

DELEGATED OFFICER REPORT

Site Address: Car Park, Wellington Retail Park, 2 Hambledon Road, Waterloo
Proposal: Certificate of lawful development for proposed installation of 7No electrical upstands for recharging vehicles and 1No substation
Application Type: Lawful Development Certificate
Application No: APP/26/00417 **Expiry Date:** 05 August 2026
Applicant: Mr Jack Mulley **Case Officer:** Denise Sheath
Ward: Waterloo

Recommendation: **GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT**

1 **Site Description**

Car Park, Wellington Retail Park, 2 Hambledon Road, Waterloo

2 **Planning History**

APP/13/00767 - Erection of a building for uses within Classes A1 and/or A3, related public realm including outdoor seating, alterations to car park including upgrading footpath connections and landscaping. – Permit 26/09/2013

APP/13/01172 - Change of use of land from car park to site of portacabin for the operation of a 'Cash for Clothes' business. – Permit 27/01/2014

APP/26/00418 - Installation of one feeder pillar and one CCTV post within the car park of Wellington Retail Park – Decision Pending

3 **Proposal**

Certificate of lawful development for proposed installation of 7No electrical upstands for recharging vehicles and 1No substation.

4 **Policy Considerations**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5 **Statutory and Non Statutory Consultations**

Not required

6 **Community Involvement**

Not required for a Certificate of Lawful Proposed Use or Development.

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the

main issues arising from this application are:

- (i) Whether the development would require planning permission

7.2 The proposal has been assessed against the 'permitted development' allowances in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 The development has been assessed against Schedule 2, Part 2, Class E.

Under Class E the proposed installation of 7No electrical upstands for recharging vehicles and 1No substation meets the following tests:

Permitted development

E.1 The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

- (2) The installation, alteration or replacement, at ground level within a non-domestic area lawfully used for off-street parking, of—
 - (a) equipment necessary for the operation of an upstand the installation of which would be permitted by this Class;
 - (b) a unit of equipment housing for the storage of equipment necessary for the operation of an upstand the installation of which would be permitted by this Class.

Development not permitted

E.1—Development is not permitted by E(1) if the upstand and the outlet would—

- a) in relation to an upstand and outlet—
 - (i) within the curtilage of a dwellinghouse or a block of flats, exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; or – **N/A**
 - (ii) in any other case, exceed 2.7 metres in height from the level of the surface used for the parking of vehicles; - **The height would not exceed 2.7m.**
- (c) be within a site designated as a scheduled monument; - **Is not within a site designated as a scheduled monument.**
- (d) be within the curtilage of a listed building; - **Not within the curtilage of a listed building**
- (e) result in more than 1 upstand being provided for each parking space. – **Would not result in more than 1 upstand being provided for each parking space**
- (2) Development is not permitted by paragraph E(2)(a) if the equipment would not be contained within equipment housing the installation of which would be permitted by this Class.
The proposed equipment would be contained in equipment housing which is permitted by the criteria within Class E.
- (3) Development is not permitted by paragraph E(2)(b) if—
 - (a) it would result in there being more than 1 unit of equipment housing within a non-domestic area lawfully used for off-street parking; - **There is only 1 unit of equipment housing proposed.**

- (b) the unit of equipment housing would—
 - (i) have a volume exceeding 29 cubic metres; - **The proposed housing equipment does not exceed 29 cubic metres**
 - (ii) exceed 3 metres in height from the level of the surface used for the parking of vehicles;
The proposed housing equipment does not exceed 3m in height
 - (iii) be within 5 metres of a highway; - **The housing equipment is not within 5m of a highway**
 - (iv) be within 10 metres of the curtilage of a dwellinghouse or block of flats; - **The housing equipment is not within 10m of a dwellinghouse or block of flats**
- (v) be within a site designated as a scheduled monument; - **Is not within a site designated as a scheduled monument.**
- (vi) be within the curtilage of a listed building. **Not within the curtilage of a listed building**

Conditions

E.2 Development is permitted by Class E subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—

- (a) the development is removed as soon as reasonably practicable; and
- (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

The applicant has confirmed that: **“The development including all structures and upstands will be removed, and land reinstated to its condition before the development was carried out, when the development is no longer needed.”**

8 Conclusion

8.1 The proposed development falls within permitted development regulations as set out in Part 2, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

That the Interim Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT** for application APP/26/00417

This certificate relates to the following development:

Application for a Certificate of Lawfulness relating to the proposed installation of 7No. electrical upstands for recharging vehicles and 1No. substation. As described in the written particulars, plans and other documents submitted with your application received on 10 June 2026.

SECOND SCHEDULE: This certificate relates to land at Car Park, Wellington Retail Park, 2 Hambledon Road, Waterloooville as shown edged red on the submitted Location Plan received 10 June 2026.

OTHER IMPORTANT INFORMATION:

1. This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 01329 824823.
2. It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under Part 7 of the 1990 Act on that date.
3. The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
4. The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matter relevant to determining such lawfulness.
5. Your attention is drawn to the attached information regarding your right to appeal to the Ministry of Housing, Communities and Local Government, if you are aggrieved by the Council's decision.