

## **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 Norwich City Council has introduced 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 applies to the whole of the Norwich City Council area (excluding the Broads Authority Area) but does not apply to flats within Conservation Areas, listed building, Scheduled Monuments, flats on the local list, when adopted or on buildings situated within a registered park or garden. 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 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) Where more than 67 per cent of all the windows in an elevation are to be replaced, all replacement windows must be of a uniform material, colour and style
- 2) Where fewer than 67 per cent of windows in an elevation are to be replaced, replacement windows must match the material, colour and style of the predominant design of windows elsewhere in the elevation.
- 3) 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.
- 4) 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 conditions 1 and 2 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 conditions 3 and 4 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, Scheduled Monuments, locally listed buildings recognised by the Council or buildings located within a registered park or garden, 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 will 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, Scheduled Monuments, locally listed buildings recognised by the Council and buildings located within a registered park or garden from the LDO and through the use of conditions.

### **Further guidance**

For clarify the guidance note defines the term 'elevation' which is used in condition 1 and 2 of the LDO. Inevitably this will not cover all forms of elevations within flat, but will hopeful 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)

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