

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.

I'm writing to register my absolute and unequivocal objection to the newly published layout revision. While the applicant has adjusted infrastructure further down the field, the new layout represents a cynical design failure that actively sacrifices the residential amenity of 22 Canberra Lake Way while triggering a severe, actionable breach of the site's Section 106 Legal Agreement.

Take formal notice that this submission constitutes a final, pre-litigation warning. If Wokingham Borough Council ('WBC') proceeds to validate, recommend, or approve this non-compliant layout, I'm fully prepared to launch a statutory Judicial Review in the High Court. I will challenge the decision on the grounds of *Wednesbury unreasonableness*, illegal fettering of committee discretion, and procedural unfairness.

1. Direct Breach of Statutory Planning Duties & Core Strategy Policy CP3

The newly published map reveals that Plots 25 and 26 remain aggressively sited directly against my immediate boundary line. The "marginal increase" to the buffer at this specific location is a token, superficial gesture. It completely fails to mitigate the severe, permanent overbearing visual impact and direct loss of privacy to our home, representing a clear and unmitigated breach of:

- **Section 38(6) of the Planning and Compulsory Purchase Act 2004:** Which mandates that decisions must be made in accordance with the development plan unless material considerations dictate otherwise [38(6)].
- **Wokingham Borough Core Strategy Policy CP3:** Which explicitly forbids developments that detrimentally impact the amenity of adjacent properties, specifically citing privacy, visual impact, and overshadowing.
- **Paragraph 135 of the National Planning Policy Framework (NPPF):** Which legally requires planning decisions to ensure developments create places with a high standard of amenity for existing and future users.
- **Section 4.7 of the Borough Design Guide SPD:** Which dictates that standard separation distances are a floor, not a ceiling, when new build plots meet established homes, explicitly noting these relationships are "particularly sensitive."
- **Policies CHARVIL 1, 7, and 9 of the Made Charvil Neighbourhood Plan (May 2026):** Which dictate that all new developments must respect existing settlement patterns, protect visual amenity, and integrate high-quality, continuous structural green infrastructure.

2. Failure to Evaluate a Binding Legal Consideration (*Mount Cook Precedent*)

The planning authority cannot argue that a policy-compliant buffer is a geometric impossibility. We have formally submitted an independent technical report and alternative layout plan prepared by **Planning Voice**.

Under the established legal principle of *R (Mount Cook Land Ltd) v Westminster City Council EWCA Civ 1346*, an alternative layout configuration is a binding material consideration if it possesses a realistic prospect of delivery and demonstrates a clear planning benefit.

The Planning Voice blueprint satisfies the *Mount Cook* criteria precisely. It mathematically proves that a continuous structural landscape buffer exceeding 10 metres can be delivered behind our home with **zero net loss** to Bellway's 75-dwelling appeal density. This is achieved simply by compressing their housing layout against the Sonning Golf Course boundary and reducing the over-compliant private gardens of plots 41 - 43 down to Wokingham's 11-metre policy minimum. By accepting a token compromise from the developer while actively refusing to evaluate or enforce the viable Planning Voice layout, the Council is acting with acute *Wednesbury unreasonableness*.

3. Formal Complaint Regarding Misrepresentation by the Applicant (Boyer Planning)

I'm raising a formal complaint regarding the text contained within the applicant's newly submitted covering letter, authored by Christy Ng of Boyer Planning. The assertion that this revised scheme represents a "*wholly positive response*" and that it "*addresses the outstanding comments or concerns raised*" is a profound, bad-faith misrepresentation of the facts.

Bellway has actively refused to engage with us, ignoring our written correspondence and completely bypassing the density-neutral spatial solution handed to them via the Planning Voice report. To claim they have successfully balanced community concerns while leaving Plots 25 and 26 aggressively encroaching on 22 Canberra Lake Way is a cynical attempt to mislead the Planning Committee.

As Chartered Town Planners, the applicant's consultants are bound by Rule 1 of the Royal Town Planning Institute (RTPI) Code of Professional Conduct, which strictly mandates that members must act with competence, honesty, and integrity, and must never knowingly provide misleading information. I will be formally reporting this deceptive handling of our file to the RTPI standards board. The Council must completely disregard these false corporate assertions and judge the layout strictly by its physical **non-compliance on the ground**.

4. Direct Breach of Section 106 Affordable Housing Non-Clustering Obligations

To clear the interior of the estate for high-profit private homes, Bellway has clustered a continuous row of 10 affordable units directly against the boundary of our neighbours at 26 Canberra Lake Way. The developer has mixed the tenures within this row—comprising Social Rent, First Homes, and Shared Ownership—in a clear attempt to disguise the cluster.

This is a textbook breach of contract and is evident throughout the site. Under national planning policy and Wokingham's Adopted Affordable Housing SPD, all three of these tenures fall under the strict, single definition of "**Affordable Housing**." The council's binding policy strictly caps affordable clustering to prevent the isolation of tenures and ensure "tenure blindness." Stacking 10 affordable units in a single perimeter block is completely unlawful.

WBC cannot legally progress a layout to the Planning Committee that contains an active breach of its own signed Section 106 legal contract. To correct this breach, Bellway is legally required to dismantle this perimeter row and redistribute ("pepper-pot") these affordable units evenly across **the centre of the estate**.

5. Total Inadequacy of Landscape Masterplan (Drawing 2299.1000 Rev E)

I object in the strongest possible terms to the newly published Overall Landscape Masterplan prepared by FINC Architects (Drawing No. 2299.1000 Rev E). This drawing is visually descriptive, but technically hollow, representing a completely inadequate submission for a Reserved Matters application. It fails to meet the core statutory requirements of national planning policy and Wokingham's local development plan rules.

Specifically, the masterplan exhibits the following fatal omissions:

- **No Species or Planting Schedule:** The drawing key lists generic descriptions such as "*Landscape buffer zone with native tree mix*" but specifies zero details regarding tree species, planting densities, height at planting, or root-barrier protections. This renders the entire screening mechanism completely unenforceable by planning enforcement officers.
- **No Legal Guarantee of Land Protection:** The plan shows no restrictive boundary framework or maintenance envelope. There is no legal mechanism or dedicated planning condition to stop this buffer zone from eventually being carved up and sold off as extended private garden titles to the buyers of the new builds. If absorbed into private residential titles, the open landscape character will be permanently lost to domestic outbuildings under Permitted Development rights.
- **No Enforceable Maintenance and Irrigation Strategy:** The document contains no management plan or survival strategy. This is a severe, unacceptable omission given the documented failure of the historic landscape margins when Canberra Lake Way was first constructed. Without a legally binding, 5-year irrigation and failed-plant replacement scheme, this buffer will quickly degrade into dead, unmaintained scrubland.

6. Required Remedies and Desired Outcomes

Please take formal notice that I have an active **Stage 2 Formal Corporate Complaint (Ref: CR/7761)** currently being investigated. To resolve this dispute, satisfy our Stage 2 corporate complaint remedies, and prevent immediate reference to both the **High Court** and the **Local Government and Social Care Ombudsman (LGSCO)**, I require Wokingham Borough Council to enforce the following four actions prior to the determination of application 253071:

- **Correction of the Committee Report:** Senior management must issue a formal update paper to the Planning Committee explicitly correcting the flawed legal logic in the Stage 1 response. The report must clarify to Members that they do possess the full lawful authority under Section 38(6) and Core Strategy Policy CP3 to demand an enhanced landscape buffer as a condition of approval.
- **Senior Management Directive for an Amended Layout:** Act on the developer's expressed willingness to be guided by the Council. Formally direct Bellway Homes to submit an amended layout plan that compresses the over-compliant private gardens on Plots 25, 26, and 41–43 down to the standard 11-metre depth, reshuffles the row toward the unencumbered Sonning Golf Course boundary, and allocates the released space to create a continuous structural landscape buffer exceeding 10 metres in depth directly adjoining our boundary.
- **Comprehensive Landscape Specification and Long-Term Survival Strategy:** Require a detailed, scaled planting scheme for this optimised zone, detailing robust native tree species, high planting densities, and semi-mature specimens to provide immediate screening. This must be backed by a comprehensive Landscape and Ecological Management Plan (LEMP) that enforces a strict maintenance, irrigation, and failed-plant replacement schedule to guarantee that the structural screen survives, thrives, and achieves full maturity.
- **Legally Binding Spatial Protection and Safeguarded Open Envelope:** To ensure this critical boundary zone remains permanently unencumbered by the principal housing layout and built footprints, the Council must apply a restrictive non-development envelope to this strip of land. No residential dwellings, foundations, or hard-engineered estate roads shall be permitted within this designated perimeter. Furthermore, to prevent future structural encroachment or the erection of domestic outbuildings that would compromise the open character and potential landscape value

of this boundary interface, all Permitted Development rights under Classes A to E must be explicitly removed from the adjacent proposed plots. The underlying parcel must be structurally safeguarded as an unbuilt, open landscape buffer, managed as a distinct phase to prevent its permanent absorption into the private housing titles of the new development.

I explicitly reserve my legal right to submit further technical objections, material considerations, and evidence in due course and/ or as more information becomes available.

Sarah Beere