

Delegated Decision Report

Application No:	26/0216	Statutory Period Expires:	28th August 2026
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Site:	<i>Land Adjacent To Unit 3 Esperanto Way Newport South Wales</i>		
Proposal:	<i>PROPOSED CHANGE OF USE FROM OFFICE TO EVENTS VENUE AND ASSOCIATED WORKS</i>		
Applicant:	<i>Starburst (UK) Ltd</i>		
Type:	Full	Ward:	Liswerry
Decision:	Refused		

1. BACKGROUND

- 1.1 The site was formerly part of the Orb steelworks and many of the buildings associated with that former use are still evident on site with the site having been an office and administrative block serving the wider steelworks. The B1 use described by the applicant is disputed as the offices were clearly incidental to the wider steelworks rather than a separate unit. The whole steelworks site is now under new ownership with numerous retained industrial buildings and some elements of new build industry evident. Lawful uses include B2 in large part with new elements consented for B1c/B2 and B8.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is located within Boss Parc, an established industrial area of Newport, positioned to the west of the former Orb Steel Works and Reevesland Industrial Estate. The site lies approximately 2.4km south-east of Newport City Centre and is situated in close proximity to Coronation Park and the Newport Transporter Bridge. The nearest residential properties are located at Lysaght Village to the north, with further residential development, services and community facilities situated beyond the River Usk. The site is located within Flood Zone 3 and within an archaeologically sensitive area. It is adjacent to the River Usk SAC and SSSI.
- 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 The application seeks consent for the change of use to an events venue. The planning statement states that the uses will include weddings, functions, community groups, meetings, workshops, social gatherings, cultural events and group exercise and fitness instruction classes. Other than being operated by the same events company, the uses themselves are not obviously connected. The client company appears to operate an events catering business rather than a site management operation and the Planning Statement infers that floorspace would be let separately by individual users on a demand led basis. The use is Sui Generis.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
05/1598	NEW FOUR STOREY OFFICE DEVELOPMENT WITH ASSOCIATED CAR	Granted with Conditions	26.04.2006

	PARKING AND SERVICES COMPOUND AND EMERGENCY ESCAPE LINK		
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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.

3.14 In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision. However, there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations and public transport interchanges, consideration must also be given to where people will leave their bike at home. Guidance on cycle parking is contained within the Active Travel Act Guidance. Planning authorities may alternatively wish to adopt locally specific minimum cycle parking standards and guidance.

4.1.38 Planning authorities must ensure the layout, density and mix of uses of new development support the use of public transport and maximises accessibility potential. In particular, higher densities and mixed-use development should be encouraged in areas highly accessible by public transport.

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed.

4.3.15 Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations.

4.3.16 Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;
- is highly accessible by walking, cycling or public transport;
- contributes to substantial reduction in car journeys;
- contributes to the co-location of facilities in existing retail and commercial centres;
- significantly contributes to the vibrancy, attractiveness and viability of such a centre;
- assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;
- addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it;
- alleviates a lack of convenience goods provision in a disadvantaged area.

4.3.17 It will be for the planning authority to determine and justify the weight to be given to any qualitative assessment. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced. If there is no quantitative or qualitative need for further development for retail and commercial centre uses, there will be no need to identify additional sites.

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems.

5.3 TECHNICAL ADVICE NOTES

5.3.1 Technical Advice Note (TAN) 4: Retail and Commercial Development, Technical Advice Note (TAN) 5: Nature Conservation and Planning, Technical Advice Note (TAN) 11: Noise, , Technical Advice Note (TAN) 18: transport, Technical Advice Note (TAN) 15: Development, flooding and coastal erosion Technical advice note (TAN) 23: economic development

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.4.1 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies CE6 (Archaeology), EM3 (Alternative uses of Employment Land), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), SP1 (Sustainability), SP3 (Flood Risk), SP18 (Urban Regeneration), SP19 (Assessment of Retail Need) and T4 (Parking), and are relevant to the determination of this application.

5.5 SUPPLEMENTARY PLANNING GUIDANCE

5.5.1 The Council's Supplementary Planning Guidance on Sustainable Travel (Adopted July 2020), Waste Storage and Collection (Adopted January 2020), Parking Standards (Adopted August 2015) are also relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 **Environmental Health:** No response received

6.2 **HENEB:** No response received:

6.3 **Highways:** The Planning Statement suggests that the site is readily accessible by a variety of travel modes, but this is not accepted. 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. Lack of pedestrian connectivity would result in an objection; therefore, Highways would request further information regarding how the site will be made accessible on foot. It is accepted that the nature of the proposals would result in mostly car use, but without pedestrian linkage there is no practical public transport use either. Cycle parking should be provided and could be secured by condition. The emphasis would be on “long stay” staff parking; therefore, quality is critical. There is no specific parking standard for this use, but the most similar developments have requirements in the order of 1:10sqm. Parking provision therefore appears to be reasonable and proportionate and there would be little harm anticipated if additional parking occurred on Stephenson Street.

Based mainly on parking and booking management, trip generation is considered to be no more onerous than the extant use. The actual impact may be positive at peak hours, because of the likely profile/peak times for trips to the proposed use compared to those for office use.

In summary, the only concern is lack of safe pedestrian routes adjacent to and within the broader site. Subject to conditions and provision of suitable routes, Highways could remove the objection.

6.4 **NRW:** We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes less vulnerable development (events venue). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 Sea.

The application proposes a change of use to a less vulnerable use as defined in Technical Advice Note 15: Development, flooding and coastal erosion (TAN15), dated 2025. 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.

Guidance on resilient design can be found in Chapter 13 of TAN15 which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience.

We provide advice on our website Natural Resources Wales / Preparing for a flood which may be useful for the developer or occupant of the proposal. 2 of 3

Protected Sites

The site is directly adjacent to the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

River Usk SAC

From the information provided, we consider that the proposal is not likely to have a significant effect on the SAC as the proposal only relates to a change of use with no external alterations. The operational use of the building as an events venue is also limited to use inside the building with no external use proposed.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects

for the proposed development.

Should you conclude that the proposal is likely to have a significant effect on a SAC, either alone or in combination with other plans or projects, an appropriate assessment must be made on the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify.

River Usk (Lower Usk) SSSI

We have considered the information in support of the above planning application. Based on the information submitted, we consider that the proposed development is not likely to damage the notified features of the River Usk (Lower Usk) SSSI.

Modifications to the proposed development may affect our view, and should merit a further consultation with us.

- 6.5 ***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 18.05.2026, Site Notice was put up on 22.05.2026.

- 7.1 NEIGHBOURS: 7no. neighbours were consulted. No representations were received.

8. ASSESSMENT

8.1 Principle of Development

- 8.1.1 The application site is located within a settlement boundary as shown on the proposals maps that accompany the Newport Local Development Plan 2011 – 2026 (Adopted January 2015), where there is a presumption in favour of development and the efficient use of land is encouraged. This is an out of centre location and the proposed uses are best located within a sequentially preferred location, which in this case would be the City Centre. The existing offices were operationally linked to the wider B2 steelworks site and therefore incidental to it. As such, its location within the industrial estate was justified by its functional relationship with the steelworks. Had the office use been proposed as a standalone development unrelated to the steelworks, different planning considerations would have applied regarding the appropriateness of an office-based, B1 use in this location. Due to its location, lawful use and proposed use, policies SP19 and EM3 are relevant to the determination of the application.
- 8.1.2 Policy SP19 states that retail and associated uses best located in a City Centre will be subject to an assessment of need if not within a defined centre, and application of the sequential test if not within the City Centre. National planning policy is clear in promoting a hierarchical approach to the consideration of retail, leisure proposals and other uses associated with a town centre. This is contained in PPW12 and TAN4. The proposal does not include retail and therefore only a sequential test is required in accordance with PPW12.
- 8.1.3 The applicant has submitted a Sequential Test. The test includes the below Centres;
- Beechwood District Centre
 - Commercial Road District Centre

- Corporation Road District Centre
- Maindee District Centre
- Malpas District Centre
- Newport City Centre
- Newport Retail Park District Centre

8.1.4 It is acknowledged that the Sequential Test identifies the site's size, modern appearance, and views towards the River Usk and Newport Transporter Bridge as key factors influencing its selection. Notably, as cited above, the prospective user groups are wide ranging and not necessarily connected in an operational or functional sense. They are uses that can operate independently of one another and do not need to be in the same building or space. A wedding venue does not need to operate alongside a pilates studio or gym for example and therefore significant flexibility can be applied to sequential testing for example unless suitable justification for not doing so can be provided.

8.1.5 The Sequential Test has gone through each of the above Centres and broadly outlined why there were no suitable units. The reasons predominantly relate to there being no vacant units, the units being the incorrect scale and massing or having an unsuitable configuration. The table on Pages 3 and 4 of the report sets out the findings or properties viewed in the centre, and reasons why the other locations were unsuitable is outlined in pages 4-5. The search is based on the floorspace of the site being 2300sqm with a search range of 1725sqm-2875sqm but this does not in itself account for the distinct separability of many of the uses. It is hardly surprising that a defined centre is unlikely to offer units of this size as tend to be of more traditional scale. Whilst we know from caselaw that the LPA must demonstrate flexibility in its assessment of the Test, the same applies to the applicant in their assessment of it. Rigid application of a large floorspace for a multi use venue on the basis it must therefore have a specific out of centre footprint is hardly a robust assessment. Multi use venues such as those proposed are particularly harmful to centres and in this case most or all of the potential uses cited are individually viable within a centre. There has been no obvious attempt to disaggregate or explain why no such disaggregation has been shown to support any claim of flexibility in the test.

8.1.6 It is stated that the assessment has examined all available and suitable sites within Newport's retail hierarchy, including Newport City Centre and the designated District Centres, to determine whether any sequentially preferable locations exist for the proposed use. Whilst the table outlines units assessed within the City Centre, the information does not specify the exact units surveyed within the district centres. Without details of what units or premises have been assessed this does not allow the LPA to evaluate the options suggested to see whether they can genuinely be discounted for the reasons claimed.

8.1.7 Policy EM3 states the following;

Development proposals promoting alternative uses on existing employment sites will be resisted unless:

- i) *The site has been marketed unsuccessfully for employment purposes for a minimum of 12 months;*
- ii) *There remains a sufficient range and choice of employment land and premises to meet LDP requirements and local demand;*
- iii) *The development has no adverse impact on existing or allocated employment sites;*
- iv) *The development has no adverse impact on amenity or the environment.*

8.1.8 The Policy relates to the assessment of alternative development proposals on business, industrial and warehousing land. It applies to all land and buildings within the B1, B2 and B8 Use Classes Order.

8.1.9 i) The statement advises that the property has remained vacant since 2020 and was actively marketed until December 2025, with limited interest being generated for continued office use. A letter from Knight Frank appears to confirm this. However, supporting text to the policy is clear in terms of the expectations:

The content should include: • Details of existing occupiers, if any; • If appropriate, the length of time a property or site has been vacant; • The type of use which the property/site

has been marketed for, and what the marketing strategy involved and its duration; • The amount of interest in the site during the marketing period - this should detail the number of queries, the type of use sought, and if known, the reason for not pursuing the initial query; and, • Whether the relocation of existing occupiers to other suitable accommodation will be facilitated.

This information has not been provided in full and price advertised is not confirmed and this criterion is not therefore met.

ii) The statement contends that there remains a sufficient supply of employment land and premises to meet LDP requirements and local demand, citing the building's prolonged vacancy and lack of demand for employment use. It also states that alternative office accommodation is available elsewhere within Newport for operators seeking conventional office space; however, no substantive evidence has been submitted to support this assertion.

iii) and iv) The statement argues that, as the building is a standalone office within a predominantly industrial area and is not closely related to existing employment sites or residential properties, the proposed use would be less intensive than the lawful use. Activity would occur on an intermittent, booking-based basis rather than through continuous daily occupation, and it is therefore the proposal would have a limited impact on residential amenity and the wider environment. To confirm, the offices are still located on an active industrial site with associated employment and a short distance from other well established commercial sites and industrial estates. To claim it is not closely connected is incorrect. Intensification of non industrial uses on this industrial site requires very careful consideration or else there is risk of prejudicing the operational capacity and attractiveness of the site as an employment/traditional industrial location.

8.1.10 Overall, the proposal is not considered to satisfactorily comply with the requirements of National policy or Policy SP19 and Policy EM3 of the LDP. Insufficient information has been provided to demonstrate why the proposed events space must be located on this employment site in its entirety, and limited evidence has been submitted regarding the availability or suitability of alternative locations. Flexibility and potential disaggregation has not been robustly shown. Whilst the views of the Newport Transporter Bridge and the River Usk are acknowledged as positive attributes of the site, these benefits are not pre requisites of most of the uses cited as potential users or considered sufficient to outweigh the concerns identified in this assessment. Criterion of policy EM3 have not been met as outlined above.

8.2 Character and Appearance

8.2.1 Character relates not only to the appearance of buildings, but also to the way in which a place functions and is experienced. In this regard, the proposed events space would be inappropriate within the wider industrial estate context. Access to the site is gained through an active industrial environment characterised by warehouses, commercial operations and frequent HGV movements, which is at odds with the expectations and setting typically associated with a wedding or events venue. The site also suffers from limited legibility, with visitors required to navigate through the industrial estate to reach what is effectively an isolated office building. From a placemaking perspective, the proposal would fail to create a coherent destination and would conflict with the established function and character of the surrounding area. As such, the development is not considered to represent good placemaking or a sustainable, acceptable and logical integration of uses within the site context. This is contrary to policies SP1 and GP6 of the LDP.

8.3 Residential Amenity

8.3.1 The application site is located within an established industrial estate, with the nearest residential properties situated approximately 500 metres from the site. Given this separation distance and the intervening commercial and industrial uses, it is not considered that the proposed change of use would have any adverse impact on the living conditions or residential amenity of neighbouring occupiers in terms of noise, disturbance, overlooking or loss of privacy. Accordingly, the proposal is considered to comply with the requirements of Policy GP2.

8.4 Highways

- 8.4.1 Given the range of activities proposed within the unit, including its use as an events space, there is no specific parking standard directly applicable to the development. The Highways Officer has advised that the level of parking provision appears reasonable and proportionate to the site and that any overspill parking onto Stephenson Street would be unlikely to result in significant harm. Whilst this advice is noted, the case officer observed during the site visit that the car park was operating at or close to full capacity. It is unclear whether the existing parking spaces serve other units within the industrial estate or are utilised for other purposes. Furthermore, no evidence has been submitted to demonstrate that sufficient parking capacity would remain available to accommodate the proposed use. Although the Highways Officer notes that the operation would be managed through a booking system and that vehicle trip generation is unlikely to be more intensive than the extant use, the lack of available parking observed on site, together with the absence of evidence regarding the existing parking demand and how it would be accommodated, it is considered that sufficient parking has not been demonstrated. As such, it has not been satisfactorily shown that the proposal would operate without resulting in unacceptable parking pressures in the area and potentially impacting wider site accessibility and safety.
- 8.4.2 The proposal will intensify private vehicle movements from a Newport wide catchment as a minimum with operating hours over peak industrial times. The close juxtaposition of the proposed 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 and private vehicles in a relatively 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. The introduction of a use of this nature 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. 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.
- 8.4.3 The Planning Statement submitted in support of the application states that the site occupies a relatively sustainable location, citing the presence of nearby bus stops, public rights of way and active travel routes. Whilst a Public Right of Way exists within the wider area, it does not provide direct access to the site. Similarly, the nearest bus stop is approximately 1.15km away. Pedestrians travelling from either location would be required to pass through the industrial estate, which is characterised by frequent movements of HGVs and other large commercial vehicles. Access to the site is off Stephenson Street, however, there is no dedicated pedestrian route leading to the building site. Pedestrians would be required to enter the site via a former gatehouse area and pass through an active industrial environment on the highway adjacent to warehouse operations. The Highway Authority has raised concerns regarding the absence of safe and convenient pedestrian routes both within the site and in the surrounding area. 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 Felnex 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. Having regard to the site's accessibility, the nature of the surrounding industrial uses and the limited provision for pedestrian movement, the site is not considered to represent a sustainable location for the proposed use. Furthermore, the introduction of a use that attracts visiting members of the public would be incompatible with the operation of the established heavy commercial and industrial activities on the estate,

giving rise to significant concerns relating to pedestrian safety and the suitability of the site for the proposed development. Consequently, the proposal is considered unacceptable in this regard and contrary to Future Wales: The National Plan, PPW and Policies SP1, GP6 and GP4 of the NLDP along with the SPG for Sustainable Travel.

8.5 Flood Risk

8.5.1 The site is located in Flood Zone 3 (Rivers and Sea) and within the TAN 15 Defended Zone. It is currently in a less vulnerable use in flood risk terms. The proposed development is for a change of use with no built development that would impact on flood risk, and the use will remain less vulnerable in flood risk terms.

8.5.2 A Flood Consequences Assessment (FCA) has been submitted in this case. NRW have been consulted and advise that given the nature of the proposed development being less vulnerable to less vulnerable they consider the proposal could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. An informative will be added to any permission with a link to NRW website for advice. The proposal complies with Policy SP3 of the NLDP 2011-2026 (adopted January 2015).

8.6 Biodiversity

8.6.1 Chapter 6 'Distinctive and Natural Placemaking and Well-Being' of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. PPW 12 states that having worked iteratively, in line with Figure 12 through the stages of The Stepwise Approach, and providing a GIS that the step wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity. The application has been supported by a planning statement that states that a bird box will be placed on the elevation of the building. Given the scale of development, this is deemed proportionate. The proposal complies with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

8.6.2 The application site is located adjacent to the River Usk, which is designated as both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). Natural Resources Wales advised that a Test of Likely Significant Effects is not required due to the nature of the proposals. Accordingly, the development is not considered to adversely affect the integrity of the River Usk SAC or the interests of the River Usk SSSI.

8.7 Archaeology

8.7.1 The application is located within an archaeologically sensitive area. Given the nature of works, with no construction of ground works, it is not considered that there would be any impact on the archaeological assets of the area, in accordance with policy CE6.

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 development is harmful in this location as will introduce a large scale mixed event use destination in an established out of centre heavy industrial site. The Planning Statement and Sequential Test have failed to provide sufficient justification for locating the proposed events venue on this site and thereby fails to accord with LDP policies, and limited evidence has been submitted to demonstrate that alternative, more suitable locations have been adequately explored. Significant concerns are raised relating to the suitability of the location, poor placemaking outcomes, limited accessibility, poor sustainability credentials and pedestrian safety issues. For these reasons, the proposal is considered contrary to the relevant development plan policies and national planning policy and is therefore unacceptable.

11. **DECISION**

REFUSED

01 The development is significantly harmful to interests of acknowledged importance, namely safety and sustainability by reason of the introduction of multi event floorspace and associated traffic at 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 results in a significant adverse impact to matters of acknowledged importance, namely the loss of high quality employment floorspace on an established industrial site contrary to Policy EM3 of the Newport Local Development Plan 2011-2026 (adopted January 2015). No information or justification has been provided that mitigates this objection.

03 The development is in an out of centre location and results in a significant adverse impact on matters of acknowledged importance, namely the vitality and viability of defined centres contrary to policy SP19 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Planning Policy Wales (12), Policy 6 of Future Wales: The National Plan and Technical Advice Note 4. No information or justification has been provided that mitigates this objection.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Sequential Tests, Planning Statement., Flood Consequence Assessment, GI Statement, 027042-WEV4A - Proposed First Floor Plan, 027042-WEV6 - Proposed Ground Floor Plan, 027042-WEV5A - Proposed Second Floor Plan, 027042-WEV1A. - Revised Site Location Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies CE6, EM3, SP1, SP3, SP19, GP1, GP2, GP4, GP5, GP6, T4 and 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.