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Your Ref: 2021/62/93674/W

Our Ref: 40025/S73

FAO Victor Grayson

Development Management Masterplanner
Kirklees Metropolitan Borough Council
Civic Centre
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09 May 2025

Dear Victor

2021/62/93674 – Greenhead College – Section 73 Application to Remove Planning Condition 37

Flinders Chase has been instructed by Greenhead College to submit a Section 73 application in relation to planning permission reference 2021/62/93674. This application seeks the removal of Planning Condition 37.

Planning condition 37 states the following:

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

The Section 73 application has been submitted via the Planning Portal with Planning Portal reference: PP-14007096.

Planning Condition 37 does not appear to meet the six tests for planning conditions set out in paragraph 55 of the National Planning Policy Framework. It is not reasonable or necessary 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 existing buildings effectively.

The development was not an expansion project and the consultee response from the Highway Authority did not raise an objection to the development proposals, nor does it suggest a condition that restricted the operation of the full college site.

Restrictions on staff and student numbers do not appear to have been applied to other similar institutions including larger higher and further education facilities, both locally and nationally. The Planning Statement submitted with this Section 73 application reviews the policy basis for the condition and sets out the justification for the removal of this condition only.

Greenhead College is a key part of the education landscape in Huddersfield and the wider region. The college has a strong and collaborative relationship with Kirklees Council. This includes supporting the Council in their statutory duty under Section 18A of the Education Act 1996 to secure suitable places for 16 to 19-year olds. The application of Planning Condition 37 conflicts with this statutory duty by preventing the college from using their existing building estate effectively to respond to fluctuations in demand. The condition also conflicts with Kirklees Local Plan policies LP9, LP7 and LP20.

This application does not involve any changes to the approved development plans. Additional supporting information relevant to this application is included in the form of a revised College Travel Plan (this is updated annually) and a Car Parking Survey Technical Note.

We look forward to receiving confirmation of the validation of this application and to further constructive dialogue so the college can continue to operate effectively for the young people of Kirklees.

If any further information is required to enable a decision to be made, please do not hesitate to get in touch.

Yours Faithfully,

Kerrie Norman
Director