

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	05/03/2021
Planning Development Manager authorisation:	SCE	05.03.2021
Admin checks / despatch completed	DB	05.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	05.03.2021

**Application:** 20/01738/FUL **Town / Parish:** Harwich Town Council

**Applicant:** David Beattie - Beattie Investments Ltd

**Address:** 7 Victoria Street Dovercourt Harwich

**Development:** Change of use from C3 to C4 (HMO) for six bedrooms and internal alterations.

### 1. Town / Parish Council

Harwich Town Council  
14.01.2021

Harwich Town Council objects to this application on the grounds that this proposal is deemed an over development and an unsuitable development for this particular area. Furthermore there is insufficient parking provision for a property with 6 dwellings.

### 2. Consultation Responses

Private Sector Housing  
08.02.2021  
**ORIGINAL COMMENTS**

As the property is for single occupants there does not appear to be an issue with size. There are sufficient bathrooms, and there is a shared kitchen and dining room on the ground floor to cook and prepare meals. The escape route is ok as exit can be via the front door. Is the conversion being completed with Building Regulations? There will need to be a Fire Detection System installed prior to occupation and we will need to know the extent. The applicant will also have to submit an application for a licence to the Private Sector Housing Team should approval be granted, as the property meets the criteria to be licensed under part 2 of The Housing Act 2004.

Private Sector Housing  
18.02.2021  
**ADDITIONAL COMMENTS**

Thank you for the additional information. If they are using Assent BC and installing the systems mentioned in the quote we would be satisfied. The owner will have to make an application for a licence if approved.

ECC Highways Dept  
18.02.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID-19 restrictions no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated November 2015. It is noted that Victoria Street is made up of terraced housing on both sides and none of the properties have or are able to have off-street parking. The location is close to the town centre and Dovercourt Railway Station to the north; considering these factors, the Highway Authority would not deem the introduction of the proposal at this location to have a severe impact.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

4. A financial contribution of £2,000 (index linked) towards the introduction of any future residents parking scheme for the surrounding roads subject to any scheme being put forward by the North Essex Parking Partnership. The contribution (£2,000) will be returned to the applicant if a scheme is not forthcoming at the end of the 4-year period, from the date of first occupation.

Reason: To control and manage the location of on street parking for the area to minimize inconsiderate parking in the interests of highway safety and Policy DM1.

Note: the financial contribution will form part of a Section 106 contribution which will be for the North Essex Parking Partnership.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A

reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

Environment Agency  
22.02.2021

In order for you to assess the onsite risks of flooding using the standing advice - they will need to prepare a flood risk assessment.

Please see the link to the site below.

Local planning authorities should use this guide to check the:

- flood risk assessments they receive contain the correct information
- applicant has followed the standing advice

<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>

Natural England  
01.03.2021

Thank you for your consultation, which was received by Natural England on 18 February 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

#### European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

#### Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

### **3. Planning History**

None relevant.

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

EN17 Conservation Areas

TR7 Vehicle Parking at New Development

TR3A Provision for Walking

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

LP11 HMO and Bedsits

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Conservation Area Character Appraisals

Houses in Multiple Occupation (HMO) Essex Approved Code of Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application relates to number 7 Victoria Street, Dovercourt. The property is a 4 storey mid-terraced dwelling (basement and loft rooms) located on the south-western side of Victoria Street. Victoria Street is characterised by these 4 storey terraced dwellings all of a similar appearance with no off-street parking and small rear gardens.

The site is located within the Dovercourt Settlement Development Boundary and Conservation Area. The site lies within the defined Flood Zone 2.

The site is located in close proximity to the town centre and beach with bus stops and Harwich Town Train Station within walking distance.

### Description of Proposal

The application seeks full planning permission for the conversion of the existing 5 bedroom dwelling into a house in multiple occupation for 6 people.

Currently, the internal accommodation is made up of:

- *Basement level;*  
Dining room  
Kitchen
- *Ground Floor;*  
Lounge  
Bedroom 1
- *First Floor;*  
Bedroom 2  
Bedroom 3  
Bathroom
- *Second Floor;*  
Bedroom 4  
Bedroom 5

The proposed conversion and alterations will result in the following accommodation layout;

- *Basement level;*  
Dining room  
Kitchen
- *Ground Floor;*

Bedroom 1 (12sqm)  
Bedroom 2 (with ensuite) (9.6 sqm excluding ensuite)  
Bathroom

- *First Floor*;  
Bedroom 3 (12.5sqm)  
Bedroom 4 (with ensuite) (9.6 sqm excluding ensuite)  
Bathroom  
Water tank
- *Second Floor*;  
Bedroom 5 (11sqm with restricted headroom due to eaves)  
Bedroom 6 (13sqm with restricted headroom due to eaves)  
Bathroom

The rear yard area is approximately 30 square metres.

### Assessment

The main planning considerations are:

- Conversion to HMO;
- Impact on Heritage Assets;
- Flood Risk; and,
- Representations.

### Conversion to HMO

Policy HG10 of the adopted Tendring District Local Plan (2007) states that proposals for the sub-division of premises into flats and/or bedsits within the defined development boundaries of towns and villages will be permitted provided (officer response in italics):-

- (i) The existing building, if a dwelling, has a gross floor area, as originally constructed of 110 sqm or more.

***The property has a footprint of approximately 47sqm set across 4 floors (including loft rooms) amounting to a gross floor area in excess of 110sqm.***

- (ii) It does not involve the sub-division of one or more family dwelling houses within a frontage of entirely single family housing.

***Planning records show that a few of the properties within Victoria Street have been granted planning permission for the conversion into two flats and therefore the site is not located within a frontage of entirely single family housing.***

- (iii) It does not involve the total or partial conversion to bedsitting rooms and an intensity of use likely to harm the character or appearance of the dwelling or the locality or the amenities of adjoining residents or occupiers of the building.

***The development proposes the conversion of the existing dwelling into six bedrooms (2 with ensuite facilities) to be occupied by a single person with shared kitchen and dining facilities within the basement level. The application is accompanied by proposed sound proofing measures aimed at protecting the amenities of adjoining residents. The Council's Environmental Protection Team raise no objection. In respect of the amenity level of the rooms provided, each room is served by a window providing a good level of natural light. In terms of size, the rooms are all in excess of the minimum bedroom size of 8.5sqm outlined within the Essex County Council Code of Practice for HMOs (2012). The Council's Private Sector Housing Team raise no***

***objection on the basis that the property is for single occupants and the size and nature of the accommodation is acceptable and a suitable escape route is provided.***

- (iv) the external appearance as a dwelling house would be maintained (where this currently exists), and any proposed extension works would not materially harm the character or appearance of the building or locality or the amenity of residents;

***The overall external appearance of the building will remain the same having no impact upon visual amenity or the character and appearance of the street scene.***

- (v) Highway safety, residential amenity and the character or appearance of the street frontage are not adversely affected by arrangements for off-street parking and vehicular access;

***As stated above, no external changes are proposed to the building or its frontage. The existing dwelling has no dedicated off street parking provision.***

***Victoria Street is made up of terraced housing on both sides and none of the properties have or are able to have off-street parking. The location is close to the town centre and Dovercourt Railway Station to the north; considering these factors, the Highway Authority would not deem the introduction of the proposal at this location to have a severe impact.***

***In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.***

***Given that occupiers of HMOs tend to have very low levels of car ownership and the fact that the site is in close to local shopping facilities and transport routes no parking provision is considered to be acceptable in this regard. It is felt that the location of the site; so close to the town centre and associated public transport links, offers the opportunity for occupation by householders without cars. This stance is consistent with appeal decisions relating to HMOs where inspectors have allowed car free development in areas close to local facilities.***

***On this basis, Essex County Council Highway Authority raise no objection to the development subject to the following mitigation and conditions:***

- 1. Cycle parking shall be provided in accordance with the EPOA standards.***
- 2. The developer shall be responsible for a Residential Travel Information Pack.***
- 3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.***
- 4. A financial contribution of £2,000 (index linked secured through a S106) towards the introduction of any future residents parking scheme for the surrounding roads subject to any scheme being put forward by the North Essex Parking Partnership.***

***In this instance, officers do not consider the request for a financial contribution reasonable and relevant to the development. If the Highway Authority are relaxing the parking standard requirements due to the proximity of the site to the Town Centre and public transport links, it would be unreasonable to insist on a financial contribution toward a residents parking scheme in the surrounding roads which is not directly related to parking provision within Victoria Street to serve this development.***

***The Highway Authority require cycle parking to be included in the development. Although this does not form a separate reason for refusal on highway grounds, the***



**lack of outside space means that cycle parking is not possible and the development fails to provide an acceptable standard of residential amenity as address below.**

(vi) *There is an appropriate private rear amenity area in accordance with Policy HG9; and*

**Paragraph 127 the NPPF confirms that one of the core planning principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 requires that the design of new development meets functional needs, including provision of private amenity space, waste storage/recycling facilities and cycle parking.**

**Saved Policy HG9 sets a standard of a minimum of 25m<sup>2</sup> of private amenity space per flat to be provided communally, which for this development would require an area of at least 150m<sup>2</sup>. The rear yard area is approximately 27m<sup>2</sup> in size. Given that a further area would need to be found for the storage of residents' bicycles and for waste and recycling bins, to comply with Saved Policy QL10 and EPOA parking standards, the amount of communal outside space available would fall substantially below that sought by Saved Policy HG9. The plans fails to provide any details of how waste or cycle storage could be achieved. Furthermore, the rear courtyard area would be dominated and over-shadowed by the main three-storey building. It would also be partly required for access to, and be overlooked by, the adjacent ground floor units.**

**Whilst it is recognised that a fewer number of larger flats might yield a similar number of occupiers compared to the single person units proposed, the application must be considered as submitted. Although the site is close to the public open space provided on the nearby beach and other nearby amenities this proposal would still fail to meet the standards sought by Saved Policy HG9.**

**Therefore, the proposal for 6 HMO rooms constitute an over-intensive use of the property lacking an adequate amount and quality of communal outside space for the number of residents. Therefore the scheme would not provide acceptable living conditions for existing and future occupiers in conflict with the aims of the Local Plan policy.**

(vii) the layout minimises possible noise disturbance to adjoining residents.

**The proposed layout is not significantly different to the existing. The proposal is for 6 adults only which could be restricted by condition were the development approved. The development also incorporates noise mitigation works thus minimising the impact on adjoining residents.**

#### Impact on Heritage Assets

The site is located within Harwich Conservation Area. The intended use is not significantly different to how the existing premises could be occupied. The proposal does not involve any external alterations to the building that would impact upon the character or appearance of the conservation area.

#### Flood Risk

The site lies within Flood Zone 2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a medium probability of flooding. The proposal is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice

Guidance. Therefore, to comply with national policy the application is required to be supported by a site specific Flood Risk Assessment (FRA) and are required to pass the Sequential and Exception Tests.

Paragraph 155 of the National Planning Policy Framework 2019 states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 157 states that Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by (inter alia) applying the Sequential Test. Paragraph 158 further explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Where the sequential test shows that it is not possible for the development to be located in zones with a lower probability of flooding, the exception test should be applied when appropriate. For the exceptional test to be passed, it must be demonstrated that firstly, the development provides wider sustainability benefits to the community that outweigh flood risk and secondly, that a site-specific flood risk assessment demonstrates that the development is appropriately flood resilient and resistant over its lifetime.

Saved Policy QL3 of the adopted Tendring District Local Plan 2007 supports this approach by stating that the Council will ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, whilst for all proposed sites within Flood Zones 2 and 3, the sequential test must be applied to demonstrate that there are no reasonably available sites in a lower flood risk area.

These sentiments are echoed in draft policy PPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017, which states that all development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless they involve development on land specifically allocated for development.

The application is not accompanied by the required FRA. The increase in bedrooms and nature of the use will introduce additional residents into a flood risk area. The overriding aim of flooding policy is to direct new development away from areas at highest risk. Officers find no essential reason to locate the proposed HMO in a medium flood risk area and thus the Sequential Test is not passed. Given that finding, there is no requirement to apply the Exception Test. The application of NPPF policies to direct inappropriate development away from areas with the highest risk of flooding and lack of a FRA provides a clear reason for refusing the development.

#### Financial Contribution – Open Space and Play Space

There is currently a deficit of -12.67 hectares of equipped play in Harwich and Dovercourt.

Due to the nature of the proposed accommodation (single adults only), no contribution is being requested on this occasion.

#### Representations

Harwich Town Council objects to this application on the grounds that this proposal is deemed an over development and an unsuitable development for this particular area. Furthermore there is insufficient parking provision for a property with 6 dwellings.

3 individual letters of objection have been received (including 1 from The Harwich Society). The concerns raised can be summarised below (officer response in italics);

- Inappropriate use for the property.
- Result in noise and disturbance to neighbouring residents.
- Would exacerbate the severe on-street parking problems.

- Harm to conservation area.

***The reasons why the proposal is unacceptable are set out within the main report above.***

- Devaluation of surrounding properties.

***Property values are not a material planning consideration.***

### Conclusions

For the reasons set out above, the application fails to provide a good standard of amenity or functionality for future occupants is therefore recommended for refusal.

## **6. Recommendation**

Refusal - Full

## **7. Reasons for Refusal**

- 1 Paragraph 127 the National Planning Policy Framework (2017) confirms that one of the core planning principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 requires that the design of new development meets functional needs, including provision of private amenity space, waste storage/recycling facilities and cycle parking.

Saved Policy HG10 of the adopted Tendring District Local Plan (2007) states that proposals for the sub-division of premises into flats and/or bedsits within the defined development boundaries of towns and villages will be permitted provided there is an appropriate private rear amenity area in accordance with Saved Policy HG9. Saved Policy HG9 sets a standard of a minimum of 25m<sup>2</sup> of private amenity space per unit to be provided communally, which for this development would require an area of at least 150m<sup>2</sup>. The rear yard area is approximately 27m<sup>2</sup> in size. Given that a further area would need to be found for the storage of residents' bicycles and for waste and recycling bins, to comply with Saved Policy QL10 and EPOA parking standards, the amount of communal outside space available would fall substantially below that sought by Saved Policy HG9. The plans fails to provide any details of how waste or cycle storage could be achieved. Furthermore, the rear courtyard area would be dominated and over-shadowed by the main three-storey building. It would also be partly required for access to, and be overlooked by, the adjacent ground floor units.

Therefore, the proposal for 6 HMO rooms constitute an over-intensive use of the property lacking an adequate amount and quality of communal outside space for the number of residents. Therefore, the scheme would not provide acceptable living conditions for existing and future occupiers in conflict with the aims of the above-mentioned National and Local Plan policy.

- 2 The site lies within Flood Zone 2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a medium probability of flooding. The proposal is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to be supported by a site specific Flood Risk Assessment (FRA) and are required to pass the Sequential and Exception Tests.

Paragraph 155 of the National Planning Policy Framework 2019 states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development

should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 157 states that Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by (inter alia) applying the Sequential Test. Paragraph 158 further explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Where the sequential test shows that it is not possible for the development to be located in zones with a lower probability of flooding, the exception test should be applied when appropriate. For the exceptional test to be passed, it must be demonstrated that firstly, the development provides wider sustainability benefits to the community that outweigh flood risk and secondly, that a site-specific flood risk assessment demonstrates that the development is appropriately flood resilient and resistant over its lifetime.

Saved Policy QL3 of the adopted Tendring District Local Plan 2007 supports this approach by stating that the Council will ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, whilst for all proposed sites within Flood Zones 2 and 3, the sequential test must be applied to demonstrate that there are no reasonably available sites in a lower flood risk area.

These sentiments are echoed in draft policy PPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017, which states that all development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless they involve development on land specifically allocated for development.

The application is not accompanied by the required FRA. The increase in bedrooms and nature of the use will introduce additional residents into a flood risk area. The overriding aim of flooding policy is to direct new development away from areas at highest risk. Officers find no essential reason to locate the proposed HMO in a medium flood risk area and thus the Sequential Test is not passed. Given that finding, there is no requirement to apply the Exception Test. The application of NPPF policies to direct inappropriate development away from areas with the highest risk of flooding and lack of a FRA provides a clear reason for refusing the development.

## **8. Informatives**

### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.