

# Delegated Decision Report

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|------------------------|----------------|----------------------------------|-----------------------|
| <b>Application No:</b> | <b>26/0077</b> | <b>Statutory Period Expires:</b> | <b>2nd March 2026</b> |
|------------------------|----------------|----------------------------------|-----------------------|

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| <b>Site:</b>      | <b>Quinn Radiators Celtic Way Celtic Lakes Newport NP10 8FS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |              |                                     |
| <b>Proposal:</b>  | <b>NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 25/0379 S73 APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS), 3 (LANDSCAPING), 4 (LEMP), 15 (PARKING), 16 (CYCLE STORAGE DETAILS), 17 (FOUL DRAINAGE) AND TO REMOVE CONDITION 6 (DORMICE METHOD STATEMENT) OF 24/0006 DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATA CENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS. AMENDMENTS INCLUDE CHANGES TO LAYOUT AND LANDSCAPING TO ACCOMMODATE SAB REQUIREMENTS, AMENDMENTS AND ADDITIONS TO ADMIN AND DATA HALL BUILDINGS, DESIGN AND SPECIFICATION OF GENERATORS, REVISIONS TO EXTERNAL LIGHTING AND REVISED DETAILS OF ANCILLARY STRUCTURES INCLUDING NEW CONDITION FOR FUTURE PRIMARY SUBSTATION</b> |              |                                     |
| <b>Applicant:</b> | <b>V Thomas Martin</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |              |                                     |
| <b>Type:</b>      | <b>Non-Material Amendment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Ward:</b> | <b>Tredegar Park And Marshfield</b> |
| <b>Decision:</b>  | <b>APPROVED &amp; CONDITIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                                     |

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 The application site is located in the south west corner of Imperial Park and is approximately 16.50ha in size. It is previously developed land within the urban boundary that until demolition contained a very large employment building and associated ancillary buildings and structures along with car parking and access.

2.2 A small portion of the site to the south is identified in the Flood Maps for Planning (FMfP) as falling in Flood Zone 2 and 3 (Sea) and is a TAN 15 Defended Zone.

2.3 The site has no other designations itself, however is situated approximately 180m north of the Wentlodge Levels Special Landscape Area (SLA), Green Wedge and Gwent Levels Site of Special Scientific Interest (SSSI).

2.4 The wider context of the area is a mix of commercial and industrial, with recently constructed development including other Data Centres and a Research and Development facility with manufacturing and administrative block.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 This application is seeking a Non Material Amendment to planning permission 25/0379, which is a S73 application to planning permission 24/0006 for “*Demolition of remainder of existing principal building and remaining structures and construction of new data centre (Use Class B8) across two main buildings plus ancillary structures and other associated works*”

3.2 The submitted Covering Letter describes these changes in greater detail, however a summary of the proposed changes is listed below;

- **Water Storage Containers** – Reduced in width and increase in height due to addition of sloped roof to allow water to drain off. Materials Goosewing Grey cladding to match other materials on site;

- **E House Changes** – Small amendment to the position of E Houses, height increase by approx. 1.50m and increase in width by approx. 1.20m and addition of small technical room;
- **Car Park Security Enhancements** – The addition of a security fence within the site (west of car park) and amendment to parking layout (maintaining parking quantum).

#### 4. RELEVANT SITE HISTORY

| App Number | Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Decision                       | Decision Date |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------|
| 24/0006    | DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATACENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | GRANTED WITH CONDITIONS (S106) | 18.09.2024    |
| 25/0379    | S73 APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS), 3 (LANDSCAPING), 4 (LEMP), 15 (PARKING), 16 (CYCLE STORAGE DETAILS), 17 (FOUL DRAINAGE) AND TO REMOVE CONDITION 6 (DORMICE METHOD STATEMENT) OF 24/0006 DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATA CENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS. AMENDMENTS INCLUDE CHANGES TO LAYOUT AND LANDSCAPING TO ACCOMMODATE SAB REQUIREMENTS, AMENDMENTS AND ADDITIONS TO ADMIN AND DATA HALL BUILDINGS, DESIGN AND SPECIFICATION OF GENERATORS, REVISIONS TO EXTERNAL LIGHTING AND REVISED DETAILS OF ANCILLARY STRUCTURES INCLUDING NEW CONDITION FOR FUTURE PRIMARY SUBSTATION | GRANTED WITH CONDITIONS (S106) | 16.10.2025    |

#### 5. PLANNING POLICY

5.1 Section 96a of the Town and Country Planning Act 1990.

#### 6. CONSULTATION RESPONSES

6.1 Highways: No objection.

6.2 Landscape: I have no comments to make on these changes and this does not affect the wider site boundary proposals.

#### 7. PUBLIC REPRESENTATIONS

None.

#### 8. ASSESSMENT

8.1 There is no definition of what constitutes a non-material amendment because what is material in each case will vary depend on the circumstances and constraints of the site. Section 96A of the 1990 Act enables Local Planning Authorities to make a change to any planning permission if they are satisfied it is not material. In deciding whether a change is material, an LPA must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

8.2 The Welsh Government planning guidance document Approving Non-material Amendments to an Existing Planning Permission (July 2024) sets out that when assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests are applied as a starting point:

- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
- Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- Would the interests of any third party or body be disadvantaged in planning terms?
- Would the proposed change conflict with national or development plan policies?

8.3 The proposed changes are as a result of further detailed and technical review of the proposed scheme to ensure it meets the need of the user. In isolation, each proposed change would result in a difference in appearance to the relevant part of the site to which it relates. However, given the proposed scale of the overall scheme for 2no. Data Centres, it is not considered that the scale of the proposed changes would cause a different impact to that caused by the originally approved development. There would be no detrimental impact either visually or in terms of local amenity, and the Council's Landscape Officer advises that the changes proposed would not affect site boundaries. The Highways Officer has also confirmed that they have no objection, specifically in relation to the parking amendment. It is not considered that any third party or body would be disadvantaged through the approval of this NMA given the scale and nature of the changes being sought, and the scheme would remain compliant with national and development plan policies.

8.4 As such, the proposed amendments are non material and the application can be approved.

## **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 amendments to 25/0379 are non material and are permissible under Section 96a of the Town and Country Planning Act.

10.2 The application is approved with conditions.

## **11. DECISION**

### **APPROVED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents; CWL01-A-B-11-0 - Site - Proposed Masterplan; CWL01-L-B-01-0 - Site - Landscape Materialisation; CWL01-02-L-P-02 - Site - Landscape Site Sections; CWL01-L-B-02-0 - Site - Fencing Plan; 117 - Transformer E House.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Covering Letter.

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 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.