

Delegated Decision Report

Application No:	26/0406	Statutory Period Expires:	28th August 2026
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Site:	<i>Block A Boss Park Stephenson Street Newport South Wales</i>		
Proposal:	<i>PROPOSED CHANGE OF USE FROM INDUSTRIAL UNIT (B1/B2/B8) TO GYMNASTICS CENTRE (D2) AND ASSOCIATED WORKS</i>		
Applicant:	<i>Starburst (UK) Ltd</i>		
Type:	Full	Ward:	Lliswerry
Decision:	REFUSED		

1. BACKGROUND

- 1.1 Planning permission was granted subject to conditions in 2024 for the development of the wider site for B1c/B2/B8 with associated works. A subsequent S.73 application relating to the use class mix was granted in September 2024. The site was formerly part of the Orb steelworks and many of the buildings associated with that former use are still evident on site.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located on Stephenson Street, in an established industrial area, approximately 1.5 miles to the south-east of Newport City Centre. The wider site is bounded to the north by the Lysaght Village residential scheme, to the east by a railway embankment/line, to the south by Stephenson Street, and to the west by both the River Usk and the Esperanto Way business units. The area is predominantly industrial with both old and new units present. The site comprises several of a recently completed purpose built range of new industrial units (Block A), many of which are yet to be occupied. Whilst the area between the 2no. rows of new units is hardsurfaced, it appears to lack any demarcation for parking, turning, pedestrian segregation or access.
- 2.2 The site is accessed from the south via a priority junction arrangement with Stephenson Street. To the west of the site, Stephenson Street terminates at the Newport Transporter Bridge, whilst to the east it continues for 750m before meeting Corporation Road. As well as providing access to the site, Stephenson Street also provides access to several neighbouring industrial businesses and Coronation Park (an area of public space) and Newport Dogs Home. Approximately 750m to the north of its junction with Stephenson Street, Corporation Road connects with the A48 Southern Distributor Road, which connects with the strategic highway network beyond. Stephenson Street is a wide carriageway of a typically industrial character with intermittent footpath on one side of the road only and unrestricted parking along most of its length.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is seeking planning permission for the change of use of units 1-5 to a gymnastics centre (D2). The applicant operates an existing centre from a comparable unit at Langeland Way and appears to have a catchment that is at least Newport wide. The centre is primarily aimed at children. It is stated that at full capacity, approximately 600-800 weekly participants are anticipated per week, spread across multiple sessions throughout the day. Each class will typically involve 24-28 participants under the supervision of qualified coaching staff. The proposed operating hours are as follows:
- Monday – Friday: 9.00am – 8.30pm
 - Saturday – Sunday: 9.00am – 4.00pm
- 3.2 There is parking provision to the front and side of the units and cycle storage to the southern end of the building. No external alterations are proposed to the building.

4. RELEVANT SITE HISTORY

94/0581	TWO STOREY INDUSTRIAL BUILDINGS AND ASSOCIATED TANKS IN BUDNED AREAS FOR THE PURPOSE OF TREATING EFFLUENT ARISING FROM STEEL PRODUCTION PROCESS	GRANTED WITH CONDITIONS
96/1064	AMENDMENT TO PREVIOUS APPROVAL 94/0581/F (SMALL INCREASE IN OVERALL SIZE) FOR ERECTION OF INDUSTRIAL BUILDING AND ASSOCIATED TANKS IN BUNDING AREAS FOR TREATING EFFULENT FROM STEEL PRODUCTION PROCESSES	GRANTED WITH CONDITIONS
05/1598	NEW FOUR STOREY OFFICE DEVELOPMENT WITH ASSOCIATED CAR PARKING AND SERVICES COMPOUND AND EMERGENCY ESCAPE LINK	GRANTED WITH CONDITIONS
07/1445	ERECTION OF A SINGLE STOREY GATEHOUSE AND FACILITIES BLOCK	GRANTED WITH CONDITIONS
08/0511	ERECTION OF BOUNDARY FENCE BETWEEN RETAINED INDUSTRIAL SITE AND LAND SOLD FOR RESIDENTIAL DEVELOPMENT	GRANTED WITH CONDITIONS
08/0512	CREATION OF PEDESTRIANA ACCESS	GRANTED WITH CONDITIONS
08/0601	PARTIAL DISCHARGE OF CONDITION 06 (ESCAPE LINK) OF PLANNING PERMISSION 05/1598 FOR NEW FOUR STOREY OFFICE DEVELOPMENT WITH ASSOCIATED CAR PARKING AND SERVICES COMPOUND AND EMERGENCY ESCAPE LINK	APPROVED
08/0602	PARTIAL DISCHARGE OF CONDITIONS 07 (BUFFER ZONE) AND 16 (MANAGEMENT PLAN) ATTACHED TO PLANNING PERMISSION 05/1598 FOR NEW FOUR STOREY OFFICE DEVELOPMENT WITH ASSOCIATED CAR PARKING AND SERVICES COMPOUND AND EMERGENCY ESCAPE LINK	APPROVED
08/1011	PARTIAL DISCHARGE OF CONDITION 03 (PROGRAMME OF ARCHAEOLOGICAL WORK) OF PLANNING PERMISSION 05/1598 FOR NEW OFFICE DEVELOPMENT	APPROVED
08/1407	PARTIAL DISCHARGE OF CONDITION 01 (DETAILS OF GATES) RELATING TO PLANNING PERMISSION 08/0512 FOR CREATION OF PEDESTRIAN ACCESS	APPROVED
09/0392	VARIATION OF CONDITION 01 (EMERGENCY ACCESS) RELATING TO PLANNING PERMISSION 05/1598 FOR FOUR STOREY OFFICE DEVELOPMENT WITH ASSOCIATED CAR PARKING AND SERVICES	REFUSED
22/0346	SCREENING OPINION FOR PROPOSED B1/B2/B8 DEVELOPMENT TOGETHER WITH ASSOCIATED WORKS	ES REQUIRED
23/0477	PROPOSED CLASS B1(C)/B2/B8 DEVELOPMENT (PHASE 1) TOGETHER WITH ASSOCIATED DEMOLITION/ELEVATIONAL TREATMENT, PARKING, LANDSCAPING, DRAINAGE, ECOLOGICAL ENHANCEMENT AND PROVISION OF IMPROVED PEDESTRIAN/CYCLIST FACILITIES	GRANTED WITH CONDITIONS
24/0424	S73 APPLICATION TO VARY THE WORDING OF CONDITION 21 (CONTROL OF USE CLASS MIX) IN	GRANTED WITH

	RESPECT OF 23/0477 PROPOSED CLASS B1(C)/B2/B8 DEVELOPMENT (PHASE 1) TOGETHER WITH ASSOCIATED DEMOLITION/ELEVATIONAL TREATMENT, PARKING, LANDSCAPING, DRAINAGE, ECOLOGICAL ENHANCEMENT AND PROVISION OF IMPROVED PEDESTRIAN/CYCLIST FACILITIES	CONDITIONS
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5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 6 – Town Centre First

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 TECHNICAL ADVICE NOTES

5.3.1 Technical Advice Note (TAN) 4: Retail and Commercial Development, Technical Advice Note (TAN) 18: transport, Technical Advice Note (TAN) 15: Development, flooding and coastal erosion Technical advice note (TAN) 23: economic development

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

The following policies of the Local Development Plan for Newport, 2011-2026 (Adopted January 2015):

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

Policy SP3 Flood Risk ensures development is directed away from flood risk areas.

Policy SP17 Employment Land allocates 172 hectares of employment land for the plan period.

Policy SP19 Assessment of Retail Need sets out the retail hierarchy for where retail development should be located. 1. Newport City Centre; 2. A Defined District Centre; 3. Local Centres; 4. Out of Centre

Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy EM3 Alternative Uses of Employment Land protects existing employment sites against development unless it can be demonstrated that the site has been marketed unsuccessfully for 12 months; there remains a sufficient range and choice of employment land to meet LDP requirements and local demand; there is no adverse impact on existing or allocated employment sites; and the proposal has no adverse impact on amenity or the environment.

Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Parking Standards
Wildlife and Development
Sustainable Travel

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: No objection.

The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 Sea.

The planning application proposes a change of use from an industrial unit to a gymnastics centre. Both the existing and proposed uses are classed as less vulnerable development in TAN15. As such we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. We would also expect the developer to take the opportunity to incorporate flood resilient design where feasible.

We have not reviewed the Flood Consequences Assessment, by Hydrogeo, dated April 2026, referenced HYG752 R 260410 CB Orb submitted in support of the application as we consider the proposal to be low risk. However, we are aware from a previous application on this site that it is potentially at risk of flooding in the 0.5% (1 in 200 year) plus an allowance for climate change flood event. Therefore, if you require technical advice on the submitted FCA to understand the flood risk to this development, please notify us and we can provide further advice on the risks and consequences of flooding.

It is for the planning authority to determine whether the risks and consequences of flooding are acceptable.

The proposed development site lies within 250m of a COMAH establishment. The operator of the COMAH site (Energys Ltd) should be made aware of this proposed development as should the Health and Safety Executive (HSE).

6.2 HSE: Do not advise against.

6.3 Environmental Health: No response.

6.4 Waste Manager: No response.

6.5 Drainage: No response.

6.6 Local Highways Authority: The Development was the subject of a recent approval subject to conditions. The conditions requested by Highways are still relevant to this use.

6.7 Heneb: We have consulted the regional Historic Environment Record and note that the area is within the former area of the Levels, adjoining the former course of the Usk, within the Archaeologically Sensitive Area of the Gwent Levels, where buried land surfaces resulting from land reclamation from the sea, and subsequent water management, which has resulted in the preservation of significant archaeological deposits.

Information in the HER shows that archaeological mitigation was undertaken in the area

ahead of changes in 1997, which did not encounter any archaeological deposits of significance. The report noted the deposits and disturbance during and following the creation of the Orb Works in the late 19th century, and that some estuarine deposits were recorded. More recent archaeological information ahead of 23/0477 noted in our response of August 2023 showed c2m of disturbed and made ground. Given this information, it is unlikely that significant archaeological deposits would be encountered associated with this proposal. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

- 6.8 Dwr Cymru – Welsh Water: The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt, we would request if minded to grant planning consent that the following Condition and Advisory Notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 4th June 2026. Site Notice was put up on 12th June 2026.

- 7.1 NEIGHBOURS: No response received.

8. ASSESSMENT

8.1 Principle of Development:

The site is located within the settlement boundary wherein the principle of development is acceptable in principle. The proposed development would result in the loss of a newly constructed range of units permitted for B1c/B2/B8 use, located within a wider industrial area and in a flood risk zone (3). As noted above, Policy EM3 resists the promotion of alternative uses on existing employment sites unless it meets four criteria. These criteria include the need to have proved that the site has been unsuccessfully marketed for employment uses for a minimum of 12 months, there remains a sufficient range and choice of employment land to meet LDP requirements and local demand; there is no adverse impact on existing or allocated employment sites; and the proposal has no adverse impact on amenity or the environment.

- 8.2 The application includes a letter from Knight Frank in which it is stated that there is notable and sustained level of interest from occupiers seeking alternative uses within such industrial-type sites and that their marketing experience demonstrates a broadening supply of accommodation within the immediate catchment. It is stated that the subject units have been marketed for a considerable period and that permitting a D2 (Leisure) use would not prejudice the ability of traditional commercial operators to secure premises locally. Whilst it is stated that the unit has been marketed, no further details of this have been provided. It is therefore unknown how long the units have been marketed for, or where it has been marketed, or the response to such marketing. As such, Policy EM3 has not been satisfied. The units have only recently been constructed and represent high-quality industrial accommodation within an established industrial area and will prove attractive to traditional industrial users being purpose built and to current specifications. The site has yet to be occupied for its intended use. The wider estate is rather ad hoc in layout with the newly built element closest to the site in its infancy and the loss of the units to non-industrial uses is not justified and is potentially prejudicial to the evolution of the estate. Whilst emerging demand for recreational uses in out of centre industrial sites may well be evidenced, this does not itself justify the loss of Block A entirely to non-industrial uses when the units were purpose built for such uses,

are brand new and of contemporary specifications in an area where industrial uses are prevalent and such units for traditional industries will also be in demand. In the absence of any information to the contrary, the loss of such units to traditional industries is contrary to planning policy and not justified. It is clear that the Council sought to restrict the use of the units under the original permission and subsequent s.73 application with conditions relating to occupancy.

- 8.3 The compatibility of a gymnastics centre in this location with B1c/B2/B8 uses is of concern having regard to the primarily industrial nature of the immediate area. PPW notes that for uses best located within a centre, that if there are no suitable buildings within a defined centre or edge of centre, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Policy 6 of Future Wales: The National Plan reinforces this and states:

Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region.

The site is clearly laid out as an old fashioned warehouse venue with rows of units arranged around a central service and parking area and is not conducive to the safe permeability of pedestrians and private vehicles expected by a recreational or leisure use heavily reliant on car-borne traffic access as has few or no other safe options for travel. The proposed occupier is clearly of a scale that will attract Newport wide traffic, possibly further afield. There are no defined footpaths between units and consequently there is poor pedestrian provision with the area generally poorly served by pedestrian thoroughfares or public transport for example. Planning Policy Wales establishes a transport hierarchy and places walking and cycling at the top of this above motor vehicles. Given the industrial uses at the park there will be frequent movement of heavy goods vehicles and this is likely to lead to conflict with pedestrian traffic notably as the site and areas close by have poor demarcation and separation of circulation and vehicle spaces, poor signage and a distinct lack of pedestrian priority. The park is still within its infancy with the majority of units being unoccupied and given this potential for conflict is likely to increase as the occupancy rates grow. The site is both out of centre and located in a location that scores poorly in sustainability terms. The Highway Officer comments are noted and predicated on the development consented for the units being completed in accordance with its consent. At present, this is not the case.

- 8.4 The Council raises significant concerns with regard to the acceptability of the proposed use in principle as it is contrary to Policy 6 of Future Wales, the transport hierarchy of PPW and Policies SP1, GP4 and GP6 of the Local Development Plan and it has not been demonstrated that Policy EM3 has been satisfied.

8.5 **Visual Amenity;**

No external alterations are proposed as part of the application and the proposals are not considered to result in an adverse visual impact.

8.6 **Residential Amenity:**

The existing surroundings are predominantly industrial uses with the only residential development located to the north at a distance of over 300 metres and with the intervening existing industrial site and adjacent railway line.

- 8.7 It is not considered that the proposed development will have any adverse impact on surrounding amenity and complies with the aims of Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

8.8 **Sequential Assessment:**

In accordance with paragraph 4.3.13 of Planning Policy Wales (12) a needs assessment is only applicable to retail proposals and is not required in this case. However, given that the proposed use is best located within a centre, the applicant has undertaken a sequential assessment. In terms of the search parameters the applicant states that Units 1-5 at Boss

Park have a total floorspace of approximately 770m². In view of this, a search area threshold of +/- 25% was utilised, in order to demonstrate a level of flexibility whilst also suiting the tenant's operational requirements. In this case, the threshold for suitable alternative sites is therefore between 577.5m² and 962.5m². The following centres, as identified by Newport Local Development Plan 2011-26 (January 2015), are assessed as part of this Sequential Test Assessment:

- City Centre
- Corporation Road District Centre
- Commercial Road District Centre
- Newport Retail Park District Centre
- Maindee District Centre
- Beechwood District Centre

8.9 Of the units examined, most were discounted due to their size and not meeting operator requirements. Others were discounted either for availability, or viability reasons. Whilst the Council does not dispute the findings of the Sequential Assessment and it cannot be concluded that there are any sequentially preferably units available, notwithstanding this, the proposals are contrary to local and national policy due to other reasons as outlined in this report.

8.10 **Movement:**

As noted above, there is parking provision to serve the units to the front and side. No objections have arisen from the Council's Highways officer in response to the proposals assuming the development site accords with the previous consent. However, the LPA must consider wider sustainability and compatibility matters in its assessment of the proposals. As previously noted, the compatibility of the proposed use in this location raises significant concerns in terms of conflict between users and traffic associated with the class B uses. The site's layout is not conducive to the safe permeability of pedestrians and vehicles where leisure and heavy industrial and haulage will be mixed together and the proposed use and site generally is heavily reliant on car-borne traffic access. The Highways Officer has confirmed, on a separate scheme for a sui generis mixed community and recreational use (reference 26/0216), as follows:

There appears to be no pedestrian or cycle infrastructure within Boss Park and there is very little adjacent to it. The area is dominated by vehicles, and a high proportion of HGVs are present. Bus services are also poor and not connected by good pedestrian linkages.

Whilst specific to the separate scheme, these comments also hold true in this case.

8.11 Planning Policy Wales establishes a transport hierarchy and places walking and cycling at the top of this above motor vehicles. Given the industrial uses consented at the park and the neighbouring uses including Felnax Industrial Estate, and industrial uses on the wider former Orb site and along Stephenson Street, there is frequent movement of heavy goods vehicles along the lower section of Corporation Road and Stephenson Street and this does lead to conflict with pedestrian and cycle traffic. Crashmap data identifies a number of incidents that have occurred since 2021 along the section of Corporation Road near to the junction with Stephenson Street, some of which were serious in nature.

8.12 The applicant contends that as the parking area is located immediately adjacent to the front and side of the units and a marked pedestrian walkway is in place which links the main parking spaces directly to the entrance of the units to provide access, that there is no conflict with vehicular traffic. A pedestrian walkway also provides a link to the external 2m access gate onto Stephenson Street and continues around the rear of the units. The smaller parking area to the west is located at the western-most boundary of the wider Boss Park. As such, it is stated that there is no conflict here with HGVs or other users not associated with the gymnastics club. The applicant has advised that they would be happy to install barriers in order to provide an additional safety feature to further protect users of the site. These points are noted but the wider context is relevant. The permission for the units was considered based on industrial end users and layout improvements to improve access and permeability were very much based on industrial uses rather than a mix of leisure and heavy industry.

Notwithstanding, various improvements subject to condition have not been implemented to date anyway. The key though is that the proposal will attract approximately 800 clients from a Newport wide catchment as a minimum with operating hours over peak industrial times. The close juxtaposition of the proposed D2 use and neighbouring industrial users means that notwithstanding parking being close to unit, the reality is that haulage and industrial vehicles will be mixing in close proximity with potentially large numbers of family vehicles in a relative confined environment via a wider industrial site access that is shared and poorly demarcated. Add to this the fact that existing Public Open Space on the other side of Stephenson Street may well encourage linked trips or at least increase the likelihood of linked trips that have no realistic pedestrian route to and fro in an area with a high degree of industrial traffic. Reference has been made to a site for which planning permission has been granted for the change of use from industrial to a gymnastics facility at Langland Way in Newport. Whilst this is duly noted, every application must be assessed on its own merits and the sustainability credentials of the two sites are different. Langland Way has direct access from the Eastern Distributor Road and was originally a large car sales premises. The Langland Way site abuts the Southern Distributor Road whereas the Stephenson Street site relies of users travelling southward on Corporation Road, westward on Stephenson Street and navigating a poorly laid out and signposted shared industrial entrance to a mix of light and industrial uses. This access does not appear to be in accordance with previously approved plans and approved improvements to pedestrian permeability do not appear in situ at present. In the case of Langland Way, the site was a comprehensive redevelopment. In this case, the block is part of a contemporary scheme forming a small part of a much larger retained, formerly heavy, industrial operation with retained buildings both occupied and vacant generating significant industrial traffic in their own right. The introduction of a use for the benefit of children (up to 800 potentially) over daytimes and early evenings (so during peak traffic flows of industrial traffic) and reliant upon private vehicle access as no other alternative is feasible, is not good planning, is not sustainable and gives rise to potential conflicts with safety implications. Industrial areas such as this are engineered for heavy commercial vehicles, logistics, and lorries and the former Orb site has a legacy of large industrial buildings and access routes designed for heavy vehicle movements associated with a single user and does not score well in sustainability terms. Whilst the new units are consented for industry, the permission is subject to conditions that have not yet been complied with and the introduction of non-industrial uses reliant upon shared industrial access with poor demarcation is not acceptable. It is noted that there is a public open space close by and therefore a mix of traffic is well established in this location but this in itself does not justify increasing the potential for conflict to arise particularly in the knowledge that Crashmap data shows concerns to be legitimate at key junctions such as Corporation Road and Stephenson Street and Corporation Road and the SDR. It also does not justify additional recreational/leisure uses in an unsustainable location. There is potential for users to undertake dual trips to existing Public Open Space and the proposed D2 operation. This would give rise to notable safety concerns for reasons cited above.

- 8.13 The proposals are not acceptable and contrary to Future Wales: The National Plan, PPW and Policies SP1, GP6 and GP4 of the NLDP and the SPG for Sustainable Travel.

8.14 **Drainage/ Flooding:**

The Flood Map for Planning (FMfP) identifies the site is at risk of flooding and falls into Flood Zone 2 and 3 Un defended (Sea). The site is at risk of flooding and based on past reporting it is known that the site will not be flood free for the lifetime of development. This was justified previously on the basis that the units replaced industrial floorspace and were proposed for industry. This application seeks to replace low risk industrial floorspace with recreational floorspace notably for the benefit of children. NRW raise no objection on the basis the proposed use is low vulnerability. However, the nature and vulnerability of users is clearly changing. Notwithstanding, leisure centres are explicitly cited as low vulnerability in TAN15 and are most comparable in terms of potential user group. Therefore, whilst it is known the site is vulnerable to flooding and safe egress routes are liable to flood above tolerable limits, the absence of objection from the specialist consultees, the lawful use of the premises and the categorisation of comparable uses in the TAN do not support a reason for refusal on this basis.

8.15 **Biodiversity:**

Given that the proposals relate to the change of use of an existing industrial building, with no external alterations, the proposals will not result in an adverse biodiversity impact. Notwithstanding, biodiversity enhancements in the form of the bird and bat boxes are proposed to provide net benefit for biodiversity. This is considered to be proportionate to the proposals.

8.16 **Other Matters**

The site lies within 250m of a COMAH establishment. NRW advise that the operator of the COMAH site (Energys Ltd) should be made aware of this proposed development as should the Health and Safety Executive (HSE). The HSE have been consulted and do not advise against the proposal. Energys have not been consulted. However, the proposals are for a change of use of an existing unit with no ground disturbance works proposed or other operational development. As such it is not considered that these interests are prejudiced

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 The proposal will introduce a large gymnastics (Use Class D2) operation in a new industrial building on a new industrial park that forms part of a legacy steelworks site. It will intensify private traffic movements by families on a site with poor pedestrian provision, legibility and poor sustainability credentials served by a local road network where known conflicts and associated accidents arise.
- 10.2 The application will result in the loss of a purpose built, brand new industrial unit in an established industrial area without justification and contrary to Policy EM3 of the adopted LDP and no information is provided to mitigate this objection. The application is refused.

11. DECISION

REFUSED

01 The development is significantly harmful to interests of acknowledged importance, namely safety and sustainability by reason of the introduction of leisure floorspace and associated traffic in an out of centre, predominantly industrial, location that has poor pedestrian provision and legibility giving rise to increased risk of conflict and accident risk. The development is contrary to Policies SP1, GP6 and GP4 of the Newport Local Development Plan, 2011-2026 (Adopted January 2015), Supplementary Planning Guidance on Sustainable Travel, Planning Policy Wales 12 and Policy 6 of Future Wales: The National Plan.

02 The development is significantly harmful to interests of acknowledged importance, namely the retention and supply of good quality, modern industrial floorspace and economic land use by reason of the unjustified loss of this newly constructed industrial unit to an alternative use. This is contrary to Policy EM3 of the Newport Local Development Plan, 2011-2026 (Adopted January 2015). No information has been provided that mitigates this objection.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Sequential Assessment, Planning Statement, Existing Floor Plans, Proposed Floor Plans, site location plan, GIS, FCA, Cartwheelers Business Summary, email from agent 15/07/2026.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP17, SP19, GP2, GP4, GP6, CE6, EM3 and T4 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.