

Application Reference: 253071 (Reserved Matters)

Site Address: Land West of Park Lane, Charvil, Reading

Objector Details: Owners and Occupiers of 22 Canberra Lake Way, Charvil, Reading

Submission Type: Formal Objection to the revised layout plan and pre-litigation notice - update

1. Purpose of this Submission

This statement and the appended email correspondence provide formal evidence of a material breach of planning procedures, alongside a contractual breach of the site's Section 106 agreement. It establishes a clear corporate admission of non-compliance by the applicant, Bellway Homes.

2. Core Objection: The *Mount Cook* Precedent & *Wednesbury* Unreasonableness

Our primary ground for objection is the Council's statutory duty to enforce the highly viable *Planning Voice* layout geometry to protect residential amenity.

- **The Planning Voice Blueprint:** This independent technical assessment proves that a continuous structural landscape buffer exceeding 10 metres can be delivered behind 22 Canberra Lake Way with **zero net loss** to Bellway's 75-dwelling appeal density. This spatial resolution is achieved simply by compressing the development against the Sonning Golf Course boundary and reducing over-compliant private gardens down to Wokingham Borough Council's standard 11-metre policy minimum.
- **Binding Legal Precedent:** Under *R (Mount Cook Land Ltd) v Westminster City Council*, this zero-cost alternative layout constitutes a binding material planning consideration.
- **Wednesbury Unreasonableness:** The attached evidence confirms that Bellway is actively suppressing this density-neutral blueprint. If WBC accepts a token, marginal compromise from the developer while refusing to evaluate a viable, zero-cost alternative that fully protects resident privacy, the Council acts with acute *Wednesbury unreasonableness*. This procedural failure renders any subsequent planning approval highly vulnerable to being quashed via a High Court Judicial Review.

3. Definitive Corporate Admission by Bellway Homes

As detailed in the attached email exchange dated 8th July 2026, Bellway's Land Director, Craig Duncan, explicitly confirms that the developer will refuse to make any design adjustments to resolve these boundary impacts *unless* WBC issues a formal declaration of non-compliance.

Bellway has formally shifted the onus of enforcement entirely onto the Local Planning Authority. This admission proves that Bellway possesses the operational and spatial capacity to implement the *Planning Voice* layout, but is actively choosing to advance an aggressive, harmful boundary relationship until directed otherwise by WBC.

4. Contractual Breach of the Executed Section 106 Legal Agreement

To compound this boundary conflict, Bellway's layout stacks a segregated, continuous row of 10 affordable housing units directly along the Canberra Lake Way perimeter.

- Under national planning policy and Wokingham's Adopted Affordable Housing SPD, all three tenures proposed (Social Rent, First Homes, and Shared Ownership) fall under a single "Affordable Housing" bracket.
- Grouping 10 affordable units in a single perimeter row is a direct, contractual breach of the "pepper-potting" mandates stipulated in the site's signed Section 106 agreement.
- Enforcing this contract forces Bellway to dismantle the perimeter row. This step opens up a further spatial envelope to slide Plots 25 and 26 forward, effortlessly facilitating the adoption of the *Planning Voice* layout and supports improved residential amenity and privacy for additional properties of Canberra Lake Way. most notably 26 Canberra Lake Way.

5. Direct Statutory Policy Violations

The current layout cannot legally be approved as it directly violates:

- **WBC Core Strategy Policy CP3** (Failure to protect residential amenity and privacy).
- **WBC Borough Design Guide SPD (Section 4.7)** (Failure to protect sensitive edge relationships).
- **Policies CHARVIL 1, 7, and 9** of the Made Charvil Neighbourhood Plan.
- **NPPF Paragraph 135(b)** (The submitted Landscape Masterplan, Drawing 2299.1000 Rev E, is technically hollow, lacking vital data on tree species, planting heights, and irrigation or root-barrier definitions).

6. Formal Directive and Pre-Litigation Notice

Wokingham Borough Council cannot legally progress a Reserved Matters application to the Planning Committee that contains an active, demonstrable breach of its own executed Section 106 contract and a failure to assess a binding material planning alternative.

We formally instruct WBC to halt the programme progression of this application and issue an immediate directive ordering Bellway to:

1. Implement the *Planning Voice* layout geometry to deliver the mandatory 10-metre structural green buffer behind 22 Canberra Lake Way.
2. Dismantle the non-compliant perimeter affordable housing cluster to satisfy Section 106 pepper-potting requirements.

A formal Pre-Litigation Notice remains active. A Stage 2 Corporate Complaint (Ref: CR/7761) is currently logged with the WBC Customer Relations Director. If WBC approves the current non-compliant layout, we are fully prepared to launch immediate statutory Judicial Review proceedings in the High Court to secure an injunction and quash the decision.

Redacted Email Exchange

From: sarah beere

To: Craig Duncan

Cc: Alex Hales; Mike Cordrey

Subject: Re: URGENT: STAGE 1 FORMAL CORPORATE COMPLAINT & PRE-LITIGATION NOTICE

Dear Mr. Duncan,

Thank you for your email and for clarifying Bellway's corporate position so transparently.

We have formally logged your confirmation that Bellway possesses the operational and spatial capacity to amend the development plans, but is electing to defer all design and layout corrections until Wokingham Borough Council issues a formal declaration of non-compliance.

Your written admission has been copied directly into our active Stage 2 Formal Corporate Complaint (Ref: CR/7761) with Wokingham Borough Council, forwarded to our Ward Councillor Leon Cook, and will be appended to our public planning portal objection to alert the Council's legal services team.

As the layout factually violates the site's signed Section 106 Legal Agreement by clustering 10 affordable housing units on the perimeter, alongside breaches of Core Strategy Policy CP3, we anticipate the Council will accept your invitation to direct an immediate layout correction.

We look forward to reviewing Bellway's subsequent design amendments once the Council issues that formal directive to protect its own signed legal contracts and resident amenity.

Yours sincerely,

Sarah Beere & Mike Cordrey

22 Canberra Lake Way, Charvil

On 8 Jul 2026, at 11:27, Craig Duncan wrote:

Dear Sarah,

I am writing to confirm receipt of your correspondence below to us at Bellway Homes.

I can however confirm we will not be making any amendments to our proposed development plans unless Wokingham Borough Council consider our latest development proposals do not comply with any of their local planning policies or the NPPF.

Regards

Craig Duncan

Land Director

Bellway Homes Limited (Thames Valley)

Imperium

Imperial Way

Reading

Berkshire

RG2 0TD

From: sarah beere

Sent: 05 July 2026 12:04

To: Ashleigh Collins; Adrian Gillooly

Cc: Thames Valley - Customer Care; Group Level Complaints; Mike Cordrey

Subject: URGENT: STAGE 1 FORMAL CORPORATE COMPLAINT & PRE-LITIGATION NOTICE

ALERT: This message originated outside of Bellway's Network. BEWARE OF CYBER CRIME.

DO NOT click on any links or attachments if you are not 100% certain this email is legitimate.

*** FAILURE TO FOLLOW THIS GUIDANCE COULD PUT BELLWAY AND YOURSELF AT RISK ***

Dear Adrian and Ashleigh,

Site: Park Lane, Charvil (Planning Application 253071)

Subject: Corporate Misconduct, Material Breach of Section 106 Agreement, and Material Legal/Financial Risk Exposure

We are writing to register a Stage 1 Formal Corporate Complaint against the local development management team handling the site at Park Lane, Charvil (Application 253071). This complaint concerns direct corporate misconduct and the exposure of the Bellway Group to severe, preventable financial and legal liabilities.

Our property at 22 Canberra Lake Way, Charvil, RG10 9DH directly adjoins the site perimeter. Your planning lead, Alex Hales, and appointed consultants at Boyer Planning, have submitted revised plans that position Plots 25 and 26 aggressively against our immediate boundary line. This layout entirely compromises our privacy and constitutes a clear infringement of residential amenity under Core Strategy Policy CP3.

Failure to Consider a Material Planning Alternative (Wednesbury Unreasonableness)

To resolve this specific boundary conflict at zero cost to your company, we formally submitted an independent technical assessment and alternative layout prepared by Planning Voice on 9th June 2026 (a copy of which is attached to this correspondence). This blueprint demonstrates that a continuous landscape buffer exceeding 10 metres can be delivered behind our property with zero net loss to Bellway's 75-housing density. This is achieved by adjusting the development footprint relative to the Sonning Golf Course boundary and reducing the over-compliant private gardens down to Wokingham Borough Council's standard 11-metre policy minimum.

Under the established legal principle of *R (Mount Cook Land Ltd) v Westminster City Council*, this density-neutral alternative layout constitutes a binding material consideration. Your team has actively suppressed and refused to evaluate this option. By offering a token, marginal strip of grass while ignoring a zero-cost spatial resolution, your team is forcing Wokingham Borough Council into a position of acute Wednesbury unreasonableness, rendering any subsequent planning approval highly vulnerable to being quashed at Judicial Review.

Material Breach of the Executed Section 106 Contract & Non-Compliant Tenure Clustering

Furthermore, the submitted layout is unlawful on a separate, contractual basis. In order to maximise premium private plots at the centre of the estate, the design team has grouped a continuous, segregated

row of 10 affordable housing units directly against the neighbourhood perimeter on the Canberra Lake Way boundary. In consultations with residents, Bellway openly acknowledged that these 10 properties have been blocked together for purely commercial reasons. This strategy allows them to be sold as a single block during the initial construction phase to cross-subsidise the remainder of the development. This explicit prioritisation of commercial profit over inclusive, integrated community planning fails to adhere to standard tenure-blind design principles.

This positioning constitutes a clear breach of contract. Under national policy and Wokingham's Adopted Affordable Housing SPD, Social Rent, First Homes, and Shared Ownership all fall under the single definition of "Affordable Housing." Stacking 10 affordable units in a single perimeter block directly violates the site's executed Section 106 legal agreement and mandatory "pepper-potting" requirements. To rectify this breach and comply with legal mandates, this affordable housing allocation must be redistributed and integrated into the centre of the development, completely removing it from the Canberra Lake Way boundary line.

Pre-Litigation Warning and Formal Escalation

A comprehensive formal objection has been logged on the public planning portal. We have explicitly instructed Wokingham Borough Council's legal department that we are fully prepared to launch a statutory Judicial Review in the High Court to freeze this development, and will apply for an immediate injunction the moment any approval is issued on the current layout. The Henley Standard news desk, our Ward Councillor, and the Council's Stage 2 Corporate Complaints Director have been fully briefed.

Wokingham Borough Council cannot legally progress a layout to committee that contains an active breach of its own executed Section 106 contract. To avoid immediate High Court litigation and subsequent commercial gridlock on this site, Bellway must implement the Planning Voice layout geometry to secure our buffer and dismantle the boundary row to rectify the non-compliant tenure cluster by relocating it away from the Canberra Lake Way property line.

We require the divisional Managing Director to intervene immediately on Monday morning and instruct the design team to utilise the ready-to-go Planning Voice blueprint to avoid severe delays to your construction timeline.

Yours faithfully,

Sarah Beere and Mike Cordrey
