

TABLED UPDATE – ITEM 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.

Since the committee report was published, two further comments have been received earlier today which are set out below.

One representation has been received which makes comments on the committee report as per below:

- The report says the footpath through the Old Squash Courts is safe (para 5.8). It is 1.2m (on the plans but not on the ground) with pinch points of 0.9m and 1.0m. The safety of the footpath should be considered in the light of statutory authority standards:

Department for Transport - Standard minimum width 1.5m where space is constrained; Absolute minimum width 1m in exceptional low-traffic circumstances for short stretches, unobstructed by street furniture (the bollards are 0.1m, one is near the 0.9m pinch point)

Kent Highways - Absolute minimum width of 1.5m can be accepted in lower flow or constrained locations.

Kent Design Guide gives more detail according to road classification - This access road would probably be classified a 'lane' – vehicle and pedestrian access to a limited number of dwellings, linking them to exiting rural roads and generally serving a max of 25 dwellings, although in this case it would be serving pedestrians and cyclists from 40 dwellings; Recommended range 1.2m (minimum) -2.0m

- The footway does not meet these standards at its pinch points and the Planning Inspector, who viewed the conditions on the ground, was particularly concerned about safety at these points.

Officer comment – The proposals are for a pedestrian route on private land where currently no designated pedestrian route exists. The Kent Design Guide advises that footpaths on a minor access road (serving up to 100 dwellings) should be of a minimum 1.2m width. Safety bollards are to be installed at specific points along the route to prevent conflict between pedestrians and vehicular users. The bollards reduce the width of the footpath by 10cm in seven key areas, but the route (inclusive of bollards) is a minimum 1.2m width across its entire length.

Whilst Kent Highway standards are referred to in the letter received, KCC Highways comments received on the 4th November 2025 advise that "...Highways acknowledges the improvements made to pedestrian connectivity within the site, particularly the provision of a separate pedestrian lane through Selby Court. These changes are welcomed and improve pedestrian movement within the site". They do not object to the proposed internal footway provision.

- The plans for the access road into the Old Squash Courts is shown as 4m wide at the pinch point. In theory, this allows for 3.1m carriageway and 0.9m footpath. The width is well below the 4m stated. There have been recent changes not taken into account in the committee report. The boundary of the private property directly adjacent to the pinch point has recently been delineated with railway sleepers, whereas previously it was rough ground assumed to be part of the access road. This further reduces the width of the road. Measurement on the ground now shows the width at this point as 3.2m, meaning that after allowance for the carriageway, just 0.1m would be left for the footpath!

Officer comment – The introduction of timber sleepers across the red line boundary for the application has occurred very recently. The applicant has provided an overlay of the footpath plans against the relevant land registry title plan which shows that the owner of the land on which the sleepers have partially been placed is party to the Unilateral Undertaking submitted to secure the provision of the footpath. Having measured the land over which the sleepers has been placed, the land available in that location is of a circa 4m width when the sleepers encroaching on the red line are disregarded. Any subsequent ownership dispute over the positioning of the timber sleepers lies outside the remit of planning.

- It is stated that the plans are correct. The plans for the footpath are those used for the Old Squash Courts amended application (No. 24/504623). That site has a history of inaccurate plans. Since the development was first approved and built in 2021, amended plans have had to be submitted several times because facilities shown on the plans did not fit on the site, including bin store, parking spaces, amenity space etc. These plans cannot, therefore, be assumed to be accurate.
- The report (para 7.11.13) says that safety of pedestrians with refuse trucks reversing up the access road to Selby House was addressed in the March committee report at para 7.11. This simply says that Kent Highways have looked at and approved the tracking plans. The plans only show tracking for refuse trucks entering but not exiting the site. There are no tracking plans for turning of refuse vehicles within the site and there is insufficient space in the parking area to do this. This means that the refuse trucks must reverse either in or out and they do. Residents see them reversing in all the way up the access road. This poses an extreme safety risk to pedestrians in the already tight access road.

Officer comment – As per commentary in the original officer report, the tracking plans received demonstrate that the current refuse collection arrangements could be maintained, notwithstanding the introduction of the pedestrian route. Commentary in paragraph 7.11.12 of the original committee report (Appendix A) assessed impacts on

pedestrians, setting out that the pedestrian route "...would represent a defined route for pedestrians with a made and bound surface that would be clearly visible to vehicular users manoeuvring, parking or reversing around the small car park and the route between the Old Squash Court building and Lower Road. Bollards along the route would also help to prevent unsafe conflict between vehicular users and pedestrians."

- I request that Committee members visit the site and see for themselves whether this route for the footpath can be considered safe before they make a decision on the application.
- It is stated that the footpath through the Old Squash Courts will be guaranteed for perpetuity. The Unilateral Undertaking for Securing Footpath Improvement says at section 6.7 'Nothing in this Undertaking shall prohibit or limit the right to develop any part of the site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Undertaking.' This means the developer of the Old Squash Courts site is not committing himself to permanently providing that footpath and wants to leave open the option of redeveloping part of the site with removal of the footpath. The report says that the application has to be considered on its merits as things currently stand. As things stand, the UU cannot guarantee off site provision of facilities for the new development for the future. The UU could easily be amended to say that any development would not result in the loss of the footpath, which would demonstrate a commitment to guarantee the footpath in perpetuity.

Officer comment – This is addressed within the addendum report to committee at paragraph 5.8 but for the avoidance of doubt, this wording within the Unilateral Undertaking provided refers to a specific situation in which a planning permission has been granted. In the event of the submission of any future application across the pedestrian route, officers would be required to consider the impacts on the pedestrian route at the relevant time. The council therefore remain in control of any potential development that could impact the route.

- At the last Committee meeting serious safety concerns were raised about pedestrians crossing Lower Road from the Selby Court/ Old School site. Para 5.2 of the report says previous concerns have been addressed by extension of the footpath on Lower Rd across French's Row. This does not address the poor visibility when crossing the road to reach this proposed footpath. Although Kent Highways have now withdrawn their objection, they previously set out very detailed objections (letter of 4/11/25) about how unsafe this crossing point and it does not seem that any measures have been provided to address this.

Officer comment – As per paragraph 5.4 of the addendum committee report, KCC Highways consider the introduction of the off-site footpath along Lower Road and opposite Selby Court to "...represent a material improvement to pedestrian safety in this location". It is also noted that the original Inspector's decision on the appeal of 21/505096/FULL did not raise any specific concerns with the crossing of Lower Road.

- If this application is approved, it will override approved landscaping conditions on the Old Squash Court site. These have failed to be implemented since the new block was built five years ago. This Committee unanimously agreed that those conditions should be retained in an amended application which sought to remove those conditions in 2024. Implementation of that landscaping would not prevent the application before you. However, its loss would negatively affect biodiversity and amenity of residents and neighbours on the Squash Courts site. I urge this committee to have the drawings for this application revised to include the agreed landscaping, should they be minded to approve this application.

Officer comment – These comments relate to a separate planning application (23/501073/FULL), with the landscaping proposals associated with that approval required to be addressed under condition 9 of that previous consent. Aside from the footpath access which cuts across that previous site, landscaping associated with that previous consent would need to be addressed through condition 9 imposed on that decision, rather than this live application.

A further comment has also been received, noting two points that have arisen within the last week. Their comments are summarised as follows:

- On the 8th and 9th of August, the Teynham area had no water whatsoever, which South East Water admitted was due to a major leak & over capacity on its services that it simply could not meet. This 23 house build is not feasible in any way or manner, due to the fact that South East water cannot even viably service existing residents, let alone more residents yet to be housed, on this proposed plot.

Officer comment – Paragraph 5.12 of the latest committee report addendum discusses water supply. Recent events are acknowledged, but as per the wording of that paragraph, it is considered that the provision of water supply to a development of this size is most appropriately addressed by the relevant statutory regime.

- The owner of the Galleries residence (entry point from Lower Road to the proposed footpath) has recently renovated & re-set their garden boundary more distinctly, with the entry now smaller in width. This evidences & substantiates the fact that it is completely unsuitable & unsafe for a footpath to be suggested in this location.

Officer comment – As discussed in a section further above, it is noted that timber sleepers have been installed across the red line boundary of the site in recent weeks. The applicant has provided an overlay of the footpath plans against the relevant land registry title plan which shows that the owner of the land on which the sleepers have partially been placed is party to the Unilateral Undertaking submitted to secure the provision of the footpath. Having measured the land over which the sleepers has been placed, the land available in that location is of a circa 4m width when the sleepers encroaching on the red line are disregarded. Any subsequent ownership dispute over the positioning of the timber sleepers lies outside the remit of planning.

