



## **Greenhead College**

Section 73 Application – Planning Statement

GRHDC-FCL-GEN-FS-RP-X-0003

## Document Control Sheet

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<b>Report Title</b>	<b>Section 73 Application - Planning Statement</b>
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## Record of Issue

Revision	Status	Author	Date	Checked by	Date	Approved by	Date
P01	S3	K Norman	04/24	L Mottram	04/25	I Yates	05/24
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## BS EN ISO 19650-2: Revision & Status Codes

Revision Code	Status Code	Description
<b>Design Development</b>		
P01	S2	For Information (Received data only)
↓	S3	For review and comment
Pnn	S5	For Stage Approval (Final document at Stage)
<b>Tender</b>		
Pnn	A4	Design (Final Detailed Design document for Tender)
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C01	A5	Construction & Commission

# 1 Introduction

- 1.1 This Planning Statement has been prepared by Flinders Chase to explain and justify the application by Greenhead College “the College” to remove Condition 37 of planning permission reference 2021-93674. This permission granted consent for the following:

*“Partial redevelopment of Greenhead College, including part-demolition and making good, erection of 2 and 4 storey buildings, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works”.*

- 1.2 The planning application for reference 2021-93674 was submitted by Galliford Try Building Ltd, on behalf of the Department for Education and Greenhead College. The works are substantially completed with the final phase of landscaping underway at the time of this Section 73 application.
- 1.3 The development was a condition-led scheme to replace poor condition Laingspan buildings and not an expansion project.
- 1.4 This Section 73 application only relates to one planning condition and does not seek to amend the development description, appearance or use.
- 1.5 Section 73 of the Town and Country Planning Act (TCPA) 1990 allows applications to be made for planning permission without complying with conditions previously imposed on the existing planning permission.
- 1.6 Where approved, a Section 73 application has the effect of granting a new planning permission which sits alongside the original permission, which remains intact and unamended.
- 1.7 It is important to note that Section 73(2) of the TCPA 1990 provides that on submission of an application under this section that the Local Planning Authority shall

only consider the question of the conditions subject to which planning permission should be granted<sup>1</sup>.

1.8 Condition 37 of planning permission reference 2021-93674 states:

“37. The total number of students shall at no time exceed 2,800 and staff shall not exceed 185 (full time equivalent).”

1.9 This condition has the effect of restricting the ability of the college to operate and use space effectively across their existing buildings.

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<sup>1</sup> 73(2), Town and Country Planning Act 1990

## 2 Site and Surrounding Area

- 2.1 Greenhead College is a highly successful sixth form college with approximately 2,750 students in Year 12 and Year 13. The college is the best performing A-Level provider in the region and one of the top sixth form colleges in the country according to national data and Alps benchmarks.
- 2.2 The college has one main campus on the edge of Huddersfield Town Centre, opposite Greenhead Park. There are seven main buildings on the campus of varying ages.
- 2.3 The college has a separate playing fields site “Highfields”, otherwise known as “Clare Hill Playing Fields”. The playing fields are approximately one mile from the main college site and are used for enrichment/college sport on Wednesday afternoons.
- 2.4 The main campus is within the Greenhead Park Conservation Area and opposite the Grade II listed Greenhead Park. There are no listed buildings on the college site, although the main building is considered to be a non-designated heritage asset.
- 2.5 The site is bounded by Greenhead Road and a residential area to the south, Park Avenue to the east, residential properties with a mature tree buffer to the west and Park Road South to the north.
- 2.6 The college is in a highly accessible and sustainable location with Huddersfield Bus Station and Huddersfield Railway Station both within a ten-minute walk (half a mile).
- 2.7 The main staff car park is accessed from Greenhead Road and a separate small visitor and staff car with designated accessible car parking spaces is accessed further east off Greenhead Road. Electric vehicle charging points have been installed in line with the current planning permission in the main staff car park.
- 2.8 All student and visitor access is from Greenhead Road with security staff actively monitoring all pedestrian access points during the college day.

- 2.9 New covered cycle parking for staff, students and visitors, in line with the planning permission, has been installed within the secure boundary of the college site.
- 2.10 The surrounding area comprises of commercial premises to the east on the approach to the Town Centre over the A62 Castlegate. To the south and west are residential properties and to the immediate north is Greenhead Park.
- 2.11 The site is not in an Air Quality Management Zone, and it is in Flood Zone 1.
- 2.12 An Arboricultural Impact Assessment was submitted with the original application and no trees, ecological features or biodiversity measures are impacted by this Section 73 application in relation to Condition 37.
- 2.13 There has been one previous application to amend the relevant planning condition (2024/93617). This application was made as a Non-Material Amendment under Section 96A of the TCPA on the basis that there was no change to the use, description or appearance of the development and the detail of the condition had not been part of the information consulted upon. In their response to the application, highways officers did not request a condition restricting student and staff numbers.
- 2.14 The officer report for the Non-Material Amendment application (reference 2024/93617) applied the Local Planning Authority's four tests to determine whether the application could be considered as a non-material amendment under Section 96A of the TCPA 1990. They considered that the proposed amendment to the planning condition was material and would thus have to be re-submitted and fully considered under a new Section 73 application.
- 2.15 The relevant planning history for the site is set out in Table 1 below.

<b>Planning Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
2024/93617	Non-material amendment to previous permission 2021/93674 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4-storey buildings, reconfiguration of parking and access arrangements, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated	Refused	03/04/2025

<b>Planning Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
	external works (Within a Conservation Area) – amendments to condition 37 (student and staff numbers)		
2024/92974	Non-material amendment to previous permission 2021/93674 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4-storey buildings, reconfiguration of parking and access arrangements, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works – changes to plans and documents relating to MEP design and planting	Approved	17/10/2024
2024/91765	Removal and rebuilding of boundary walls (within a Conservation Area)	Approved	20/06/2024
2024/90612	Non-material amendment to previous permission 2021/93674 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4-storey buildings, reconfiguration of parking and access arrangements, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works – changes to landscaping and MUGA	Approved	26/03/2024
2023/93124	Non-material amendment to previous permission 2021/93674 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4-storey buildings, reconfiguration of parking and access arrangements, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works – changes to Condition 23 EV chargers	Approved	22/11/2023
2022/92847	Non-material amendment to previous permission 2021/93674 for partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4-storey buildings, reconfiguration of parking and access arrangements, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works – changes to car park, sprinkler tank and drainage	Approved	23/03/2023
2021/93674	Partial redevelopment of Greenhead College including demolition and making good, erection of 2 and 4-storey buildings, reconfiguration of parking and access arrangements, reconfiguration of parking and access arrangements, reconfiguration of sports provision and other associated external works	Approved	22/12/2021
2015/93763	Erection of a two-storey building (within a conservation area)	Approved	25/02/2016

<b>Planning Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
2014/93113	Non-Material Amendment to previous permission no. 2013/93550 for erection of four storey teaching block and demolition of an unlisted building in a conservation area	Approved	06/11/2014
2013/93550	Erection of four storey teaching block and demolition of an unlisted building in a conservation area	Approved	14/02/2014
2012/92702	Non-material amendment on previous application 2011/93106 for single storey extension to existing common room, to form improved student social area and entrance.	Approved	31/08/2012
2012/90523	Erection of single storey extension (within a Conservation Area)	Approved	01/05/2012
2012/90519	Erection of second floor extension to existing classroom building (Within a Conservation Area)	Approved	24/05/2012
2012/90238	Recladding of science block and replacement windows (within a Conservation Area)	Approved	19/04/2012
2011/93106	Single storey extension to existing common room, to form improved student social area and entrance	Approved	30/01/2012
2011/92096	Part demolition of boundary wall, erection of 2 storey classroom building and associated landscaping, and entrance gates (Within a Conservation Area)	Approved	22/09/2011
2011/91422	Demolition of existing single storey lean-to and erection of single storey extension (within a Conservation Area)	Approved	18/07/2011
2006/95249	Construction of synthetic grass pitch, porous macadam sports area for basketball, netball and tennis, access ramps vehicular access, 4m high fence, floodlights erection of single storey changing and storage accommodation and associated engineering works (within a conservation area)	Approved	02/02/2007
2002/94250	Erection of art studios and classrooms extensions, creation of new access and additional parking (within a conservation area)	Approved	13/02/2003

**Table 1: Greenhead College Planning History**

## 3 Relevant Planning Policy and Guidance

### National Planning Policy Framework

- 3.1 The National Planning Policy Framework (NPPF) was first published in 2012 and was most recently updated in December 2024. It is a material consideration in planning decisions and is supplemented by Planning Practice Guidance.
- 3.2 Paragraph 7 sets out the purpose of the planning system in contributing to the achievement of sustainable development. Paragraph 11 sets out a presumption in favour of sustainable development.
- 3.3 Paragraph 100 sets out the importance of ensuring a sufficient choice of early years, school and post-16 places are available to meeting the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice<sup>2</sup>.**
- 3.4 Paragraph 110 emphasises that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, improve air quality and public health.
- 3.5 Paragraph 111(a) sets out that planning policies should support development mixes that minimise the number and length of journeys for education (and other purposes).
- 3.6 Paragraph 55 of the NPPF clearly sets out that planning conditions should be kept to a minimum and only used if they meet the six tests, as below:
1. Necessary
  2. Relevant to planning
  3. Relevant to the development to be permitted
  4. Enforceable
  5. Precise; and
  6. Reasonable in all other respects.

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<sup>2</sup> Para 100, National Planning Policy Framework (updated Dec 2024)

### **Kirklees Local Plan (2013 – 2031), published 2019**

- 3.7 The Kirklees Local Plan was adopted in 2019 and consists of the Local Plan Strategy and Policies, allocations and designations document and the policies map.
- 3.8 Kirklees are currently preparing a full update to their Local Plan to deliver a vision for Kirklees up to 2043. The current Local Plan published in 2019 remains the relevant Local Plan.
- 3.9 Several policies in the Local Plan emphasise the commitment to supporting development in sustainable locations and where proposals can be served by sustainable forms of transport. These policies include LP1, LP7, LP20 and LP 21.
- 3.10 Policy LP9 sets out that the Council will support development relating to the operational needs and/or expansion of all the district's higher, further and specialist educational establishments.
- 3.11 Policy LP22 concerns parking and sets out principles that minimise on-site non-residential car parking to promote sustainable travel. The adopted Kirklees Highways Design Guide SPD (2018) sets out general principles of on and off-site parking provision and emphasises a focus on travel planning and sustainable travel.

## 4 Section 73 Application Planning Case

- 4.1 Planning Condition 37 of planning permission reference 2021/93674 states:  
*“The total number of students shall at no time exceed 2,800 and staff shall not exceed 185 (full time equivalent)”*
- 4.2 Paragraph 55 of the NPPF sets out that planning conditions must meet the six tests, as below:
1. Necessary
  2. Relevant to planning
  3. Relevant to the development being permitted
  4. Enforceable
  5. Precise; and
  6. Reasonable in all other respects.
- 4.3 Planning condition 37 unfairly restricts the operation of the college, by restricting their ability to maximise the available space in their existing buildings. It creates an operational restriction that does not apply to other educational establishments or other classes of development in the area, including retail or commercial uses.
- 4.4 The Consultee Response from the Highway Authority, dated 09/11/2021, did not raise any objection to the proposals in the planning application on the basis that the development project was not an expansion and a scheme was proposed to provide additional waiting restrictions on Park Avenue.
- 4.5 The Highway Authority suggested conditions relating to build-outs on Greenhead Road, measures to manage parking on Greenhead Road and Park Avenue, a construction management plan, travel plan, surfacing/drainage and waste collection. There was no suggested condition to restrict the number of staff and students on the college site.
- 4.6 The reason given for the application of the condition is stated as being in the interest of highway safety and efficiency and to comply with Policies LP20 and LP21 of the Local Plan.
- 4.7 Policy LP20 concerns Sustainable Travel and initially sets out that new development will be located in accordance with the spatial development strategy and to ensure

that the need to travel is reduced and essential travel needs can be met by sustainable transport. Further detail in the policy sets out that the council will support demand management that discourages single occupancy travel and that proposals should include measures that support sustainable travel options. The final section of the policy sets out the requirement for travel plans and further encouragement of sustainable transport measures.

- 4.8 Policy LP20 does not include any reference to restricting the occupancy or operation of any class of development on the grounds of sustainable transport. Conversely, the policy would support optimal utilisation of available accommodation at an education site that is exceptionally accessible by sustainable transport modes.
- 4.9 Policy LP21 is relevant as it states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people and the residual impacts of the development are not severe. A series of requirements are set out in Policy L21 that proposals must meet. These include ensuring the safe and efficient flow of traffic within the development and on the surrounding highway network.
- 4.10 The development proposal was not an expansion project and was accompanied by a Transport Statement and Travel Plan, in accordance with LP21. The Transport Statement reviewed the existing conditions on the highway network and, in agreement with the Highway Authority, concluded that the cumulative impacts of the development on the highway network were negligible.
- 4.11 A package of measures including build-outs, additional waiting restrictions and amendments to Traffic Regulation Orders was implemented as a result of the development. No comments were raised by the Highway Authority in their consultee response in relation to off-site parking concerns or plans to change the existing parking restrictions that apply to all road users in the area.
- 4.12 Notwithstanding that applying a planning condition restricting the ability of the college to use their existing accommodation is considered not to be compliant with the six tests in the NPPF, the college has also commissioned a parking review and

updated travel plan. The parking review in the supporting information provides objective information on levels of parking on surrounding streets.

- 4.13 The parking surveys show parking levels to be similar on surrounding roads during term time and during college holidays when there are no staff or students present. This is consistent with expectations for areas of unrestricted parking that are close to town centres, major transport hubs, businesses and leisure destinations such as Greenhead Park.

*Justification for the Removal of Planning Condition 37*

- 4.14 Planning Condition 37 is not considered to be necessary or reasonable, as the size of the built form was fixed as part of the planning process and the condition restricts the ability of the college to operate their wider estate efficiently.
- 4.15 If elements of the existing buildings are underutilised or changes are made to the operations of the college, it is reasonable for the college to be able to accommodate fluctuations in student numbers. This does not hinder the ability of the Local Planning Authority or the Highway Authority to assess any future development proposals on the site that require planning consent.
- 4.16 Restrictions on staff and student numbers that impact on the ability of facilities to operate their wider campuses do not appear to have been applied to other similar institutions including larger higher education facilities and further education colleges, which reinforces that Planning Condition 37 is unusual and unreasonable.
- 4.17 The application of Planning Condition 37 does not appear to have been requested by Highway Officers, as there is no reference to highways safety and efficiency concerns or suggestions of such a condition in their Consultee Response.
- 4.18 Kirklees Council has a statutory duty under Section 18A of the Education Act 1996 to secure suitable education and training provision to meet the reasonable needs of all young people between 4 and 19. The Local Authority proactively engages with post-

16 providers to forecast changes in demand and assist in commissioning additional places across a range of providers.

- 4.19 These duties are supported in the Local Plan in Policy LP9 which states that the Council will support development relating to the operational needs of and/or expansion of all the district's higher, further and specialist education establishments. The application of Planning Condition 37 directly conflicts with LP9 as it creates a restriction on the college's operations in their existing buildings.
- 4.20 Greenhead College is one of two high-performing, successful providers of A-Levels in Huddersfield (alongside New College Huddersfield). Greenhead College is very close to major transport hubs and is in a highly accessible location by sustainable transport. Several policies in the Kirklees Local Plan, such as LP20 and LP7, support the development where these can be served by alternative modes of transport.
- 4.21 The effect of applying an operational restriction on the college is that student demand through efficient use of existing buildings may not be able to be met. This will cause students to be forced to travel further and an increase in travel by non-sustainable means. This conflicts with several planning policies and does not appear to be justified on highways safety and efficiency grounds.