

Planning and Development

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ASHFORD
BOROUGH COUNCIL

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Our Ref: 09/00838/AS
Your Ref:
Date: 15 July 2009

Dear Sir/Madam,

NOTIFICATION OF APPLICATION : 09/00838/AS **Full Planning Permission**

Location: St Marys Church, Church Yard, Ashford, Kent, TN23 1QL
Proposal: Alterations, conversion and extension to the existing organ blower room to provide vestry/green room toilets. Insertion of a new dormer in roof to gain access to the blower. Formation of new doorway from vestries into the blower room
Applicant Name: St Mary The Virgin DCC

This letter is to notify you that the Council has received the above application and that you now have the opportunity to comment on it.

You may view the application:

- a) at our Central Reception in the Civic Centre, Tannery Lane, Ashford between 9.00am and 5.00pm (Monday to Thursday) and 9.00am to 4.30pm on Fridays
- b) at the Gateway Centre, 14 Park Mall, Ashford between 9.00am and 4.00pm Monday to Saturday where a copy can be viewed on a computer link after 4 working days from the date of this letter
- c) on www.ashford.gov.uk/online%5Fplanning/DCCore/ after 4 working days by searching on case number 09/00838/AS

Please bring this letter with you if you visit the offices, as it will speed up your visit.

If you require a copy of the application for home study only, then the Council's scale of copying charges will apply. These are displayed at the Council's Customer Contact Centres. You should make any representations to me by **08 August 2009**. I will acknowledge your letter or email when I receive it, and will take your comments carefully into account when reaching a decision or in making a recommendation. I enclose a leaflet about how to make representations.

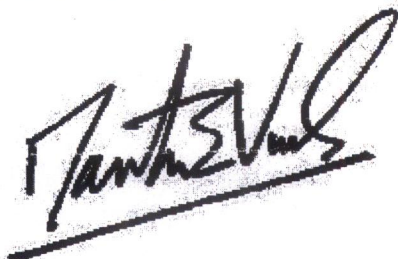
Your comments will be immediately available for public inspection and will be published on the Internet in full including your address, phone number (if any) and signature. Consequently we suggest that you do not include telephone numbers and use a printed signature.

Whilst your comments will be published on the Internet, copies are not sent to Borough Council ward councillors or Parish or Town Councils. You may also contact them with your comments before the date above or the date of the Planning Committee to make them aware of your views or to discuss the application.

We can only notify those people who live nearest the site in this way, however, anybody who hears of an application may comment on it. If you are not the owner of the property, please pass on this letter to the owner.

Most applications are determined by officers of the Council, although some are referred to the Council's Planning Committee for a decision. Planning Committee meetings are open to the public and, if this application is referred to it, I will write to you again informing you of the date and location of the meeting and enclosing details on how you may speak at the meeting. Further details on the Planning process are also available on the Planning pages of the Council's website (www.ashford.gov.uk). You may also contact your Ward Member, any Borough Councillor or your local Parish Council (copy deposited with the Council) before the date of the meeting to discuss the application. If you wish to know whether the above application is likely to be referred to Members and the date of the meeting or require any further information, please contact Stephanie Viney on 01233 330669.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Steph Viney', written over a horizontal line.

Development Control Manager

Enclosure: Guidance upon Representations about Planning Applications

Guidance upon Representations about Planning Applications



The Council cannot decide planning applications simply as it chooses. It is constrained by law and by precedents set in the Courts about the matters it can legitimately take into account when making its decisions.

The purpose of this leaflet is to offer guidance about the sort of matters the Council can take into account. If you write to the Council about a planning application, you should limit your comments to these relevant matters. The Council will have no alternative but to discount comments not relevant to its decision. If it were to do otherwise it would be acting unlawfully and its decision would be open to challenge in the Courts.

If you want further guidance about whether or not a particular matter is relevant, the case officers for the application in the Planning and Development Unit will be pleased to help you. Their duties take them out of the office for a considerable part of their time. It is therefore best to telephone and if they are out leave them a message that they will try and reply to within 1 working day. The name of the case officer can be found on the letter notifying neighbours of an application, the Council's website or by telephoning the Council.

Planning legislation says that in deciding a planning application, the Planning Authority

- **shall have regard to the provisions of the development plan**, so far as material to the application **and to any other material considerations**, and
- that the determination of an application must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Obviously, any relevant provisions of the Development Plan will be very important in any decision. The main statutory Development Plans in force in Ashford Borough are the Regional Planning Guidance (RPG 9 as amended in 2004), the Kent & Medway Structure Plan, adopted in 2006 and the Ashford Borough Local Plan, adopted in 2000. In addition, the draft Regional Spatial Strategy (South East Plan) was published for consultation in 2006 and the Borough Council's LDF Core Strategy was submitted in November 2006. Both are important documents which the Council has to take account of.

All of these development plans are available for inspection at the Council's reception area and at the local libraries. They are also available on or via the Planning Policy pages of the Council's website www.ashford.gov.uk. You may wish to consult them to see if there are any proposals or policies which are relevant to the applications you are interested in.

As well as any relevant provisions of the Development Plan, the Council must take into account "any other material considerations". This means considerations which are relevant to land use planning which now includes the rights contained in the Human Rights Act 1998. It follows that an objection to a planning application on grounds which reflect only the writer's personal and private interests would normally be discounted by the planning authority. Examples of private interests which tend to be raised in representations and which the Council cannot normally take into account are:-

- a loss of view
- an infringement of rights of light
- a breach of a covenant attaching to land
- a fear that property may be devalued
- a business person's fear that trade may be lost to a competitor

It may be that your concern is justified and could legitimately be taken into account if expressed in a different way. Whilst a view from a property and rights of light are private issues, it is a matter of public interest that dwellings should have reasonable standards of amenity. Thus it is relevant to consider whether a proposed building or extension would be overbearing in the outlook from a property, whether it would cause unreasonable loss of light and whether one dwelling would be directly and unreasonably overlooked from another. There are no hard and fast rules to decide these matters. A relationship between buildings which would be acceptable in a tightly developed town centre location might not be acceptable in a suburban location or in a village.

A covenant attaching to land is a purely private matter between the parties to it. The Council will not be bound by it or take it into account in deciding an application. You may wish to take legal advice if you think that a development proposal would be in breach of a covenant.

The value of property is purely a private matter and an anticipated loss in value is not in itself material to a planning decision. It may be that the reasons why you fear a loss in value will themselves be relevant and material considerations which reflect matters of public interest. You should formulate your comments on the basis of these matters and not simply suggest that your property would be devalued.

The Council cannot use its planning powers to discriminate between businesses that are in competition. For example, proprietors of existing restaurants may object to a planning application for a new restaurant on the basis that there are enough such facilities already and the new restaurant may cause an existing one to close. Such an objection is seeking to protect private interests and normally cannot lawfully be a basis for refusing planning permission. Exceptionally, it might be possible to argue that the number of restaurants in a locality is leading to an undesirable change in its character.

For your assistance, some other examples of typical material considerations are set out below:-

- the effect of a proposal on road safety. Is there a safe access to the site? Would the traffic created by the development cause significant hazards to drivers or pedestrians?
- the potential for a proposed building or use to cause disturbance, including any increased traffic flows, to the neighbours or in the locality.
- the impact of a building development on the character of its surroundings. How would a building fit into its setting in terms of its bulk and its scale?
- the effect of a proposal on nature conservation interests.
- the effect of a proposal on the character or appearance of a conservation area or on the setting of a listed building.

This list is by no means exhaustive. For further guidance please speak to a member of the Planning and Development Unit.

You should be aware that, if you write about an application, the Council will be obliged to make your letter available for inspection by the public. This will include its publication on the Internet.

You may be worried about some of your personal information being available on the Internet so if you do comment on an application you do not have to hand sign the letter, a printed signature will do and you do not need to provide a telephone number or email address. We do however need to know where you live if we are to take your comments into account. If you write to us by email please send a letter as an attachment so that we do not have to publish your email address on the Internet.

Note: If you wish to question or comment upon the conduct of individual officers or elected Councillors, or upon procedural matters, these should be made via the Borough Council's complaints procedure. Please contact the Ashford Borough Council's main reception in the first instance for advice on how the scheme operates.

Legal and Democratic Services

Member Services

Ashford Borough Council
Civic Centre, Tannery Lane, Ashford, Kent
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