

Kirklees Council,
Planning Services,
PO Box 1720,
Huddersfield,
HD1 9EL

Date: 4 December 2025

Our ref: 50831/01/JW/RBa/40402864v1

Your ref: PP-14506176

To Whom It May Concern

Application to vary conditions 3, 21, 23 & 28 of planning permission 2021/62/94029/W at the Site of former Spotted Cow pub, New Hey Road, Oakes, Huddersfield, HD3 4BU

On behalf of our client, Lidl GB Ltd, we are pleased to submit an application to vary Conditions 3, 21, 23 and 28 of planning permission 2021/62/94029/W at the site of former Spotted Cow pub, New Hey Road, Oakes, Huddersfield, HD3 4BU.

Background

Full planning permission was granted on the 22 June 2023 for the:

“Demolition of existing structures and erection of a foodstore (Class E) with associated access, parking, servicing areas and landscaping”

The permission was subject to 28 conditions.

Lidl GB Ltd submitted an application to discharge conditions 3, 21, 23 & 28 of planning permission 2021/62/94029/W on 3 September 2024 (ref. 2024/92576). Conditions 3, 23 & 28 were discharged on 4 July 2025.

During consideration of the application, comments were received from Kirklees Highways in relation to Condition 21.

Condition 21 states:

“Prior to commencement of the development, as defined under Section 56 of the Town and Country Planning Act 1990, a scheme detailing all new retaining walls as well as any modifications to the site’s existing retaining wall supporting the A640 New Hey Road and/or PROW 367 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include locational and cross-sectional information together with details of the proposed design and construction of the

retaining walls. The approved scheme shall be implemented and completed prior to the car park being brought into use and prior to superstructure works being commenced on any part of the food store building. The new retaining walls and any modified retaining walls shall be appropriately maintained throughout the lifespan of the development.”

On 12 September 2024, the Kirklees Highways Structures team advised that “*planning condition 21 (retaining walls) cannot be discharged, as the supporting information does not include the required dimensional sectional details along the highway boundary to determine whether the design of proposed highway retaining structure will be liable to a formal technical approval via submission of an AIP*”.

Following the submission of further information, further email correspondence from officers (dated 4 July 2025) confirmed that “*KC Highways Structures are satisfied that drawing P1301 rev A confirms that the wall abutting A640 New Hey Road adjacent to the development site is a private non retaining boundary wall, and that no further information is required in relation to this wall. However, regarding public footpath HUD/367/10 along the east side of the site, KC Highways Structures have advised that condition 21 can’t be discharged until the technical approval process for the design of the proposed retaining walls (via the submission of AIPs) has been concluded.*”

A plan showing the location of the retaining wall next to HUD/367/10 is appended to this letter for reference.

In summary:

- Whilst Condition 21 has yet to be discharged, it has been accepted by officers that the wall adjacent to New Hey Road is non-retaining;
- Officers consider that further information is required in relation to proposed retaining walls adjacent to HUD/367/10 in the form of a formal ‘Approval in Principle’ in the context that several of the walls are considered to be ‘highways structures’.

Condition 21 does not require the submission of details relating to the ‘Approval in Principle’ process and on that basis it is considered that the information submitted to date should be sufficient to enable Officers to confirm the discharge of the condition. However, given Officers’ reluctance to discharge the condition – and the need for Lidl to move forward with preparatory works ahead of the construction of the main building, Lidl wish to propose an amendment to condition 21 to allow some initial works (which will neither directly or indirectly affect any existing or proposed retaining structures on site) to commence without further delay, before the ‘Approval in Principle’ process has been completed.

Proposed Variations

Lidl would like to undertake some initial works in implementation of planning permission ref. 2021/62/94029/W. These works will neither directly or indirectly affect any existing retaining structures on site.

Condition 21

Lidl intends to undertake a small package of works with which to implement planning permission ref. 2021/62/94029/W prior to it lapsing on 22 June 2026. These works will neither directly or indirectly affect any existing retaining structures on site.

In light of the above, and given that Lidl is not able to provide full details of the AIPs relating to the retaining wall adjacent to HUD/367/10 at this stage, it is proposed that Condition 21 be amended as follows before Lidl proceeds with the implementation works:

“Prior to the construction of any new retaining walls or any works which may impact directly or indirectly on existing retaining walls, a scheme detailing all new retaining walls as well as any modifications to the site’s existing retaining walls supporting ~~the A640 New Hey Road~~ and/or PROW 367 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include locational and cross-sectional information together with details of the proposed design and construction of the retaining walls. The approved scheme shall be implemented and completed prior to the car park being brought into use and prior to superstructure works being commenced on any part of the food store building. The new retaining walls and any modified retaining walls shall be appropriately maintained throughout the lifespan of the development.”

Condition 3, 23 & 28

As part of this application, we would also request that conditions 3, 23 & 28 are updated as compliance conditions to reflect the details approved under discharge of condition application reference 2024/92576

The following wording is suggested:

Condition 3

Development shall be carried out strictly in accordance with Construction Management Plan (CMP) rev L, CMP Site Plan rev C and CMP Signage document and Road Conditions Report (issue 1), approved under application reference 2024/92576, granted 04 July 2025 (to satisfy/discharge condition 3 imposed on previous permission 2021/62/94029/W granted on 22 June 2023), and no change from there on shall take place without prior written consent of the Local Planning Authority.

Condition 23

Development shall be carried out strictly in accordance with Drainage Arrangement sheet 1 of 2 (drawing 16-3046-101 rev P5), Drainage Arrangement sheet 2 of 2 (drawing 16-3046-101 rev P5), New Hey 3rd Model – Separate Roof (Causeway, 16/01/2025) – two documents, Technical Response (Cora IHT, 16-3046, 15/01/2025) and Surface Water Maintenance Plan (Cora IHT, T001, issue 5, 16/01/2025) approved under application reference 2024/92576, granted 04 July 2025 (to satisfy/discharge condition 3 imposed on previous permission 2021/62/94029/W granted on 22 June 2023), and no change from there on shall take place without prior written consent of the Local Planning Authority.

Condition 28

Development shall be carried out strictly in accordance with Method Statement (Japanese Knotweed Solutions Ltd, 20/08/2024) and related Japanese Knotweed Site Inspection drawings JK24-9990-01 and JK24-9990-02 approved under application reference 2024/92576, granted 04 July 2025 (to satisfy/discharge condition 3 imposed on previous permission 2021/62/94029/W granted on 22 June 2023), and no change from there on shall take place without prior written consent of the Local Planning Authority.

Application Submission

The application has been submitted via the Planning Portal (ref. PP-14506176) and comprises the following:

- Completed application form; and
- This covering letter.

The application fee has been paid via the Planning Portal.

Summary

We trust that the information provided is sufficient to enable Kirklees Council to vary conditions 3, 21, 23 & 28 of planning permission 2021/62/94029/W. If you require any further information or clarification please do not hesitate to contact me or my colleague James Cox.

Yours faithfully



Ryan Barrett
Senior Planner
MPlan (Hons) MRTPI

Annex 1: Site Plan showing PROW HUD/367/10 and New Hey Road indicatively

