

## Report for Decision

**Report to** Cabinet  
15 February 2012  
**Report of** Head of Planning Services  
**Subject** Local Development Order on replacement windows and doors in flats

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Item

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### Purpose

To ask cabinet to endorse a consultation on a proposal to introduce a Local Development Order (LDO) to allow for the replacement of windows and doors in most flats outside conservation areas without the need for planning permission.

### Recommendations

To:

- (1) Endorse the principle of preparing a Local Development Order to allow windows and doors in flat to be replaced in flats without the need for planning permission (subject to conditions and exclusions); and
- (2) Approve the publication of the draft Local Development Order and the Statement of Reasons for public consultation (attached as appendices 2 and 3).

### Financial Consequences

See section 11 of the report.

### Risk Assessment

The risk assessment is set out within section 12 of the report.

### Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and to make Norwich a city with decent housing for all.

**Cabinet Member:** Cllr Bremner

**Ward:** All

**Contact Officers**

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### **Background Papers**

- Environmental Impact Assessment screening opinion dated 1<sup>st</sup> Feb 2012
- Detailed Report on the financial implications of the LDO dated 24<sup>th</sup> Jan 2012
- Report on historic environment and heritage assets in relation to the LDO dated 1<sup>st</sup> Feb 2012

## **Report**

### **1.0 Background**

- 1.1 This proposal was considered by Sustainable Development Panel on 25 January 2012 and agreed that the matter should be progressed.
- 1.2 Planning regulations currently allow for certain development to occur without the need to obtain the prior consent of the Local Planning Authority (LPA) subject to a number of conditions being satisfied. These “permitted development rights” can be quite extensive and allow, for instance, in the vast majority of houses in the City, doors and windows to be replaced without the need for planning permission.
- 1.2 However flats do not have permitted development rights other than for the erection of satellite dishes (subject to conditions) and the installation of domestic micro-generation equipment (subject to conditions). As a consequence, currently planning permission is needed to replace windows and doors with anything other than a like-for-like replacement.

### **2.0 What is a Local Development Order?**

- 2.1 Local Development Orders (LDOs) are a legislative tool which has been around since 2004 and can be used to grant permission for the type of development specified in the LDO. By so doing, this removes the need for a planning application to be made. In this case the Council is investigating the possibility of using a LDO to allow the replacement of windows and doors within flats without the need for planning permission. Appropriate conditions would need to be imposed on the LDO to prevent or overcome any potential adverse impacts.
- 2.2 Since their introduction only a few LDOs have been introduced into the planning system and mostly apply to limited geographical areas. Swindon Borough Council has produced a draft LDO which applies to rear house extensions across the borough except those within conservation areas but this has not yet been formally adopted. The Kilian-Pretty Review has reinforced the need to promote the potential role of LDOs as a tool for achieving a reduction in planning applications where this is both appropriate to the local environment and brings benefits to customers and local authorities. The Planning Advisory Service commissioned Entec to carry out a study into Local Development Orders and a report was produced in March 2009 which addressed stakeholder views and practice issues on LDOs. As part of the report Entec suggests the following:

*“Perhaps the greatest scope for an LDO relates to estates of flats where the buildings are of similar form. Even then the scope for an LDO as it relates to individual flats is very limited and the area where a LDO could provide greatest benefit is*

*where it relates to the building themselves. Works such as replacing of windows, roofs and other renovation works, which may be construed as materially impacting on the external appearance of the buildings, are considered to be particularly suited to an LDO if they are to be undertaken over a significant number of properties or a period of time.”*

- 2.3 The report also goes on to say that potential LDO opportunities include permitting minor development works, for example windows replacement programme, across an authority's or social landlords housing stock.

### **3.0 Legislative Background**

- 3.1 Section 40 and 41 of the Planning and Compulsory Purchase Act 2004 inserted new sections 61A to D into the 1990 Act. These provide the legislative basis under which LDOs will operate.
- 3.2 DCLG Circular 01/2006 '*Guidance on Changes to the Development Control System*' sets out the process of preparing and implementing Local Development Orders. This circular came into force on 10 May 2006.
- 3.3 The 2008 Planning Act is also of particular relevance as this removed the requirement for LDOs to explicitly implement the policies contained in an adopted development plan.
- 3.4 In 2010 the General Development Procedure Order was consolidated and renamed the Town and Country Planning (Development Management Procedure) (England) Order 2010 (the DMPO). Section 34 covers local development orders. Under the DMPO LDOs must not be made to grant permission for development affecting a listed building, or for development which is schedule 1 development under the Environmental impact Assessment (EIA) regulations.
- 3.5 Regulation 29 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2011 relates to Schedule 2 development for which a local planning authority propose to grant planning permission by local development order. The LPA shall not make a LDO unless they have issued a screening opinion or the Secretary of State has made a screening direction.

### **4.0 What is the process of making an order?**

- 4.1 The first stage is to consider carefully the scope and area of the potential LDOs as this would affect the amount of preparation that may be required. When preparing an LDO, a local planning authority must produce a concise statement justifying why an LDO should be made. This is known as a statement of reasons. The statement must include a description of the development which would be permitted and a plan or

statement identifying the land to which the LDO would apply. Conditions should be used to set out clearly what development is and is not allowed. The LPA should consider their suitability in the same way as they would for an ordinary planning permission.

- 4.2 The Council would be required to publicise and formally consult on a proposed LDO. Consultation would be required with any person who would have been a statutory consultee for an application for planning permission for the development in question. This is potentially an onerous requirement and in order to discharge it, it is proposed to do this very widely via the next edition of Citizen in addition to consultation with adjacent authorities and other interested bodies. Because of the advantages gained by introducing the LDO early in relation to the Council's window replacement programme, it is proposed to consult for the statutory minimum period of 28 days.
- 4.3 Before adopting an LDO, the local planning authority must send a copy of the draft LDO and statement of reasons to the Secretary of State. The Secretary of State has 21 days to approve or reject the LDO.
- 4.4 If adopted, the Council would be required to report as part of the Annual Monitoring Report, the extent to which the LDO is achieving its purpose.
- 4.5 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a screening opinion must be issued as the cumulative effect of all the proposed development within the area specified in the LDO could as a whole constitute EIA development under Schedule 2 (urban development project where the area of the development exceeds 0.5 hectare). This screening exercise has now been completed, it is background paper to this report and will be published alongside the consultation material. The conclusion of this screening exercise is that the introduction of the LDO will not have significant environmental effects and that there is no requirement for Environmental Impact Assessment.

## **5.0 What the LDO would permit and the geographical area covered**

- 5.1 The LDO would allow for the replacement of windows and doors within flats and communal area of flats without planning permission. It would apply equally to purpose built flats, dwellinghouses which have been subdivided into two or more self contained units and flats above retail and other town centre uses. With regards to flats above town centre uses, all those within the city centre area will not be covered by the LDO as they are situated within the City Centre Conservation Area.
- 5.2 The LDO would operate across the whole of the Local Planning Authority area (this excludes the Broads Authority area); however would not apply in Conservation Areas. Conservation Areas have been excluded from the LDO as the loss of control within these areas could

have a significantly detrimental impact upon the character and appearance of the conservation areas which are important heritage assets for the city. Furthermore statutory listed buildings are also exempt from the LDO in accordance with the LDO regulations which stipulate that a LDO must not be made so as to grant planning permission for development affecting a listed building.

- 5.3 It is also being proposed that buildings on the local list be excluded from the LDO and further information on this is available in a more detailed report which is made available as a background paper and will be published alongside the consultation material. Currently there are very few buildings on the local list outside of conservation areas, and those that are tend to be adjacent to conservation areas. However, the Norwich Society, is currently producing (following public consultation and liaison with the Council) a list identifying heritage assets outside of the Conservation Areas, and the intention is for the Council to adopt this list as part of the process of bringing forward its Development Management Policies DPD. Currently there are a number of flats (in seven locations) across the City that are on the emerging list that would be covered by the LDO. The intention would only be to exclude these properties from the LDO on formal adoption of the Local List by the Council which is likely to happen late in 2012 on submission of the Development Management Policies DPD.
- 5.4 Through seeking to describe the exclusions from the LDO rather than to map them it is intended that it will be easier to keep it up to date. As buildings are statutorily listed, locally listed and conservation area boundaries amended, the LDO will effectively be updated automatically. Attention will need to be drawn to this implication when relevant consultations are carried out in future.
- 5.5 The Local Development Order would need to be worded in such a way that it only applies to the replacement of windows and doors and would not remove the need to apply for planning permission for the enlargement of existing openings, the provision of new openings or any other alterations.
- 5.6 In order to retain some control over the appearance of the building, it is considered necessary to impose appropriate conditions and informatives. Proposed conditions and informatives are set out below.

## **6.0 Conditions**

- 6.1 The type of conditions attached to a LDO will depend on the nature of the LDO but the guidance provided suggest that it is likely that they will need to be prescriptive and refer to appropriate design guidance. As such the following conditions are suggested, of which the precise wording is still to be finalised.

- 1) The proposal will result in at least 80% of all windows in a particular elevation being of a uniform material, colour and style. The reason for such condition is to ensure some level of uniformity is retained; whilst allowing the upgrading of a significant proportion of windows at one time. Furthermore this would encourage residents who do not initially partake in a window replacement programme to either replace their windows on a 'like for like' basis or to match neighbouring flats which have already undergone a renovation as there would be a time and cost saving due to their being no requirement for a planning application. This should ensure that the cumulative impact is of good design in accordance with policy HBE12 of the City of Norwich Replacement Local Plan, policy 2 of the Joint Core Strategy and policy DM3 of the emerging Development Management Policies Plan (Draft for Consultation January 2011). Windows which are replaced on a 'like for like' basis (i.e. of the same shape, size, profile, colour, material) do not require planning permission as it does not constitute development.
- 2) Any upper floor window which is currently obscure-glazed, shall be replaced with an obscure-glazed window to an equivalent specification. The reason for such condition is to protect the amenity of neighbouring residents in accordance with policy EP22 of the City of Norwich Replacement Local Plan and policy DM2 of the emerging Development Management Policies Plan (Draft for Consultation January 2011).
- 3) Any upper floor window which is currently non-opening should be replaced with a non opening window unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. The reason for such condition is to protect the amenity of neighbouring residents in accordance with policy EP22 of the City of Norwich Replacement Local Plan and policy DM2 of the emerging Development Management Policies Plan (Draft for Consultation January 2011).

## **7.0 Informatives**

- 7.1 It is suggested that the following informatives are applied to any LDO, of which the precise wording is still to be finalised:
  - 1) No development affecting a listed building is allowed under the LDO by virtue of Part 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. If there is any doubt regarding this please contact the LPA.
  - 2) Should formal confirmation be needed by the proposer that planning permission is not required; an application for a Certificate of Lawfulness should be submitted to the Council. This is not compulsory; however before starting any works the proposer is obliged to ensure that the works are lawful.
  - 3) Consent under Building Regulations is required for replacement windows. A certificate can either be issued by a Fensa registered

installer or through an application to CNC building control. Further details of this can be obtained from CNC Building Control.

- 4) Where the proposer is not the owner of the flat, permission should be sought from the landlord.

## **8.0 Policy objectives**

- 8.1 Where possible, LDOs should be linked to the achievement of development plan policies, although the 2008 Planning Act removed the requirement for LDOs to explicitly implement the policies contained in an adopted development plan. It is considered that the LDO is linked to the following development plan policies:

### City of Norwich Replacement Local Plan

HBE8 – Development in conservation areas

HBE9 – Listed buildings and development affecting them

HBE12 - High quality of design

EP22 – Protection of residential amenity

### Joint Core Strategy

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

### Emerging Development Management Policies Development Plan Document

DM2 – Amenity

DM3 – Design principles

DM4 – Energy efficiency

DM9 – The historic environment and heritage assets

- 8.2 In accordance with the above policies, as the area covered by the LDO would not include conservation areas and listed buildings are also exempt it is not considered that the proposal would have a detrimental impact upon the character and appearance of the conservation area or the special architectural or historic interest of statutory listed buildings. Work is currently being undertaken to identify any buildings on the local list outside of the conservation area which are flats and if it is considered that the loss of control of the design of future windows could be of detriment to the identified heritage asset, the possibility of excluding these from the LDO will be explored.
- 8.3 It is considered that the conditions are sufficient to ensure that development permitted under the LDO would be of good design and would not impact upon the living conditions of neighbouring residents.
- 8.4 With regards to much of the council housing stock, many of the existing windows are in poor state of repair and due to poor insulation will result in more energy being used to heat the flat. The replacement of the



windows will provide better insulation, improving the overall energy efficiency of the property in accordance with policy 3 of the Joint Core Strategy and policy DM4 of the emerging Development Management Policies DPD.

## **9.0 Compliance**

- 9.1 Any proposal which conforms to the criteria and conditions set out within the LDO can take place without planning permission. Written confirmation or a Certification of Lawfulness will not be required.

## **10.0 Results and monitoring**

- 10.1 The LDO would be subject to regular review and will be reported through the Annual Monitoring Report. The first review would be undertaken within one year of adoption.
- 10.2 As there will not be a requirement for the planning services to be notified of development which is permitted under the Local Development Order, other data collection methods will need to be investigated in order to obtain a record of implementation. With regards to the Norwich City Council's windows replacement programme, information can be sought from Norwich City Council's housing service. In relation to private housing this information can be gained through building control.
- 10.3 It is intended that the LDO will be active for an indefinite period. The Circular states that a LPA can revise or revoke an LDO at any time.

## **11.0 Costs and benefits**

- 11.1 For LDOs to become a popular and effective planning tool, the business case for LDOs needs to be a strong one. LDOs need to provide clear benefits to applicants and the planning service alike, which significantly outweigh the costs of their preparations and the risks of unforeseen impacts from development permitted under them. The costs and benefits are summarised below. This information is drawn from a more detailed report which is a background paper to this report and will be published alongside the consultation material on the Council's website.

### **11.2 Benefits for proposers**

In this circumstance it is considered that the LDO could provide benefits to a landlord, leaseholder or freeholder by speeding up the process, providing certainty of outcome and reducing the cost. The current cost of an application relating to a single flat is £150 and £295 for two or more flats. The determination period for this type of application is eight weeks. Norwich City Council's housing services is an applicant and therefore there would be significant financial savings to the Council as they seek to implement the windows replacement

programme across the council housing stock. Due to the time scales involved in producing an LDO, there will not be an immediate saving; however there may be the opportunity for the housing service to prioritise proposals within the Conservation Area first, whilst awaiting the adoption of the LDO. Further work is being undertaken on the financial implications for the Council and this will be reported verbally.

11.3 Benefits to the planning service

In the long term there may be resource savings through the implementation of the LDO. Significant time benefits will be achieved on potentially every development under the LDO. Furthermore cost savings from LDOs are expected to be delivered in the implementation phase, as each development that would have required a planning permission previously, takes place as development permitted by the LDO. Currently it is estimated that the fees gained for this type of planning application do not cover the cost of determining the application. However it should be noted that this may change in future if the new fee regulations are introduced.

11.4 Environmental, social and economic benefits for the community

Reducing time and resources spent on window replacement applications as a whole allows there to be more focus on window replacement applications in conservation areas and on statutory listed properties. Focusing officer and consultee time and resources on applications which will impact upon the city's heritage assets offers the potential for there to be more focus on achieving higher quality bespoke design within these areas of the city. There will also be significant social and economic benefits for occupants of the properties. With regards to much of the council housing stock, many of the existing windows are in poor state of repair and due to poor insulation will result in higher heating costs and potential health issues often to very vulnerable people.

11.5 Costs for applicants

If an applicant requires confirmation that planning permission is not required following the implementation of the LDO there would be a charge for processing an application for a certificate of proposed lawful development. The fee for a certificate of lawfulness is however half that of a planning application fee, as is the time period for receiving a decision.

11.6 Costs to the planning service

Producing a Local Development Order will require time and resources and the process of producing a LDO is relatively resource intensive. The resources required to prepare the LDO will be spent well in advance of the benefits which may accrue through implementation. Furthermore there will be a reduction in planning fees as the number of applications relating to replacement windows is reduced. It is however estimated that the cost of processing planning applications of this nature exceeds the current planning application fee which is charged.

There may be an increase in applications for a certificate of lawfulness which would take time and resources to process but again the fees received for processing such applications does not cover the cost of doing so.

**11.7 Environmental, social and economic costs for the community**

Removing the need for a planning application for replacement windows and doors will result in the Council losing some control over the appearance of the building and result in a loss of uniformity. However many of these sites have already lost their original uniformity. It is also considered that the imposition of conditions will help address this issue as a proportion of all windows will need to be of a similar design to be permitted by the LDO. Furthermore the research set out in appendix 1 of this report shows that all 42 applications which were submitted in 2010 or 2011 for replacement windows outside conservation areas were approved as submitted. There is also concern that an LDO will result in a lack of formal consultation process; however as part of the LDO regulations it is necessary to consult any person who would be consulted on a planning application. Furthermore the research in appendix 1 shows that no neighbouring residents commented on any of the 42 applications.

- 11.8 In summary there is expected to be a cash saving of around £10,000 to the Council in the year following the introduction of the LDO because of savings on the cost of preparing planning applications for the replacement window programme. However, the LDO will also allow a more significant shift of resources (estimated at just over £20,000 in the first year) within the Council away from other planning functions and into the window replacement programme. Once the Council's window replacement programme is complete future financial implications of the LDO are likely to be lower but there will still be a saving for those who no longer have to apply for planning permission, the reduction in fee income to the Council should reflect a reduction in the workload of dealing with applications.

**12.0 Risks**

- 12.1 The LDO process is a process which grants planning permission and as such needs to be entered into carefully and with due regard to the potential benefits and impacts which can arise as a result of development under an LDO. The balance of freedom to develop under the LDO will be a matter of risk management in terms of the benefits that will result against the potential harm if 'bad' development results.
- 12.2 It is considered that there are the following risks:

Risk	Mitigation measures	Level of risk
The proposal will result in some loss of control over the appearance of	The LDO does not apply to Listed buildings or flats within the Conservation	Low

buildings resulting in development which lacks uniformity and is not of high quality.	Area. Furthermore it is being investigated whether there are any buildings on the Norwich Society's draft local list which should be excluded. The findings of this work will be reported verbally. A condition will be attached to any LDO to ensure some form of uniformity is retained.	
The Council proposes a consultation period of 28 days which is the statutory period for consultation on LDOs. The Norfolk COMPACT requires councils to allow a 12 week consultation period where possible. Norwich City Council's Statement of Community Involvement (SCI) sets out that the council will normally aim to hold consultations between eight to 12 weeks in length, unless there is a specific reason for shorter consultation periods. There is a risk that the Secretary of State rejects the LDO on the basis that they consider non conformity to the SCI.	It is considered that the scale and significance of the LDO justifies a shorter consultation period than that which is carried out for Local Development Documents. The consultation period will conform to the statutory requirement. A longer consultation period will delay the adoption of the LDO which will have significant consequences on the Council's window replacement programme.	Low
Due to the cost and logistics of writing to all neighbours within 10m of a flat (any person who would be consulted on a planning application) it is proposed to use Citizen which is distributed to most or all residents of the city. There is a risk that the Secretary of	The Citizen magazine is distributed to all Norwich residents. The main risk is whether there are any properties in South Norfolk or Broadland which are within 10m of a flat. Consideration will be given to how best to notify relevant stakeholders outside Norwich City Council's area.	Low

State rejects the LDO on the basis that the means of consultation differs from that of a planning application.		
The proposed 28 consultation period extends into the Purdah period. There is a risk that Members will not agree to this exception.	Prior to the report being presented to Cabinet, a meeting will take place with group leaders.	Low
In accordance with the EIA Regulations, a screening opinion must be undertaken. It is not anticipated that a full EIA will be required; however if the screening opinion indicates that the proposal is likely to cause significant harm, then this would be necessary prior to the adoption of the LDO which would result in slippage from the proposed timescales.	It is proposed to undertake an EIA screening opinion at the early possible time which would then allow further work to be timetabled within the work programme. A verbal update will be given of the results of the screening opinion.	Low
A high level of objections may result in delays in the timescale as there may be a need to reconsult if amendments are required.	It is proposed to notify any key stakeholders prior to the consultation and in particular discuss the proposal with the Norwich Society at the earliest possible time.	Medium

## 13.0 Work programme

- 13.1 The following work programme is based on no significant changes being made following the consultation. Should significant changes be required there is likely to be the need to reconsult and to report to an additional Sustainable Development panel and cabinet. It is expected that this would add an additional three to six months on the programme depending upon dates for circulation of Citizen.
- 13.2 Following the consultation, it is proposed to report back to SD panel and cabinet. The draft LDO and Statement of Reasons will then be considered by Council and it is proposed to seek delegated authority to adopt the LDO subject to the approval of the LDO by the Secretary of State. This will allow the LDO to be adopted prior to summer recess.

<b>Key milestone</b>	<b>Proposed date</b>	<b>Date undertaken</b>
Undertake EIA screening opinion	w/c 16 <sup>th</sup> January 2012	Completed 1 <sup>st</sup> Feb 2012
Report to SD Panel	25 <sup>th</sup> January 2012	25 <sup>th</sup> January 2012
Report to Cabinet and agree consultation	15 <sup>th</sup> February 2012	
Citizen circulation	5 <sup>th</sup> –9 <sup>th</sup> March 2012	
Close of consultation (28 days from 9 <sup>th</sup> March plus extension to allow for Easter Holiday)	10 <sup>th</sup> April 2012	
Analyse consultation responses and finalise LDO	April 2012	
Report to SD panel	Late May 2012	
Report to Cabinet and seek approval to submit LDO to Secretary of State (SoS) and delegated authority to adopt subject to no objection to LDO by SoS	June 2012	
Submit LDO to SoS	Late June 2012	
Receive decision from SoS (21 days from submission)	Late July 2012	
Adoption	Late July 2012	

## **14.0 Summary**

- 14.1 It has been identified that there are significant benefits in introducing a Local Development Order to allow for the replacement of windows and doors of flats outside conservation areas without the need for planning permission, which outweigh the cost. Cabinet is asked to consider the above report and approve the publication of the draft Local Development Order and Statement of Reasons for consultation.

## **Appendix 1**

### **Evidence base: All 2011 and 2010 Applications for replacement windows in flats (not including those within the conservation area or listed buildings)**

The following table sets out details of all planning applications submitted in 2010 and 2011 that have been determined and were for the replacement of windows in flats. It does not include buildings within conservation areas or listed buildings. If adopted, the Local Development Order would allow for each of the following proposals to be undertaken without the need for planning permission.

The findings from the table below indicate that all planning applications for replacement windows in flats outside conservation areas and excluding listed building were approved (42 in total). Furthermore all of the applications were approved as submitted.

No representations were received on any of the applications from neighbouring residents. The Norwich Society made representations on ten of the applications. Furthermore on 17<sup>th</sup> October 2011 Norwich Society made a general comment regarding the replacement of windows by Norwich City Council in its properties. Their concerns relate to replacing windows of older style properties with modern plastic casements and unsuitable glazing patterns and a further concern that the historic Council housing of Norwich is allowed to deteriorate without maintenance until the replacement of all timber parts becomes inevitable.

Consideration was given to the Norwich Society's comments; however as none of the buildings were listed, locally listed or situated within a conservation area and as the replacement windows resulted in a uniform appearance across the block, the uPVC windows were all considered acceptable. In respect of the Norwich Society's comment regarding the historic Council housing of Norwich being allowed to deteriorate without maintenance until total replacement becomes necessary, it is considered that the maintenance aspect of windows in Council properties is not a planning concern and would be a matter that Housing Services should deal with.

	<b>Application reference number</b>	<b>Site address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Type of flat</b>	<b>Did any negotiations take place?</b>	<b>Representations received on application</b>
1	11/01966/NF3	2, 4, 6, 8, 10, 12, 14 And 16 Holworthy Road Norwich NR5 9DG	Window replacement works.	Approved	Purpose built	No	
2	11/01920/NF3	17 And 23 Little Armes Street Norwich NR2 4EQ	Window replacement works.	Approved	Purpose built	No	
3	11/01844/F	114 Templemere Norwich NR3 4EQ	Replacement of window in lounge with french doors and side panels either side of the doors. Retrospective permission for window replacement.	Approved	Purpose built	No	
4	11/01699/NF3	10 - 80 (evens) 77 - 135 (odds) And 141 - 175 (odds) Lavengro Road	Window replacement works.	Approved	Purpose built	No	



	Application reference number	Site address	Proposal	Decision	Type of flat	Did any negotiations take place?	Representations received on application
		Norwich NR3 4RT					
5	11/01684/NF3	232 North Park Avenue Norwich NR4 7ED	Window replacement works.	Approved	Subdivided property	No	
6	11/01589/F	61 Hall Road Norwich NR1 3HL	Window replacement works.	Approved	Block above shops	No	
7	11/01587/NF3	56 Shorncliffe Close Norwich NR3 2HS	Window replacement works.	Approved	Row of terraces some of which are dwellings, some flats	No	
8	11/01582/NF3	42 St Leonards Road Norwich NR1 4JF	Window replacement works to first floor flat.	Approved	Purpose built	No	
9	11/01581/NF3	100 - 110 Vauxhall Street Norwich NR2 2SD	Window replacement works to flats.	Approved	Purpose built	No	
10	11/01580/NF3	87 - 105 Vauxhall	Window	Approved	Purpose built	No	

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		Street Norwich NR2 2SD	replacement works to flats.				
11	11/01579/NF3	27 Half Mile Close Norwich NR3 2LW	Window replacement works.	Approved	Row of terraces some of which are dwellings, some flats	No	
12	11/01578/NF3	56 Shorncliffe Avenue Norwich NR3 2HU	Window replacement works.	Approved	Row of terraces some of which are dwellings, some flats	No	
13	11/01577/NF3	8 Shorncliffe Avenue Norwich NR3 2HR	Window replacement works.	Approved	Row of terraces some of which are dwellings, some flats	No	
14	11/01576/NF3	24 Sun Lane Norwich NR3 3NF	Window replacement works.	Approved	Purpose built	No	
15	11/01574/NF3	49 St James Close Norwich	Window replacement	Approved	Purpose built	No	

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		NR3 1PE	works.				
16	11/01330/F	10 Dalrymple Way Norwich NR6 6TP	Window replacement works.	Approved	Purpose built	No	
	11/01326/F	121 Wycliffe Road Norwich NR4 7DU	Window and door replacement works.	Approved	Purpose built	No	
17	11/00921/F	65 Barnesdale Road Norwich NR4 6LL	Window and door replacement works.	Approved	Purpose built	No	
18	11/00732/F	24 Union Street Norwich NR2 2SL	Window replacement works to first floor flat.	Approved	Purpose built	No	Norwich society made representation
19	11/00302/NF3	1 - 6 Notridge Road Norwich NR5 9BE	Window replacement works.	Approved	Purpose built	No	Norwich society made representation
20	11/00301/NF3	18 - 23 Notridge Road Norwich NR5 9BE	Window replacement works.	Approved	Purpose built	No	Norwich society made representation
21	11/00205/NF3	41 And 43 Barclay Road Norwich	Window replacement works.	Approved	Purpose built	No	

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		NR7 9QB					
22	11/00204/NF3	77 - 84 Plantsman Close Norwich NR2 2NJ	Window replacement works.	Approved	Purpose built	No	
23	11/00203/NF3	31 Barclay Road Norwich NR7 9QB	Window replacement works.	Approved	Purpose built	No	
24	11/00202/NF3	48 - 83 Globe Place Norwich NR2 2SQ	Window replacement works.	Approved	Purpose built	No	
25	11/00121/NF3	58 - 65 Plantsman Close Norwich NR2 2NJ	Window replacement works.	Approved	Purpose built	No	
26	10/02166/F	61 Ingram Court Norwich NR1 2HQ	Replacement of 3 no. existing timber windows with new UPVC windows.	Approved	Purpose built	No	
27	10/02155/F	11 Waldegrave Norwich NR5 9AW	Window replacement works.	Approved	Purpose built	No	
28	10/02102/F	12 Cotterall Court Norwich	Window/door replacement	Approved	Purpose built	No	

	<b>Application reference number</b>	<b>Site address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Type of flat</b>	<b>Did any negotiations take place?</b>	<b>Representations received on application</b>
		NR5 9AZ	works.				
29	10/01808/F	21 Rosebay Close Norwich NR6 6DX	Window replacement works.	Approved	Purpose built	No	
30	10/01420/F	17 Spindle Road Norwich NR6 6JR	Window replacement works.	Approved	Purpose built	No	
31	10/01345/NF3	67 - 161 (Odds) Bowers Avenue Norwich NR3 2PJ	Window/door replacement works.	Approved	Purpose built	No	
32	10/01344/NF3	4, 6 - 30 And 32 Joe Ellis Court Norwich NR5 9BU	Window/door replacement works.	Approved	Purpose built	No	Norwich Society made representation
33	10/01343/NF3	248-264 (evens) Bowers Avenue Norwich NR3 2PR	Window/door replacement works.	Approved	Purpose built	No	
34	10/01342/NF3	102-108 Motum Road Norwich NR5 8EQ	Window/door replacement works.	Approved	Purpose built	No	Norwich society made representation
35	10/01341/NF3	130-152 (evens) Barrack Street Norwich	Window replacement works.	Approved	Purpose built	No	Norwich society made representation

	<b>Application reference number</b>	<b>Site address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Type of flat</b>	<b>Did any negotiations take place?</b>	<b>Representations received on application</b>
		NR3 1TP					
36	10/01340/NF3	146-152-158 Motum Road Norwich NR5 8EG	Window/door replacement works.	Approved	Purpose built	No	Norwich society made representation
37	10/01337/NF3	4 Motum Road Norwich NR5 8EQ	Window/door replacement works.	Approved	Purpose built	No	Norwich society made representation
38	10/01334/NF3	60 Motum Road Norwich NR5 8EQ	Window/door replacement works.	Approved	Purpose built	No	Norwich society made representation
39	10/01332/NF3	18-24-30 Motum Road Norwich NR5 8EQ	Window/door replacement works.	Approved	Purpose built	No	Norwich society made representation
40	10/01162/F	124 Ives Road Norwich NR6 6DL	Window and door replacement works.	Approved	Purpose built	No	
41	10/01034/F	34 Dogwood Road Norwich NR6 6JW	Replacement of existing single glazed windows with double glazed white uPVC sealed unit	Approved	Purpose built	No	

	Application reference number	Site address	Proposal	Decision	Type of flat	Did any negotiations take place?	Representations received on application
			windows.				
42	10/00361/F	23 Goldwell Road Norwich NR1 3PX	Replacement of seven wooden windows with seven upvc windows in mahogany colour.	Approved	Purpose built	No	

### Notes

searches carried out in Uniform are as follows:

\*indow\*eplacement\* - total of 314 results shown as of 13/01/2012, which date back to 1988

\*eplacement\*indow\* - total of 564 results shown as of 13/01/2012, which date back to 1988

The reasons for removing the 'w' from window and the 'r' from replacement is to ensure that all records are shown as uniform searches are case sensitive.

Application references with 'F' are applications for full planning permission

Application references with 'NF3' are Norwich City Council applications

The above does not include any application for replacement windows in conservation areas or on listed buildings. It only reports applications which were determined (i.e. approved or refused).

Norwich City Council 11<sup>th</sup> Jan 2012

## **Appendix 2 - Draft Local Development Order for replacement windows and doors in flats**



**NORWICH**  
City Council

### **Background and aim**

The replacement windows and doors Local Development Order (LDO) applies to purpose built flats, dwelling houses which have been subdivided into two or more self contained units and flats above town centre uses.

The aim of the LDO is to assist landlords, leaseholders and freeholders by speeding up the process, providing certainty of outcome and reducing the cost of replacing windows and doors in flats. The proposal will also result in financial savings to the council as it seeks to implement the window replacement programme across its housing stock. In addition there would be scope for more time and resources to be spent on replacement window applications within conservation areas and on listed buildings so a higher quality design can be achieved within Norwich's historic environments.

### **What does the LDO permit?**

The order allows for windows and doors to be replaced within flats and communal areas of flats without the need for planning permission, subject to conditions. It only applies to the replacement of windows and doors and does not remove the need to apply for planning permission for the enlargement of existing openings, the provision of new openings or any other alterations.

### **Area covered by the LDO**

The order will operate across the whole of the Norwich City Council area, excluding the Broads Authority area. However the order would not apply in conservation areas, on statutory listed buildings or on any locally listed buildings recognised by the council.

### **Conditions**

The full list of conditions attached to the LDO, is set out below.

- 4) The proposal will result in at least 80 per cent of all windows in an elevation being of a uniform material, colour and style. The guidance note defines the meaning of 'elevation'.
- 5) Any window at first floor level or above which is currently obscure-glazed, shall be replaced with an obscure-glazed window to an equivalent specification.
- 6) Any window at first floor level or above which is currently non-opening should be replaced with a non-opening window unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

### **Advisory notes**

The following should also be noted:

- 5) No development within a conservation area or affecting a statutory listed building or locally listed building is allowed under the order. If there is any doubt regarding this please contact Norwich City Council on 0344 980 333 or email [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)
- 6) If you wish formal confirmation that planning permission is not required an application for a Certificate of Lawfulness should be submitted to the council. This is not compulsory; however, before starting any works you are obliged to ensure that the works are lawful.
- 7) Consent under building regulations is required for replacement windows for which a certificate can be issued by a FENSA registered installer or through an application to CNC Building Control. Further details of this can be obtained from CNC Building Control on 01603 430 100 or email [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk)
- 8) If you are not the owner of the flat, permission should be sought from the landlord.

### **Compliance and monitoring**

Any proposal which conforms to the criteria and conditions set out above can take place without planning permission. Written confirmation or a Certificate of Lawfulness is not required. The LDO will be subject to regular review and will be reported through the Annual Monitoring Report.





## **Appendix 3 Draft Statement of reasons**

### **Justification for the Local Development Order, development to be permitted and area covered**

Flats do not benefit from 'permitted development rights' and as such require planning permission for all alterations including the replacement of windows and doors. The current cost of an application for replacement windows and doors relating to a single flat is £150 and £295 for two or more flats and it takes up to eight weeks for the applicant to receive a decision.

42 planning applications relating to replacement windows in flats were submitted and determined in 2010 and 2011, not including those within conservation areas or listed buildings. Representations were made on several of the applications, which were taken into account in assessing the proposal, however all 42 applications were granted planning permission by the Council without amendment. In all of these cases no value was added but the need for a planning application was of cost to both the applicant and the Council in terms of time and money.

As such it is being proposed to introduce a Local Development Order (LDO) which will allow for windows and doors to be replaced within flats and communal areas of flats without the need for planning permission subject to conditions. The LDO would apply to the whole of the Norwich City Council area (excluding the Broads Authority Area) but would not apply to flats within Conservation Areas, listed building, or flats on the local list, when adopted. It is important that the LDO does not apply to these areas so the Council can retain control over Norwich's important heritage assets.

The timing of introducing the LDO is important as the Council is currently implementing its window replacement programme across the council housing stock. Many of the existing windows are in poor state of repair and the LDO would allow windows to be replaced quicker and at a lower cost to the Council. The programme of work suggests that from the 1<sup>st</sup> August 2012 (anticipated date of adoption of the LDO) there will be 706 flats to complete in 136 locations. As there is the ability to group flats into blocks, 136 planning applications would be required. The planning application fee is irrelevant in considering the overall financial implications of introducing an LDO, as funds would be transferred from one budget to another budget; however initial calculations from Norwich City Council's Housing Property Service suggests that the cash benefit to the Council of adopting the LDO would be at least £10,000. There is the scope for this recovered money to be spent on upgrading the thermal properties of glazing in proposed windows, or having a higher quality of design for replacement windows within conservation areas or on listed buildings.

### **Conditions**

The full list of conditions that are attached to the LDO are set out below:

- 1) The proposal will result in at least 80% of all windows in an elevation being of a uniform material, colour and style. The guidance note defines the meaning of 'elevation'.
- 2) Any window at first floor level or above which is currently obscure-glazed, shall be replaced with an obscure-glazed window to an equivalent specification.
- 3) Any window at first floor level or above which is currently non-opening should be replaced with a non opening window unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

The reason for attaching conditions is to retain some control over the replacement of windows. The reason for condition 1 is to ensure some level of uniformity is retained; whilst allowing the upgrading of a significant proportion of windows at one time. This will ensure that the cumulative impact is of good design in accordance with policy HBE12 of the City of Norwich Replacement Local Plan, policy 2 of the Joint Core Strategy and policy DM3 of the emerging Development Management Policies Plan.

The reason for condition 2 and 3 is to protect the amenity of neighbouring residents in accordance with policy EP22 of the City of Norwich Replacement Local Plan and policy DM2 of the emerging Development Management Policies Plan.

### **Policy objectives**

The LDO is consistent with and will help deliver a number of policies within the City of Norwich Replacement Local Plan (Adopted November 2004), the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011) and the Emerging Development Management Policies Development Plan (Draft for consultation January 2011). These include policies relating to design, the historic environment, energy efficiency and impact upon living conditions. A list of policies is set out below.

#### City of Norwich Replacement Local Plan

HBE8 – Development in conservation areas

HBE9 – Listed buildings and development affecting them

HBE12 - High quality of design

EP22 – Protection of residential amenity

#### Joint Core Strategy

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

#### Emerging Development Management Policies Development Plan Document

DM2 – Amenity

DM3 – Design principles

DM4 – Energy efficiency

DM9 – The historic environment and heritage assets

In accordance with the above policies, as the area covered by the LDO would not include conservation areas, listed buildings or locally listed buildings recognised by the Council, it is not considered that the proposal would have a detrimental impact upon the character and appearance of the conservation area or the special architectural or historic interest of statutory listed buildings. Furthermore, it is considered that the conditions are sufficient to ensure that development permitted under the LDO would be of good design and would not impact upon the living conditions of neighbouring residents.

With regards to much of the council housing stock, many of the existing windows are in poor state of repair and due to poor insulation will result in more energy being used to heat the flat. The replacement of the windows will provide better insulation, improving the overall energy efficiency of the property.

### **Timescales**

The LDO will be active for an indefinite period; although the LPA can revise or revoke the LDO at any time.

### **Compliance and Monitoring**

Any proposal which conforms to the criteria and conditions set out above can take place without planning permission. Written confirmation or a Certificate of Lawfulness is not required. The LDO would be subject to regular review and will be reported through the Annual Monitoring Report. The first review would be undertaken within one year of adoption. The data will be collected through CNC building control and Norwich City Council's Housing Property Service.

### **Assessment of the risks**

The replacement of windows without the need for planning permission will result in some loss of control over the appearance of buildings. A potential risk is that development will lack uniformity and will not be of high quality. This risk has been managed by excluding flats within conservation areas, listed buildings and locally listed buildings recognised by the Council from the LDO and through the use of conditions.

### **Further guidance**

For clarity the guidance note defines the term 'elevation' which is used in condition 1 of the LDO. Inevitably this will not cover all forms of elevations within flat, but will hopefully cover the majority. Further guidance on this or on any other issues in connection to the LDO should be referred to Norwich City Council's planning service on 0344 980 3333 or [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)