

Development Plan Panel

Tuesday, 4th April, 2023

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, C Campbell,
J McKenna, K Brooks, A Lamb, E Taylor
and P Carlill

37 Welcomes and Introductions

The Panel welcomed Councillor Lamb back after recently being unwell and were glad to see him back at work.

The Legal Officer advised Panel Members that as the election had been called for the 4th of May 2023 so the pre-election period, also known as 'purdah' brought heightened sensitivity, however, the purpose of the purdah period is not to prevent the Council from carrying out normal business but it is to prevent the business conducted during the period being potentially perceived to be securing any electoral advantage. Members were advised to participate in the meeting as usual but to also be mindful of debate which may be perceived as electioneering.

38 Appeals Against Refusal of Inspection of Documents

There were no appeals.

39 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

40 Late Items

There were no late items.

41 Declaration of Interests

Members did not declare any interests at the meeting.

42 Apologies for Absence

Apologies for absence were received from Councillors, Finnigan, Akhtar and H Hayden with Councillor A Garthwaite substituting for Councillor Hayden.

43 Minutes

RESOLVED- That the minutes of the Development Plan Panel meeting held on the 31st January 2023 be approved as an accurate record.

44 Matters Arising

The Group Manager Policy and Plans provided Members with an update on the Leeds Local Plan 2040 (LLP 2040) consultation which had closed on 24th March 2023 with 1000 surveys responses received, submitted as 750 smart surveys and 250 emails. An additional 450 'call for sites' survey responses had been received which was an ongoing process. The consultation was noted to be positive with more engagement exercises to be conducted as the plan is still in its early format.

45 Technical Planning Guidance on Co-Living

The Report of the Chief Planning Officer sought Members' views on a technical planning guidance note, "Co-living Position Paper", intended to be used to help determine planning applications for co-living developments by using existing planning policies for housing and amenity. This was necessary, in the absence of specific planning policy guidance for this type of development within the adopted Local Plan for Leeds or the National Planning Policy Framework (NPPF).

The Team Leader from City Development presented the report, providing Members with the following information:

- The technical draft guidance document had been produced by Officers across Plans & Policy and Development Management within the City Development department, developed on previous briefs and best practice acquired from other core cities.
- Members may be aware of co-living model planning applications that had been brought forward to Plans Panel meetings.
- Co-living was a relatively new conceptual model for housing, largely appealing to young professionals and postgraduates seeking communal living, comprised of relatively small private units supported by communal facilities and amenity space.
- It was a distinct model, in planning terms, similar to Purpose Build Student Accommodation (PBSA) however it attracts different end users.
- Neither National Planning Policy Framework (NPPF) or the Leeds Local Plan specifically refer to co-living, but they do contain policies for housing. Although a Supplementary Planning Documents (SPD) had been drafted for PBSA, houses of multiple occupation (HMO) and co-living models, following legal advice in a Development Plan Panel meeting in December 2020, due to the lack of a policy hook, co-living was to be removed from that SPD.
- Co-living developments do not hold a definitive planning use class; however, it can sit in both sui-generis and C3 (dwelling house) classifications.
- It is important for Leeds to hold robust planning policy for design, affordability, amenity, sustainability, health and wellbeing and community infrastructure so the guidance document for co-living is needed to supplement current policy to ensure consistent housing quality.
- An internal co-living guidance note had been available for planning officers, but formal, visible guidance was required to streamline the broad approach for applicants, officers and Plans Panel Members as co-living application proposals come forward.
- There was a policy vacuum noted for co-living applications which will be best addressed in the long term through LLP20240, but new policy cannot be created at the moment.
- The technical draft guidance contained material considerations of size, location, accessibility and affordability. Post occupancy surveys will provide further insight for lived experience as co-living development come into fruition.
- The draft document was noted to be in the public domain with some feedback received from developers, commenting that the draft was well balanced, raised questions regarding the previous SPD which incorporated space

standards for co-living and concerns for the aggregate approach to quantifying space standards between private and communal spaces.

- A specific figure or measurement was not available for space standards within the draft guidance document as each scheme will be appraised on its own merit using the nationally described space standards (NDSS) model against an aggregate of communal and private space. It was noted the private units were unlikely, given the model of co-living, to meet the 37m² standard.
- Developer feedback noted that on page 24 of the report, the referenced link to policy H10 regarding accessibility criteria was applicable to comply to C3 use class dwellings, so further work to clarifying the wording needs to be looked at. Equality of access will be encouraged for all developments.

Members discussed the following key matters:

- As this was a new model of development entering the planning system, a balanced approach to the product will be needed to provide a good standard of housing as there is potential for developers to gain additional value by providing small units with high take up.
- Members raised concerns regarding the potential emergence of viability issues, often raised by developers. Officers outlined the importance of judging each application that may come forward by its own merit against current policy, including by reference to the District Valuer.
- Officers outlined that the existing policy suite guides provision of quality accommodation and the NPPF had announced the need to boost the housing stock. Co-living can add to the diversity of options available to the public, so the need to develop new guidance for this model is so it will be done correctly, with a consistent approach.
- Whilst similarities may be drawn from HMO's and PBSA's, bespoke guidance and policy will be needed to address all potential issues as the model may get proposed in a variety of forms. New policy cannot be created immediately and so this guidance provided an interim signposting to wider housing policies which will be used to negotiate quality co-living schemes.
- Members queried the use classification, detailed on page 18 of the report, against the opinion of a professional body, such as a planning inspectorate. It was noted that Local Authorities hold the power to determine the suitable use class to apply as other core cities were also in this process. An appeal had successfully been defended by Liverpool City Council on quality grounds who had used the sui generis classification.
- Officers outlined other notable information on the Liverpool appeal case as the grounds for refusal and the defended appeal were failure to meet the local plan policies on housing mix, NDSS internal space standards and insufficient space provision in private and communal areas; the weight given to their co-living guidance document was unclear but thought to have helped.
- A person centred, lived experience will be integral information to explore how people reside in this model of housing to determine opinions on space, amenity provision and length of occupation. The Strategic Housing Market (SHMA) was in the process of update, with details expected in August 2023 which will help evidence new future co-living policies within LLP2040.
- Members sought clarity on the affordability of the schemes for users and what measures were in place for lower income provision or key workers, such

as nurses. It was outlined that co-living could be an appropriate housing option for key workers, the age of occupiers cannot be conditioned, the schemes may take different forms and post-occupancy surveying will provide data. The guidance document will be unable to set new policy to prioritise units for a specific social group.

- It was noted that, all emergent net zero / climate Local Plan Update policies will be applicable (as appropriate) to the developments once the Plan is adopted.
- The aggregating approach to quantifying space was queried as if this model allows developers to sell or rent a higher number of units the private units should be able to meet NDSS 37.m2. Concern was also outlined that there is potential for price rises of existing housing options, such as one-bedroom flats, if many co-living schemes come forward.
- Co-living through choosing cohabitants already exists in Leeds organically however if these new models comprise of many people who do not know each other, there is potential for conflict without a clear resolution. Unipol can step in for disagreements in PBSA, but there is no comparable institution for co-living. Good management and safeguarding considerations will be required.
- It was confirmed that EN1 and EN2 policies, as well as electric vehicle charging policies for carparks will apply to these schemes, as with any comparable large residential development.
- Issues of scale were noted if a development were to house a high number of people, of which there was not limit set, conflict or isolation may occur if lots of residents try to access communal spaces or facilities at busy times. Officers outlined the aggregated approach will be proportional in security and amenity to the scale but would consider a more quantifiable approach.
- Although co-living will increase housing stock and options, it is unlikely to provide long term accommodation and given the cost of rent, there may be barriers to moving out to more secure residency as people's lives develop.
- Often older people need more space and schemes may need to cater for this in order to be perceived to be inclusive and a housing option for a diverse range of people.
- On site management 24 hours a day was preferred to a dedicated phone number to suitably resolve security issues, although it was noted this may incur higher costs to provide such staff. Members were of the opinion 24-hour supervision should be a required condition.
- If a development were to be built in the shell of an existing building it may create difficulty in meeting environmental policies as well as raising potential issues around soundproofing and natural light. Members stressed the importance for people to have access to day light within private units.
- A site visit to an existing co-living development was stressed as integral for Members to really understand what they can expect a scheme to look like in order to provide robust guidance.
- Consideration to review the agreed guidance was deemed necessary as the new model was not yet tried and tested. The appropriateness for this style of development was queried as it may be disruptive to existing communities; guidance for location may be needed and the guidance document should not be reserved to city centre co-living developments.

- Members queried whether there was any potential for 2 bed private units and thus how people with children would fit into a co-living model as this raises safeguarding issues.
- It was confirmed to Members that each private unit will contribute to housing stock figures. Assessment for the sufficiency of communal space and facilities will also need careful consideration.
- Affordable housing policies should apply to the same standard and green space provision should be conditioned to be provided on site as people need an outdoor space.
- The travel plan approach, detailed at page 24 of the report, should apply to developments in excess of 25 private studios, not the proposed 50.
- Concerns were raised regarding the management of viability and selling the building, or floors, in the future.
- Members outlined that permitted development rights should not apply to the co-living model.
- The ideas to allocate a percentage of units to key workers isn't practical unless they were affordable and will not address overarching housing issues for key workers. It was also noted the model will likely be unaffordable to the majority of graduates.
- It was confirmed, based on the cost analysis from developments within London, the rent costs will include bills and amenities, such as gym memberships. It was outlined that external or mixed used amenities, open to the public, should be discouraged or conditioned out via the guidance.
- The variety of suggestions for minimum standards and provision likely raise further viability concerns. Consultation with District Valuers will help analyse the cost of development and reasonable expectations.
- Existing policies regarding accessibility will be applied to co-living models, with an expectation for 30% of dwellings to be wheelchair accessible.
- Compliance with all policy and the possibility of grey areas arising when determining future co-living model planning applications raised concerns. Officers established that issues should be raised through the process, the guidance document had been produced to supplement existing planning policy and decision makers will judge each application on their own merit to determine a good balance if some aspects fall short on some policies.
- Members outlined some unease with publication of the guidance document due to some outstanding information regarding the application of policy and requested the amended version, subject to Members comments, be scrutinised further before release.

The Head of Strategic Planning provided a summary of the debate and the consequential process due to the scope of comments received and the further work needed on the document, whilst also outlining the need for co-living guidance given the current vacuum of policy for this model. It was noted that Members comments had been useful, and the debate can feed into the development of LLP2040 policies for co-living. The guidance will fill voids in national and local planning policy to ensure quality design, amenities and sustainability as these models come forward. Consultation with people holding experience of co-living and Members visiting a development will be essential for an accurate overview, the model needs to be held to the same standards as other housing models in Leeds, a focus on monitoring

delivery and quantity is required and there needs to be a pathway for reviewing the guidance once approved by the Panel.

The Planning Inspectorates report for the Liverpool co-living scheme appeal had given weight to the aggregated private and communal space formulation to meet NDSS standards while also noting the difference in determining space standards from traditional housing types. It was considered reasonable to take a broader view on space requirements, taking communal areas into account. This appeal had been dismissed due to the lack of aggregated space standards against policy; it was agreed that this report will be shared with Panel Members to provide further considerations to determine their view on co-living model guidance.

It was agreed as best practice for the guidance to be reviewed by Officers within City Development to address Members concerns and reflect their comments, then consult with Plans Panel Chairs and the Executive Member for Infrastructure and Climate while also having a pathway to consult back with Development Plan Panel Members to agree in principle, the full, interim guidance before it is approved by the Chief Planning Officer. The co-living technical guidance document was agreed to be published to fill the policy vacuum, with the availability for further amendments; some considerations may be dealt through further LLP2040 policy, such as space standards, while the extent of applicability of guidance for considerations such as on-site management and key worker provision, may be best dealt on a case by case basis when determining co-living applications.

The Legal Officer outlined that the technical guidance set out the Local Planning Authority's position on co-living which builds on existing policy of what is to be expected from a residential development. The guidance sets out how existing policy in relation to affordable housing, parking, green space provision and the like be applied to the new model. In determining co-living applications, decision makers will consider how the communal space contributes to the shortfall of private space as a material consideration. The publication will assist developers and planning applicants with understanding how and with what weight policy will apply to co-living developments.

RESOLVED –

- a) That the report and the draft technical planning guidance note “Co-living Technical Guidance note” at Appendix 1 of the submitted report, along with Members comments be noted.
- b) That, where appropriate, the comments made by the Panel be incorporated into the draft technical planning guidance note prior to the Chief Planning Officer giving approval for its publication for use in the determination of planning applications by the Chief Planning Officer.
- c) To note that the “Co-Living Guidance note” will be presented a future meeting of the Development Plan Panel for further comment and consideration.

46 Date and Time of Next Meeting

RESOLVED – The date and time for the next meeting of the Development Plan Panel was not confirmed at the time of the meeting.