

From:
To: [Planning \(SMDC\); Cllr Steven Buckley](#)
Subject: Fwd: Re: Planning Applications Committee - Thursday, 14th December - Agenda Item 7 - SMD/2023/0240 - Land Off Tenford Lane, Upper Tean.
Date: 10 December 2023 20:18:27

As our previous comments on this Application appear not to be taken account of Checkley Parish Council would like to submit the following as a late representation to be read to The planning Committee by The Chair

The Developer purports to be submitting this application as a Reserved Matters - Small-scale MAJOR apps for Variation of Condition 1 relating to SMD/2021/0491

Checkley Parish Council are concerned that this Application is incorrectly submitted for approval of reserved Matters. It is a Material Amendment for major changes to the design and layout of the Development proposal which therefore goes beyond a Reserved Matters or Non Material Amendment and as such constitutes a Revised Planning Application which requires full resubmission and reconsideration.

The Recent actions taken by the Enforcement Officer to suspend construction work on the site as it is not in accordance with the previously approved plans submitted with Application SMD/2021/0491 but is being constructed to the plans provided within this Application SMD/2023/0240 further reinforce the assumption that this is a Material Amendment for major changes to the design and layout of the Development proposal.

Checkley Parish Council would therefore request in the first instance that the Planning Committee consider refusing this Application as being incorrectly submitted.

As this constitutes a new and revised Application a new and revised Developer contribution must be assessed and secured by means of conditions attached to the planning permission, a planning obligation under Section 106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL).

At a Planning Committee meeting of 9th March 2023 a precedent was established to allow the Parish Council to shape the emphasis based on the needs of the community of the priorities for a contribution from the Developers. We would therefore request that Checkley Parish Council be allowed to identify the priorities with Regards to this Application.

We are also very concerned with the actions of this Developer on a proposed Development for Newcastle Borough Council where they are refusing to honour and pay the developers contribution or provide any affordable housing as they claim it would render the scheme financially unviable.

Checkley Parish Council would therefore request that before considering this and any further proposals an Independent Financial Viability Assessment is provided for the proposed Development in accordance with

both the current National Planning Policy Framework (NPPF) and Planning Practice Guidance for Viability (PPGV) .

Checkley Parish Council would also request that before considering this and any further proposals from this Developer a guaranteed and legally binding assurance is provided as either a security or deposit for any Developer contributions and a firm and legally binding commitment is made for the provision of affordable housing.