

As Executive Director with responsibility for Planning, I would like to respond to the points made in a letter sent by many members of the public to elected members and officers of the Council raising similar issues about the University of Derby's application for a Certificate of Lawful Development for the change of use of High Peak Hall. I understand that this is an extremely important issue for the people of Buxton and beyond. For this reason, the Council has carefully considered the application and all evidence and comment provided; and obtained independent legal advice. I will respond to each of the issues raised in the letter in turn.

1 Collusion between the Labour-led council and Derby University.

The Borough Council has not been involved in any negotiations with Derby University about the use of High Peak Halls as a site for accommodating asylum seekers. In fact, both the Leader and Deputy Leader have publicly called for the plans to convert the Halls into asylum accommodation to be scrapped.

High Peak Borough Council, along with all other Councils, were asked by Serco in March 2023 to identify postcode areas where it would be inappropriate to accommodate asylum seekers. Following consultation with the police, the Council responded and identified the area around High Peak Halls as unsuitable because of existing levels of crime and anti-social behaviour.

The Council has made its concerns about the application known to Derbyshire's Police and Crime Commissioner, Serco and the Home Office.

2 Evidence of detailed discussion between the University of Derby and the HPBC as far back as March 8th 2023.

The University of Derby submitted an application for a Lawful Development Certificate for a proposed occupation of non-self-contained residential accommodation (bedsits) by non-students on 3rd April 2023. The Council would have welcomed pre-application discussions but were not contacted by the University before receiving the application. The University withdrew its application on 5th April 2023 before the document could be uploaded to the Council's planning portal and before a case officer was appointed to consider the application. The Borough Council were not involved in the decision to withdraw the application and have not been informed for the University's reasons for doing so.

The University resubmitted an application on 9th May 2023. This was in the same form and with the same accompanying material as the original application and included a covering letter dated 16th March 2023. The letter can be seen on the Council's website and I would like to draw your attention to some key sections that set out the University's intentions:

- *"University of Derby is proposing to retain the layout of the property as existing and let the non-self contained bedsit rooms on a commercial basis as accommodation for stays of 90 days or more".*

- *“The premises would continue to be commercially let as low-cost accommodation, on an individual bedsit basis, for independent living complemented by some minimal level of staffing and the provision of some cleaning, maintenance and related servicing, consistent with the former arrangements for High Peak Halls.”*
- *“This [use by non-students] provides greater flexibility to minimise vacancy now that the building is surplus to University of Derby’s requirements. Notwithstanding, University of Derby is intending to maintain the provision of non-self-contained housing as existing, as a clear need for this form of budget accommodation within High Peak Borough has been identified”.*

Again, the University did not ask for any pre-application discussions. Once more, the application refers to occupation of non-students and does not mention asylum seekers.

The Council did not receive formal clarification of the intended use of the Halls to accommodate asylum seekers until the middle of July at a meeting of the East Midlands Strategic Migration Partnership. It was brought to our attention at that meeting that Serco were considering the use of the Halls for asylum seeker accommodation.

The Council were contacted on 11 July 2023 and informed that Serco would like to have a preliminary discussion with key agencies to understand the local concerns and provide details of the operational arrangements. Representatives of the Council attended this on-line meeting on 14 July 2023 and used the opportunity to express concerns about the lack of prior discussion and about the proposals that were presented. Representatives from the healthcare sector, police, County Council and others were also present at the meeting.

A document entitled “High Peak – MP briefing” that had been produced by Serco and dated March 2023 was included with the meeting invite. The introductory paragraphs explained that Serco were in negotiations with the University for use of High Peak Halls for accommodating asylum seekers and that the site will be managed by Serco on behalf of the Home Office. The Council did not receive a copy of this document until the meeting invite on 11 July 2023.

3 The Council will make a large profit should the application be successful.

As I have set out above, the Council does not support the conversion of High Peak Halls to provide accommodation for asylum seekers and has called for the plan to be scrapped. One of the key concerns that has led the Council and other partners such as the police and healthcare providers to challenge the proposal for High Peak Halls is the current lack of suitable support services and the increased demand on local services, and therefore increased costs, should the Serco scheme go ahead and which any funding provided to the Council would fail to address.

4 The application was validated contrary to planning statute and National Planning Practice Guidance (NPPG).

Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595) (DMPO 2015) sets out the information that an applicant must provide when applying for a lawful development certificate. In brief, the applicant is required to provide (i) a plan identifying the land to which the application relates; (ii) evidence verifying the information included in the application; and (iii) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.

The University's application provided all the required information. A plan was provided, the application form clearly states the University leases the building, provides the name and address of the owner (these details were redacted on the form published on the website for data protection reasons), and confirms that written notice has been sent by the applicant to the owner of the building. The application also presents the University's evidence for the information included in the application.

Given that all the necessary information was provided, the Borough Council was then obliged by law to provide the applicant with a written notice of its decision within 8 weeks. If the Borough Council does not determine the application within eight weeks, then the applicant can appeal to the Secretary of State.

5 The local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful.

When considering an application, the planning authority must consider whether sufficient factual information/evidence has been provided to decide the application. This includes describing precisely what is being applied for. The local planning authority may be justified in refusing a certificate if sufficient or precise information is not provided.

As I mentioned above, the application does not refer to accommodation for asylum seekers but instead refers to non-students.

The officer's report describes the facts of the case and relevant planning law. It recommends that the application is refused and concludes that:

"The use as described and proposed is of an excessively broad scope which is likely to include considerable variables with material difference in their character and effects. It has not been possible to reach the planning judgment and state with confidence that use by all 'non students' would not give rise to a material change of use and involve development. In these respects the proposed use as described in the application cannot be considered lawful."

6 The application should be RETURNED forthwith, for the University to proceed with the transparent public consultation that it should initially have entered into.

The application contains all the required information and is thus a valid application. As a result, the Council is obliged to determine the application within an 8-week period. If the Council does not determine the application within the required time period, for example by seeking to return the application and refusing to consider it, then the applicant can appeal to the Secretary of State.

There is no statutory requirement for the Borough Council to consult the public or other third parties because the matters to be determined are solely matters of evidence and law. However, the Borough Council was aware of the high level of public interest in this application and took the decision to allow people to submit public comments and to vary the normal procedure to increase the number of public speaking slots available so that more people can put their views forward.

I hope that the above responds in detail to the points that have raised in respect of the Council's handling of this application.

Neil Rodgers
Executive Director (Place)