

Delegated Decision Report

Application No:	26/0437	Statutory Period Expires:	18th August 2026
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Site:	<i>Express By Holiday Inn Lakeside Drive Coedkernew Newport NP10 8BB</i>		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR THE INSTALLATION OF A ROOF-MOUNTED SOLAR PV SYSTEM		
Applicant:	J Armstrong		
Type:	Lawful Development Proposed	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is situated within a business park adjoining Cleppa Park. Celtic Lakes Industrial Park is located to the south, with residential development positioned to the south-west. The site is bounded by the M4 motorway to the north-east and the A48 to the east. The surrounding area is predominantly characterised by a mix of large-scale office accommodation and industrial premises.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks a lawful development certificate to demonstrate that the installation of a roof-mounted solar PV system does not require planning permission.

3.2 The PV panels are proposed to be mounted on a curved roof. Each block of PV panels will be installed in a length and depth of 28m x 4.5m. 4no. blocks of these panels will be installed across the roof.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
09/1144	INSTALLATION OF 2NO. INTERNALLY ILLUMINATED POST SIGNS, 3NO. INTERNALLY ILLUMINATED WALL SIGNS, 2NO. SPOTLIGHTS AND 4NO. FLOODLIGHTS.	GC	10/12/2009
08/0617	INSTALLATION OF 2NO. AIR CONDITIONING CONDENSING COMPOUNDS INSTALLED AT GROUND FLOOR LEVEL ENCLOSED IN WOODEN PALLISADE 'HIT & MISS' FENCNG	G	26/06/2008
02/0826	DEVELOPMENT COMPRISING A FOUR STOREY 128 BED HOTEL AND	GC	11/12/2002

	ANCILLARY ACCOMMODATION AND 134 ASSOCIATED CAR PARKING SPACES		
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5. PLANNING POLICY

- 5.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1.

6. CONSULTATION RESPONSES

- 6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 Part 43, Schedule 2, Class A of the Town and Country Planning (General Permitted Development Order 1995 allows for the installation of non-domestic microgeneration equipment and states;

8.2 *Permitted development*

A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would be installed on a wall or pitched roof and would protrude more than 20 centimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

(b) the solar PV or solar thermal equipment would be installed on a flat roof and would protrude more than 1 metre above the plane of the roof;

(c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of the roof;

(d) the solar PV or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building;

(e) in the case of a building on article 1(5) land or on land within a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;

(f) the solar PV or solar thermal equipment would be installed on a building within the curtilage of a listed building; or

(g) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;*
- (b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and*
- (c) solar PV or solar thermal equipment no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.*

- 8.3 When assessing the information submitted, the applicant has provided elevations of the hotel with the solar panels. The regulations above state that on a pitched roof, in this case, the curved roof, that the solar panels cannot protrude more than 20cm from the plane of the roof. At its highest part, from the drawings submitted, the solar panels are shown as 37cm beyond the plane of the roof, and therefore, fails part (a). The solar panels have been sited at least 1m in from the edge of the roof, and therefore, have been sited to minimise its effect on the amenity of the area. Given its location on the roof, the solar panels would not impact on amenity of the area and given the industrial/business use of the area, does not appear incongruous. Notwithstanding, it is considered that the proposed development does not comply with A.1 (a) of Part 43, Schedule 2, of the Town and Country Planning (General Permitted Development Order 1995).

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 Overall, it is considered that the proposed development does not comply with A.1 (a) of Part 43, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 as the solar panels protrude more than 20cm from the plane of the roof. The application is refused.

11. DECISION

REFUSED

01 The proposed development does not comply with Schedule 2, Part 43, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended. Planning permission is therefore required for the proposal.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Proposed Roof Plan; Existing Roof Plan; Proposed Elevation; Existing Elevation; Data sheet SOLARWATT Panel vision M 5.0 style en

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.