
From: planningcomments@highpeak.gov.uk
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To: Planning Comments (HPBC)
Subject: Comment Received from Public Access

Categories:

Application Reference No. : HPK/2023/0189 Site Address: High Peak Halls Bridge Street Buxton Derbyshire SK17 6BB
Buxton Comments by: Susan WoltonMs

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Submission: Objection

Comments: In spite of receiving confirmation to my query that my 2nd submission of comments would be uploaded, this has not happened, so I am re-writing them to be added as an addendum to comments submitted on 3rd June.

As an aside, I am surprised so much information in the application is "redacted". This does not sit easily with transparency, especially since those submitting comments are required to have their names and addresses published. (Who owns the Halls of Residence? It seems the Uni of Derby is a lessee, presumably on a fixed term contract it is wishing to extricate itself from, at the expense of other services and the community?) If key details regarding the bid are "redacted", it would seem only reasonable that the same option be offered to people who wish to make objections / support but who may feel compromised by their job or public pressure not to submit comments.

The points I wish to make are:

The basis of the application revolves around the Mayfair/Marylebone London based company, Jones Lang LaSalle Ltd, seeking a LAWFUL DEVELOPMENT CERTIFICATE which enables a decision to be taken, quickly - thus avoiding full public scrutiny - on the basis that there is "no material change of use".

The application states that it will retain the layout, letting non self contained bedsit rooms on a commercial basis for stays of 90 days or more. Further, that the proposed occupation would be very similar to that already established, involving non related persons sleeping in private bedsit rooms... that there would be NO significant provision of care and no catering provided.

Reading Gov UK, I gather there is no statutory definition of "material change of use" however it is linked to the significance of a change and the resulting impact of the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

I would argue that there is a very significant difference in the proposed use of the Halls. The argument is made that there is no difference between "students" and the proposed new occupants. Students have a clearly defined relationship with the university, including study and a supportive social and welfare structure as well as parents / guardians on hand. This will contrast with the new residents who will have none of that as the basis / rational for their occupation of the Halls of Residence.

There is a significant lack of information accompanying the bid. It attaches an example "offer of accommodation letter". Is this designed to show that the proposed new occupants will be paying rent directly to the University and accept the terms of their accommodation Licence Agreement as referenced in the letter. Is the Univ of Derby really suggesting the new residents would be subject to those same conditions of occupancy, which typically involves loss of accommodation "eviction" if the Licence Agreement is broken. The document attached is suggesting that the basis of letting the accommodation will be the same. I find this very hard to believe, but if it is the case, then I think that illustrates the fact there is simply not enough information / clarity.

The bid suggests that under the new use, it will be much the same as many other HMO. I think most landlords would agree that managing a HMO of 5-10 "unrelated" people can be challenging and this bid makes reference to "no significant provision of care". No 24 hour staffing? Just how will this site be managed safely for residents and local people?

In conclusion, having had a read through GOV UK, and the bid, my overwhelming conclusion is that the details submitted are woefully inadequate, raising more questions than providing answers. And, as such, the guidance on the Gov site is that the Council must be satisfied that the evidence provided is satisfactory: "sufficient and precise" to merit a Lawful Development Certificate. I think this application does not meet that description at all and for that reason a Lawful Development Certificate cannot, justifiably be granted.

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