

PLANNING COMMITTEE – 13th August 2026**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting.

DEF 1 REFERENCE NO 25/501882/FULL		
PROPOSAL Erection of 23no. dwellings (Including Affordable Housing) with associated public open space, access, vehicle parking and an enhanced pedestrian route to Teynham (together with off-site highway works).		
SITE LOCATION Land To The North Of Lower Road, Teynham, Kent, ME9 9EQ.		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate conditions and the completion of a Section 106 agreement as set out in this report and that attached at Appendix A, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be necessary and appropriate.		
APPLICATION TYPE – Full		
REASON FOR REFERRAL TO COMMITTEE Originally referred to Planning Committee as the officer recommendation for approval was contrary to a recommendation for refusal by a statutory consultee (KCC Highways). <i>[Officer note – Following amendments and clarification, this objection has now been lifted.]</i>		
Case Officer Andrew Gambrill		
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Teynham	APPLICANT Guy Osborne AGENT N/A
DATE REGISTERED 02/06/2025		TARGET DATE 21/07/2026
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SVY7QLTYGW400		

1. INTRODUCTION

- 1.1 This application was initially reported to the Council's Planning Committee on the 5th March 2026, with a recommendation that planning permission be granted subject to conditions and the prior completion of a Section 106 agreement. The Planning Committee resolved to defer the application to provide officers with time to liaise with KCC Highways to establish if their objection could be overcome, with their primary issue being the onward crossing of Lower Road opposite Selby Court. Members also queried the parking provision on the site and requested that a condition be imposed regarding the roads within the development being constructed to an adoptable standard.
- 1.2 The original Committee report is attached to this report as Appendix A and the minutes from the previous Committee meeting are available at Appendix B.

2. RESPONSE TO THE REASONS FOR DEFERRAL

- 2.1 Following the deferral by Members and in order to overcome the concerns raised by KCC Highways, the applicant has submitted an off-site highway improvement plan since the application was last presented to the Planning Committee. This shows the proposed introduction of a footpath on Lower Road opposite the entrance with Selby Court/1-4 Selby Court and onwards towards French's Row. The footpath would have a width of 1.2m. The applicant has also submitted a new internal layout plan with three additional parking spaces introduced in response to comments made by Members at the Planning Committee on the 5th March.

3. CONSULTATION RESPONSES RECEIVED SINCE PREVIOUS COMMITTEE

- 3.1 **KCC Highways** - Following submission and review of the latest off-site highway improvement plan, they no longer raise objection. They are satisfied that the revised proposal overcomes the previous highway safety concerns that formed the primary reason for refusal. In particular, the scheme now provides appropriate mitigation to address pedestrian safety along this section of carriageway.

4. REPRESENTATIONS RECEIVED SINCE PREVIOUS COMMITTEE

- 4.1 Following the receipt of the additional off-site highway works plan and the associated change to the description, neighbours and the Teynham Parish Council were reconsulted on the proposals.
- 4.2 No further comments were received from the Teynham Parish Council, but three further objections were received from members of the public. The majority of the comments received raise no new material considerations beyond those previously considered in Appendix A. New concerns raised are set out below:
 - Concerned that a further narrow walkway to the opposite of the entrance (near French's Row) would make walking even more dangerous and precarious than it already is.

- The dropped kerb at French's Row creates a new problem - pedestrians and wheelchair users are given a false sense of security with this extended pavement, and may lack awareness that there will be vehicles entering and accessing French's Row, particularly if they are focused on when they can safely cross Lower Rd.
- Concerned that the pedestrian footpath proposed between the main part of the site and Lower Road would not be secured in perpetuity by the legal agreement submitted – there is a high chance of redevelopment in the area resulting in its partial loss.
- Comment that the pedestrian route as it runs along the access road between Selby House car park and Lower Road does not meet KCC or nationally recognised standards - measurement on the ground shows the road is narrower than shown on the plans, which in turn impacts on the proposed pedestrian route
- Unclear where bollards are proposed.
- The additional housing proposed will intensify problems with existing water supply for existing residents and the water provider alike.

5. UPDATE TO THE ASSESSMENT MADE IN APPENDIX A

Highways safety

- 5.1 As set out above, the main change since the application was last reported to the Planning Committee on the 5th March is that an off-site footpath is now proposed on Lower Road opposite the entrance into Selby Court/1-4 Selby Court. The works would see the width of the main Lower Road reduced by approximately 1m in order to facilitate the introduction of the circa 18m long footpath along the southern edge of the highway. A dropped kerb would lie opposite the western edge of the Selby Court junction to accommodate footpath access from the site, with the footpath then leading towards French's Row to the west. This proposed footpath falls on public highway land rather than private land, meaning that the applicant would require agreement from KCC Highways prior to the works being carried out.
- 5.2 The purpose of introducing this footpath in this location is to support safer active travel movements between the entrance into Selby Court and onwards towards services and facilities found elsewhere within Teynham. Not only would the off-site footpath aid safer movement for proposed residents of the development subject of this application, but it would also be of benefit to existing residents in proximity.
- 5.3 KCC Highways were reconsulted on the proposals for the off-site footpath, with the proposals also subject to review by a member of their team who is a Road Safety Auditor.
- 5.4 Following this review, KCC Highways have confirmed that, in their view, the revised proposal overcomes the previous highway safety concerns raised. In particular, the scheme now provides appropriate mitigation to address pedestrian safety along this section of carriageway. They advise that it is evident that pedestrians currently utilise this stretch of road to access Selby Court and for

onward journeys, despite the absence of formal footway provision. The introduction of these off-site works, particularly in the vicinity of the bend, represents a material improvement to pedestrian safety in this location. On this basis, KCC Highways are no longer objecting to the proposals. As the introduction of this off-site footpath would be on public highway land, it can be secured by condition, with the final detailed approval of the highway alterations agreed between the developer and KCC Highways.

5.5 The NPPF 2024 states at paragraph 116 that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

5.6 In the absence of any severe or unacceptable impact on the highways network, the NPPF discourages refusal. For the reasons set out above and in line with the assessment carried out in Section 7.11 of the original Committee Report at Appendix A, the proposals are considered acceptable from a highway safety perspective.

5.7 Notwithstanding the above, comments were received in the latest round of consultation regarding the potential safety implications at French's Row as a result of the improvements. Given the low speed nature of French's Row, it is not considered that the introduction of a footpath adjacent would give rise to any unacceptable highways safety impacts. Further to this, KCC Highways have not identified this as a concern.

5.8 Comment was also received about a lack of detail on the bollards proposed to serve the pedestrian route between Selby House and Lower Road. The location of these is shown on drawing no. 500/HDH/004/A, whilst a condition securing further details of the actual bollards proposed to be installed is recommended under condition 22 of Appendix A. The footpath along that route is to be 1.2m in width, which is considered sufficient for a pedestrian route. The plans reflect the actual width of the internal road to be altered. Other comments received in the latest consultation relating to the movement of refuse vehicles and conflict with condition 9 of 23/501073/FULL are addressed in Appendix A in Section 7.11. The width of the access route is capable of accommodating the 1.2m footpath between Selby House and Lower Road. As set out in Appendix A, a Unilateral Undertaking is to be secured ahead of determination to ensure that the footpath proposed is delivered and maintained as shown in perpetuity. The delivery of this footpath is also referenced in condition 22 of Appendix A. In respect of comments relating to the potential redevelopment of the area and partial loss of the footpath in future, the application has to be considered on its merits at this stage, rather than on the basis of something that could be applied for in the future.

5.9 In addition to the plans showing the off-site footpath, the applicant has also submitted new layout plans which introduce a further three visitor parking spaces into the site. These have been included following Member comments at the 5th March Planning Committee meeting about the potential overspill within the estate

and onto Lower Road. Whilst the previous layout showed sufficient space for parking, these additional three spaces provide further capacity in the site, bringing the total number of spaces available on site to 69. This helps to further ensure that the proposals would not give rise to any unacceptable overspill.

- 5.10 A comment was also made at the previous 5th March Planning Committee meeting about extending the 30mph speed limit further east along Lower Road. Whilst that would be a matter for discussion with Kent County Council as the local highway authority, it is apparent from the position that they have reached that the highway authority does not consider that any additional measures are required to make the development acceptable.
- 5.11 In view of the assessment carried out above and in Appendix A, the proposals are considered acceptable from a highways safety perspective. Amendments to relevant highways conditions, as well as additional conditions securing the off-site highway works and construction of the internal road to an adoptable standard are set out at the end of this report.

Water supply

- 5.12 One comment received during the latest round of reconsultation has referred to the impacts of the proposals on water supply. At 23 dwellings, the scheme is relatively small in scale. In light of its size, it is not considered necessary in this case to impose a pre-commencement condition relating to water supply. Instead, the supply of water to the site can be controlled via the separate statutory regime.

Other matters

- 5.13 For the avoidance of any doubt, the NHS contributions required from the development are £35,378. This is to be secured by legal agreement. The £360 per occupant referred to in the table under paragraph 7.13.4 of Appendix A was erroneous.
- 5.14 Matters relating to foulwater are addressed under paragraph 7.15.7 of Appendix A, whilst impacts on biodiversity are discussed in paragraphs 7.10.13 – 7.10.19 of that same appendix.
- 5.15 It is not considered necessary to include the EV charging condition requested by KCC Highways on the basis that EV charging is addressed under Building Regulations.

6. RECOMMENDATION

- 6.1 There have been no policy changes made at a national or local level that would materially alter the previous assessment set out under Appendix A. The Council remain unable to demonstrate a five year housing land supply such that the presumption in favour of sustainable development set out in the NPPF continues to apply to the proposals.

- 6.2 Aside from new matters discussed in the assessment above, the overall assessment of the application remains as set out in the previous Committee Report. It is recommended that planning permission is granted subject to the conditions listed in Appendix A, with the amendments and additional conditions as set out below and the planning obligations as set out in Appendix A.

RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions and the prior completion of a Section 106 legal agreement.

Recommended conditions are as set out in the Committee Report provided at Appendix A subject to the following amendments.

AMENDED CONDITIONS (amendments shown in bold)

Condition 2 has been amended to reflect the updated drawings.

Conditions 4, 19 and 24 have been amended as per below in line with KCC Highways latest consultation response and the conditions they recommend.

Plans

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

Site Location Plan 500-RS-001 D

Selby Court Pedestrian Lane details 500/HDH/004/A

Proposed Site Layout Plan Page 1 500/RS/004/M

Proposed Site Layout Plan Page 2 500/RS/005/J

Plots 1, 2 and 3 500-RS-006

Plot 4 500-RS-007

Plots 5 and 6 500-RS-008

Plot 7 and 8 500-RS-009

Plots 9 and 10 500-RS-010

Plot 11 500-RS-011

Plots 12 and 13 500-RS-012

Plots 14 and 15 500-RS-013

Plot 16 500-RS-014

Plot 17 and 18 500-RS-015

Plots 19 and 20 500-RS-016

Plot 21 500-RS-017-A

Plot 22 and 23 500-RS-018-A

Car Ports Plans Elevations and Sections 500/RS/019

PROPOSED FOOTWAY ALONG LOWER ROAD 0002 Rev P3

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with this application.

Construction Management Plan

4. Prior to the commencement of the development hereby approved, a Construction Management Plan comprising of:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (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) a Dust Management Plan (according with the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction')
- (h) details of all other measures require to accord with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites,

shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in full compliance with the approved Construction Management plan.

Reason: To control the construction process in the interests of highway safety, neighbouring living conditions and air quality.

Parking Space Provision and Retention

19. No dwelling hereby approved shall be occupied until the parking shown to serve that dwelling on drawing no. 500/RS/004/**M** (including garages, car ports, undercover parking and surface parking) , or some other such parking provision that shall have been approved in writing by the Local Planning Authority prior to the occupation of that dwelling, has been provided and made available for use by the occupiers of that dwelling. Moreover, all visitor spaces shall be provided prior to the occupation of the dwelling that is closest to that parking space.

Reason: To ensure the provision of adequate car parking.

Visibility Splays

24. Prior to the first use of the approved vehicular access into the site, all visibility splays shown on drawing no. 500/RS/004/**M** shall be provided. The visibility splays shall subsequently be kept free from any obstructions over **1.05 metres** above carriageway level **within the splays or 0.6 metres where a footway crosses the access.**

Reason: In the interests of highway safety.

ADDITIONAL CONDITIONS

Condition 29 has been added as it secures the delivery of the off-site footpath opposite Selby Court.

Condition 30 has been added following member comments received at the 5th March committee about adoptable roads.

Off-site Highway Works (Footway)

29. Prior to first occupation of the development hereby approved, the highway works as shown on drawing no. 0002 P3 shall have been completed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The submission of finalised details shall be accompanied with a Road Safety Audit and evidence of how any mitigation measures recommended by that RSA have been incorporated into the finalised details.

Reason: In the interests of highway safety and in order to support active travel.

Adoptable Standards

30. No dwelling shall be occupied until the estate road carriageway serving the dwellings within the development as shown on drawing no. 500/RS/004/M has been laid out and constructed to an adoptable standard.

Reason: In the interests of highway safety.

