Birmingham City Council

Houses in Multiple Occupation and Large Scale Shared Accommodation Supplementary Planning Documents

Consultation Statement

1. Introduction

1.1 Birmingham City Council consulted on the Houses in Multiple Occupation and Large Scale Shared Accommodation Supplementary Planning Documents (SPDs) December 2021 and January 2022. This statement explains the purpose of the SPDs, describes the level and type of responses received, the main issues raised and how they have been addressed in the final SPDs. The statement has been prepared in accordance with Regulation 12 (a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Birmingham Statement of Community Involvement.

2. Purpose

2.2 The SPDs have been prepared to provide detailed guidance to support the implementation of polices in the DMB and BDP. This will assist prospective planning applicants, property developers and landowners, as well as decision makers and local residents understand how the Council intends to apply its planning policies in relation to Houses in Multiple Occupation (HMOs) and Large Scale Shared Accommodation.

2.3 The HMO SPD:

- Explains what a HMO is, in planning terms, and identifies the circumstances where planning permission could be needed;
- Identifies the national and local planning policies of relevance when considering planning applications for HMOs;
- Sets out detailed guidance that will be used to assess planning applications for HMOs;
- Provides an overview HMOs licencing requirements; and
- Provides a checklist of information the Council requires to be submitted with a planning application.

2.4 The Large Scale Shared Accommodation (or co-living as it is commonly known) SPD:

- Provides a definition of co-living and its distinguishing features
- Sets out the background to co-living development
- Identified the national and local planning policies of relevance when considering planning applications for co-living;
- Set out detailed guidance that will be used to assess planning applications for co-living; and
- Provides a checklist of information the Council requires to be submitted with a planning application.

2.5 Public consultation on the draft SPDs was carried out for 7 weeks, from 17 December 2021 to 28 January 2022, when views were sought from stakeholders and the public on the guidance contained within the documents.

3. Engagement approach

3.1 The draft SPD and supporting documents were uploaded onto the City Council's consultation website BeHeard.

3.2 Emails/ letters were sent to all contacts on the Planning Policy Consultation Database including:

- Prescribed Specific Consultation Organisations
- Neighbouring local authorities
- Parish/ town councils
- Ward Councillors
- Local Members of Parliament
- Residents associations
- Community groups
- Neighbourhood forums
- Community trusts
- Voluntary groups
- Interest groups
- Disability groups
- Religious groups
- Business groups
- Environmental groups
- Landowners
- Developers and agents
- Housing associations

3.3 A briefing was held for Planning Committee and the Cabinet Member for Homes and Neighbourhoods.

Links to examples of engagement material are available below:

Be Heard: https://www.birminghambeheard.org.uk/economy/hmo-spd-co-living-spd/

Website link:
https://www.birmingham.gov.uk/info/20054/planning_strategies_and_policies/73/draft_planning_guidance/2

3.4 The policies within the BDP and DMB on which the drafts SPDs are based were themselves subject to extensive consultation over a number of years. The Consultation Statements related to these documents can be viewed here:

https://www.birmingham.gov.uk/downloads/file/16783/csd7_consultation_statement_regulation_22

3.4 The consultation generated 125 individual comments on the HMO SPD and 147 Individual comments on the Large Scale Shared Accommodation SPD. These have been summarised in the attached appendices and the Council's response to each comment has been set out against each comment.

1. Summary of Consultation Responses – Houses in Multiple Occupation SPD – Citizens' comments

Main issues raised	Council response and how comments are addressed in the final SPD
Support the principle of providing more detailed explanation of how developers should interpret and apply the BDP and DMB policies, including how to assess the existing concentration and demonstrate the need for and suitability of this type of accommodation in a particular location.	Support noted.
Proliferation of HMOs have caused issues relating noise disturbance, anti-social behaviour and criminal behaviour, smell, parking pressure, litter/ fly tipping and impact or burden on services and facilities	HMOs provide an important contribution to people's housing choice and meeting housing the city's need but it is recognised that over concentrations can be harmful to the residential amenity and character of an area hence the introduction of a city wide Article 4 Direction on 8 June 2020 and the adoption of a new planning policy for HMOs through the Development Management in Birmingham DPD. The proposed SPD provides further detailed guidance to support the implementation of the Council's planning policies in managing the growth of HMOs.
There is a need to re-balance and restore needed levels of family housing.	The Council's planning policies seek to meet the city's housing requirement set out in the Birmingham Development Plan which comprises the delivery of a range of housing types, tenures and sizes. This includes the delivery of new family sized housing and protecting the loss of housing that is in good condition to other uses. Where conversion of dwelling houses to HMOs have already occurred through national permitted development rights prior to the introduction of the Article 4 Direction, the Council has limited powers and resources to de-convert these back to family accommodation. However, a policy which prevents the loss of specifically Use Class C3 dwellings will considered through the preparation of the new Birmingham Plan.
HMOs are often used as short-term accommodation resulting in high turnover of residents and a transient population.	It is acknowledged that over-concentrations of HMOs can have an impact on the sustainable neighbourhoods and community cohesion. The adoption pf

Main issues raised	Council response and how comments are addressed in the final SPD
	policy DM11 in the Development Management in Birmingham DPD seeks to prevent over-concentrations of HMOs from arising.
There should be a complete moratorium on the licensing of and planning permission for further HMOs in the city. No more new HMOs should be allowed.	HMOs provide an important way of meeting the City's housing needs, particularly for people on low incomes, young professionals, students and the growing number of one person households. If recent trends continue, the population of Birmingham is projected to grow from 1,141,400 in 2018 to 1,186,000 (3.9%) in 2028 and to 1,230,000 (7.8%) in 2038. Birmingham has a young age structure with relatively high proportions of young people. A complete moratorium on the development of new HMOs would not be appropriate. The Council, does however, recognise the need to control the growth of HMOs. An Article 4 Direction came into force on 8 June 2020 which introduced local planning controls for HMOs in the whole of the Birmingham local authority area. The City Council also adopted a new policy on HMOs through the Development Management in Birmingham DPD (adopted 7 December 2021). In combination, these measures will help to better manage the growth and development of HMOs in the city.
Support the policy criterion a) to c) of Policy DM11.	Support noted.
There should be no exceptional circumstances.	The 'exceptional circumstances' clause is contained in Policy DM11 'Houses in multiple occupation' of the Development Management in Birmingham DPD. This recognises that "The concentration of HMOs in an area may be at such a point where the introduction of any new HMO would not change the character of the area. This is because the vast majority of properties are already in HMO use. In these circumstances the retention of the property as a family dwelling will have little effect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining buildings to an HMO would not further harm the character of the area." The SPD clarifies that HMOs would have to be the vast majority of properties in

Main issues raised	Council response and how comments are addressed in the final SPD
	an area, for example, where almost all properties within a terrace are already HMOs with only a very small proportion of Class C3 dwellings remaining in that group. The SPD says that the Council may, by exception, allow the remaining one or two C3 dwellings in a particular terraced group to be converted to HMOs if this would have little impact on the balance and mix of households. This is because it is recognised that owner occupiers or long-term residents in this situation (as described above), could struggle to sell their property for a continued Class C3 use when surrounded by existing HMOs. It is emphasised in the SPD however, that each application site will be assessed on its own individual merits when considering whether this exception should be allowed.
There should also be some form of mechanism whereby the Council can take the decision that a particular ward already has sufficient HMOs to require a blanket ban.	A measure of HMO concentration at ward level does not provide a sufficiently granular understanding of harmful concentrations of HMOs. For example, HMOs may only comprise of 5% of residential properties across a whole ward but these could be clustered in one location causing a localised over-concentration of over 10%. The concentration of HMOs at ward level is therefore not an appropriate indicator for identifying harmful concentrations. Policy DM11 'Houses in multiple occupation' sets out an approach based on a limit of 10% within a 100m radius of an application site and this is considered to an appropriate approach, which is widely used by other local authorities.
HMO properties have not been developed to a good standard.	Planning and HMO Licensing are separate regulatory regimes and there are two mechanisms in which standards relating to HMOs are enforced. Planning regulations define what is permitted development and policies can manage the growth and location and of new HMOs as well as ensuring they provide good living accommodation by setting standards on room sizes and policies on the provision of adequate communal facilities, outdoor space, parking standards etc. Planning enforcement is used to ensure that development is undertaken in accordance with regulations and planning permissions and,

Main issues raised	Council response and how comments are addressed in the final SPD
	where it is undertaken without permission, to ensure that harmful development is dealt with effectively. The Birmingham Local Enforcement Plan explains the Council's policy and procedure for dealing with reports of alleged breaches of planning control and handling planning enforcement issues. HMO Licensing seeks to keep residents safe and ensure that landlords follow the necessary building requirements. The Council has produced a guidance document which sets out the minimum required room sizes as well as minimum provision of toilet, bathroom and kitchen facilities, depending upon the type of property in question. It also contains standards relating to the provision of adequate heating, and information about the management regulations. The Council's Private Rented Service's Housing Enforcement Policy sets out the circumstances whereby enforcement action, such as the service of a statutory notice or the prosecution of an individual, may be taken.
The inclusion of specific standards in relation to size of outdoor space and amenities is welcomed.	Support noted.
Developers and landlords should be encouraged to address loss of biodiversity and enhance biodiversity in HMO new builds.	Policy TP8 'Biodiversity and geodiversity' in the adopted BDP which seeks to maintain, enhance and restore sites of national and local importance for biodiversity will apply to all development. Furthermore, mandatory Biodiversity Net Gain (within the Environment Act 2021) is expected to be introduced in Winter 2023 and this will require all development in England to deliver a mandatory 10% biodiversity net gain to be maintained for a period of at least 30 years.

Main issues raised	Council response and how comments are addressed in the final SPD
There needs to be commitment to, and resourcing of, investigation where local intelligence suggests that there are multi-occupied properties operating illicitly.	Planning enforcement has been stepped up since the launch of the Supported Housing Pilot and over 200 HMO properties were investigated in 2021. Some enforcement activity has taken place to improve property layout, e.g. bedrooms and communal space. There has been support to one closure order (appealed by the landlord but denied in court). The Birmingham Local Enforcement Plan explains the Council's policy and procedure for dealing with reports of alleged breaches of planning control and handling planning enforcement issues. It specifically refers to the challenges around HMOs and exempt accommodation and confirms its commitment to taking enforcement action where appropriate.
Residents should be more involved in the planning process.	There are many opportunities for residents to be involved in the planning process and to shape the future development of the city. The Planning Department carries out consultation and engagement on all planning policy documents, guidance and non-statutory frameworks and strategies. The Council's Statement of Community Involvement sets out when and how residents can be involved in the preparation of planning policies and guidance and also how the Council consults on planning applications. The Council's Planning Consultation Database contains a wide range of stakeholder comprising over 1,000 consultees who are contacted in relation to the production of emerging documents.
Welcome the fact that BCC has introduced a city-wide HMO Article direction that planning permission is always required to change a family home to a small HMO.	Support noted.
Helpful if information on the identification of HMOs and exempt accommodation was more readily available to local residents, landlords and developers.	The HMOs identified using the data sources as set out in para. 4.22 of the Development Management in Birmingham DPD is available on the Council's website. Exempt accommodation is identified based on Housing Benefits

Main issues raised	Council response and how comments are addressed in the final SPD
	data, but their specific location will not be available to the public due to the sensitive nature of this information.
Should there be reference to the Overview and Scrutiny Committee Exempt Accommodation Recommendation for the Single Household Test be reviewed?	The purpose of the SPD is to set out detailed planning guidance to support the determination of planning applications for HMOs. The interpretation of the single household test does not fall within the scope of the SPD.

2. Summary of Consultation Responses – Houses in Multiple Occupation SPD – Organisations' comments

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
Erdington BID	How can HMOs be controlled when there are always properties being developed that don't need planning permission?	The City Council introduced a city-wide Article 4 Direction on 8 June 2020 which means that planning permission is now required for the conversion of a Use Class C3 dwellinghouse to a Use Class C4 HMO. Prior to this, such changes of use were permitted under national permitted development rights. The Article 4 Direction therefore brings more properties under local planning control. However, buildings which are controlled or managed by registered social landlords and housing associations are exempt from the definition of HMO through the Housing Act 2004 and Town and Country Planning (Use Classes) Order 1987 (as amended).
	Erdington is overrun with HMOs and have created problems with anti-social behaviour, particularly in the town centre. HMO numbers need to be severely limited.	Through the Article 4 Direction which introduces the requirement for planning permission for small HMOs and the adoption of Policy DM11 'Houses in multiple occupation' in the Development Management in Birmingham DPD , the Council

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		seeks to limit the growth of HMOs in areas where there are high concentrations.
	Many are not properly managed.	HMO Licensing seeks to keep residents safe and ensure that landlords follow the necessary building requirements. The Council's Private Rented Service's Housing Enforcement Policy sets out the circumstances whereby enforcement action, such as the service of a statutory notice or the prosecution of an individual, may be taken.
Tyler Parkes on behalf of Chief Constable of West Midlands Police (CCWP)	Welcome the more detailed explanation of how developers should interpret and apply the BDP and DMB policies, including how to assess the existing concentration and demonstrate the need for and suitability of this type of accommodation in a particular location.	Support noted.
	Support the City Council's policy objective to manage the distribution, concentrations and design of HMOs across the City to ensure that they do not give rise to unacceptable cumulative impacts on safety, security and the fear of crime. An overconcentration of HMOs can potentially place increased pressure on Police resources.	Support noted.
	Reference should be made within to the SPD to the need to consult with Design Out Crime Officers (DOCO) at the preapplication and planning application stage	The police are routinely consulted on all planning applications for HMOs.
	The SPD should require all proposals to meet Secured by Design principles.	The SPD has been amended to add a new para. at 4.30:

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		"Development should be designed to a high standard and create safe environments following Secure by Design principles in accordance with Policy PG3 'Place-making'.
Natural England	The SPD is unlikely to have major effects on the natural environment.	Comment noted.
	The SPD should consider making provision for green infrastructure and biodiversity enhancements within development.	Policy TP8 'Biodiversity and geodiversity' in the adopted BDP seeks to maintain, enhance and restore sites of national and local importance for biodiversity will apply to all development. Furthermore, mandatory Biodiversity Net Gain (within the Environment Act 2021) is expected to be introduced in Winter 2023 and this will require all development in England to deliver a mandatory 10% biodiversity net gain to be maintained for a period of at least 30 years.
Coal Authority	No comments.	Noted.
Birmingham Law Society and Development Committee	The SPD is generally welcomed, if they will provide further guidance for property owners, applicants, and development management on how to manage the concentration, impact, and quality of HMOs in Birmingham, ensure the wellbeing of occupants and nearby residents as well as encouraging sustainable communities.	Support noted.
	Justification for the SPD is required in reference to the housing needs assessment.	This SPD has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town & Country Planning (Local Planning) (England) Regulations 2012 has been informed by national and local planning policies. The purpose of

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		SPDs is to provide further detail to the policies in the adopted local plan.
	Rather than allowing planning for HMOs on the basis of '1 property in 3', the basis should be '1 property in 5', which would result is a more even distribution of HMO accommodation throughout the City.	The SPD is based on the Council's planning policy for HMOs (DM11) adopted through the Development Management in Birmingham DPD (2021). Applications for new HMOs will not be permitted where they would result in this type of accommodation forming over 10% of the number of residential properties within a 100 metre radius of the application site.
	Certain communities already experience higher concentrations of HMOs and a presumption should be introduced against permitting further HMO development (whether C4 or sui generis) and encouraging the conversion of properties back to the C3 residential use class where requested.	Policy DM11 seeks to prevent concentrations of HMOs exceeding 10%. Where this is exceeded, planning permission for further HMOs can be refused. There will be exceptional circumstances where, as set out in the policy and SPD, the concentration is so high the retention of the property as a family dwelling will have little effect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. This is further explained in paras. 4.13- 4.16 of the SPD.
	At para 2.8 of the draft SPD on intensification it should be made clear that planning permission should also be required to move from C4 to Co-Living.	Para 2.8 relates specifically to the expansion of an existing HMO to a larger Sui Generis HMO or the intensification or expansion of an existing HMO. Large scale shared accommodation (co-living) will always require planning permission.
	At para 2.10 change of use from shops or offices should require planning permission (not normally).	The SPD has been amended at para. 2.10 to clarify that a change of use to an HMO (large or small) from other uses such as a shop or office will require planning permission.

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	Reference should be made to carbon neutral dwellings.	The vast majority of new HMOs are created through conversions / change of use from existing dwellinghouses, which means achieving net zero carbon is not possible without extensive retrofitting of often older housing stock. The Council cannot require the retrofit of privately rented or owned homes but can use its own retrofit programme to demonstrate what can be achieved and to start the process of upskilling workers and kickstarting supply chains in order to encourage others to follow. The Council will also investigate the potential to bring in higher standards across Birmingham's private rented sector through licensing. The Council has developed a new Private Rented Sector (PRS) Strategy that will be considered by Cabinet on 1 March 2022. Within this strategy one of the seven priorities relates to improving energy efficiency within private sector homes and seeks to both signpost landlords and tenants to available grants for heating and insulation, but also for Birmingham City Council to actively seek identify and bid for such grants. It also seeks to ensure that all ensure landlords are compliant with all aspects of the Energy Act 2011 including compliance with the Minimum Energy Efficiency Standards. Birmingham City Council are actively pursuing a Selective Licensing Scheme for 25 wards of the city that are impacted by a high percentage of private rented property and high levels of deprivation and crime. Should the scheme be approved by Government (further to approval at Cabinet on 1 March 2022) then all PRS properties in these wards will be required to hold a licence. This will give BCC the powers to ensure that a suitable standard of accommodation is provided and that landlords deliver at least minimum efficiency standards. We will be able to

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		adopt a proactive approach rather than a reactive one. Furthermore the Levelling Up White Paper indicates that Government will publish a White Paper in Spring to consult on introducing a legally binding Decent Homes Standard in the Private Rented Sector.
	At para 4.4 there is refence to counting dwelling houses and HMOs within a block of flats as one dwelling. This should be changed to take account of the number of different planning uses and units within the block, (e.g., retail on ground floor, HMOs on 3 floors and separate C3 dwelling units on the remainder of the floors = 3).	The purpose of the policy DM11 is to prevent over-concentrations of HMO arising by limiting the proportion of residential *properties* in an area to no more than 10%. Multi-residential accommodation within a 'property' or 'building' are counted as one to avoid the number of residential properties being inflated and skewing (diluting) the concentration of HMOs in an area.
	The process for the calculation of HMO concentration needs to be explained.	The step-by-step process of calculating HMO concentrations is explained in paras. 4.3-4.7 of the SPD.
	On what objective basis does the Council make the assessment that there is a shortage of family accommodation in a particular area? How are applicants expected to know whether an area falls within an area of such perceived need prior to making any such application to convert a dwelling to C3 use?	The Council's Housing Needs Assessment (2013) is currently being updated but as with the 2013 Assessment, the indication is that there is a need for accommodation of all sizes but a higher demand for 2 and 3 bedroom dwellings across the city and a high need for family housing. Shortages of family accommodation in a particular area can partly be evidenced by the Council's Housing Register.
	Paragraph 4.25 requires an applicant to have advertised a property for more than 6 months. Recommend a 3-month period as long enough to ascertain demand whilst preventing unnecessary periods when properties may be vacant.	3 months is considered too short a period. 6 month provides a more meaningful period of time to gauge interest in a property and has been used by other local authorities.

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Community Partnership for Selly Oak (CP4SO)	Para 4.1 What do **, ***, and **** apply to?	The SPD has been amended to include the missing footnotes at para. 4.1.
	Para 4.4 states that large hostel/PBSA housing will only count as one property; however, there is no weighting given to the size of such properties. Such developments can have a significant impact on an area and should not count as just single properties when assessing the 10% limit.	The purpose of the policy DM11 is to prevent over-concentrations of HMOs arising by limiting the proportion of residential *properties* in an area to no more than 10%. Multi-residential accommodation within a 'property' or 'building' are counted as one to avoid the number of residential properties being inflated and skewing (diluting) the concentration of HMOs in an area.
	Para 4.5 - Supported Housing properties will not show up as exempt from council tax but will show up in housing benefit claim records. These must therefore be included as part of the evidence base used to judge whether an area is over 10% for HMOs or not.	The SPD provides for the consideration of exempt accommodation concentrations, which is identified separately from HMOs. See para. 2.11 -2.14 of the SPD)
	Para 4.7 The Council should accept evidence from local residents on the identification of HMOs.	Para. 4.7 accepts that although the data sources identified in DM11 and the SPD provide the most robust approach to identifying HMOs, it will not identify all HMOs. Para. 4.7 of the SPD is clear that however that the Council will not be able to accept unverified or anecdotal evidence of HMOs when calculating the % concentration. Further investigation of individual properties may be required by the planning officer to provide greater confidence in the estimate, but it is emphasised that it will not be possible to guarantee a 100% accurate count in all cases. Where there is significant doubt as to whether a property is an HMO, it will not be counted towards the threshold.

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	Paras 4.11 and 4.12 the "may be refused" should be changed to "will be refused" so that it is absolutely clear that if an area is not yet at 10% it should not be allowed to tip over the line.	The word 'may' is more appropriate and accurate than 'will' so as not to prejudice any future decisions.
	Disagree with 'exceptional circumstances' clause. It suggests HMOs will be allowed in those areas with higher than 10%.	The exceptional circumstances clause is set out in Policy DM11 which was subject to a separate consultation process through the Development Management in Birmingham DPD. This indicates that planning permission may be granted in exceptional circumstances (not typically) where the concentration of HMOs is so high that the introduction of a new HMO would not change the character of the area. This will have to be the vast majority of properties. Para. 4.15 of the SPD provides examples of instances where almost all properties within a terrace are already HMOs with only a very small proportion of Class C3 dwellings remaining in that group.
	Some clear way of determining when these exceptional circumstances apply needs to be provided.	Paras. 4.14-4.15 of the SPD provides sufficient guidance to help determine whether there are exceptional circumstances without being overly prescriptive. Each application site will be assessed on its own individual merits when considering whether this exception should be allowed.
	Once an area has been identified as having lost its character, this can lead to the incremental creep of 'loss of character' into neighbouring roads.	Part of the reason for adopting a city wide rather than focussed areas Article 4 Direction was to prevent the potential displacement of HMOs from one area to another. Policy DM11 and the SPD coupled with the introduction of the city-wide Article 4 Direction seeks to stop the incremental 'loss of character' by preventing over-concentrations of HMOs arising.

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	Areas that have 'lost their character' should be defined geographically so as to prevent their incremental extension.	An exercise will be undertaken to define areas where the exceptional circumstances may apply.
	Developers and estate agents are active in making it difficult for people to buy a home in area dominated by HMOs. They should not be used as the arbiter that a C3 house has been marketed openly.	The Council cannot comment on the assertion that developers and estate agents actively deter people from buying a home in areas dominated by HMOs and has no powers to control the marketing strategies of estate agents. There is no other available mechanism to evidence the marketing requirements.
	The Council should redesignate C4 properties to future occupation as only C3 so that when they are next sold, they have to be turned back into family housing.	Such a condition would fail most of the 6 tests for planning conditions set out in the National Planning Policy Framework and Planning Practice Guidance. Such a condition could only be attached if there was an application for a change of use to C4 which the local planning authority (LPA) was minded to approve, but if the LPA is of the view that a C4 use is acceptable in planning terms there would not be a planning reason to impose a condition requiring the premises to revert to C3 triggered by a future event (sale of house) which has no relation to planning.
	The SPD regards sandwiching and continuous frontages as not occurring where there is an alleyway more than 1 metre wide between houses. This restriction on width should be removed so that alleyways are not counted as breaking up frontages and reducing sandwiching.	The SPD has been amended at paras 4.20, 4.23 and page 14 to remove the width restriction. "Alleyways do not count as an intersecting road."
	Paras 4.24-4.25 Refer to the need for 2, 3 and 4 bed housing especially given Birmingham's high proportion of household with dependent children. We welcome the recognition that such housing is in demand and that such housing will be protected.	Support noted.

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	Para 4.26-29 Sets out property and management standards for HMOs with a link to guidance published in 2019. How will these standards be enforced by the Council?	The HMO licensing property and management standards are enforced by the Council's Private Rented Sector service. When reports are received of unlicensed HMOs or other breaches of housing legislation, including landlord and tenant law, we will investigate to establish the facts and gather evidence of offences that have been committed. The Housing Enforcement Policy sets out the circumstances whereby enforcement action, such as the service of a statutory notice or the prosecution of an individual, may be taken.
	Paras 4.29 is a welcome setting of standards for outdoor space for HMOs. It must be enforced on all HMO developments including those allowed in areas already over the 10% e.g. Bournbrook as many existing HMOs in this area have considerably less outdoor space for residents.	Support noted.
	Para 4.30 This recognizes the pressure HMOs can put on areas. It refers to standards adopted in the Parking SPD of November 2021 which is very complex.	The Parking SPD (adopted Nov 2021) sets out parking standards for development. For the creation of HMOs outside of the city centre, the provision of 0.5 parking spaces per bedroom is recommended. If sufficient parking cannot be provided off street, a set of criteria must be met to justify the use of on-street parking. The provision of off-street parking through the replacement of traditional front gardens with open hard standing and the removal of front and side boundary walls will be resisted. Commuted sums for parking control or other measures to mitigate the effect of parking demand generated (such as contributions towards Car Club provision) will be considered for developments that do not satisfy requirements.

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Historic England	We agree with BCC's assessment that the document is unlikely to result in any significant environmental effects and endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.	Noted.
Canal and Rivers Trust	Canals should be promoted as a sustainable travel option through any Travel Plan submitted. Contributions to the maintenance of the waterways and improvements to wayfinding may also be appropriate and should be included in the SPD.	Canals are promoted as a sustainable travel option through policies in the Birmingham Development Plan notably Policies TP37 Health, TP30 Walking and TP40 Cycling and TP12 Historic Environment). BDP Policy TP12 provides for the enhancement of canals and their settings to be secured through development proposals. It is unnecessary to duplicate these policies in the SPD.
	Policy DM11 provides that proposals should provide adequate living space including outdoor amenity space. There may be instances where due to the availability of access to public open spaces such as the canal network, it may be appropriate to permit proposals in the absence of adequate outdoor amenity space. In such circumstance's contributions to the maintenance of the waterways and improvements to wayfinding may be appropriate and should be included in the SPD.	BDP Policy TP12 provides for the enhancement of canals and their settings to be secured through development proposals where appropriate. It is unnecessary to duplicate this policy in the SPD.
Turley on behalf of Urban Splash	Urban Splash support BCC's general approach to the draft HMO SPD and understand there is a need in some instances to restrict HMOs throughout the City.	Support noted.
	There may be an opportunity for appropriate concentrations of purpose-built, high quality HMOs to be delivered within new developments.	Any proposals for HMOs would need to comply with Policy DM11 of the Development Management in Birmingham DPD.

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	BCC should consider a wider range of 'exceptional circumstances', where the development of new HMO's could breach the requirements of Policy DM11 when balanced with the potential benefits. The opportunity for high quality HMOs that could be successfully and appropriately accommodated as part of planned, balanced, and well-managed new development, or where there is a clear evidence of a specific need for this type of accommodation.	The scope of the exceptional circumstances set out in the supporting text of Policy DM11 of the Development Management in Birmingham DPD are not the subject of consultation.
HMO Action Group	Para 2.12, 2.13 & 2.14 C3(b) and C3(c) A consistent citywide application of this policy is needed.	A consistent approach is taken by the Council when assessing whether a property falls within Use Class C3(b), C3(c) or Sui Generis. These factors are set out on the Council's website here.
	There is a question as to what point is a judgement made on when change of use applies. When a property is being converted to an HMO use it has no exemption. Exempt Accommodation provided by a Registered Provider is not by Housing Act definition an HMO. However, when a property is being converted to an HMO use it has no exemption.	Although investigation can be undertaken prior to the use commencing, a change of use would not occur until the time the property is brought into use. Although internal work to convert the property may be underway prior to RP involvement, a breach of planning control would not have occurred at this time as the use would not have commenced. Only at the point of the use being implemented would evidence regarding the use finally be established. If the use is then considered an HMO or the use as exempt accommodation fails to meet the single household test, planning permission is likely to be required and there would be no guarantee on the outcome of any retrospective application. This would be completely at the owner's risk.
	While the guidance for the single household status states that the onus of proof lies with the landlord, there needs to be	As there is no legal definition of what constitutes a single household, the Council have taken legal advice on this and guidance on the Councils website confirms the criteria that will

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	verification and confirmation against the defined case law/guidelines.	be applied to make this assessment, which is already based on defined case law and guidelines. https://www.birmingham.gov.uk/info/20054/local_plan_documents/1933/city-wide_article_4_direction_relating_to_houses_in_multiple_occupation_hmos/2
	Para 3.2 The New NPPF now places a much greater emphasis on community involvement and on the community defining the nature of an area.	Consultation and engagement with the community is an important part of the planning process and the Council will continue to engage with the community in accordance with its Statement of Community Involvement.
	Para 4.4 This would seem inappropriate as these uses have high densities of occupation. In many cases far in excess of an HMO. i.e. a PBSA houses 400 people but only counts as one property?	The purpose of the policy DM11 is to prevent over-concentrations of HMO arising by limiting the proportion of residential *properties* in an area to no more than 10%. Multi-residential accommodation within a 'property' or 'building' are counted as one to avoid the number of residential properties being inflated and skewing (diluting) the concentration of HMOs in an area.
	Para 4.5 The sources of information are too limited and would not identify employed people not claiming council tax exemption etc. Residents intelligence needs greater weight.	Para. 4.7 accepts that although the data sources identified in DM11 and the SPD provide the most robust approach to identifying HMOs, it will not identify all HMOs. Para. 4.7 of the SPD is clear that the Council will not be able to accept unverified or anecdotal evidence of HMOs when calculating the % concentration. Further investigation of individual properties may be required by the planning officer to provide greater confidence in the estimate, but it is emphasised that it will not be possible to guarantee a 100% accurate count in all cases. Where there is

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
		significant doubt as to whether a property is an HMO, it will not be counted towards the threshold.
	Para 4.9 & 4.10 We welcome this approach which recognises the damaging impact uncontrolled growth of Exempt Accommodation has had.	Support noted.
	Para 4.13 & 4.14 This would seem to legitimise previous planning failures that have created unbalanced communities.	It is necessary to recognise that the concentration of HMOs in an area may be at such a point where the introduction of any new HMO would not change the character of an area. This view has been held by a number of Planning Inspectors' in appeal decisions within the Bournbrook area. In these circumstances the retention of the property as a family dwelling will have little effect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Owner occupiers or long-term residents in this situation could struggle to sell their property for a continued Class C3 use when surrounded by existing HMOs. It is emphasised in the SPD however, that each application site will be assessed on its own individual merits when considering whether this exception should be allowed.
	Para 4.16 There is evidence that estate agents deliberately hinder sales to potential family buyers in such areas. Their independent unbiased nature is open to question.	The Council cannot comment on the assertion that developers and estate agents deliberately hinder sales to potential family buyers and has no powers to control the marketing strategies of estate agents.
	Para 4.20 Given the Council's Housing Needs Assessment identifies a clear need for more family housing should not the	The Council has been proactive in seeking to manage the growth of HMOs through the introduction of a city wide Article 4 Direction, the adoption of strengthened and more stringent

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
	aim be to redress the imbalance and encourage family housing while actively discouraging HMOs.	HMO planning policy (Policy DM11) and the provision of further detailed guidance in the proposed SPD, as well as exploring the introduction of Selective Licensing (that would require all private rented sector in an area to be licensed) and Additional Licensing (which relates to licensing for smaller HMOs that is not covered by mandatory licensing).
	Para 4.29 The failure to provide a decent level of amenity space should be considered a reason for refusing planning permission.	In accordance with Policy DM11, proposals for HMOs must provide high quality accommodation with adequate living space.
	Para 4.31 All future HMO planning permissions should specify the number of rooms that are allowed in the permission. This is to ensure any expansion of the HMO requires a new application. The greater use of conditions to achieve decent environmental and living standards should also be considered.	This is already standard practice. A planning condition specifying the maximum number of occupants is attached to all HMOs granted planning permission. Planning permission would be required for the expansion of an existing HMO. Planning permission or a S73 variation of condition would be required to increase the number of occupants in an existing HMO.
	Para 4.32 & 4.33 These two paragraphs seem to conflict. Increasing the density of occupation does not have an impact on "balance" but is recognised as being "harmful". This would indicate the presumption should be stated as being against expanding the size of HMOs.	The 'harm' referred to para. 4.33 (now 4.4) is not harm to the mix and balance of a community but harm in relation to residential amenity, appearance, character, highway safety, and parking. Para 4.33 (now 4.34) refers to these impacts. However, for clarity the first sentence of Para 4.33 (now 4.34)3 will be amended to: "However, it is recognised that the increase in the number of bedrooms in existing HMOs can have a harmful impact on the amenity of neighbouring occupiers."

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
Perry Barr Housing Action Group	A protocol for community engagement and dealing with residents and other community groups comments/ input is required.	The Statement of Community Involvement sets out how the Council will consult and engage with the community in the preparation of planning policy and guidance and on planning applications. The Council are happy to liaise further with the Perry Barr Housing Action Group to understand the specific issues experienced and explore measures that could be introduced to improve the dialogue and effectiveness of the mechanisms for engagement.
	The Council's planning web pages in relation to HMOs suggesting should be refreshed and restructured.	The Council are happy to work with the Perry Barr Housing Action Group to understand how the web pages can be improved.
	Add new para. 1.13 'Where the Council becomes aware that planning permission was not sought when it should have been, or where previous compliance no longer exists, the Council will actively consider enforcement action.' Timely and visible enforcement will be key to achieving the 'sustainable neighbourhoods.	Add new paragraph entitled Breaches of planning control at para 2.16 "A breach of planning control is described in the Town and Country Planning Act 1990 ("the 1990 Act") as; ''carrying out development without the required planning permission; or failing to comply with any condition or limitation subject to which planning permission has been granted' (s.171A). The City Council will investigate all reports of alleged breaches of planning control, except those reported anonymously, to determine whether a breach has as a matter of fact occurred, and if it has, determine the most appropriate course of action in accordance with the Birmingham Local Enforcement Plan (adopted May 2021)."
	The Council should apply a clearer definition of HMOs and what constitutes a 'single household' to prevent the misuse of C3.	The planning definition of an HMO is not determined by the Council but by national legislation.

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
		Guidance regarding what constitutes an HMO and a single household is already published on the Councils website. https://www.birmingham.gov.uk/info/20054/local_plan_documents/1933/city-wide_article_4_direction_relating_to_houses_in_multiple_occupation_hmos/2
	The Council should adopt the policy of requiring a maximum number of occupants to be stated when planning permission is sought/approved.	This is already standard practice. A planning condition specifying the maximum number of occupants is attached to all HMOs granted planning permission. Planning permission would be required for the expansion of an existing HMO. Planning permission or a S73 variation of condition would be required to increase the number of occupants in an existing HMO.
	Suggest adding 'taking into account certain factors' at the end of para. 2.13.	The SPD has been amended at para. 2.13 to: "There is no statutory definition of a single household. It has been established by case law that it is a matter of fact and degree, taking into account certain factors."
	Suggest adding 'This will be updated as case law develops at the end of 2.14.' This is particularly important given that the Town & Country Planning Act fails to define the definition of a household for C3b and C3c properties.	The SPD has been amended at para. 2.14 to at the end: "This will be reviewed as case law develops."
	Single household test - the Council's website does not in our view adequately reflect existing case law relating to the definition of an HMO. The nine factors cited in Hossack v Kettering 2002 should be considered in determining whether the property is occupied as a single household or is an HMO. Citing	As there is no legal definition of what constitutes a single household, the Council have taken legal advice on this and guidance on the Councils website is transparent in defining the criteria that will be applied to make this assessment, which is

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
	these is not 'fettering the discretion' of the Council but simply stating that it will take have active regard to current case law in determining whether the arrangements constitute a single household. The following text should be added 'The Council will develop transparent processes to verify whether the claims of the landowner or agent are accurate based on available independent evidence.'	already based on defined case law and guidelines. It is not clear what is meant by "independent evidence"?
	The phrase 'It will be the responsibility of the landowner or agent for the property to demonstrate whether the occupants form a single household and whether or not care is provided to one or more of its residents ' is not at all adequate . The council has a responsibility to actively determine cases and not just passively accept on trust what developers and landlords tell it. Suggest adding: 'The Council will develop transparent processes to verify whether the claims of the landowner or agent are accurate based on available independent evidence.'	Site inspections are conducted to establish the use of the property where required. Further information may also be requested from the landowner or agent where there is any doubt and this information would be cross referenced with other information held by the Council. It is not clear what is meant by "independent evidence"?
	Clarification of the status of the existing BDP while it is in the process of being updated and where the update is currently at.	The timetable for the preparation of the new local plan is set out in the Local Development Scheme and we are currently preparing the Issues and Options Document for consultation in June/ July 2022. Progress on the plan set out on the Council's webpage on 'The new Local Plan'. The SPD has been amended to clarify the status of the BDP: New sentence added to para 3.6 "Until the adoption of the new local plan for Birmingham, the BDP policies remain relevant to decision making (aside from policies PG1 'Overall levels of

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
		growth' in relation to housing requirement TP29 'Housing trajectory')."
	Para 3.9 should be reiterated in the para. 1.7	The SPD has been amended at para. 1.7 (now 1.6) bullet 3 with additional text (italics) to reiterate para 3.9. "Set out detailed guidance that will be used to assess planning applications for HMOs, *supporting the implementation of Policy DM11 Houses in Multiple Occupation;"*
	Para 3.0 include weblink to the local plans and SPDs.	A weblink has been provided to the local plan documents and SPDs.
	Para 4.2 insert additional text in italics: 'There is a variety of evidence sources on the location of HMOs as listed in paragraph 4.5 and the applicant and *residents are* ~~is~~ advised to refer to these sources to build a body of evidence which will be assessed as a matter of fact and degree. *The Council will specify a timescale within which residents can ask for their evidence to be considered as to whether the property is already an HMO. This will be the same for all planning applications and is separate from the deadline for submission of comments. The Council will state in its reasons for its determination how it evaluated the evidence submitted and the reasons for its decision*.' We suggest this because at the moment it is not clear whether and how the Council evaluates the evidence given.	The suggested changes to the SPD are not appropriate. Once a planning application has been validated, national policy requires the local planning authority to make a decision on the proposal as quickly as possible, and in any event within the statutory time limit (8 weeks for HMO applications) unless a longer period is agreed in writing with the applicant. The City Council notifies stakeholders and the community on planning applications in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015, which is currently 23 days (to cover postal delays) as set out in the Council's adopted Statement of Community Involvement. This provides a reasonable amount of time for the submission of comments to proposals. Paragraph 4.7 of the SPD has been amended with an additional sentence: "Any information submitted by the applicant or consultees will be considered by officers prior to the determination of the application."

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
	Para 4.5 add 'The factors set out in para 2.14'	This paragraph refers to the data sources that will be used in the HMO count. Paragraph 2.14 relates to the factors considered in determining a single household. This is not a data source and therefore cannot be referred to in para. 4.5
	After para 4.5 add 'Property based records of all the first four categories are available to residents wishing to verify the evidence.' Access to the HMO database to residents so that we can make informed objections.	The database of HMOs is available to view on the Council's website here.
	Add to para 4.7 'Where residents provide substantive local intelligence material to whether the property is an HMO, officers will investigate including through site visits as required in line with the timescale for such investigations as set out in 4.2 above.' It is extremely important to take into account local intelligence from residents/residents' groups and other agencies to trigger a further investigation if required.	The suggested changes to the SPD are not appropriate. Once a planning application has been validated, national policy requires the local planning authority to make a decision on the proposal as quickly as possible, and in any event within the statutory time limit (8 weeks for HMO applications) unless a longer period is agreed in writing with the applicant. The City Council notifies stakeholders and the community on planning applications in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015, which is currently 23 days (to cover postal delays) as set out in the Council's adopted Statement of Community Involvement. This provides a reasonable amount of time for the submission of comments to proposals. Paragraph 4.7 of the SPD has been amended with an additional sentence: "Any information submitted by the applicant or consultees will be considered by officers prior to the determination of the application."
	Para. 4.9 We strongly agree with the inclusion of EA here in the calculation of cumulative impact. High EA density, alone or	Support noted.

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
	combined with high HMO density undermines the balance and sustainability of areas.	
	Para 4.10 We fully support the inclusion of Exempt Accommodation when calculating the 10% threshold. We are very relieved to see that there is a clear understanding of the cumulative effect of both types of accommodation, given the sheer scale of the Exempt sector.	Support noted.
	Para 4.24 This para is already in the DMB. Is it the intention of the Council to invite comments on this despite it having just been adopted? Add: 'Where the Council considers that such circumstances prevail, it will explicitly call for evidence from residents and local agencies to form a balanced evidence-based view. Where decision to approve a new HMO or intensification of existing HMO density risks triggering further loss of single household family housing and consolidating the collapse of the single household family housing market, the Council will be unlikely to approve the application, particularly in areas of three- and four-bedroom properties.' This is in line with the Council's policy of increasing family housing particularly larger sized housing.'	Para 4.24 is already in the adopted Development Management in Birmingham DPD, so comments are not invited on this particular paragraph. Paragraph 4.25 sets out the evidence required from applicants to demonstrate that there is a lack of demand for single family housing.
	Concerned about how the concept of 'exceptional circumstances' might be applied. Suggest adding: 'Exceptional circumstances' decisions, whilst legally determined by the Council, will be subject to a bespoke process whereby views are taken from Councillors, residents and residents' groups, and local agencies working in the area. The	Paragraph 4.13 – 4.16 set outs further guidance in relation to 'exceptional circumstances.' It provides for the 'bespoke' process suggested by the Perry Barr Housing Action Group in stating: "Each application site will be assessed on its own individual merits when considering whether this exception should be allowed." The exceptional circumstances relating to individual

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
	Council will publish detailed reasons where it considers exceptional circumstances with specific reference to the Council's policy on family housing and sustainable neighbourhoods.'	planning applications will be set out in the planning officer's report on the planning application.
	Add 'Where there is already a risk to the family housing market in a street, planning policy will be applied so as to bring areas back to being 'sustainable and balanced neighbourhoods' (BDP adopted 7/12/21 para 1.7), to protect residential character and amenity, '(para 1.3) and paras 4.24 and 4.25 'loss of family housing. This will be done by placing restrictions on the continued use of the property as an HMO following the termination of tenancies or sale of property.'	A policy preventing the loss of specifically family housing can be explored through the preparation of the new Local Plan for Birmingham. However, it is not possible to place restrictions on the continued use of a property as an HMO. Such a condition would fail most of the 6 tests for planning conditions set out in the National Planning Policy Framework and Planning Practice Guidance. Such a condition could only be attached if there was an application for a change of use to C4 which the local planning authority (LPA) was minded to approve, but if the LPA is of the view that a C4 use is acceptable in planning terms there would not be a planning reason to impose a condition requiring the premises to revert to C3 triggered by a future event (sale of house) which has no relation to planning.
	We strongly support the Council's proposed approach to sandwiching, and the inclusion of EA and all other non-family housing as per 4.18 in the calculation of 'sandwiching,' in the calculation.	Support noted.
	We strongly support the proposed policy in 4.21-4.23 to continuous frontages for the same reasons as cited in our comments on 4.18. We commend the Council for its clarity in setting out these proposals which leaves no room for doubt.	Support noted.

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
	Suggest addition: 'Where the concentration of HMOs/EA or other non-family housing is already above 10% (paras 4.2-4.16), or where sandwiching already exists as per 4.17-4.20, or where there are frontages of three or more continuous HMOs or other non-family housing (4.21-4.23) the Council will apply Use Class Order conditions on sale or termination of HMO tenancies in order to achieve compliance with DM11. The Council also reserves the right to introduce Areas of Restraint to support DM11 bearing in mind the character, amenity and size of housing stock.'	A policy preventing the loss of specifically family housing can be explored through the preparation of the new Local Plan for Birmingham. However, it is not possible to place restrictions on the continued use of a property as an HMO. Such a condition would fail most of the 6 tests for planning conditions set out in the National Planning Policy Framework and Planning Practice Guidance. Such a condition could only be attached if there was an application for a change of use to C4 which the local planning authority (LPA) was minded to approve, but if the LPA is of the view that a C4 use is acceptable in planning terms there would not be a planning reason to impose a condition requiring the premises to revert to C3 triggered by a future event (sale of house) which has no relation to planning.
	The Council needs to use available planning controls to free up large sections of this larger housing currently lost to the HMO market and facilitate its return to larger family C3a use. We would suggest that where the 10% above has been breached or amenity or character already lost that the Council designates C4 properties for future occupation as C3 only.	A policy preventing the loss of specifically family housing can be explored through the preparation of the new Local Plan for Birmingham. However, it is not possible to place restrictions on the continued use of a property as an HMO. Such a condition would fail most of the 6 tests for planning conditions set out in the National Planning Policy Framework and Planning Practice Guidance. Such a condition could only be attached if there was an application for a change of use to C4 which the local planning authority (LPA) was minded to approve, but if the LPA is of the view that a C4 use is acceptable in planning terms there would not be a planning reason to impose a condition requiring the premises to revert to C3 triggered by a future event (sale of house) which has no relation to planning.

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
	Add to para 4.24 'on city wide platforms' at a reasonable purchase or rental price.	The SPD has been amended to add at para. 4.24 (now 4.25) 'at a city wide level'.
	Add after 4.29 'Where the HMO does not meet the required standards for a period of 12 months the Council will consider revoking planning approval for use as C4 and HMO Sui Generis.'	This comment is addressed through the addition of para. 2.16 relating to breaches of planning control. The SPD has been amended to include a new para. At 2.15 "A breach of planning control is described in the Town and Country Planning Act 1990 ("the 1990 Act") as; ''carrying out development without the required planning permission; or failing to comply with any condition or limitation subject to which planning permission has been granted' (s.171A). The City Council will investigate all reports of alleged breaches of planning control, except those reported anonymously, to determine whether a breach has as a matter of fact occurred, and if it has, determine the most appropriate course of action in accordance with the Birmingham Local Enforcement Plan (adopted May 2021).
	Add to para. 4.31 'future HMO planning approvals for C4 and Sui Generis HMOs will stipulate the number of permitted occupants.'	This is already standard practice. A planning condition specifying the maximum number of occupants is attached to all HMOs granted planning permission. Planning permission would be required for the expansion of an existing HMO. Planning permission or a S73 variation of condition would be required to increase the number of occupants in an existing HMO.
	Does para 4.33 mean that if an additional bedroom is added or bought into use as a bedroom then planning permission will be required?	Yes. If a previous planning application specified by the number of residents within the application, a fresh planning application or a S73 variation of condition would be required to increase the number of occupants in an existing HMO.

Organisation	Main issues raised	Council response and how comments are addressed in the final SPD
	Add to para 4.33 'In this case planning permission will be required, and these types of planning applications will be assessed on their own individual merits on a case by case basis and against criterion e. and f. of DM11. This includes impact on amenity, character, appearance, highway safety and parking. Criterion e. should be cross referenced to other relevant policies in the DMB, notably DM2 Amenity, DM14 Highway safety and access, and DM15 Parking and servicing.'	The SPD has been amended to add to para. 4.32 "Proposals for the intensification or expansion of an existing HMO should comply with criterion e. and f. of Policy DM11, having regard to the size and character of the property."
	Add to para. 4.34 'On breach of these conditions the Council may revoke planning permission for use as C4 or Sui Generis HMO.'	This comment is addressed through the addition of para. 2.16 relating to breaches of planning control. The SPD has been amended to include a new para. At 2.15 "A breach of planning control is described in the Town and Country Planning Act 1990 ("the 1990 Act") as; ''carrying out development without the required planning permission; or failing to comply with any condition or limitation subject to which planning permission has been granted' (s.171A). The City Council will investigate all reports of alleged breaches of planning control, except those reported anonymously, to determine whether a breach has as a matter of fact occurred, and if it has, determine the most appropriate course of action in accordance with the Birmingham Local Enforcement Plan (adopted May 2021).
Historic England	No comments.	Noted. No change.
Scottish and Southern Electricity Networks	No comments.	Noted. No change.

3. Summary of Consultation Responses – Large Scale Shared Accommodation (LSSA) SPD – Citizens' comments

Main issues raised and/ or change suggested	Council response and how comments are addressed in the final SPD
Should not be limited to developments over 50 units.	The size of development defined in para. 2.4 is intended to be indicative in order assist decision makers in identifying developments where the SPD is applicable, given the fact that there is no formal planning definition. It should be noted that there is no requirement for LSSA development to provide at least 50 units. It is also important to differentiate between LSSA from more traditional large-scale houses of multiple occupation that do not provide services to residents. It is considered that it would not be cost-effective to provide high-quality professional management services, including well-maintained functional communal spaces for LSSA of fewer than 50 units. The SPD at para. 2.5 has been amended to clarify that the reference to 50 units is indicative: "For the purpose of this SPD, co-living is defined as large scale shared residential accommodation of generally at least 50 units, although there is no requirement to provide at least 50 units. These can be new-build schemes or conversions of existing buildings to form a co-living development. The units tend to be smaller living spaces in the form of studios or cluster flats with access to a range of services and communal facilities."
Large scale shared accommodation has the potential to be another source of instability and character change in settled neighbourhoods where family housing needs to be a priority.	The SPD seeks to limit large scale shared accommodation to areas within and around the city centre, thereby protecting the character of suburban neighbourhoods.
Developers and landlords should be encouraged to address loss of biodiversity and enhance biodiversity in large scale shared accommodation new builds.	Policy TP8 'Biodiversity and geodiversity' in the adopted BDP which seeks to maintain, enhance and restore sits of national and local importance for biodiversity will apply to all development. Furthermore, mandatory

	Biodiversity Net Gain (within the Environment Act 2021) is expected to be introduced in Winter 2023 and this will require all development in England to deliver a mandatory 10% biodiversity net gain to be maintained for a period of at least 30 years.

4. Summary of Consultation Responses – Large Scale Shared Accommodation SPD – Organisations' comments

Organisation	Main issues raised and/ or change suggested	Council response and how comments are addressed in the final SPD
Birmingham Law Society and Development Committee	Para 3.9 should refer to carbon neutral dwellings.	BDP Policies TP3 and TP4 requires new development to be designed and constructed in ways which will maximise energy efficiency and use zero or low carbon energy. The SPD has been amended at para. 3.22 to "Developers need to be aware that other local plan and supplementary planning documents may be relevant, and this SPD does not reiterate policies and guidance. Developments must have a clear place-making strategy which includes green spaces, promotes sustainable transport and maximises energy efficiency and the use of low and zero carbon energy."
	There should be reference to avoiding concentrations of co-living and HMO accommodation to ensure the diversity and sustainability of neighbourhoods.	LSSA is not prevalent in the city, but applications for schemes will be monitored and the SPD will be reviewed if necessary to take account of any emerging issues. The SPD seeks to limit LSSA to areas within and around the city centre, thereby protecting the character of suburban neighbourhoods.
	At para 3.16 add a requirement to show the lack of HMO accommodation able to meet the perceived needs for residential accommodation.	Para. 4.3 of the SPD states that a needs assessment should examine the potential affordability of alternative rental options (e.g. self-contained studios, HMOs and flat shares) for the

Organisation	Main issues raised and/ or change suggested	Council response and how comments are addressed in the final SPD
		demand groups. The SPD has been amended at para 4.3 to include availability. "The need assessment should also examine the availability and potential affordability of alternative rental options (e.g. self-contained studios, HMOs and flat shares) for the demand groups."
	At para 4.2 a further criterion should also be added to cater for the "Work at Home" environment and the need for more private space. This should also be added to the bullet points in para 4.8.	The SPD has been amended at para 4.12 to include reference to desk space to allow for working from home: "Facilities within the room may include a kitchenette, desk space (to allow for home working), storage for clothes and bathroom items, waste storage, seating, and space or facilities for other possessions. Well-designed integrated storage is encouraged in order to maximise the utilisation of space." The SPD has also been amended at para. 4.17 to include workspaces. "A range of other indoor communal spaces such as lounges, dining rooms, meeting rooms, workspaces and indoor recreational spaces should be provided." The SPD has been amended at para 4.20 to include further guidance on workspaces: "The workspaces provided should allow for hybrid working environments and have high speed broadband connections.

Organisation	Main issues raised and/ or change suggested	Council response and how comments are addressed in the final SPD
		Desk spaces should be equipped with charging points and desks should be fully adjustable to allow for use by all residents."
	At para 4.10 add a size for double occupancy.	The SPD has been amended to include a new para. 4.11 "A two-person room should be designed for two people rather than be a basic enlargement of a single room. This should include a greater distinction or separation between sleeping and living areas."
Canal and Rivers Trust	Where such proposals are put forward (especially in reasonable travel proximity to canals) the Trust seek submission of Transport Assessments with planning applications which identify how access to the canal network as a transport corridor is to be facilitated. These measures should then be delivered by Travel Plans.	The requirement for Transport Assessment is set out in Policy DM14 'Transport access and safety' in the Development Management in Birmingham DPD (adopted 2021).
	A contribution to the maintenance of the waterways, improvements to wayfinding, and improvements to canal access and towpath quality may also be appropriate on a case-by-case basis for sites in close proximity to the canal network.	BDP Policy TP12 provides for the enhancement of canals and their settings to be secured through development proposals.
	Paragraph 4.31 of DPD Policy DM12 states that proposals should provide adequate outdoor amenity space in accordance with the needs of occupiers, and at a minimum of 16 sqm per resident. The draft SPD however (at paragraph 4.18) states that adequate outdoor amenity space should follow the guidance contained in the emerging Birmingham Design Guide SPD and at a minimum should be 10 sq.m. per resident.	Para 4.31 of the Development Management in Birmingham DPD is based in the existing Specific Needs Residential Uses Supplementary Planning Guidance (SPG) which will be replaced by the forthcoming Birmingham Design Guide Supplementary Planning Document. This will provide the most up to date standards following a review of Specific Needs Residential Needs Uses SPG.

Organisation	Main issues raised and/ or change suggested	Council response and how comments are addressed in the final SPD
	The draft SPD makes no mention of cycle storage facilities within amenity space or parking areas. Clarity around the provision of cycle parking space, in terms of quantity and quality, should be included in the SPD.	Detailed guidance on cycle parking provision is contained in the Birmingham Parking SPD (adopted in November 2021). The SPD has been amended at para. 4.29 with the addition: "Detailed guidance on cycle parking provision is set out within the Birmingham Parking SPD." (with a link provided)
	The canal network can offer an alternative source of amenity space and leisure opportunity and contribute to the wider well-being of prospective residents and as such should be mentioned in the SPD.	Para. 3.22 of the SPD notes that developers need to be aware that other local plan and supplementary planning documents may be relevant, and that this SPD does not reiterate policies and guidance. The benefits of canals as an amenity and leisure opportunity is recognised in the Birmingham Development Plan. As set out in para. 4.34 Developments will be expected have a clear place-making strategy. The SPD has been amended in second sentence at para. 4.34 to: "Developments must have a clear place-making strategy which includes green spaces, promotes sustainable transport and maximises energy efficiency and the use of low and zero carbon energy."
	The Trust endorses intention to require Management Plans to ensure adequate maintenance of the on-site facilities.	Support noted.
	Recommend that this Management Plan reference be broadened to include an annual review mechanism to ensure that these facilities and services are retained in perpetuity for the benefit of residents, and on-going review of tenancy durations.	The SPD has been amended at para. 4.32 with the addition of bullet ""j. an annual monitoring and review framework to ensure the effectiveness of the management plan"

Organisation	Main issues raised and/ or change suggested	Council response and how comments are addressed in the final SPD
		The SPD has been amended at para. 4.32 with the additional text: "However, tenancy durations should be reviewed on an on-going basis to ensure they remain appropriate."
	Paragraph 4.22 should specifically include reference to the retention of cycle storage facilities and travel plan information packs which reference the canal network for connectivity and well-being benefits.	The SPD has been amended at para 4.32 with additional text at bullet c. "the maintenance and repair of internal and external communal areas including cycle storage." Detailed guidance on the information required in Travel Plans is set out in the Council's Local Information Requirements for Planning Applications.
Community Partnership for Selly Oak (CP4SO)	Para 2 Why is there a distinction between this type of "large scale co-living accommodation" and "purpose-built student accommodation"? PBSA often has cluster flats with shared facilities and private bedrooms. The document should outline the key differences and why this new category is required.	Purpose built student accommodation is limited to occupation by students whereas large scale shared accommodation (LSSA) is not restricted to particular groups. The SPD provides a definition for co-living and identifies its distinguishing features, which are different to HMOs and PBSA.
	Why do we need an SPD for a form of accommodation that is not yet prevalent in the city when we don't have one for PBSA developments which are widespread?	Policy TP33 in the adopted Birmingham Development Plan provides a detailed criteria based policy for purpose-built student accommodation. There is currently no guidance covering LSSA and timely adoption of the SPD is required in order to assist decision making for planning applications.
	Given the similarity of the two forms of shared accommodation is there a danger of the two occupation styles becoming interchangeable. Will it be clear that the change of use requires a planning application?	As LSSA is a Sui Generis Use so it will always require planning permission.

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	Para 2.1 Will Planning specifically ban the housing of children in this type of accommodation on the basis that it won't provide a very healthy environment for children?	The SPD has been amended at para. 4.25 to: "Children would not be expected to be accommodated in large scale shared living developments. An assessment will be made on a case by case basis and where appropriate a condition will be imposed limiting occupation to over 18-year olds."
	Para 2.4 The SPD defines co-living as large scale (at least 50 units) shared residential accommodation. Why this cut off point if there is no standard definition of co-living (Para 2.1)? What about similar developments with fewer units? What is the planning policy that covers smaller scale co-living accommodation?	The size of development defined in para. 2.6 is intended to be indicative in order assist decision makers in identifying developments where the SPD is applicable given the fact that there is no formal planning definition. It should be noted that there is no requirement for LSSA development to provide at least 50 units. It is also important to differentiate between LSSA from more traditional large-scale houses of multiple occupation that do not provide services to residents. It is considered that it would not be cost-effective to provide high-quality professional management services, including well-maintained functional communal spaces for LSSA of fewer than 50 homes. The SPD at para. 2.6 has been amended to clarify that the reference to 50 units is indicative: "For the purpose of this SPD, co-living is defined as large scale shared residential accommodation of generally at least 50 units, although there is no requirement to provide at least 50 units. These can be new-build schemes or conversions of existing buildings to form a co-living development. The units tend to be

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		smaller living spaces in the form of studios or cluster flats with access to a range of services and communal facilities."
	Para 3.2 A demonstration of need is required for co-living development. Will the community have any input into the identification of their locality's needs or the appropriateness of building such accommodation in their area?	Local residents can make comments on any planning application in their area or other parts of the city. The demonstration of need is a requirement upon the applicant. The community is able view, scrutinise and comment on the information submitted by the applicant.
	The National Model Design Code states that communities should be involved in preparing the design codes and guides, therefore the communities around these developments should be having a say rather than having developments forced on them by developers and planners.	In accordance with its Statement of Community Involvement, the Council has consulted local communities on the draft SPD. The SPD is not a design code or guide and does not cover detailed design matters which are addressed by existing design guidance e.g. 'Places for Living' and 'Places for All' Supplementary Planning Guidance. The forthcoming Birmingham Design Guide SPD (anticipated to be adopted in May/ June) will supersede existing design related SPD/ Gs.
	The SPD should clearly define the density of accommodation and its desired scale and massing in consultation with the community.	The SPD is not a design code or guide and does not cover detailed design matters which are addressed by existing design guidance e.g. 'Places for Living' and 'Places for All' Supplementary Planning Guidance. The forthcoming Birmingham Design Guide SPD (anticipated to be adopted in May/ June) will supersede existing design related SPD/ Gs.
	Para 4.1 BCC should specify the data sets to be used to determine need for co-living developments.	Given the fact that there is no standard method for assessing the need for co-living, it is not considered appropriate to specify the data sets to be used.

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	The document states that it should not lead to the 'loss of self-contained housing'. How is BCC going to assess that a development site is only suitable for large scale co-living accommodation and not for self-contained housing?	The SPD does not imply that certain sites are only suitable for LSSA. Para 4.6 states that proposals for large scale shared accommodation will need to have regard to whether a proposal would result in the loss of existing C3 residential accommodation.
	Para 4.8 CP4SO notes and agrees with that co-living should be restricted to "areas within and around the City Centre where it can be demonstrated that co-living will provide added value to the wider commercial offer and is supported by recently arrived or new employers located within the area"	Support noted.
	Para 4.10 CP4SO considers the private bedroom minimum size is very small and it should be stated clearly that this doesn't include the en-suite bathroom.	The minimum floorspace set out in para. 4.10 includes the en-suite bathroom. This is made clear in para. 4.12.
	Para 4.11 The positioning of windows should have privacy and sunlight considerations enforced to ensure that residents don't just look across narrow light wells at each other.	Design matters relating to privacy, sunlight and outlook are covered by design-related Supplementary Planning Documents. e.g. 'Places for Living' and 'Places for All' Supplementary Planning Guidance. The forthcoming Birmingham Design Guide SPD (anticipated to be adopted in May/ June) will supersede existing design related SPD/ Gs.
	Para 4.22 Good management requires that there should be co-living staff or resident champions whose role it is to organise social activities on a regular basis. Co living residents should be consulted to determine the type of activities to be pursued. A system of communication should be set up between co living residents to facilitate social interaction and communication.	The SPD has been amended at para. 4.32 to include the additional bullet: "h. key responsibilities of the site staff which should include the organisation of social activities and system of communication for residents to foster a sense of community"

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	There should be links with neighbourhood residents particularly where the developments are in suburban areas to help evaluate development impact on the community.	The SPD has been amended at para. 4.32 to include the additional bullet: "i. promoting good neighbourliness"
	Para 4.19 states that car parking won't be provided however that will not stop residents having cars and parking them on side streets etc. The impact on existing residents from increased parking on streets will create more need for resident parking schemes. How do BCC plan to ensure these schemes are truly car free?	LSSA will be restricted to areas within and around the city centre. As set out in the Birmingham Parking SPD (2021) shared housing developments in Zone A (city centre) should only provide parking for disabled residents and visitors/drop-off. As per the Controlled Parking principle 6 (page 16) of the Parking SPD, new HMO and shared housing developments in Zone A will be excluded from residents' parking schemes; residents or tenants will not be eligible for on-street parking permits to safeguard parking availability for existing residents and encourage a low car approach to such developments.
	CP4SO is extremely concerned that this type of housing may take development sites away from affordable housing developers and is detrimental to creating and supporting sustainable neighbourhoods.	LSSA will be required to provide affordable housing in line with BDP Policy TP31 'Affordable housing'.
	If proposals are to meet TP31 Affordable Housing policy, how will affordable co-living units be delivered?	This will be sought as a single upfront financial contribution, based on a 20 per discount off the market value (including any service charges) of 35 per cent of the units, and secured through a section 106 legal agreement (subject to viability).
	The framework for implementation, monitoring and review as identified in the current document is inadequate and should include the evaluation of occupiers' and neighbouring residents'	The SPD has been amended at para. 4.32 to include an additional bullet requiring details on

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	experiences. Annual evaluations should be carried out and fed back to BCC.	"j. an annual monitoring and review framework to ensure the effectiveness of the management plan"
	Given the potential small sizes of rooms will there be adequate soundproofing to ensure residents do not disturb each other with loud music, game playing, etc.	Soundproofing for new homes and conversions is covered by Building Regulations.
	What happens if this type of accommodation doesn't work? Will the developments be flexible enough to be easily converted into self-contained homes?	If the take up of a co-living development is poor and the developer/ owner wishes to convert it to self-contained units, planning permission will be required and the proposal must meet all the relevant policies in the local plan. Developments will be encouraged to be designed in a way that can be easily converted into self-contained policy compliant dwellings. The SPD has been amended to add a new para. 4.25 "Developments will be encouraged to be designed in a way that can be easily converted into self-contained policy compliant dwellings so as to provide flexibility to respond to changing needs if required."
	Ensure frontages in developments contribute to the surrounding area and don't become featureless blocks that have no interaction with the immediate area around the development.	The design of development and its contribution to the surrounding area is very important. BDP Policy PG3 Place-making and supplementary design related guidance documents seek to ensure that all new development is designed to a high quality, creates a positive sense of place, responds to the local area context, and promotes positive social interaction.
	Ensure that all individual private units have en-suite and basic cooking facilities. (In addition to shared kitchen facilities)	The SPD requires that all private units include an en-suite bathroom and suggests that they also include some limited cooking facilities in addition to shared kitchen facilities.

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	Make tenancy agreements flexible enough for residents to leave with a month's notice. In case they don't find the co-living experience one that works for them.	The SPD has been amended at para. 4.32 with the additional text: "However, tenancy durations should be reviewed on an on-going basis to ensure they remain appropriate."
Watkin Jones Group	The SPD recognises the need for this form of housing (paragraphs 2.2 and 4.4) but provides no evidence of any need assessment being undertaken by the Council.	Para 2.2 of the SPD describes the concept of co-living and para. 4.4 addresses the evidence required to be submitted in relation to affordability. These paragraphs in no way confirm or quantify the need for LSSA in the city.
	The expectations of assessment set out in the guidance are not reasonable or proportionate and based upon tightly defined assumptions about the characteristics of who might occupy such accommodation. Shared living is attractive for all age groups, particularly those that are affected by the loneliness epidemic, often the elderly.	The SPD does not narrowly define the groups who might occupy LSSA. The SPD has been amended at para 4.2 to: "The needs assessment should identify the target groups which the development aims to attract and the scale of potential need arising from these groups. It should also set out how the proposed development would meet the needs of the target group needs, including in terms of affordability."
	The reference to the impact of Covid on such markets is an incorrect assumption. Managed residential accommodation has remained popular throughout lock down as on-site management allows the shared spaces to be made available to residents in an organised and safe manner.	No evidence has been provided in relation to the WJG's assertion, however it is recognised that the long-term impacts of Covid-19 are unknown. The SPD has been amended to delete the last sentence of para 4.4 relating to Covid-19.
	Paragraph 8.20 of the BDP accepts the need for residential for rent in the City. However, the draft SPD goes further than adopted Policy TP30 to state that "applicants will be expected	Para. 8.20 of the BDP was written at a time (2012/13) when LSSA was largely unknown to officers preparing the plan and is distinct to self-contained build to rent development which this paragraph is likely to have been referring to. It is appropriate

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	to provide evidence of the need for their proposal based on the considerations within Policy TP30".	for the SPD to refer to BDP Policy TP30 as it is a policy relevant to "proposals for new housing".
	At paragraph 4.6 the Council seeks to prioritise conventional C3 housing. The draft guidance takes a view that there will be potentially damaging competition between these two forms of housing that should be addressed through new planning policy.	The Council will be exploring a policy specifically for LSSA through the preparation of the new Birmingham Plan. In the meantime, it is necessary for proposals to demonstrate that it meets a local need, as per Policy TP30.
	It would be more appropriate for the Council to promote any needs based policy through a more thorough process as part of a of development plan document.	The Council will be exploring a policy specifically for LSSA through the preparation of the new Birmingham Plan. In the meantime, it is necessary for proposals to demonstrate that it meets a local need, as per Policy TP30.
	It is considered unreasonable to discourage co-living on sites which are identified within the SHLAA as such sites have not been tested in the market place and may not indeed prove to be viable. Similarly, the existence of a planning permission for C3 does not necessarily mean that the site is deliverable or viable. On this basis the two scenarios should be deleted, or the guidance should allow an applicant to make a case of why the permitted C3 scheme might not be deliverable or viable.	Sites in the SHLAA have been assessed through the SHLAA process. The SPD has been amended at para. 4.6 (last two bullets) to: "• whether a site has been identified in the city's Strategic Housing Land Availability Assessment (SHLAA) as having the capacity for conventional housing, unless the applicant can demonstrate that the permitted C3 scheme is not deliverable or viable; and • whether the site has an extant planning permission for C3 housing, unless the applicant can demonstrate the permitted C3 scheme is not deliverable to viable."
	We consider that the city centre and locations with easy access to the City Centre to be a reasonable basis for policy at this early stage in the Birmingham market.	Support noted.

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	It is not necessary to request applicants to provide evidence of any "added value to the wider commercial offer" or the presence of "new employers to the area" to justify a scheme. These caveats should be deleted. The absence of such information would not be reasonable grounds for the refusal of co-living.	If LSSA is providing for the needs of recent graduates and young professionals, evidence of new employers to the area or the wider commercial context will help to support the case for LSSA.
	We would contest the requirement for the need to demonstrate the availability of "a wide range of local services and facilities". The 'City Centre' location by definition will demonstrate this sustainable relationship. This guidance should clearly take into account any provision made within the proposal.	It is important that LSSA is served by a wide range of local services and facilities in order to cater for its intended occupants who are expected to be largely young single professionals adopting a car free lifestyle and needing to be in close proximity to work, leisure uses and other community facilities. The SPD has been amended at para 4.8 to: "• is well served by a wide range of local services and facilities. Provision made within a proposal can be taken into account."
	Co-living is similar to Build to Rent in respect of investment and development viability. The Government recognise that normal C3 affordable housing policies do not readily apply to BtR proposals and the differing characteristics of longer-term returns - this must also be the case for co-living in respect of Policy TP31 'affordable Housing'. We agree that payment in lieu is the most appropriate solution where development viability is allowed for.	Support noted.
	Paragraph 4.3 asks applicant for information about relative affordability as part of making a needs case. The test of comparable square metre rental rate assumes that each square meter in a co-living scheme has the same value. In reality there	If co-living proports to provide a housing alternative to HMOs and flat shares and a more affordable option than BTR studio or 1 bed flats, it is reasonable for the Council to seek information on the affordability of the proposed product. Where co-living is

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	is higher value in smaller spaces – evidenced by higher PSF rent in BTR studios vs 2 beds units. The co-living studio configuration seeks to remove underutilised space within a C3 sized studio and thus maintains the value in a smaller space. Benchmark rents and relative discounts for DMR should therefore be underpinned by market rates achieved in the building.	intended to draw occupiers from alternative rental accommodation it is reasonable to expect information to be submitted comparing the cost of alternative accommodation. WJG raise (unevidenced) comments about the higher value of smaller spaces but the purpose is to understand whether the cost of co-living is more affordable than the alternative housing options. The SPD suggest that any comparison undertaken should be on a square metre rental rate. Para 4.3 has been slightly amended to include the communal space per resident to provide a fairer comparison. "If a comparison is undertaken it should be on a square metre rental rate, excluding utility costs and service charges, of the private accommodation plus the communal space per resident."
	Paragraph 4.20 provides detailed guidance for calculating affordable housing contributions. We recommend that the 20% discount calculation should exclude service charges as there is no profit allowance for Council tax and utilities costs. Affordability tests for C3 units are based on net rents with the tenant liable for cost of living and thus co-living should be assessed on the same basis.	The National Planning Practice Guidance Paragraph: 003 Reference ID: 60-003-20180913 states that Affordable private rent should be set at a level that is at least 20% less than the private market rent (inclusive of service charges) for the same or equivalent property.
	The SPD should not set out new policy on design standards. The minimum private size of bedrooms within the draft guidance is not supported as is not based upon appropriate or up to date evidence base. The calculation of average does not appear to be correctly calculated and should be clearly set. Further the calculation appears to incorrectly use average blended unit	The average was based on the average bedroom size of the most recently validated (2019 and later) schemes in the core cities researched by SWAP Architects and rounded up to the nearest 0.5 sq.m. These were First Street, Manchester, Union T2, Manchester and Unity Street, Bristol and New Bird Street, Liverpool. At the time of preparing the SPD, there was no

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	sizes for each sample scheme, and not the average of the smallest unit sizes in each scheme to get to an average minimum unit size. It is not based upon appropriate evidence base given that it misses schemes that are operated and consented in London (which average at around 18.5 sqm per bedroom). Regardless of the differing locations, the design approach to the product is entirely relevant to this assessment of the co-living market. Larger room sizes cost more to build and will therefore need to cost more to rent – this undermines affordability.	decision on New Bird Street, Liverpool. This scheme was subsequently refused on 24.01.22. The Liverpool scheme has been removed and the average has been recalculated resulting in 25 sq.m. This has been tested by through an indicative layout of a 25 sq.m. room and it is considered that, at a minimum, this would provide an adequate living environment. It would also allow for future adaptability to NDSS compliant dwellings. The SPD has been amended at para. 4.10 to: "The private bedroom size within co-living schemes should be minimum of 25 sq.m. for a single occupancy room." London is not comparable to Birmingham due to higher land values and lower land availability which will have an impact on design. It is recognised that degree of flexibility is required to allow for exceptions and the SPD has been amended at para 4.10 to "Exceptions to this minimum will only be considered where a robust justification has been provided to the satisfaction of the Council. For example, it may not be possible provide all units to the minimum standard in a scheme involving the conversion of a listed building."
	Linen change / room cleaning in this form of housing is not 'standard' and is provided as an 'add-on' service as additional cost. The obligation to provide these will require additional management, thereby driving the minimum rents within any scheme upwards and making them less affordable.	There is no requirement for LSSA development to provide bed linen changing or room cleaning services. Reference to these services in para. 2.7 of the SPD is to assist decision makers in identifying developments where the SPD is applicable given the fact that there is no formal planning definition.

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	The minimum average internal community amenity space of 4.5sqm per bedspace is not acceptable as it is not based upon appropriate evidence base. The calculation of average does not appear to be correctly calculated and should therefore be clearly set out so that it can be updated through applicants' submissions – the dataset's minimum levels are not as high as the suggested 4.5 sqm. It is not based upon appropriate evidence base given that it misses schemes that are operated and consented in London.	The average was based on the average bedroom size of the most recently validated (2019 and later) schemes in the core cities researched by SWAP Architects and rounded up to the nearest 0.5 sq.m. These were First Street, Manchester, Union T2, Manchester and Unity Street, Bristol and New Bird Street, Liverpool. At the time of preparing the SPD, there was no decision on New Bird Street, Liverpool. This scheme was subsequently refused on 24.01.22. The Liverpool scheme has been removed and the average has been recalculated but this has not affected the result for internal communal amenity space per resident.
	Larger amenity areas cost more to build and will therefore need to cost more to rent – this undermines the affordability of the product.	Given the smaller size of the private living accommodation, the quantity and quality of the shared amenity spaces is highly important to the health and well-being of future occupants.
	Paragraph 2.7 of the draft SPD considers context only and is not guidance (the phrase "help to confirm" offers flexibility) but it should be clear that a building could still be defined as co-living even if one of these itemised facilities was provided.	There is no requirement for LSSA development to provide all the services or facilities listed in para. 2.7 of the SPD. Reference to these is assist decision makers in identifying developments where the SPD is applicable given the fact that there is no formal planning definition.
	It should be noted in the paragraph that the existence of the non-essential services and facilities will depend upon the building's context and surrounding amenity provision of the locality.	There is no requirement for LSSA development to provide all the services or facilities listed in para. 2.7 of the SPD. Reference to these is assist decision makers in identifying developments where the SPD is applicable given the fact that there is no formal planning definition.
	The minimum average outdoor amenity space of 10 sqm provision per resident is not acceptable. It is not based upon	The minimum average outdoor amenity space of 10 sqm provision per resident is based on the Draft Birmingham Design

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	any evidence or adopted development plan policy and will fundamentally undermine co-living development viability. It does not account for opportunities for conversion of existing buildings nor acknowledge the locational guidance of needing to be within or close to the City Centre where the provision of outdoor space is challenging. It is therefore likely that most co-living schemes will seek a financial contribution towards supporting off-site facilities	Guide SPD which was subject to consultation in 2020/21. The policy hook for the SPD is Policy DM10 'Standards for residential development' in the Development Management in Birmingham DPD (adopted 7th December 2021). The DPD requires all new residential development to provide sufficient private useable outdoor amenity space appropriate to the scale, function and character for the development. It refers to the guidelines set out in Place for Living SPD, which will be replaced by the Birmingham Design Guide SPD. Policy DM10, however, provides a level of flexibility and states that "Exceptions to the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with site specific issues or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must demonstrate that residential amenity will not be significantly diminished." The Birmingham Design Guide (anticipated to be adopted in May/ June 2022) provides more detailed guidance in relation to the provision of outdoor amenity space. "Apartments, care homes and student accommodation should seek to incorporate provision into their design, through balconies, roof terraces and/or communal courtyards and gardens. Communal spaces must be private landscaped gardens/spaces that allow multiple use and not left-over areas of grassed land adjacent to parking. Balconies must provide functional, private amenity space with a minimum depth of 1.5m. If proposals are seeking to gain support for amenity space below the City Council's minimum

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		standards, designs must clearly demonstrate how this reduction will not impact on the delivery of quality amenity space. This may form part of an innovative architectural design that creates a number of smaller spaces (garden, roof terraces, balconies and/or courtyards) that provide variety; benefit from sunlight at different hours of the day; and enable different residents to have private space. Will the design and content of the smaller space create a more useable, engaging space that residents and wildlife can interact with? Is the reduction a result of providing a greater proportion of private space over communal?" The policy and guidance on outdoor amenity space therefore provide sufficient flexibility to consider innovative architectural design, site specific issues or respond to local context.
	Paragraph 3.11 notes Policy TP9 'Provision of public open space' acknowledges the potential to provide financial contributions, however the open space examples should extend to all forms of open space typologies. In addition, if the form of accommodation typically excludes families / children the correct interpretation of the Policy in this SPD would be to exclude any provision for children's' play space. These points should be made clear in the guidance contained at paragraph 4.21 which otherwise just points to development plan policy and offers no supplemental guidance.	The SPD has been amended at para 3.9 to: "Policy TP9 'Provision of public open space' requires that new residential developments provide new public open space broadly in line with the standard of 2 ha per 1000 population. Residential schemes of 20 or more dwellings should provide onsite public open space. However, developer contributions could be used to address the demand from new residents on other types of open space such as allotments and civic spaces. Further detail on the implementation of this requirement is provided in the Public Open Space in New Residential Development SPD".

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	Paragraph 2.5 notes that co-living is not normally restricted to use by students however BCC chose to apply such restriction without reason or evidence at paragraph 4.23. There is no basis for which to do this, and it is not common practice to do. If there is perceived planning harm resulting from full-time students occupying this accommodation, then this should be explored through a development plan document process.	The SPD has been amended to delete the sentence "Developers will be required to preclude letting to full time students through a planning condition."
	Monitoring should be often and regular given the early nature of the co-living market, and BCC should consider updating the case studies which support any design guide on a more regular basis, which should be clearly set out in the final version.	The SPD has been amended at para 5.4 to: "Applications for co-living schemes will be regularly monitored to ensure that proposals are meeting the standards set out in the SPD." The SPD has been amended at para. 4.32 with the addition of bullet "j. an annual monitoring and review framework to ensure the effectiveness of the management plan"
Historic England	We agree with BCC's assessment that the document is unlikely to result in any significant environmental effects and endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.	Support noted.
Vita Group	The delivery of professionally managed shared accommodation will act as a valuable tool to combat the significant concentration of privately owned and operated HMOs in the City's suburbs, thereby contributing to the retention and potential release of C3 family dwellinghouse that would otherwise be used as HMO accommodation.	Comment noted.
	There are considerable benefits of Large Scale Shared Accommodation. Generally private landlord accommodation	Comments noted.

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	does not benefit from the shared amenities or professional management arrangements. It meets the growing demand for an affordable rental product. Enhances the City's opportunity to diversify its stock. It contributes to the attraction and retention of its demographic talent.	
	Vita welcome's the Council's approach to looking at creating a suitable framework for assessing developments for Large-Scale Share Accommodation.	Support noted.
	It is paramount that the SPD is not too prescriptive to deter evolution of the concept.	The SPD seeks to strike a balance between providing sufficient flexibility and clear guidance.
	BCC should work proactively with developers /operators who seek to deliver and manage Large-Scale Shared Accommodation to maximise the opportunities presented through this form of accommodation.	BCC will work with developers to deliver high quality housing that meets local need.
	Large-Scale Shared Accommodation which is not considered to fall within Use Class C3 should not be subject to any affordable housing requirement as set out within BDP Policy TP31.	BDP Policy TP31 does not preclude itself from applying to non C3 housing.
	Agree that a tailored Birmingham specific approach to affordability within the market should be evidenced as part of securing planning permission for a new Large-Scale Shared Accommodation development.	Comment noted.
	The SPD states that the Council believe that there would be 'limited demand' for this type of housing, however, no evidence has been presented the to support this position. In the context	The SPD has been amended to delete the last sentence of para 4.4 relating to limited demand.

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	of the City's housing requirement, Large-Scale Share Accommodation will have a pivotal role to play in contributing to meeting BCC's identified overall housing need.	
	High density, well-managed schemes such as Union, will enable a suitable critical mass of residents to be present within the city centre, helping sustain local businesses, leisure facilities and the night-time and visitor economy.	Comment noted.
	Disagree with prescriptive minimum space standard of 27.5 sq.m for the private bedroom size of a single occupancy room. BCC should adopt a flexible approach considering developments on a case by case basis. A cluster accommodation approach which would meet the NDSS would be appropriate if BCC wish to pursue a prescriptive minimum space standard.	It is recognised that degree of flexibility is required to allow for exceptions and the SPD has been amended at para 4.10 to: "The private bedroom size within co-living schemes should be minimum of 25 sq.m. for a single occupancy room Exceptions to this minimum will only be considered where a robust justification has been provided to the satisfaction of the Council. For example, it may not be possible provide all units to the minimum size in a scheme involving the conversion of a listed building."
	Communal amenity space standards should remain flexible as opposed to the draft prescriptive standard. The quantum of internal communal amenity space needs to be considered on a case-by-case basis to ensure the appropriateness of the scheme in the wider context.	It is recognised that degree of flexibility is required to allow for exceptions and the SPD has been amended at para 4.22 to: "The average internal communal amenity space provided (including communal kitchen(s)) should be at least 4.5 sq.m. per bedspace. Exceptions to this minimum will only be considered where a robust justification has been provided to the satisfaction of the Council."

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	Outdoor amenity space also needs to be considered in a locational context and balanced against other development needs.	Policy DM10 'Standards for residential development' in the Development Management in Birmingham DPD and existing Places for Living and emerging Birmingham Design Guide SPD provides sufficient flexibility in relation to outdoor amenity space to consider innovative architectural design, site specific issues or respond to local context.
	If prescriptive sizes are introduced in respect of both internal and external communal amenity space, based on a small cohort of schemes within an emerging sector, these should be used as guidelines to inform proposals and not seen as a rigid minimum requirement to adhere to.	It is recognised that degree of flexibility is required to allow for exceptions and the SPD has been amended at para 4.10 to: "The private bedroom size within co-living schemes should be minimum of 25 sq.m. for a single occupancy room Exceptions to this minimum will only be considered where a robust justification has been provided to the satisfaction of the Council. For example, it may not be possible provide all units to the minimum size in a scheme involving the conversion of a listed building."
	The SPD needs to ensure that the principle and guidance in respect of tenancies is sufficiently flexible to be considered on a case-by-case basis.	The SPD has been amended at para. 4.32 to provide some flexibility in relation to tenancies: "Tenancies should be for a minimum of three months to ensure co-living developments do not effectively operate as a hostel. A maximum stay should be defined for short-term studio lets, for example, twelve months. However, tenancy durations should be reviewed on an on-going basis to ensure they remain appropriate."
	The draft SPD is welcomed.	Support noted.

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Node on behalf of Olympian Homes	Does Co-Living have to be defined as large scale? Should a minimum of 50 units be set as an example or have more of an open approach?	The size of development defined in para. 2.6 is intended to be indicative in order assist decision makers in identifying developments where the SPD is applicable given the fact that there is no formal planning definition. It should be noted that there is no requirement for LSSA development to provide at least 50 units. It is also important to differentiate between LSSA from more traditional large-scale houses of multiple occupation that do not provide services to residents. It is considered that it would not be cost-effective to provide high-quality professional management services, including well-maintained functional communal spaces for LSSA of fewer than 50 units. The SPD at para. 2.6 has been amended to clarify that the reference to 50 units is indicative: "For the purpose of this SPD, co-living is defined as large scale shared residential accommodation of generally at least 50 units, although there is no requirement to provide at least 50 units. These can be new-build schemes or conversions of existing buildings to form a co-living development. The units tend to be smaller living spaces in the form of studios or cluster flats with access to a range of services and communal facilities."
	Para. 2.7 Do "services" such as bedding linen need to be included to define Co-Living? Other stated facilities are more reflective.	There is no requirement for LSSA development to provide bed linen changing or room cleaning services. Reference to these services in para. 2.7 of the SPD is to assist decision makers in identifying developments where the SPD is applicable given the fact that there is no formal planning definition.

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	Para. 3.17 Agree as affordable housing provision should not be directly compared with C3 Use.	Support noted.
	Para. 4.1 Agree that a needs/ demand assessment should be carried out.	Support noted.
	Para. 4.10 The proposed minimum size standard for studios (27.5 sq m) is too high. From our experience, optimum sizes for functional efficiency are considered to be between 20-22 sq m.	
Historic England	No comments.	Noted.
Scottish and Southern Electricity Networks	No comments.	Noted.
Plan Associates	Support the introduction of additional planning guidance on co-living and agree with the general thrust of the SPD.	Support noted.
	While there is no agreed definition of co-living, it will be helpful for the purposes of the SPD to provide a definition.	A definition for co-living is set out in para 2.5 – 2.6 of the SPD.
	The definition of co-living should be confined to purpose-built developments only.	The definition should not be confined to purpose-built developments. Learning from the experience of other local authorities, schemes have been and can be delivered through the conversion of existing buildings.
	Those who chose to live in such accommodation is not limited to recent graduates, singles or couples without children.	The SPD does not limit the occupation of co-living to certain groups.

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	Co-living should not be seen as an intermediate or short-term accommodation and should allow for tenant to stay for longer.	The SPD has been amended at para. 4.32 to provide some flexibility in relation to tenancies: "Tenancies should be for a minimum of three months to ensure co-living developments do not effectively operate as a hostel. A maximum stay should be defined for short-term studio lets, for example, twelve months. However, tenancy durations should be reviewed on an on-going basis to ensure they remain appropriate."
	The size of co-living should be undefined and left to be determined by other factors such as location, local need, sizes of units and amount of amenity proposed.	The Council considers that it is important to provide guidance on the size of private living units to ensure the health and well-being of occupiers.
	Co-living should not be confined to a particular geographical area if it is needs based and reflect requirements in a particular area. Co-living should not be confined to city centre. Locations within or near other urban centres would be appropriate and would complement regeneration policies of the Council.	Accessibility mapping shows that the City Centre has the highest level of accessibility by public transport compared to all other areas in the city. The City Centre is a reasonable basis for the location of LSSA at this early stage in the Birmingham market.
	In many areas of the city previous uncontrolled HMOs have caused an imbalance of housing offer with poor quality housing. If co-living is limited to the city centre, demand for HMOs will continue. Co-living would prevent the loss of family housing to HMOs. Co-living provides a well-managed alternative solution.	No evidence has been provided that co-living has reduced the number of HMOs or the rate at which HMOs have been created. The Council has introduced measures to control the growth of HMOs through the introduction of the Article 4 Direction and adoption of stronger planning policy on HMOs in the Development Management in Birmingham DPD.
	Restricting co-living to the city centre reduces housing choice for those wishing to live outside of the city centre for social and cultural reasons.	Accessibility mapping shows that the City Centre has the highest level of accessibility by public transport compared to all other areas in the city. The City Centre is a reasonable basis for

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		the location of LSSA at this early stage in the Birmingham market.
	The long-term impact of Covid on co-living is yet to be known. Covid may cause people to reconsider how they live and encourage people to live together in in safer, well managed communal accommodation.	It is accepted that the long-term impacts of Covid-19 on this specific market are yet unknown. The SPD has been amended to delete the last sentence of para 4.4 relating to Covid-19 impacts.
	Whilst the delivery conventional housing must remain a priority, we would suggest that co-living should be seen as part of the housing mix and recognized as a product that can add value to the diversity of accommodation in the city.	The SPD recognises LSSA can add to the diversity of accommodation in the city. Nonetheless, clear guidance is required to ensure development provides high quality accommodation that meets the needs of its intended occupiers.
	Co-living would provide much needed housing in the context of the city's lack of 5 year housing land supply.	Noted.
	Elements of the SPD are too prescriptive, for example, some of the formula applied to communal spaces, sizes of kitchens etc.	The SPD does not specify size of communal kitchens. It is recognised that degree of flexibility is required to allow for exceptions to the private room standard and the SPD has been amended at para 4.10 to: "The private bedroom size within co-living schemes should be minimum of 25 sq.m. or a single occupancy room Exceptions to this minimum will only be considered where a robust justification has been provided to the satisfaction of the Council. For example, it may not be possible provide all units to the minimum size in a scheme involving the conversion of a listed building."

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		Flexibility to allow for exceptions has also been added to paras. 4.27 – 4.28 in relation to the outdoor amenity space standards.
	SPD proposes that developers be required to preclude letting to full time students through a planning condition, however, this does not consider post graduate students and those from overseas who may be in full time study but also work to subsidize their fees and living costs.	The SPD has been amended to delete the sentence "Developers will be required to preclude letting to full time students through a planning condition."
	Question the need to apply the affordable housing policy as it would as it potentially excludes the possibility of schemes coming forward.	The requirement for affordable housing is consistent with national and local planning policy and would provide much needed affordable homes.