

Update on the HMO, PBSA and Co-Living Amenity Standards SPD

Date: 2nd November 2021

Report of: Chief Planning Officer

Report to: Development Plan Panel

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Wards affected: All

Have ward members been consulted? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report provides an update on the progress of the draft Houses in Multiple Occupation (HMO), Purpose-Built Student Accommodation (PBSA) and Co-Living Amenity Standards Supplementary Planning Document (SPD). It also seeks to set out the proposed timetable for progressing the draft SPD to adoption.
- The draft SPD will help to deliver on the ambitions of the Best Council Plan (BCP), particularly relating to housing, by supporting the delivery of the right quality, type, tenure and affordability of housing, as well as providing improved housing options to more vulnerable residents, by improving the standards of these types of accommodation in Leeds.
- There are also clear links between the draft SPD and BCP objectives regarding health and wellbeing and supporting safe, strong communities. This is because the SPD seeks to introduce amenity standards, which will help to drive up housing quality, in line with the Council's approach to improving living conditions for Leeds residents.

Recommendations

Members are requested to:

- a) Note the progress on the Supplementary Planning Document and the intent to address comments received as part of the initial consultation (18th January to 1st March 2021);
- b) Note the continued work with key stakeholders, including universities and landlord representatives to remedy concerns raised before further consultation takes place on the draft Supplementary Planning Document;
- c) Note that the co-living section of the Supplementary Planning Document will be removed; and
- d) Note that the revised draft Supplementary Planning Document will be presented to Development Plan Panel in January, before Pre-Adoption Publicity takes place in January/February 2022.

Why is the proposal being put forward?

1. This report provides Development Plan Panel with an update on the progress of the draft HMO, PBSA and Co-Living Amenity Standards SPD. Initial consultation took place on the draft SPD between 18th January and 1st March 2021 and this paper gives an overview of the consultation, highlights a number of key issues for consideration and seeks the views of Development Plan Panel on a proposed route forward.

Consultation

2. The draft SPD was presented to Development Plan Panel in December 2020, which endorsed consultation taking place in early 2021. Consultation was undertaken in line with an engagement plan which accorded with the Council's Interim Statement of Community Involvement (SCI), running for 6 weeks between Monday 18th January and Monday 1st March 2021. As well as distribution to the Local Plan database, targeted consultation took place with the landlord sector (via organisations such as UNIPOL, the Leeds Property Association and the National Residential Landlords Association) and developers / agents known to be operating in the PBSA and co-living sectors. The consultation was advertised on the Council's website and promoted via social media channels.
3. In total, 65 representations were received, providing over 500 individual comments relating to the draft SPD. A significant number of the comments related to the HMO section of the document, raising concerns regarding how the draft SPD relates to separate work programmes within the Council's Housing Service, which enforce against the Housing Health and Safety Rating System (HHSRS) hazards and the existing HMO licensing regime. A summary of the representations made during the consultation period is provided at Appendix 1. This also sets out the Council's initial response and proposed actions in response to the comments received.
4. Since the close of the consultation period, officers have continued to engage informally with the landlord sector to deal with concerns relating to the status of the SPD and its relationship to other Council workstreams (as noted above). This has included:
 - Meeting with the Leeds Property Association Committee;
 - Presenting at a Leeds Property Association Member meeting in May;
 - Meetings with UNIPOL; and
 - Presenting at a National Residential Landlords Association (NRLA) meeting in October.

5. This ongoing engagement has highlighted an opportunity to address some of the concerns within the landlord sector relating to the SPD by publishing a Frequently Asked Questions (FAQ) document detailing the status of the SPD, how it will be used, and how it relates to the work of the Housing service. It is the intention to publish the FAQ alongside the next version of the draft SPD, which should help to address a number of concerns raised, that don't relate directly to the content of the draft SPD itself
6. In addition, continued discussions with UNIPOL have identified an opportunity to bring together a wider "Student Housing" working group, with representatives of the universities and others within the sector, to consider issues relating to the student housing sector as a whole, including PBSA needs over the longer term, anticipated growth in student populations, and affordability issues. It was initially anticipated that this working group would be convened in August 2021 which would have meant that it could feed into the continued work on the draft SPD. However, this has not yet taken place, due to COVID related issues and logistics. It is felt that this further engagement with the student housing sector, including the universities would be beneficial before the SPD progresses on to the next stage of consultation. Officers will aim for this to take place in December, to enable the draft SPD to progress through the remaining phases of the process in early 2022.

Co-Living

7. As set out in the draft SPD and at Development Plan Panel in December 2020, co-living is an emerging form of purpose-built shared living accommodation which is beginning to gain some momentum in Core Cities, in particular in Manchester, London and Sheffield. Co-living schemes are also beginning to emerge in Leeds.
8. During the initial preparation of the SPD, it was considered that the inclusion of co-living would provide the Council with an opportunity to set out amenity standards for this form of accommodation. At that time, it was noted that there is a need for further clarity relating to the strategic policy context, with none of the existing Core Strategy policies explicitly referring to co-living developments.
9. Through further extensive officer discussion and detailed consideration of the issues relating to emerging co-living proposals in Leeds, in particular how best to utilise existing development plan policies to deal with future co-living applications, it is recommended that the co-living chapter is removed from the draft SPD for the following reasons:
 - There is a lack of an explicit link back to Policy H9 (which mentions PBSA/HMO specifically), which is necessary, in order for supplementary planning policies to have the necessary weight;
 - There is potential to cause confusion between the policy approach to co-living in general and the role of the SPD in providing guidance on amenity standards;
 - There is an opportunity to use emerging co-living schemes to inform the Council's methodology and approach to co-living, including future development plan policy, which would enable co-living to be captured within the SPD in future;
 - By prematurely including co-living standards within the SPD (at a time when the concept is just evolving), without taking a scheme through the planning process, there is a risk that the Council is tied into a co-living methodology that may not support the achievement of desired policy and quality outcomes in practice; and
 - Removing co-living from the SPD presents a limited policy risk and securing amenity standards in co-living developments is supported by using existing development plan policies.

10. It is considered that the SPD can be revisited to define explicit amenity standards for co-living using the learning from early emerging schemes and the proposed policy approach and following the preparation of Local Plan Update 2.

Next Steps

11. The initial timetable for the SPD was to present the revised “Pre-Adoption” draft SPD to Development Plan Panel in November 2021. However, in light of the above and to enable continued engagement to take place with the student housing sector, and to formalise the “de-coupling” of the co-living section of the SPD, this interim update paper provides Members with an opportunity to comment on the proposed route forward for the SPD in advance of publication for further consultation.

12. A revised “Pre-Adoption” draft SPD will be presented to Development Plan Panel in January 2022, for endorsement for a further 4 weeks of publicity in January / February 2022. Members are asked to note that anticipated adoption date for the SPD remains unchanged and is expected in July 2022.

What impact will this proposal have?

13. The progression of the draft SPD will enable the guidance contained within to be used to help determine planning applications for HMOs and PBSA developments. It will have the effect of providing supplementary planning guidance available to decision-makers to help secure good amenity standards in these types of accommodation in future.

14. As noted above, the proposal to present the revised “Pre-Adoption” draft SPD to Development Plan Panel in January 2022 rather than November 2021 has no impact on the overall target adoption date for the SPD (July 2022).

What consultation and engagement has taken place?

15. Formal consultation took place between January and March 2021, in line with the Planning and Compulsory Purchase Act 2004, the Town & Country Planning (Local Planning) (England) Regulations 2012, and the Council’s Interim Statement of Community Involvement: <https://www.leeds.gov.uk/planning/planning-policy/interim-sci>.

16. Consultation was online based, with the draft SPD and supporting appendices available on the Council’s website. Targeting took place with representatives from each of the sectors and known PBSA and Co-Living developers. The consultation was also advertised on the Council’s social media channels. Paragraphs 2 – 4 give an overview of the consultation.

17. Since the close of the consultation period, officers have given detailed consideration to the representations made. A summary of the representations made during the consultation period is provided at Appendix 1, which also sets out the Council’s initial response and proposed actions in response to the comments received.

18. Ward Members were notified of the consultation and comments from Members were invited.

19. Further, Pre-Adoption consultation will take place on the draft SPD in January / February 2022. The draft SPD will be accompanied by a consultation statement, providing details of the consultation, the representations made, and any changes made to the draft SPD in response to the representations, as appropriate.

What are the resource implications?

20. The preparation of the SPD and consultation on the draft has been accommodated from within existing provision and falls within the Policy and Plans Group work programme, with no specific additional resource implications arising.

What are the legal implications?

21. Preparation of the draft SPD has been in accordance the Planning and Compulsory Purchase Act 2004, the Town & Country Planning (Local Planning) (England) Regulations 2012, and the Council's Interim Statement of Community Involvement:
<https://www.leeds.gov.uk/planning/planning-policy/interim-sci>
22. The adoption of the SPD falls within the Chief Planning Officer's scheme of delegation, in consultation with Development Plan Panel and the Executive Member.

What are the key risks and how are they being managed?

23. The key risks associated with the preparation of the draft SPD are that it may be subject to legal challenge. To mitigate against this risk, officers are continuing to engage with stakeholders to remedy concerns raised regarding the SPD before further consultation takes place and the SPD progresses to adoption.

Does this proposal support the council's three Key Pillars?

- Inclusive Growth Health and Wellbeing Climate Emergency

Options, timescales and measuring success

What other options were considered?

24. Not progressing the SPD would mean that the Council does not have any specific supplementary planning guidance available to help secure amenity within HMOs and PBSA developments. This would put at risk the Council's efforts to drive up housing quality in all sectors and could have detrimental impacts on resident's health and wellbeing in the future.

How will success be measured?

25. Success will be demonstrated through the implementation and use of the SPD to help determine planning applications for HMOs and PBSA developments in the future.

What is the timetable for implementation?

26. The timetable for the SPD going forward is as follows:

Timeframe	Action
January 2021	Presentation of revised "Pre-Adoption" draft SPD to Development Plan Panel.
January / February 2022	4-week pre-adoption publicity.
March / April 2022	Analysis of representations and final changes made to SPD

May / June 2022	Presentation of final draft SPD to Development Plan Panel as necessary.
July 2022	Adoption of SPD as a material consideration in the determination of planning applications.

Appendices

27. Appendix 1 provides a summary of the representations made during the consultation period, the Council's initial response to the comments raised, and proposed actions.

Background papers

28. None