5. The planning application history of the property shows that in March 1988 planning permission ref: 31358 was granted for a change of use from residential to office/professional use (Class A2). It is common ground that the Town and Country Planning Use Classes Order 1987 defines Class A2 uses as being:
 - (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area,

where the services are provided principally to visiting members of the public (author's highlighting).

6. It is not known whether a Class A2 use took up and occupied the building from 1988 but it is known from searching the Borough Council's planning application records that the architectural practice Kanavan and Wingfield were in occupation of 2 Portland Road in the year 2000 until 2017. In which case the last use of the premises as an architectural practice does not fall to be considered a Class A2 use as an architectural practice does not principally provide a service to visiting members of the public. The Land Use Gazetteer confirms that an architectural office/ studio falls within Class B1 not Class A2.
7. The long existence of this Class B1 (a) use is corroborated by the following numbers of planning applications submitted by Kanavan and Wingfield taken from planning authority websites. The table below is for just four planning authorities and there will be other projects in other authorities as well as building regulation projects to add. The key point to note is that Kanavan and Wingfield had been continuously operating from 2 Portland Road since before the year 2000 up to and including 2017.

Year	Number of applications submitted by Kanavan and Wingfield using the address 2 Portland Road, Waterloooville	
	Havant	Portsmouth, East Hants and SDNPA
2000	4	12
2001	7	5
2002	5	9
2003	7	11
2004	8	12
2005	14	12
2006	17	8
2007	9	9
2008	25	4
2009	2	4
2010	21	8
2011	9	8
2012	4	10
2013	0	8
2014	5	7
2015	1	10
2016	3	5
2017	1	4

8. Under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 the change of use from offices to dwellinghouses does not require planning permission but is subject to the prior approval regime. The GPDO says:

Class O – offices to dwellinghouses Permitted development

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

1 Development is not permitted by Class O if—

- (a) the building is on article 2(5) land;*
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—*
 - (i) on 29th May 2013, or*
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;*
- (d) the site is, or forms part of, a safety hazard area;*
- (e) the site is, or forms part of, a military explosives storage area;*
- (f) the building is a listed building or is within the curtilage of a listed building; or*
- (g) the site is, or contains, a scheduled monument.*

Conditions

2 Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;*
- (b) contamination risks on the site; and*
- (c) flooding risks on the site,*

and the provisions of paragraph W (prior approval) apply in relation to that application.

9. For Class O to apply the requirements and conditions of paragraphs 1 and 2 must be met. Sub-paragraph 1 (b) is crucial - the offices have to have been in use for Class B1 (a) offices on 29 May 2013. It is not a stated requirement of the GPDO that such use must be formally recognised by a planning permission or a certificate of lawful use but clearly it should be capable of being considered a lawful use. The fact is, as explained in paragraph 5 above, 2 Portland Road was the office of an architectural practice since at least the year 2000 and therefore the requirement of paragraph 1 (b) of Class O is met. In so far as the other requirements of paragraph 1 are concerned the site is not on article 2(5) land paragraphs (c) to (g) do not apply.

10. Turning to the conditions set out in paragraph 2 the following comments also apply:

Transport and highways impacts of the development - the site lies in a cul-de-sac within the town centre and has parking provision for at least six cars to be parked on the site. The submitted plans show the parking area reduced so as to provide a modest garden area with provision to park four cars at the side of the buildings (the proposed block plan shows three spaces but there is in fact room for four). The parking requirement for a 3 bedroom house is therefore met and exceeded. There are no other transport implications.

Contamination risks on the site - there are no known contamination risks associated with changing the use of the premises from offices to residential.

Flooding risks on the site - the site is not within flood risk zones 1 and 2 according to the Environment Agency flood risk maps.

11. The occupation of 2 Portland Road by an architectural practice is corroborated by the documentary evidence of the planning authority's and others planning records. It isn't necessary to obtain a Certificate of Lawful use to prove this because there is no doubt that Kanavan and Wingfield occupied 2 Portland Road as their offices and the application of the balance of probability test makes it obvious that a Class B1 (a) use has continuously existed for more than ten years.
12. The submitted plans also show a single storey extension to the building that would replace the existing kitchen with a family room. This would be undertaken as Class A permitted development following the decision on this application for prior approval. The planning authority will be aware that Class O of the GDPO leaves householder permitted development rights in place for dwellings that result under Class O of the GDPO.

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