

planning
transport
design
environment
infrastructure
land

Covering Statement **8-9 The Square, Lenham**

CLIENT: Mr Nick King

November 2023
AP/32533



Planning. Inspiring. Delivering.

Maidstone
01622 776226

Gatwick
01293 221320

London
020 3005 9725

www.dhaplanning.co.uk

CONTENTS

1	INTRODUCTION.....	2
1.1	CONTEXT	2
1.2	CONDITION 1 OF PP AND LBC – TIME LIMIT	6
1.3	CONDITION 2 OF PP AND LBC – MATERIALS.....	6
1.4	CONDITION 3 OF PP AND LBC – JOINERY	6
1.5	CONDITION 4 OF PP AND LBC – DETAILS OF RAILINGS.....	8
1.6	CONDITION 5 OF PP – SCHEDULE OF WORKS	9
1.7	SUMMARY	9

- Appendix A** – Building Control Start Notice
- Appendix B** – Council Tax certificate
- Appendix C** – External Materials
- Appendix D** – Photos of Front Door (9 The Square)

1 INTRODUCTION

1.1 CONTEXT

- 1.1.1 This application seeks to discharge a number of pre-commencement conditions attached to planning permission 12/0901 and Listed Building Consent (LBC) 12/1019 at 8-9 The Square, Lenham, Maidstone, ME17 2PQ. The property is Grade II listed and the proposed development sought a change of use from a restaurant to two separate dwellings including external and internal amendments.
- 1.1.2 Both the planning permission and LBC were approved on 3rd December 2012. The planning permission and LBC was implemented on 23rd April 2014 as confirmed by the Building Control Start Notice (**Appendix A**) for 8 The Square, in which works are confirmed as having been commenced.
- 1.1.3 The subsequent works were completed by the applicant's father who was the applicant for the original applications and then resided in 9 The Square from 14th June 2018, as confirmed by the Council Tax certificate (**Appendix B**), until his death on 16th November 2022. Following the passing of Mr P King in 2022, his son Mr Nick King (the Applicant) is in the process of disposing of the property. During the land searches it was highlighted that there are conditions attached to both the original planning permission (12/0901) and the LBC (12/1019) which have not been formally discharged and remain outstanding.
- 1.1.4 The only condition which has been formally discharged is condition 5 of the LBC which was approved on 6th November 2013 under application reference 13/1464. However, from this date a number of subsequent LBCs were submitted which proposed amendments to the original LBC and in effect provided the details that were set out in the conditions to the original PP and LBC. The table below lists all the applications submitted in relation to numbers 8 and 9 The Square following the submission of planning permission 12/0901 and Listed Building Consent (LBC) 12/1019.

REFERENCE	SITE	TYPE	DESCRIPTION	STATUS
22/504268/LBC	8	LBC	Listed Building Consent for the internal alterations including removal of some modern partition walls to facilitate the change of use of the first and second floor from commercial use to 2no. one bedroom residential flats. Open for comment icon	Awaiting Decision
20/500853/SU B	9	LBC Condition (14/0077)	Submission of details pursuant to condition 2 (materials) for planning permission 14/0077.	15/04/2023
20/500775/SUB	8	LBC Condition (14/0076)	Submission of details pursuant to condition 2 (details of any new supporting works required as a result of the removal of the staircase from its current position) in relation to planning permission 14/0076.	Granted 23/04/2023

19/500876/SUB	9	LBC Condition (16/505711/LBC C)	Submission of details pursuant to Conditions 3: Details of materials & 4: Joinery details (original application ref: 16/505711/LBC).	Granted 1/07/2019
17/506519/LBC	8	LBC	Listed Building Consent for replacement of two rear windows with patio door.	Granted 8/02/2018
17/504545/SUB	8	LBC condition (14/500346/LBC)	Submission of details pursuant to Condition 4: Photographic record of existing structure (original application ref: 14/500346/LBC).	Granted 29/3/2018
17/503785/LBC	8	LBC	Listed Building Consent for replacement of two rear elevations windows and one side elevation window with patio doors.	Refused 20/09/2017
16/505711/LBC	9	LBC	Listed Building Consent for replacement of ground floor brick front elevation with Dressed Stone, alteration of rear extension, general revisions including alterations to partitioning for boiler cupboard, bed 4 and cellar stairs.	Granted 13/10/2016
14/500762/LBC	9	LBC	Listed Building application for alterations to rear kitchen extension as shown on drawings and details received on the 9th June 2014	Granted 11/09/2014
14/500346/LBC	8	LBC	Listed Building Consent: Roof alterations	Granted 16/11/2015
14/0076	8	LBC	Internal works involving repositioning of existing staircase at ground floor level and installation of new staircase to provide new access to 1st floor.	Granted 17/07/2014
14/0077	9	LBC	Alterations to front elevation including installation of door at ground floor level and installation of replacement windows at ground and first floor. Internal works to install staircase at ground floor to provide access to 1st floor as shown on drawing nos: 101, 102, 103 and 104 and revised plans received on the 19th March 2014.	Granted 16/06/2014
13/1464	8-9	LBC Condition (MA/12/1019)	An application to discharge condition relating to MA/12/1019 (listed building consent for internal and external alterations to 8 and 9 The Square to facilitate change of use of 8 & 9 The Square into 2 separate dwellings) being details of condition 5 - schedule of works as shown on details received 22/08/13.	Granted 6/11/2013

- 1.1.5 The previous applicant Mr P King made the assumption that the subsequent LBCs superseded the original planning permission and LBC but it is understood that the subsequent LBCs only superseded certain elements on the original LBC. The scale of the works to both listed buildings were/are substantial and the difficulty of restoring both buildings was recognised by the Councils Conservation Officer. Restoring listed buildings and bringing the back into use to secure their long term future and viability is a costly and often complex process to ensure the work is completed correctly and to the right standards. Consequently, through the long

process of restoring the listed buildings some of the steps in the process were missed in error.

1.1.6 However, whilst not formally discharged, Maidstone BC has in effect approved the details secured by condition of the original planning permission and LBC and therefore this application seeks to rectify and regularise the procedural matters of discharging the outstanding conditions.

1.1.7 The planning permission (MA/12/0901) sought approval for:

Application for change of use and external alterations to 8 and 9 The Square to facilitate change of use of 8 & 9 The Square into 2 separate dwellings, including erection of pitched roof to rear including closing of gap between buildings to the rear at 2nd floor level, removal of single storey rear extension and external staircase, alterations to fenestration, installation of railings, restoration of external surfaces and tile hanging to first floor front elevation and structural repair of front elevation with associated works as shown on site location plan and drawing nos. 101, 103, 105, 107, 108, 109, 111, and 112 received 15/05/12, Design & Access Statement and drawing no. 113 received 30/05/12, Statement of Significance received 10/09/12, additional Statement of Significance and drawing nos. 104A and 106A received 11/10/12 and drawing nos. 102A and 110A received 31/10/12.

1.1.8 The LBC (MA/12/1019) sought approval for

Listed building consent for internal and external alterations to 8 and 9 The Square to facilitate change of use of 8 & 9 The Square into 2 separate dwellings, including erection of pitched roof to rear including closing of gap between buildings to the rear at 2nd floor level, removal of single storey rear extension and external staircase, alterations to fenestration, installation of railings, restoration of external surfaces, erection of internal party walls, installation of internal stairway, tile hanging to first floor front elevation and structural repair of front elevation with associated works as shown on site location plan and drawing nos. 101, 103, 105, 107, 108, 109, 111, and 112 received 15/05/12, Design & Access Statement and drawing no. 113 received 30/05/12, Statement of Significance received 10/09/12, additional Statement of Significance and drawing nos. 104A and 106A received 11/10/12 and drawing nos. 102A and 110A received 31/10/12.

1.1.9 Both decision notices contained the same conditions although the planning permission included a condition relating to the cutting back of branches of trees as the site is located in a Conservation Area. This only required details to be submitted if trees were to be cut back but no tree pruning was required as part of the development. The table below sets out the conditions.

CONDITION WORDING	PP CONDITION NO.	LBC CONDITION NO
The works to which this consent relates must be begun before the expiration of three years from the date of this consent	1	1
The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted, including a sample panel of brickwork, have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials	2	2
The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:- a) New external joinery in the form of large scale drawings.	3	3
The development shall be carried out in accordance with the approved details and maintained as such thereafter		
The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:- a) Details of the railings to the street frontage by way of large scale drawings, at either 1:10 or 1:20.	4	4
The development shall be carried out in accordance with the approved details and maintained as such thereafter		
The development shall not commence until a schedule of works relating to the rebuilding of the pier wall between 9 and 10 The Square has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter	5	5
Prior to the start of the development hereby permitted should the cutting back of branches from the nearby protected Lime trees be necessary, a schedule of pruning works required to implement the development is to be submitted to and approved in writing by the Council. All pruning works are to be undertaken by a competent person in accordance with British Standard 3998:2012 Tree Works - Recommendations.	6	N/A
The development hereby permitted shall be carried out in accordance with the following approved plans: 108 and 112 received 15/05/12, 104A and 106A received 11/10/12 and 102A and 110A received 31/10/12	7	6

1.1.10 The following sections review each condition demonstrating that the necessary approvals were sought and can now be used to discharge the conditions 2, 3, 4 and 5 of the planning permission and conditions 2, 3 and 4 of the LBC, as required.

1.2 CONDITION 1 OF PP AND LBC – TIME LIMIT

- 1.2.1 The planning permission and LBC was implemented on 23rd April 2014 through the commencement of works as demonstrated by the Building Control Certificate attached at **Appendix A**. Therefore, condition 1 has been complied with and the PP and LBC has commenced.

1.3 CONDITION 2 OF PP AND LBC – MATERIALS

- 1.3.1 This condition required written details and samples of materials used for the external construction.
- 1.3.2 For no. 8 The Square, the only additional materials were for the new roof extension. The other external works sought to remove the white paint and restore the external façade which comprised repointing the brickwork on the front elevation and restoring the ragstone and flint wall on the rear elevation.
- 1.3.3 The roof alterations to number 8 were then amended under LBC 14/500346/LBC approved 16th November 2015. This was to simplify the hipped roof that was previously approved. Whilst condition 4 of this permission was approved on 29th March 2018 under application reference 17/504545/SUB, condition 3 requesting details of external materials has not been discharged. A separate application has been submitted to discharge condition 3. It is confirmed that the materials for the roof comprise reclaimed Kent Peg tiles as shown in **Appendix C**.
- 1.3.4 For no. 9, the front elevation details were amended via LBC MA/14/0077 (approved 16th June 2014) which amended the door and window configuration and then subsequently by LBC 16/505711/LBC (approved 13th October 2016) which amended the existing ground floor brick work on the front elevation to dressed Kentish ragstone to match the existing Kentish ragstone on the rear elevation along with amendments to the rear elevation. The materials for LBC MA/14/0077 (door and staircase details) were discharged via application 20/500853/SUB which was approved 15th April 2020 and the materials for LBC 16/505711/LBC were discharged via application 19/500876/SUB which was approved 1st July 2019. Therefore, the approved materials to discharge condition 2 are as follows with samples are provided in **Appendix C**:
- Reclaimed Dressed Kentish Ragstone – ground floor front elevation
 - Reclaimed Kent Peg Tile – roofs and first floor jetty (front elevation)

1.4 CONDITION 3 OF PP AND LBC – JOINERY

- 1.4.1 This condition required the submission of details of external joinery.

- 1.4.2 For no. 8 The Square, no external joinery was proposed as part of the original planning permission and LBC and therefore no details have been provided previously or now.
- 1.4.3 It should be noted that application 17/506519/LBC approved 8th February 2018 sought to replace two ground floor windows to the rear elevation with a reclaimed patio door with the joinery details provided as part of that application.
- 1.4.4 For no. 9 The Square, the front elevation details were amended via LBC MA/14/0077 (approved 16th June 2014) and then the rear elevation windows and doors were amended by LBC 16/505711/LBC (approved 13th October 2016). Both applications required details of joinery to be submitted via discharging a condition.
- 1.4.5 The joinery details for LBC MA/14/0077 were discharged via application 20/500853/SUB approved 15th April 2020 and the joinery details for by LBC 16/505711/LBC were discharged via application 19/500876/SUB approved 1st July 2019. It is noted that the door elevation details were discharged under application 20/500853/SUB. However, the current front door differs to the front door that was approved. This is because during the installation of the approved front door issues arose due to the sizing and condition of that front door. Therefore, it become more apparent that installing a slightly different front door would be the most practical solution.
- 1.4.6 This has enabled the existing door frame and step to be retained. The front door installed is still an oak panel door with a stained-glass lead light glazed top section as per the description of the approved door. The approved door and current front door are shown in Figure 1.
- 1.4.7 Therefore, given the fact the approved door is not an original door and that the current door conforms to the description of the approved door it is unlikely to require LBC based on the guidance provided by Historic England. Notwithstanding this, the details of the door can be approved and controlled via this condition which is being discharged.
- 1.4.8 Therefore, the approved joinery details to discharge condition 3 are as follows:
- Front door Photos – 9 (Appendix D)
 - Drawing no.1 –Details of Windows and Railings – Front elevation - Feb 2019
 - Drawing no.2 – Details of Windows and Eaves – rear elevation - Feb 2019
 - Drawing no.3 - Details of Windows - Feb 2019
 - Drawing no.4 – Details of Sash Windows - Feb 2019

- Drawing no. 5 – Details of Casement Window

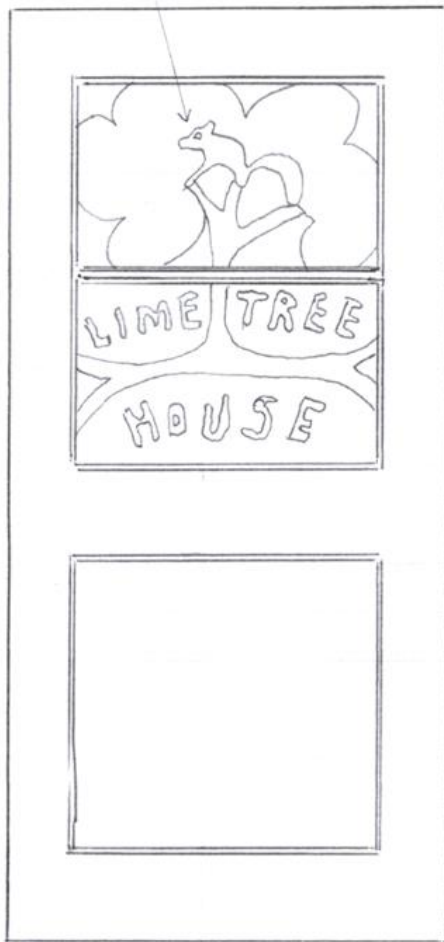


Figure 1: Approved front door details (left) and installed front door (right)

1.5 CONDITION 4 OF PP AND LBC – DETAILS OF RAILINGS

- 1.5.1 This condition required the submission of details relating to the railings to the street frontage.
- 1.5.2 For no.8 The Square, no railings have been installed and there is currently no intention to install the railings as shown in drawing no.1 – Details of Windows and Railings – Front elevation - Feb 2019 approved under application 19/500876/SUB approved 1st July 2019 for 9 The Square.
- 1.5.3 For no.9 The Square, the LBC 16/505711/LBC amended the front elevation and condition 4 required details of railings and these details were discharged via application 19/500876/SUB approved 1st July 2019. Therefore, the approved railing details to discharge condition 3 are as follows:

- Drawing no.1 – Details of Windows and Railings – Front elevation - Feb 2019

1.6 CONDITION 5 OF PP – SCHEDULE OF WORKS

- 1.6.1 This condition requires a schedule of works relating to the rebuilding of the pier wall between 9 and 10 The Square.
- 1.6.2 Details of were submitted under application 13/1464 to discharge condition 5 for the original LBC MA/12/1019 and were approved on 6th November 2013. The same drawings as listed below have been submitted to discharge condition 5 of the original planning permission.
- Brick Pier Elevation
 - Brick Pier Section & Elevation

1.7 SUMMARY

- 1.7.1 As demonstrated through this Statement, whilst the conditions for the original planning permission and LBC were not formally discharged, the relevant details have been approved via subsequent LBCs. The details submitted should enable Maidstone BC to formally discharge the relevant conditions and regularise the permission and consent.

Appendix A – Building Control Start Notice

Print Version

Close Window

Print

Summary

Description Of Works	Conversion of restaurant into a dwelling (see B14/0498)
Site Address	8 The Square Lenham Kent ME17 2PQ
Application Reference Number	B14/0408
Valid Date	Tue 22 Apr 2014
Decision Date	Thu 24 Apr 2014
Status	Building Work Started

Further Information

Application Reference Number	B14/0408
Description Of Works	Conversion of restaurant into a dwelling (see B14/0498)
Ward	Harrietsham And Lenham
Parish	Lenham
Decision	Accepted
Status	Building Work Started

Plots

Plot Commencement Date 23 Apr 2014

Plot Completion Date Not Available

Plot Address Conversion of restaurant into a dwelling

Plot Status Building Work Started

Important Dates

Application Received Tue 22 Apr 2014

Application Deposited Tue 22 Apr 2014

Decision Date Thu 24 Apr 2014

Application Commencement Date Wed 23 Apr 2014

Application Completion Date	Not Available
Five Week Date	Tue 27 May 2014
Two Month Date	Wed 23 Apr 2014

Related Information

There are 0 documents associated with this application.

There are 0 cases associated with this application.

There is 1 property associated with this application.

Appendix B - Council Tax certificate

Property information for
**9, THE SQUARE, LENHAM,
MAIDSTONE, KENT, ME17
2PQ**

Local Authority	Maidstone (http://www.maidstone.gov.uk/)
Local authority reference number	10404082000590
Council Tax band	E
Improvement indicator	No
With effect from	14 June 2018
Mixed-use property	No
Court code	None

Appendix A – Building Control Start Notice

Print Version

Close Window

Print

Summary

Description Of Works	Conversion of restaurant into a dwelling (see B14/0498)
Site Address	8 The Square Lenham Kent ME17 2PQ
Application Reference Number	B14/0408
Valid Date	Tue 22 Apr 2014
Decision Date	Thu 24 Apr 2014
Status	Building Work Started

Further Information

Application Reference Number	B14/0408
Description Of Works	Conversion of restaurant into a dwelling (see B14/0498)
Ward	Harrietsham And Lenham
Parish	Lenham
Decision	Accepted
Status	Building Work Started

Plots

Plot Commencement Date 23 Apr 2014

Plot Completion Date Not Available

Plot Address Conversion of restaurant into a dwelling

Plot Status Building Work Started

Important Dates

Application Received Tue 22 Apr 2014

Application Deposited Tue 22 Apr 2014

Decision Date Thu 24 Apr 2014

Application Commencement Date Wed 23 Apr 2014

Application Completion Date	Not Available
Five Week Date	Tue 27 May 2014
Two Month Date	Wed 23 Apr 2014

Related Information

There are 0 documents associated with this application.

There are 0 cases associated with this application.

There is 1 property associated with this application.

Appendix B - Council Tax certificate

Property information for
**9, THE SQUARE, LENHAM,
MAIDSTONE, KENT, ME17
2PQ**

Local Authority	Maidstone (http://www.maidstone.gov.uk/)
Local authority reference number	10404082000590
Council Tax band	E
Improvement indicator	No
With effect from	14 June 2018
Mixed-use property	No
Court code	None

Appendix C - Materials

Reclaimed Dressed Ragstone



Reclaimed Kent Peg tiles



Appendix D - Photos of Front Door







