
From:
Sent: 09 June 2023 12:54
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: Andrew Whaley
From:

Macclesfield Road
Burbage
Buxton

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Submission: Objection

Comments: I object to this proposal on the grounds the applicant has not been sufficiently transparent in their application for a certificate.

The applicant is applying for a lawful development certificate rather than full planning permission arguing that this is not necessary as no 'material' change of use would occur. It is not easy to define this 'materiality' and it has sometimes had to be defined by the courts rather than the LA in isolation. The LA should not be relying on the applicant's own definition of what constitutes material when the application hides the true nature of the proposed occupants as 'non-students'.

The applicant is arguing that the student halls are large houses in multiple occupation. However, they are owned by the University and not a private landlord so could be considered to be in a different class (sui generis). If the halls are viewed as a hostel for students instead and converted into an asylum centre (also sui generis) then full planning permission would be required rather than certification.

Guidance states that the title of the certificate as issued by the council must be more than simply a title or label if future problems interpreting are to be avoided. The LA are needs to spell out the characteristics of the matter unambiguously and with precision. This is particularly important for uses that do not fall under any use class i.e. sui generis. Failure to do so may result in a loss of control over any subsequent intensification of the eventual use. In cases of existing use, if the LA has no reason to contradict the applicant, they will have to issue a certificate PROVIDED the applicant's evidence alone is sufficiently precise and unambiguous.

A university applying for planning permission to build a hall of residence could be assumed, by an ordinary and reasonable person, intended to be occupied by students as in the original planning permission. The same building occupied by 'non-students' ought to be considered extraordinary and warrant further scrutiny. Although the

building might be perfectly suited to the intended groups, the impact on tourism, nearby businesses, local services and residents may not be and this needs to be understood and consulted on before the certificate is granted.

The applicant argues the character of the occupancy of the halls would remain unchanged, but this is not something the LA can make a judgement on since the nature of the occupants has not been disclosed. If, for example, the proposed development includes any element of care such as visiting GPs or social workers that would be a reason to reclassify the use of the building for planning purposes (c2) which would mean that applying for certification is insufficient as a change of use would be occurring and therefore need planning permission.

We might consider the original population of students living in mixed sex groups, residing in term time only, relying on student health services and therefore making little demand on local health services and being largely occupied during the day with studies. Consider, instead, a population of exclusively young, migrant males with no legal status to work, little money and little to occupy their time. It's possible that such a population, in large enough numbers, could be detrimental to 'Protecting and enhancing the unique character of Buxton's spa heritage, townscape and natural environment to maintain the quality of life and act as a catalyst for tourism' as stated in the town plan.

Guidance says an applicant needs to describe the proposal with sufficient clarity and precision to enable the LA to understand what is involved and Asylum centre use is not even mentioned in this application. The applicant has therefore failed to describe the true proposal with any clarity at all. The applicant has a duty to be sufficiently precise and unambiguous in their application before a certificate is issued (if that is an appropriate planning action). In this case, the applicant has been neither precise nor unambiguous. If it is the university's intention to open an asylum centre it should say so on the application and describe the nature of the intended occupants and not simply reference 'non students'. Hence the grounds for my objection.

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