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## Appeal Decision

Site visit made on 17 June 2024

**by T Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 September 2024**

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**Appeal Ref: APP/P2935/W/24/3338025**

**The Salmon Inn, C57 East Ord Main Road Through Village, East Ord, Northumberland TD15 2NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Punch Partnerships (PML) Limited against the decision of Northumberland County Council.
  - The application Ref 23/00583/FUL, dated 10 February 2023, was refused by notice dated 31 October 2023.
  - The development proposed is Change of use of the existing public house (Sui Generis) to provide three residential apartments (Use Class C3) and the erection of four dwellings (Use Class C3) to the rear, utilising existing access off E Ord Road, with associated parking, hard and soft landscaping.
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**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 July 2024.**

### Decision

1. The appeal is allowed and planning permission is granted for Change of use of the existing public house (Sui Generis) to provide three residential apartments (Use Class C3) and the erection of four dwellings (Use Class C3) to the rear, utilising existing access off E Ord Road, with associated parking, hard and soft landscaping at The Salmon Inn, C57 East Ord Main Road Through Village, East Ord, Northumberland TD15 2NS in accordance with the terms of the application Ref 23/00583/FUL dated 10 February 2023 and subject to the conditions set out in the attached schedule.

### Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the area and in particular whether the proposal would amount to overdevelopment of the site. The second is whether the proposal would result in any unacceptable loss of public amenity space. The third is whether there would be any unacceptable impact on highway safety with particular regard to whether a pedestrian crossing would be required.

### Reasons

#### *Character and appearance*

3. The appeal site is situated within East Ord, a short distance from Berwick-upon-Tweed and Tweedmouth. There appears to be some variation in

residential density within the area, although close to the appeal site nearby properties do appear to utilise a significant proportion of their plots.

4. The site would provide common amenity space, whilst the four dwellings would not over dominate their plots which would include well sized gardens. The development density and plot coverage ratio would appear to be within the range identified for such an area within the Design Code<sup>1</sup>. A large area would be provided for parking.
5. The proposal would not therefore amount to overdevelopment of the site and would cause no harm to the character or appearance of the area. The proposal would not subsequently conflict with Policies HOU 9 or QOP 1 of the Northumberland Local Plan (2022) (NLP). Amongst other things, these policies seek that such development contributes to a sense of place and contributes to a positive relationship between built and natural features.

#### *Public amenity space*

6. There is nothing to indicate that the site is not privately owned and I have not therefore been able to identify the loss of public amenity space as a result of the proposal and neither has the Council within its statement.
7. I note that much of the existing site is laid to hardstanding in association with the car park for the pub. There would be some loss of the pub garden as a result of the development of plots one and two. However, the areas of garden closest to the main road and which are most prominent from the public domain would be retained as rear gardens for plots one and two as well as common amenity space. Planting on the boundary would also appear to be retained.
8. The proposal would not therefore result in any unacceptable loss of public amenity space. There would therefore be no conflict with Policy QOP 2 of the NLP which amongst other things requires that trees, other green and blue infrastructure, and soft landscaping of amenity value are retained where appropriate.

#### *Highway safety*

9. The site sits a short distance from the A1, although the route through East Ord towards Tweedmouth and Berwick appears to be bypassed from the A1 roundabout by the A698 to the north. Nothing within the evidence indicates that the road on which the site sits is a particularly busy road or regularly subject to fast moving traffic.
10. The footway serving the road through East Ord sits on the opposite side of the road to the appeal site. However, given the nature of the road as detailed within the evidence, there is nothing to indicate that there is any requirement for a new pedestrian crossing to serve the road as a result of this development. It is likely that the site, if in use as a public house, would generate an equal or greater number of pedestrian movements than the proposal before me.
11. There is therefore nothing to indicate that a pedestrian crossing would be required at the site. The proposal would not have any unacceptable impact on highway safety. There would therefore be no conflict with policies TRA 1 and TRA 2 of the NLP which amongst other things require that the transport

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<sup>1</sup> National Model Design Code Part 1 The Coding Process, MGCLG June 2021.

implications of development must be addressed and that all developments affecting the transport network will be required to facilitate the safe use of the network, including suitable crossing points.

### *SSSI & SPA's*

12. The appeal site falls within the buffer zone for recreational disturbance impacts on the interest features of a number of designated sites along the Northumberland coast including the Northumberland Shore SSSI, the Lindisfarne Special Protection Area (SPA) and the Northumbria Coast SPA. An impact pathway is therefore present.
13. Therefore, adopting the precautionary principle, and in the absence of any evidence to the contrary, I consider that as a result of the proposal, likely significant effects on the protected habitats sites cannot be ruled out.
14. I am therefore required to carry out an Appropriate Assessment. Increases in recreational pressure would be likely to have a detrimental impact on wildlife populations present as a result of disturbance to habitat. As such, the favourable conservation status of the species present would not be likely to be maintained. The development would be likely to have a detrimental impact on the delivery of the sites objectives, adversely affecting their integrity.
15. However, the evidence indicates that there is a tariff system in place to pay into a mitigation scheme relating to such potential impacts. A planning obligation accompanies the appeal which makes provision for the relevant contribution. Given that this is in place, any potential impacts would be adequately mitigated.

### **Other Matters**

16. I have not identified conflict with other development plan policies that are before me. The Council within their Officer report considered that the applicant had evidenced that there is no longer a need for the pub to serve the community in its existing use or as an alternative community use, and that suitable and sufficient evidence has been provided to demonstrate that its continued use as a public house is no longer economically viable.
17. The Council have not identified harm to the living conditions of nearby residential occupiers and having considered this matter, I have no reason to disagree. Construction noise is an inevitable and temporary aspect of any proposal such as this and I afford this matter limited weight. There is nothing to indicate that there would be any unacceptable impact on biodiversity interests.

### **Conditions**

18. I have considered the draft conditions submitted by the Council against the advice in paragraph 56 of the Framework<sup>2</sup> and the Planning Practice Guidance. In the interests of precision and enforceability I have amended some wording where appropriate.
19. The provision of EV Charging points is covered by the building regulations and a condition requiring such is therefore not necessary. Conditions 1 and 2 are necessary to define the development. Conditions 3, 6 and 16 are necessary in

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<sup>2</sup> National Planning Policy Framework 2023.

the interests of the living conditions of nearby occupiers. Conditions 4, 7 and 18 are necessary in the interests of highway safety. Conditions 5, 10 and 12 are necessary in the interests of the living conditions of future occupiers. Condition 8 is necessary to promote more sustainable forms of transport. Condition 9 is necessary in the interests of the proper drainage of the site. Condition 11 is necessary to promote digital connectivity. Condition 13 is necessary in the interests of sustainability. Condition 14 is necessary to increase accessibility of new dwellings. Conditions 15 and 17 are necessary in the interests of the character and appearance of the area. Condition 19 is necessary in order that the impact on the appearance of the dwelling house and on neighbouring properties of any additions or curtilage buildings may be properly assessed.

### **Planning Balance and Conclusion**

20. The proposal would not conflict with the development plan and there are no other considerations which indicate the proposal should be determined otherwise than in accordance with it. Therefore, the appeal is allowed.

*T Burnham*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  
2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans and documents:

Existing Floor Plans 23.3405.002 P1

Existing Elevations – North East, North West & South West 23.3405.003 P1

Existing South East Elevation & Section 23.3405.004 P1

Site Location Plan drawing - 23.3405.000\_P2

Proposed First Floor Plan drawing 23.3405.102\_P1

Proposed Roof Plan drawing - 23.3405.103\_P1

Proposed Floor Plans Plots 1 & 2 23.3405.104 P3

Proposed Elevations Plots 1 and 2 drawing - 23.3405.105 P3

Proposed Floor Plans Plots 3 & 4 23.3405.106 P3

Proposed Elevations Plots 3 and 4 drawing - 23 3405 107 REV P3

Proposed North East and North West Elevations - Conversion - 23.3405.109 REV P2

Proposed South West and South East Elevations - Conversion - 23.3405.110 REV P2

Proposed Ground Floor Plan 23.3405.100 P12

Proposed Ground Floor Plan - Conversion - drawing 23.3405.101 REV P4

Proposed Site Section 23.3405.108 REV P10

Proposed Street Scene E Ord- drawing - 23.3405.111 REV P6

Drainage and FRA document - 23079

Topographic Survey drawing - 23.3405.001 REV P1

3. Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement and plan shall be adhered to throughout the construction period. The Construction Method Statement and plan shall provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials; and
- v. storage of plant and materials used in constructing the development

4. Development shall not commence until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

5. The development hereby permitted shall not be commenced until a scheme to deal with contamination of land or controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken by a competent and qualified consultant. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- a) A Phase 1 preliminary risk assessment carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The Phase 1 preliminary risk assessment shall include a desk study, site walkover and establish a 'conceptual site model' identifying all plausible pollutant linkages. Furthermore, the assessment shall set objectives for Phase 2 intrusive site investigation works/ quantitative risk assessment (or state if none required). The Phase 1 preliminary risk assessment shall be submitted to the Local Planning Authority without delay upon completion.

b) A Phase 2 intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. The site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

c) A written remediation strategy detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority.

6. No development shall commence, including any works of demolition, until a dust management plan has been submitted to and approved in writing by the Local Planning Authority.

The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the agreed plan.

7. No dwelling shall be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays/ has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

8. No dwelling shall be occupied until the cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times for the lifetime of the development.

9. No dwelling shall be occupied until details of surface water drainage to manage run off from private land shall have been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

10. No dwelling shall be occupied until a verification report has been submitted to the Local Planning Authority for its written approval. The report shall provide

verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

11. No dwelling shall be occupied until details confirming the installation of a full fibre broadband connection have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

12. If during development contamination not previously considered is identified, then an additional written remediation strategy regarding this material, prepared by a competent person, shall be submitted to and approved in writing by the Local Planning Authority.

No building shall be occupied until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition. A Competent Person has the same definition as defined within the National Planning Policy Framework.

13. Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

14. Prior to the construction of any dwelling above damp-proof course level, a scheme to demonstrate how at least 20% of the market dwellings on the site will meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and undertaken fully in accordance with the approved scheme.

15. Notwithstanding any description of the materials in the application, prior to the construction of any dwelling above damp proof course level, precise details, to include samples, of the materials to be used in the construction of the



external walls and / or roof(s) of the building(s) shall have been made available for inspection on site and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

16. No external site machinery or plant shall be operated, no works of demolition or construction carried out and no deliveries received or dispatched from the site, except between the hours of:

0800 to 1800 on Monday to Friday and

0800 to 1300 on Saturday.

No development shall take place on Sundays, Public or Bank Holidays.

17. No development will take place unless in accordance with the tree protection measures included in the report Arboricultural Implications Assessment and Method Statement for The Salmon Inn, East Ord, Berwick upon Tweed (EcoUrban Arboricultural, February 2023).

18. No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

19. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, dormer windows, roof lights or free standing buildings or structures shall be added to or constructed within the curtilage of the dwellings hereby permitted without the prior grant of planning permission from the Local Planning Authority.