

Mr Christopher Carroll
Kirklees Metropolitan Borough Council
Development Management
PO Box B93
Huddersfield
West Yorkshire
HD1 2JR

Our ref: RA/2019/139720/01-L01
Your ref: 2018/92593
Date: 18 February 2019

Dear Christopher

PROPOSAL: ALTERATIONS TO CONVERT FORMER MILL INTO 20 APARTMENTS AND CHANGE OF USE OF NIGHTCLUB (SUI GENERIS) INTO A WINE BAR (A4) (WITHIN A CONSERVATION AREA)

LOCATION: JESSOPS MILL, STATION ROAD, BATLEY, WF17 5SU

Thank you for consulting the Environment Agency regarding the proposed change of use of the night club into a wine bar at Jessops Mill on Station Road in Batley

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason(s)

The Flood Risk Assessment (FRA) by Advant Engineers dated July 2014 does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the FRA fails to:

1. Assess the flood risk to the site from all sources and considering climate change.
2. Provide appropriate site specific flood risk mitigation, given the risks identified.
3. Provide confirmation that the development will not affect the culvert beneath the building
4. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flood events up to and including the extreme event how people will be kept safe from flood hazards

Overcoming our objection

Flood Risk

There are currently four areas of uncertainty regarding this application.

- 1) The application submitted does not include a red line boundary plan therefore the advice we are providing is not definitive on the flood risk. A clear red line boundary plan must be provided so we can identify the extent of the site and the flood risk as this changes across the site.
- 2) Although the application has been submitted to us as a full application rather than a change of use it is not clear whether the existing buildings remain.
- 3) While of the site is within flood zone 1 there are also areas in the south west corner of the site in flood zones 2 & 3. It is not clear whether the site levels are being re profiled to raise finished floor levels, if any changes are made to existing and proposed flood routes through the site you must ensure this does not increase the flood risk within the site, alter existing flow routes or transfer flood risk to others or be allowed to spill into nearby watercourses.
- 4) We note the FRA is dated 2014 and we would expect to see a more recent FRA submitted, using the most up to date information. The FRA needs to assess the effects of the 2015/16 Floods.

We recommend you request the most up to date flood risk information we hold for this are by contacting our Customers and Engagement teams who can provide any relevant flooding information that we have available. Please email neyorkshire@environment-agency.gov.uk.

Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>

Finished Floor Levels

We advise that finished floor levels for development should be set no lower than 600mm above the 1% (1 in 100 year) modelled flood level plus climate change. Due to the date our modelling work was completed in this area you will need to add the new climate change allowance found at the following link to the 1 in 100 year levels we provide [climate change allowances](#).

We advise that overland flow paths are considered in the assessment of the finished floor levels required along with blockage of the culvert.

It is not clear from the elevations provided what the layout plan for the site is, if this can be provided showing the existing and proposed buildings.

The FRA needs to compare the existing and proposed site ground levels, road levels, existing and proposed finished floor levels of the ground and first floors to the 100 year modelled level plus climate change plus 600mm to determine the level of flood risk

mitigation required.

You may also need to tank the basement to make it watertight see details below under the basement section

The FRA does not propose flood resilience measures we would expect to see resilience measures used such as raising electrical sockets and other flood sensitive equipment above flood levels.

Basement/ Lower Ground Floor Uses

The plans show more vulnerable self-contained residential flats and drinking establishment uses in the lower ground floor.

It is not clear whether the lower ground floor falls within the classification of a basement from Building Regs Approved Document B – “A storey with a floor which at some point is more than 1200mm below the highest level of ground adjacent to the outside walls”. Can you please confirm this.

We do not expect to see more vulnerable self-contained flats or drinking establishments within basements or lower ground floor areas. Habitable uses of basements within flood affected areas should not be permitted due to the potential dangers to life during a flood event. The basement must have unimpeded access and be of waterproof construction to avoid seepage during flooding conditions. Habitable uses of basements within flood affected areas should not be permitted due to the potential dangers to life during a flood event”.

We would advise however that any room below adjacent ground level would fill up with water first in the event of flooding so should be treated with caution and that an emergency plan is produced for the event of a flood. The Flood Risk Team at Kirklees Council should decide whether this is appropriate.

We would suggest a Sequential approach to basement uses within the site are considered according to those areas within FZ1, 2 and 3 with the greater risk uses being in the lower flood risk areas.

Proximity to Culvert

We normally object to building over a culvert and the FRA provides no indication of the capacity and condition of the culvert over the lifetime of the development. We require further information on this. We need confirmation that there will be no impact on the culvert as a result of development of the site such as no damage to the foundations of the culvert and the development of the site will not cause the culvert to have structural stability issues.

The FRA needs to indicate the distance of any parts of the development from flood defences such as the culvert e.g. building works or structures or altering ground levels as you will need a permit for this (see details below).

Access needs to be maintained to existing EA , LPA and other 3rd party flood defence assets, such as for example for maintenance purposes and operational response

The culvert could have a potential risk of blockage which may result in overland flow across the site. We advise flood resilience measures are built within the design building

proposed to account for this and surface water risk.

Advice to applicant - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:-

- Within 8 metres of a main river channel
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Chargeable Planning Advice

Further advice can be provided, if required, as part of our Planning Advice Service. As we are not funded to undertake this work there is a charge to allow us to recover our costs in providing further advice please contact our Sustainable Places Team if you require further information on this

Advice to LPA - Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

If you have any queries please contact me

Yours sincerely

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