



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

Our ref: RA/2023/145899/08-L01
Your ref: 2023/91441

Date: 22 September 2025

Dear Mr Simcock

(AMENDED INFORMATION SUBMITTED) CHANGE OF USE AND ALTERATIONS TO FORMER CHURCH (B8-STORAGE) TO 9 RESIDENTIAL UNITS (C3) AND FORMATION OF CAR PARK (LISTED BUILDING WITHIN A CONSERVATION AREA)

AT 31 CHAPEL HILL, LINTHWAITE, HUDDERSFIELD, HD7 5NJ

Thank you for re-consulting us regarding the above application that we received by email on 01 September 2025.

We have reviewed the supporting information submitted and we conclude that there are still unclarified impacts on flood risk as a result of the proposals, which we recommend that Kirklees Council may wish to consider informing its decision on this application.

We highlight that the information provided still fails, as previously requested, to both update the plans to illustrate all relevant foundation loading within the vicinity of the culvert and demonstrate how unrestricted access to the culvert for maintenance can be achieved with the proposed development in place. In particular, the drawing (ref 23345-XX-XX-XX-DR-103 Foundations Plan) that we have received has not been revised from the version provided in a previous iteration.

Importantly, based on this position, we would be unlikely to grant a Flood Risk Activity Permit for this development and therefore we maintain our objection on the basis that the proposal may increase flood risk. Our updated, detailed objection is as follows.

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
Customer services line: 03708 506 506

www.gov.uk/environment-agency

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Environment Agency Position

We have reviewed the supporting information provided by email and maintain our objection to this application as it comprises building over a culverted watercourse. As submitted, it is unlikely that we would grant a Flood Risk Activity Permit for this application.

Reason(s)

- The proposed development would restrict essential maintenance and emergency access to the culverted watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and improvement works.
- The proposed development may adversely affect the construction and structural integrity of the culverted watercourse which may compromise its function. The proposal may therefore increase the risk of flooding to surrounding communities, including Linthwaite.

Overcoming our objection – Further advice to applicant

Demonstrating the proposals will not compromise the culvert structure

We note that the email we've received acknowledges that the submitted designs 'are not final construction issue'. For a Full planning application, the applicant should provide full and finalised details of the proposals as these are conditional to the proposal's approval and acceptance. Alternatively, as a minimum, if it is intended to allow scope for change in the final design under discharge of conditions, an acceptable default design needs to be presented as baseline for approval. It isn't appropriate to approve planning permission based on unacceptable designs, with the intention of revising them later.

The supporting drawing submitted '23345-XX-XX-XX-DR-103 Foundations Plan' is unchanged from the first version and hasn't been updated to avoid any doubt in the location of the foundations in relation to the culvert as previously requested. Whilst it clearly shows where foundations are proposed in relation to the culvert position, it has not been demonstrated that all foundations near the culvert position will not impose loading on the structure. The applicant should provide an additional (finalised) sectional drawing considering the foundation to the north of the provided section 2 drawing, as this foundation appears closer to the culvert position and has not been considered. The applicant must provide evidence that the proposal will not impose additional loading on the culvert structure for us to find the proposals acceptable.

It still does not appear that the site section drawings and plan view layout correspond in representation of size and scale of the proposal. The cross section and plan drawings already provided should be amended to be to scale. The lines on the plan drawing should represent the distances and full extent of the cross sections provided. It would also provide us with a more accurate understanding if the drawings could be labelled with distances to show that the cross sections clearly correspond to the development plans.

Maintaining unrestricted access to the culvert

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The drawing submitted doesn't address our previous concerns relating to access to the culvert for maintenance. The applicant must demonstrate that unrestricted access to the culvert will be maintained despite the proposals. This is recommended to ensure any required maintenance works to the structure can be carried out. As things stand with the current proposal, although the information shows an intended access route, the deck will still present a restriction to the current level of access. It is important that the applicant demonstrates that the access available, post development, is adequate for any required maintenance.

The applicant may choose to demonstrate how a worst-case maintenance scenario could still be achieved post development. This may explain how any required equipment/ machinery could operate with the proposed development in place. The applicant could also provide any other form of evidence they consider appropriate.

Informatives

Environmental permit - advice to applicant

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

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

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.

It is likely that, in order to be granted a permit for these works, the applicant will be required to commit to a post development culvert survey. The applicant will also need to commit to rectifying any structural damage to the culvert that is found to be caused by the works.

Guidance to assess future flood risk

Planning practice guidance provides advice on what is considered to be the [lifetime of the development in the context of flood risk and coastal change \(see ref ID: 7-006-20220825\)](#). The Environment Agency guidance '[Flood risk assessments: climate change allowances](#)' provides allowances for future sea level rise, wave height and wind speed to help planners, developers and their advisors to understand likely impact of climate change on coastal flood risk. It also provides peak river flow and peak rainfall intensity allowances to help planners understand likely impact of climate change on river and surface water flood risk.

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Advice to LPA

Statutory process contrary to an EA flood risk objection

This application has not been considered as a major development and therefore, if you are minded to approve this application contrary to our flood risk objection, the relevant legislation would not apply in accordance with the [Town and Country Planning \(Consultation\) \(England\) Direction 2024](#).

To overcome our objection, the applicant should submit a revised FRA which clearly demonstrates as indicated updated details relating to the culvert.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us if a revised FRA is submitted and we will respond within 21 days of re-consultation.

I trust this reply is useful and please contact me if you require any further information or to clarify any detail.

Yours sincerely

Mr. Neil Wallace
Planning Specialist

Direct e-mail: Neil.Wallace@environment-agency.gov.uk

Direct team email: sp-yorkshire@environment-agency.gov.uk

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