

**Location:** 2-12 Avebury Avenue Tonbridge TN9 1TF

**Proposal:** Alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym (Revision of TM/19/00287/FL)

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## **1. Background:**

- 1.1 This supplementary report should be read in conjunction with the original Area Planning Committee Report which is attached as an **Annex 1** to this cover report and the supplementary committee report attached as **Annex 2** to this cover report. The application was heard by Area 1 Planning Committee on the 16 October 2025, where the committee resolved to grant planning permission subject to the adequate completion of a S106 agreement to secure the required planning obligations. The S106 agreement has now been completed.
- 1.2 The application is being returned to the Planning Committee in light of comments made by South East Water (SEW) during the Local Plan Regulation 18 consultation, which highlighted, amongst other matters, the potential shortfall in water supply to meet forecast residential growth arising from the Local Plan. This supplementary report therefore provides an assessment of this issue, having regard to the relevant policies of the adopted Development Plan and the National Planning Policy Framework.
- 1.3 Potable Water Supply
- 1.4 Following the receipt of SEW letter the availability of potable water is a material planning consideration. The development should therefore be assessed against Policy SQ5 of the Managing Development and the Environment Development Plan Document and Policy CP25 of the Tonbridge and Malling Core Strategy, which collectively require new development to demonstrate that adequate infrastructure is available to meet its demand, or that additional capacity can be provided in time to do so.
- 1.5 The proposal to create 34 apartments would increase the demand for potable water. However, it involves the partial conversion and extension of an existing building formerly occupied by offices and a gym and already benefits from a connection to the South East Water supply network. Furthermore, the building has an extant permission for conversion and extension to provide 23 apartments, which could be implemented at any time. Accordingly, the additional demand generated by the current proposal would relate to 11 units, rather than the full 34 apartments.
- 1.6 South East Water has advised, in its consultation response to the draft Local Plan, that there is sufficient capacity to accommodate up to 2,566 dwellings between 2025

and 2029. Given the relatively modest increase in the number of units, the planning history of the site, and the availability of existing water infrastructure, it is considered likely that sufficient capacity exists to serve the proposed development. Any residual risk in respect of potable water supply could be further mitigated through a Grampian-style condition requiring the submission and approval of a strategy detailing the provision of potable water and an implementation timetable prior to the commencement of development.

- 1.7 The Planning Practice Guidance advises that local planning authorities should not refuse planning permission on grounds that can be adequately addressed through the imposition of planning conditions, where it is concluded that such conditions would enable the development to proceed, as is the case here. For the reasons set out above, and subject to the imposition of the recommended condition, the proposal is considered capable of complying with Policy CP25 of the TMBCS and Policy SQ5 of the MDEDPD. As such, the additional demand for potable water arising from the development would not constitute a sufficient reason for refusal.
- 1.8 The recommendation remains the same as previously set out in **Annex 1 (to Approve)** and as agreed by Members subject to the S106 agreement (which has already been completed) and the conditions below.
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Proposed site plan 2024-860(P)-Proposed-200(2)  
Proposed first floor plan 2024-860(P)-Proposed-206(1)  
Proposed second floor plan 2024-860(P)-Proposed-207(1)  
Proposed third floor plan 2024-860(P)-Proposed-208(1)  
Proposed fourth floor plan 2024-860(P)-Proposed-209(1)  
Proposed roof plan 2024-860(P)-Proposed-210(1)  
Proposed ground floor plan 2024-860(P)-Proposed-205(4)  
Proposed north and west elevations 2024-860(P)-Proposed-215(3)  
Proposed south and east elevations 2024-860(P)-Proposed-216(3)  
Proposed street scene A, B & C 2024-860(P)-Proposed-220(2)  
Site location plan 2024-860(P)-Existing-001  
Planning statement  
Transport statement  
Daylight and sunlight assessment  
Financial viability assessment  
Heritage statement  
Flood risk assessment and drainage strategy

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Noise impact assessment  
Odour assessment  
Material schedule

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. All materials used externally shall accord with the plans and the material schedule hereby approved.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

4. The residential units hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space

Reason: In the interests of highway safety

5. Prior to the first occupation of the development hereby approved, details of the lockable bollards to be installed to the approved parking spaces shall be submitted to and approved by the Local Planning Authority. These shall be installed as approved prior to the first occupation of any residential unit and retained at all times thereafter.

Reason: To prevent unauthorised use of spaces, leading to increased pressure for on street parking

6. The development hereby approved shall not be occupied unless and until the bike and bin stores as shown in the approved ground floor plan have been provided in accordance with the approved details. The bike and bin stores shall thereafter be retained permanently for their intended purposes.

Reason: To ensure appropriate bin and bike storage facilities are provided to the future residents at the time of occupation and ensure they remain available throughout the lifetime of development.

7. The proposed vehicular access serving both the external and internal car parking spaces shall be provided, surfaced and drained in accordance with the approved ground floor plan (P)205 P02. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending,

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revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position to preclude vehicular access

Reason: In the interests of highway safety, to ensure safe vehicular access is provided and maintained in support of the development proposal.

8. The development hereby permitted shall not commence until a Construction Management Plan comprising the following details has been submitted to and approved in writing by the Local Planning Authority.

- (a) Routing of construction and delivery vehicles to / from site.
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.
- (g) Environmental management control of all demolition and construction works

The Construction Management Plan shall thereafter be implemented strictly in accordance with the approved details throughout the construction phase.

Reason: In the interests of highway safety and to ensure the potential of disruption caused to the local highway network is minimised as far as reasonably practicable during the construction.

9. The measures for the implementation and monitoring arrangements for the Interim Travel Plan prepared by DHA, dated December 2024, shall be fully adhered to at all times.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

10. The measures for mitigation of both environmental and commercial noise as set out in a) the Noise Impact Assessment and Survey by MRL acoustics ref MRL/100/1311.2V1 dated January 2019 and b) The Noise Impact Assessment and Survey by Acoustic Principles ref- MRL/100/1311.2V1 dated 07 November 2024 shall be fully adhered to and a report containing photograph and written evidence confirming full implementation of the details of the acoustic work shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of the protecting the amenities of the future residents of the flats.

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11. No part of the building shall be occupied until full details of the mechanical ventilation of the building have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) / leisure facilities hereby approved.

12. Prior to start of works on site, the applicant shall submit in writing to the satisfaction of the local authority details to demonstrate the proposed substation will remain flood resilient and operational during the design flood event, where the flood level is estimated to be 23.5mAOD. The details shall include a maintenance and management plan of the substation to ensure flood resilience is maintained.

Reason: To ensure the substation remains operational during times of flood as required by Table 2 and the Exception Test of NPPF. This is supported by Policy CP10 of the LDF: Core Strategy – September 2007.

13. Prior to construction, the applicant shall submit in writing, to the satisfaction of the local authority, details to demonstrate all necessary infrastructure necessary to maintain all utilities for water, heat and power during a flood event, will be located at a suitable location above design flood level.

Reason: To ensure continuity of supply and wellbeing of residents during and immediately after flood conditions. This is supported by Policy CP10 of the LDF: Core Strategy – September 2007.

14. The development hereby permitted shall not be occupied unless and until the foul and surface water drainage system and all other recommendations set out in the Flood Risk Assessment and Drainage Strategy prepared by DHA dated Nover 2024 (34379/JM/CS) have been installed and fully implemented in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 181 of the National Planning Policy Framework

15. No development shall take place until a strategy detailing the proposed delivery of potable water for the residential apartments hereby permitted and an implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with SE Water. The development shall be carried out in accordance with the approved details and timetable.

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Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.