

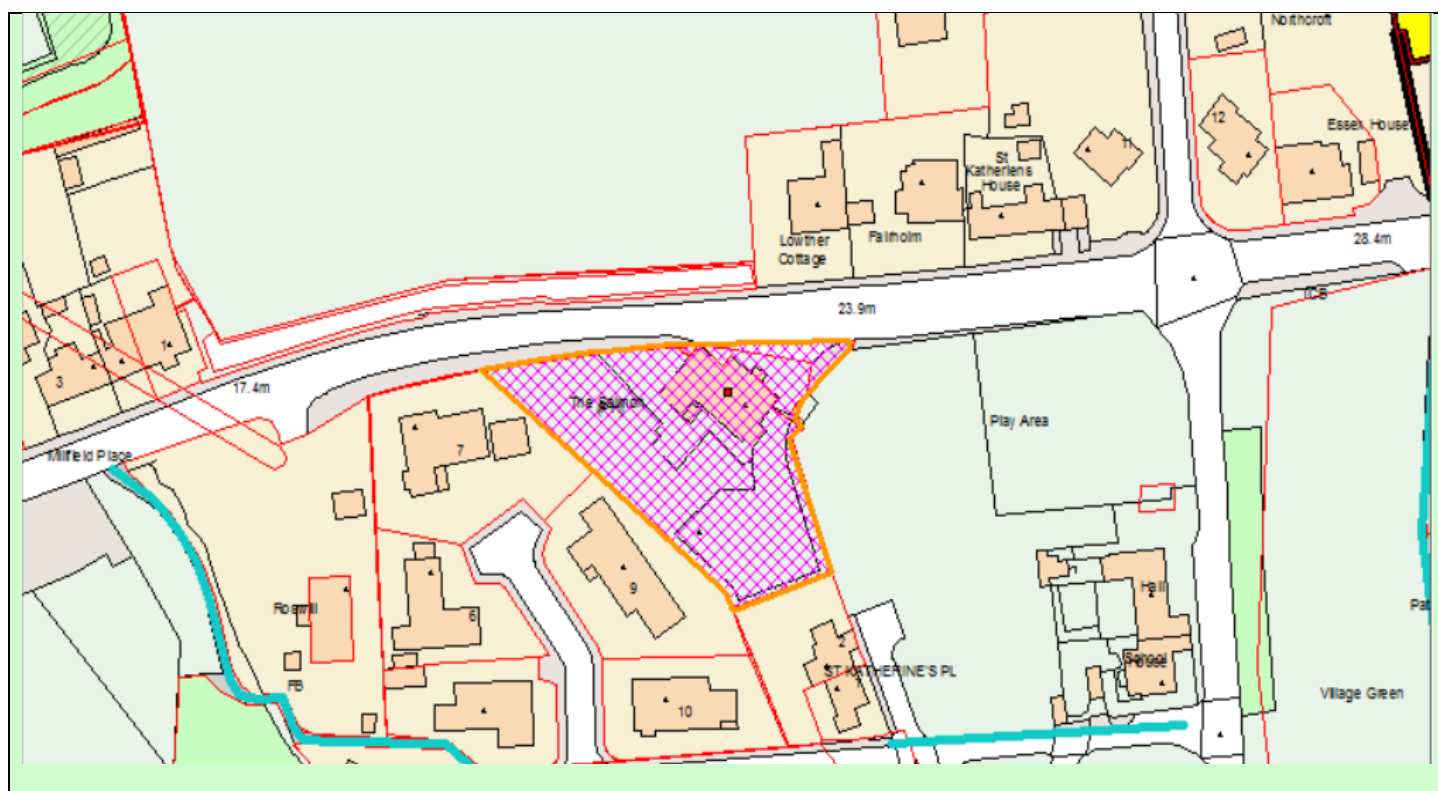


Northumberland County Council

North Northumberland Local Area Planning Committee 19th October 2023

Application No:	23/00583/FUL		
Proposal:	Change of use of existing public house (Sui Generis) to provide 3no. residential apartments (Use Class C3) and erection of 4no. dwellings (Use Class C3) to rear, utilising existing access off E Ord Road, with associated parking, hard and soft landscaping		
Site Address	The Salmon Inn, East Ord, Berwick-Upon-Tweed, Northumberland TD15 2NS		
Applicant:	Punch Partnerships (PML) Limited C/O Agent	Agent:	Miss Francesca Pepper Unit 3 Broadbridge Business Centre , Delling Lane , Bosham , PO18 8NF
Ward	Berwick West With Ord	Parish	Ord
Valid Date:	2 March 2023	Expiry Date:	31 August 2023
Case Officer Details:	Name: Mr James Hudson Job Title: Senior Planning Officer Tel No: 07971511133 Email: James.Hudson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a developer contribution of £4305 towards the Coastal Mitigation Service.



1. Introduction

1.1 Following an objection received from the parish council contrary to officer recommendation the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the Planning Committee.

2. Description of the Proposals

2.1 Planning permission is sought for the change of use of the existing public house (Sui Generis) to provide 3no. residential apartments (Use Class C3) and erection of 4no. dwellings (Use Class C3) to rear, utilising existing access off E Ord Road, with associated parking, hard and soft landscaping at The Salmon Inn, East Ord, Berwick-Upon-Tweed.

2.2 The 0.18ha application site is located on the southern side of East Ord Road, towards the western edge of Berwick-upon-Tweed, about 300m east from the East Ord Roundabout on the A1. The site includes the existing two-storey, stone-built Salmon Inn public house (238sqm internal floorspace), together with its car park to the south and rear beer garden to the south-west. Several trees and hedgerows bound the site. To the south-west is a cul-de-sac of large, detached bungalows at Glenside Park, with a pair of semi-detached houses at St. Katherine's Place to the south. To the east is an area of protected public open space, with a pedestrian access adjacent to the Salmon Inn car park access road, with East Ord Village Hall beyond to the south-east. There are residential dwellings on the northern side of East Ord Road to the north-east, with an agricultural field to the north.

2.3 The change of use of the public house would accommodate 3.no apartments in total. The proposed plans indicate that the pub building would be converted to a 1-bed apartment and a 2-bed apartment on the ground floor, with the first floor converted into a 2-bed apartment (with two of the bedrooms knocked through to create a living/dining room), together with some shared external communal amenity garden space.

2.4 The proposed development site for the four three-bedroom dwellings is an area of land currently serving as the garden and car park to the rear of the pub. The dwellings will be two story in height and constructed from stone with quoin detailing around the openings, with white sash windows and stone lintels, slate roof tiling with chimney stacks. Each dwelling will have a residential garden with other landscaped features surrounding the parking area which will accommodate 15 spaces arranged in an internal parking court for the 7 dwellings.

3. Planning History

Reference Number: 15/04252/ADE

Description: Advertisement consent for 3 no. new signs to replace existing and 1 no. hanging sign, 1 no. bull nosed A board, 2 no. internally lit menu units, 1 no. new bull nosed amenity board, 2 no Correx boards mounted on frame in a 'V' shape configuration, 1 no. additional directional car park signs to the front elevation of the premises, 2 no. station style lanterns to illuminate the

front and rear entrance and 6 no. low energy LED floodlights across front and side elevation

Status: PER

Reference Number: N/78/B/0072/P

Description: Alterations, extension and additional car parking

Status: PER

Reference Number: N/86/B/0098/P

Description: Proposed illuminated fascia and signs

Status: PER

Reference Number: N/78/B/72

Description: Alterations, extension and additional car parking

Status: PER

Reference Number: N/92/B/0295/P

Description: Proposed kitchen extension.

Status: PER

Reference Number: N/97/B/0787/P

Description: Proposed porch extension and internal structural alterations.

Status: PER

Reference Number: N/91/B/0051/P

Description: Extension to provide restaurant kitchen & enlarge bar area; revised 08.03.91.

Status: PER

4. Consultee Responses

Public Protection	No objection, subject to condition.
Lead Local Flood Authority (LLFA)	No objection, subject to condition.
Ord Parish Council	<p>Ord Parish Council have considered the above amended Planning Application and Parish Councillors have agreed to object to this planning application on the following grounds:</p> <p>This is overdevelopment.</p> <p>There will be a loss of a valuable amenity within Ord village.</p> <p>4.2 of the marketing & viability report refers to The Plough on the hill as an available restaurant. This facility is closed.</p> <p>The impact on neighbouring properties.</p> <p>All parking related to the properties must be onsite parking.</p> <p>Highways safety, there is a blind bend to the left as vehicles exit the site.</p>

	<p>This development will have an impact on climate change and carbon emissions, as the residents will need a vehicle to access work and services. The only public transport which is available in East Ord village is the No 67 bus service.</p> <p>This development must include renewables and low carbon energy in line with government and local planning guidelines to meet the climate change emission and carbon footprint reduction.</p> <p>An ACV application has been submitted on this property.</p> <p>Ord Parish Council supports the Lead Local Flood Authority's objection to this planning application.</p> <p>If Northumberland County Council are minded granting permission for the above planning application there must be a condition requesting a contribution towards local NHS services, as there are currently issues accessing services local due to available capacity.</p>
Highways	No objection, subject to condition.
County Ecologist	No objection, subject to condition and developer contribution towards coastal mitigation service.
Natural England	No objections, subject to developer contribution towards coastal mitigation service.
Public Protection	No objection subject to condition.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	7
Number of Support	0
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

General site notice, 22nd March 2023
No Press Notice Required.

Summary of Responses:

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=RQ4PWIQSFJ300>

6. Planning Policy

6.2 Local Planning Policy

Northumberland Local Plan 2016-2036 (Adopted March 2022)

Policy STP 1 - Spatial Strategy (Strategic Policy)
Policy STP 2 - Presumption in Favour of Sustainable Development (Strategic Policy)
Policy STP 3 - Principles of Sustainable Development (Strategic Policy)
Policy ENV 2 - Biodiversity and Geodiversity
Policy ENV 3 - Landscape
Policy HOU 2 - Provision of New Residential Development (Strategic Policy)
Policy HOU 3 - Housing Requirements for Neighbourhood Plan Areas (Strategic Policy)
Policy HOU 9 - Residential Development Management
Policy HOU 11 - Homes for older and vulnerable people
Policy QOP 1 - Design Principles (Strategic Policy)
Policy QOP 2 - Good Design and Amenity
Policy QOP 4 - Landscaping and Trees
Policy QOP 6 - Delivering Well-Designed Places
Policy TRA 1 - Promoting Sustainable Connections (Strategic Policy)
Policy TRA 2 - The Effects of Development on the Transport Network
Policy TRA 4 - Parking Provision in New Development
Policy WAT 2 - Water Supply and Sewerage
Policy WAT 4 - Sustainable Drainage Systems
Policy INF 2 - Community Services and Facilities
Policy INF 3 - Local village convenience shops and public houses
Policy INF 4 - Assets of Community Value
Policy INF 6 – Planning Obligations

6.2 National Planning Policy

National Planning Policy Framework (2023) NPPF
Planning Policy Guidance (2021) PPG

6.3 Other Documents/Strategies

National Design Code (2021)
National Design Guide (2021)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the

development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The key issues in determining this application are;

Principle of Development
Scale, Design and Visual Impact;
Residential Amenity;
Highway Safety;
Ecology;
Climate Change
Broadband Connectivity
Flood Risk and Drainage
Other Matters

Principle of Development

7.3 The proposed development is located within the settlement boundary of Berwick-upon-Tweed. Policy STP 1 of the NLP (Northumberland Local Plan) places Berwick-upon-Tweed as a Main Town where development should be focused. Policy STP 2 is the presumption in favour of sustainable development and should meet sustainable development principles, this is echoed by the NPPF. These principles are set out in Policy STP 3.

7.4 Policy HOU2 supports the delivery of new open market dwellings where it is consistent with the spatial strategy for Northumberland.

7.5 Policy HOU5 seeks to ensure that any new housing helps contribute to meeting identified local needs, and supports the provision of good quality, energy-efficient homes. Community-led housing, including individual and group self-build and custom housebuilding, will be supported and facilitated, particularly where they will contribute to meeting local housing needs.

7.6 Policy INF 2 relates to proposals involving the loss of community services and facilities that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure or cultural needs of the community. This could therefore relate to public houses. Part 1 only supports their loss where:

- a. appropriate alternative provision is made; or
- b. suitable and sufficient evidence can be provided to demonstrate that there is no longer a need for the facility to serve the community in its existing use or as an alternative community use; and
- c. suitable and sufficient evidence can be provided to demonstrate that its continued current use is no longer economically viable.

7.7 Therefore either of criteria a or b need to be satisfied while criterion c would need to be satisfied in all cases. In this case, as no alternative provision is being made, it is therefore criteria b and c that the loss should be assessed against.

7.8 The agent's Planning/Design & Access Statement advises that the pub is currently closed and economically inactive with no plans to re-open. It states at

para.1.4 that “The Salmon Inn is not a viable business and has been extensively marketed by Everard Cole for a period of 8 months at the time of this application, to all known pub operators, local and national pub companies and local investors with no interest. The only interest shown to date has been for alternative use to convert the existing building into a residential dwelling and new build residential dwellings in the land/car park to the rear. Consequently, a new use for the site is needed”.

Para.5.31 further advises that, as backed up by their submitted independent Marketing & Viability Report, “Everard Cole has been openly marketing the Salmon Inn since 23rd May 2022 and have sent 412 sets of sales particulars resulting in four viewings which no offers have been made, all interest was for alternative use. None of the viewings were for existing pub use.” They therefore consider that, given the changing market conditions and consumer trends over recent years, together with the pre-closure decline in trading performance, “the pub is seen to have very limited life as a public house”.

7.9 Their Statement goes on to list 17 other public houses, as well as 5 other community facilities, within a 3km catchment of the application site which they consider sufficiently provide for the area’s community needs and would effectively mitigate the loss of this pub, with the expansion of one competitor pub having ultimately contributed to the decreased vitality and viability of The Salmon Inn as trade reduced dramatically. It notes that the independent Marketing & Viability Report found that “residents will not suffer a shortfall in their ability to meet their day-to-day leisure needs, by virtue of the abundance of public houses and other premises in nearby Villages”.

7.10 It is therefore considered that the applicant has 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. The requirements of Policy INF 2 have therefore been satisfied.

7.11 Subsequent to this application being submitted (and presumably in direct response to it), the Salmon Inn in East Ord was (on 12 May 2023) added to the Council’s current public register of Assets of Community Value, where Policy INF 4 would be applicable. However, this decision has been reviewed by the Economy and Regeneration Service and they have advised that the application to nominate the Property as an ACV did not meet a minimum evidential threshold. Insufficient evidence was provided to support a conclusion that the Property was being used to further the social wellbeing or social interests of the local community and therefore the statutory criteria for land of community value set out in section 88 of the Localism Act has not been met. It is therefore considered that the Salmon Inn cannot be assessed as an ACV and policy INF 4 is not applicable.

7.12 Having assessed the proposal against the policies of NLP and the NPPF it is considered that the conversion of the public house and the construction of 4.no dwellings is acceptable in this location. The principle of development is therefore acceptable and in accordance with the NLP and NPPF.

Scale, Design and Visual Impact

7.13 Policies QOP 1, QOP 2, QOP 4 and QOP 5 of the NLP are relevant to the proposals in relation to achieving high quality, sustainable design and well-designed places in accordance with the NPPF.

7.14 In addition to achieving good design, Policy QOP 2 of the NLP requires development to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in the local area.

7.15 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.16 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given development which reflects government guidance on design; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.17 The proposal for the conversion of the existing public house into 3 apartments will see some external alterations - current fenestration including new window and door openings, a proposed concrete staircase to the north west elevation, and a juliet balcony with metal railings to replace an existing door. A shared amenity space will be located on the northern boundary of the site along with cycle storage. Overall it is considered that the conversion of the public house building will not have a negative impact upon the immediate site or the wider area and the external alterations will retain the character and appearance of the building.

7.18 With respect to the construction of the 4 dwellings, they will be located on land behind the public house to the south, which currently serves as the car park and garden. The layout of the proposal is for two semi-detached dwelling (Plots 1 and 2) to the north of the site, behind the public house and the amenity space for the proposed apartments and two semi-detached dwellings (Plots 3 and 4) will be located on the southern boundary of the site, where the existing car park is located. Car parking for 15 vehicles will be located centrally within the site and a shared with the layout proposing soft landscaping features such as grass verges, hedges and trees.

7.19 With respect to design and visual impact, the development will be seen in the context of the surrounding residential dwellings to the north and south of the site and the overall design of the proposal will retain the character and appearance of the surrounding residential area. The density of development will see the construction of 4.no dwellings and 3.no apartments on a site area of 0.18ha, which is considered acceptable in the context of the site and not considered an overdevelopment to warrant refusal.

7.20 It is therefore considered that the proposal is in accordance Policies QOP 1, QOP 2, QOP 4 and QOP 5 and HOU9 of the NLP and the principles of Chapter 12 of the NPPF.

Residential Amenity

7.21 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.22 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.23 The nearest dwellings to the proposed development are that of 7 and 9 Glensdale Park located to the west of the site and 2 St Katherine's Place to the South of the site. Plot 1 will have a separation distance of approximately 9m from its side/rear elevation to the side elevation of 7 Glensdale Park and a separation distance of 12m from the side/front elevation to the rear elevation of 9 Glensdale Park. The current proposed plan shows a separation distance of approximately 17m from the rear elevations of plots 3 and 4 to the rear elevation of 9 Glensdale Park. However, following concerns raised by Officers, the applicant has agreed to move the plots forward in order to achieve a distance in line with industry standards (20 metres). Amended plans will be available for Members to consider at the committee meeting on 19th October. A separation distance of 10m from the side elevation of Plot 4 to the side elevation of 2 Katherine's Place. It is acknowledged that proposed dwellings of Plots 1 and 2 will be in close proximity to the side and rear properties of Glensdale Park, however the orientation of Units 1 and 2 will be such that it is considered that the proposed dwellings would not result in any substantive concerns regarding neighbouring amenity with regard to matters such as overlooking and loss of privacy, overbearing impacts, overshadowing or outlook.

7.24 Further to the above Northumberland's Environmental Protection (EP) Team have undertaken a technical review of the submitted information and have assessed the environmental impacts which are relevant to the development. They have advised that they have no objections to the development subject to the implementation of planning conditions in relation to noise and dust, construction hours and land contamination. The proposal is therefore considered to be in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

Highways Safety

7.25 Paragraph 110 of the NPPF looks to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; that safe and suitable access to a site can be achieved by all users; and that any significant impacts from development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.26 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.27 Paragraph 112 also sets out that developments should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and second – so far as possible – facilitate access to high quality public transport. It also requires development to address the needs of people with disabilities and reduced mobility; create places that are safe and attractive; allow for efficient delivery of goods, and access by service and emergency vehicles; and enable charging of plug-in and other ultra-low emission vehicles.

7.28 Policies STP 3 and STP 4 of the NLP also cover matters in relation to the accessibility of schemes and reducing the need to travel by car and incorporate electric vehicle charging facilities. Policies TRA 1, TRA 2 and TRA 4 of the NLP are relevant to the development in terms of promoting sustainable connections, considering effects on the transport network and parking provision. Appendix E of the NLP sets out relevant parking standards for new development.

7.29 Northumberland highways team were consulted on the proposed development and initially objected due to insufficient information in respect to the site access, visibility splays, boundary treatments, vehicle parking and pedestrian connectivity. Subsequently the planning agent submitted additional information to address highways comments and the highways team responded advising that they have no objections to the proposal subject to the imposition of conditions and informative with regards to access, boundary treatments, car parking, cycle parking, construction method and refuse storage. Therefore, subject to conditions, the proposed development it is considered to accord with paragraphs 110, 111 and 112 of the National Planning Policy Framework (NPPF) and Policy TRA1 and TRA2 of the Northumberland Local Plan.

Ecology

7.29 NLP policy ENV 2 seeks to ensure that proposals will not have an adverse impact on Biodiversity and Geodiversity. Policy ENV2 of the NLP states:

‘Development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for; b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations.’

7.30 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.31 The site is 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, Lindisfarne Special Protection Area (SPA) and Northumbria Coast SPA. As a result, any net increase in holiday units requires mitigation via Northumberland County Councils Coastal Mitigation Service. The applicant in this case has agreed to the development contribution of £4305 towards the Council's Coastal Mitigation Service.

7.32 The county ecologist has been consulted on the proposal and have no objection to the proposed development subject to the developer contribution towards the Coastal Mitigation Service and a condition in respect to the development being in accordance with the tree protection plan as identified in the submitted Arboricultural Implications Assessment and Method Statement. Having assessed the proposal in context of the comments from the ecologist and subject to a developer contribution towards to Coastal Mitigation Service it is considered that the proposal is in accordance with the NLP and NPPF in relation to Biodiversity and Geodiversity

Climate Change

7.33 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.34 Local Plan Policy QOP1 sets out a number of design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.35 Local Plan Policy QOP 5 relates to sustainable design and construction. In order to minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting amongst other matters.

7.36 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. However in this instance it is considered that given the scale of the works and minor alterations being proposed that the proposal generally accords with sustainability requirements of the NLP and does not require a condition to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

Broadband Connectivity

7.37 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.38 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband

connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Flood Risk and Drainage

7.39 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. The site lies within Flood Zone 1 and is therefore considered to be at low risk of flooding.

7.40 The application site is located within Flood Zone 1, with a low risk from fluvial flooding. The Council's LLFA team has been consulted on this application and initially objected to the proposal and advised that there is existing surface water flood risk in the area and requested a Drainage Strategy to be submitted. Subsequently the applicant/agent has submitted a FRA/Drainage Strategy and a SUDS assessment to address the initial concerns raised by the Council's LLFA team. After receiving additional information, the LLFA have removed their objection to the proposal and recommended conditions.

7.41 It is therefore considered that subject to condition the proposal is acceptable from a flood risk management perspective and is in accordance with Policies WAT 3 and WAT 4 of the Northumberland Local Plan and the NPPF.

Other Matters

7.42 During the consultation period 7.no neighbour objections were received, the main objection is in regard to the loss of the public house, these matters are addressed in the principle of development section of this report. Concerns are also raised in respect to highways safety, these matters have been addressed by Northumberland highways team and it is considered that subject to the recommended conditions the development will be safe from a highways perspective. With respect to comments from East Ord Parish Council, there is no policy requirement in this instance to secure a contribution towards NHS services and it would be unreasonable to request this as part of the planning process.

Equality Duty

7.43 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.44 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.45 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.46 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.47 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 It is considered that the proposal will result in an acceptable form of development that will be consistent with the appearance and character of the area without causing unacceptable detriment on amenity levels or on the appearance of the surrounding street scene. Subject to a legal agreement in relation to coastal mitigation and conditions in respect to ecology, highways safety, design and drainage the proposal is in accordance with the Northumberland Local Plan and National Planning Policy Framework.

9. Recommendation

That this application be GRANTED permission subject to a developer contribution of £4305 towards the Coastal Mitigation Service and subject to the following:

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans and documents:

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 and Roof Plan Plots 1 and 2 drawing - 23.3405.104_P2
Proposed Elevations Plots 1 and 2 drawing - 23.3405.105_P3
Proposed Floor and Roof Plan Plots 3 and 4 drawing - 23 3405 106 REV P2
Proposed Elevations Plots 3 and 4 drawing - 23 3405 107 REV P3
Proposed North East and North West Elevation - Conversion drawing - 23.3405.109
REV P2 dated April 2023
Proposed South West and South East Elevation - Conversion drawing - 23.3405.110
REV P2 dated April 2023
Proposed Ground Floor Plan - Conversion - drawing 23.3405.100 REV P11 dated
July 2023
Proposed Ground Floor Plan - Conversion - drawing 23.3405.101 REV P4 dated July
2023
Proposed Site Section - drawing 23.3405.108 - REV P10 -dated July 2023
Proposed Street Scene E Ord- drawing - 23.3405.111 REV P6 - dated June 2023
Drainage and FRA document - 23079 - dated 26/7/2023
SuDS Georeport ref - BGS_333816/46606
Transport Assessment - uploaded 28 Jul 2023
Topographic Survey drawing - 23.3405.001 REV P1 - dated Feb 2023
Swept Path Analysis - drawing 2301-010 SP13A
Swept Path Analysis - drawing 2301-010 SP14A
Swept Path Analysis - drawing 2301-010 SP15A
Swept Path Analysis - drawing 2301-010 SP16A
Swept Path Analysis - drawing 2301-010 SP17A
Swept Path Analysis - drawing 2301-010 SP18A
Swept Path Analysis - drawing 2301-010 SP19A
Swept Path Analysis - drawing 2301-010 SP20A
Swept Path Analysis - drawing 2301-010 SP21A

Reason: To ensure the development is carried out in accordance with the approved plans and in accordance with Local and National Planning

03. Development shall not commence until a Construction Method Statement, together with supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved [Demolition and / or Construction Method Statement] shall be adhered to throughout the demolition/ construction period. The [Demolition and/ or Construction Method] Statement and plan shall, where applicable, 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;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and saved Policies TRA2 of the Local Plan.

04. The development shall not be/ 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.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and saved Policies TRA 4 of the Local Plan.

05. 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 building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and saved Policy TRA 2 of the Local Plan.

06. The development shall not be/ No dwelling shall be occupied until 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

Reason: In the interests of highway safety ,residential amenity and sustainable development, in accordance with the National Planning Policy Framework and saved Policies TRA 1 of the Local Plan

07. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved 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.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

08. Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development , in accordance with the National Planning Policy Framework and saved Policies of the Local Plan.

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

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and saved Policies of the Local Plan.

10. 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. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

Reason: To ensure that risks from land contamination are minimised, in accordance with the NLP and NPPF.

11. Prior to the development being brought into use or continuing in use the applicant shall submit a verification report 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].

Reason: To ensure that risks from land contamination are minimised, in accordance with the NLP and NPPF.

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].

* "Competent Person" has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9.

Reason: To ensure that risks from land contamination are minimised, in accordance with the NLP and NPPF.

13. 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 unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with the NLP and NPPF.

14. No development shall commence, including any works of demolition, until a dust management plan has been submitted 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 and shall not be altered without the prior written approval of the local planning authority.

Reason: To ensure a commensurate level of protection against dust in accordance with the NLP and NPPF.

15. 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).

Reason: to maintain the biodiversity and landscape value of the site in accordance with polices ENV2 and QOP4 of the Northumberland Local Plan.

16. Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be 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.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

17. 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.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

18. Prior to the construction of any dwelling above damp-proof course level, a scheme to demonstrate how at least 20% of the market dwellings and 50% of the affordable 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.

Reason: To ensure that the new homes are accessible and adaptable to meet the needs of residents now and in the future, in accordance with Policy HOU 11 of the Northumberland Local Plan and the National Planning Policy Framework.

19. Notwithstanding any description of the materials in the application, no development shall be commenced until 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) 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.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of the NLP and NPPF.

20. 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.

Reason: 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 in the interests of amenity and in accordance with QOP 1 and QOP 2 of the NLP.

Informatives

1. You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.
2. You should note that a highway condition survey should be carried out before the commencement of construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.
3. The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: ****
4. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
5. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
6. You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offer this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979.
7. The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.
8. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.
9. All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (as amended) Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them. Amphibians, reptiles and mammals such as hedgehog and red squirrel also have legal protection, with great crested newt afforded additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a good chance of encountering protected species during works.

Care should be taken when removing any roof coverings, window frames or other external features which may support bats or nesting birds.

If protected species such as bats, great crested newt or nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice on bats by telephoning the National Bat Helpline on 0345 1300 228

<https://www.bats.org.uk/advice/bat-found-during-building-works>

The Chartered Institute of Ecology and Environmental Management has an online professional directory should assistance be required.

<https://cieem.net/i-need/finding-a-consultant/>

10. The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.

All works on sites close to watercourses will follow the guidance contained in the Pollution Prevention Guidelines: Works and maintenance in or near water. Further information can be found at this link: <https://www.gov.uk/guidance/pollution-preventionfor-businesses> All fuel and chemicals used on site should be kept on an impervious base within a secondary containment system such as a bund, not within 10m of any watercourse, and above flood water level.

Background Papers: Planning application file(s) 23/00583/FUL