

- e. failing in its duty to make clear that it will uphold the law that permits construction of the development once outstanding reserved matters and conditions have been resolved.

The BFPC minute 421(a) seems to record the reasons for BFPC continuing to oppose the approved development as concerns about:

- a. Layout of the development; and
- b. Access arrangements for the development; and
- c. Incorrect identification of the access road; and
- d. Absence of a site notice or letter to residents.

Layout of the development, namely the approximate position and inter-relationship of each dwelling, has already been approved. Thus, any layout objections have been over-ruled. Appearance, landscaping and scale for the development remain to be applied for and approved. These outstanding reserved matters give scope for adjustment to ensure sympathetic integration of each house with its neighbours in terms of size, shape and design, as was stated by the developer at the very well attended site meeting last year. There is a substantial mature screening hedgerow between 19-26 Carlton Villas and Orchard Meadow.

Access arrangements using Cross Farm lane for Plot 1 and the dilapidated Carlton Villas access road for Plots 2-4 have been approved subject to conditions. Except for signage, no further details of conditions 10 to 12 require approval. The Carlton Villas access is to be resurfaced, the footway improved for wheelchair and perambulator use with dropped kerbs, and signage is to be installed to ensure that the present turning area is unobstructed – all improvements to very substantially benefit the occupiers of 19-26 Carlton Villas at a cost of nearly £36,000 [please see enclosures for details]. Indeed, the developer intends to go further than this and relieve Carlton Villas occupiers of the onerous burden of the upkeep of the private access road amongst other benefits. We believe that, if this development does not proceed and generate the funds for these maintenance and design shortcomings, necessary as they are now considered to be by Cornwall Council, they are very unlikely to be undertaken for a very long time, and then probably only if circumstances demand it - and who will pay?

Cross Farm access was said by some to be “a better access” than that for Carlton Villas but this is not consistent with the facts [comparison enclosed], or with the terms of the application. Furthermore, this point, raised verbally by Councillor Foot at the Planning Committee meeting, was specifically considered by the Planning Committee in approving the development. Cornwall Council’s highway engineer was unequivocal that both accesses are satisfactory to serve the project.

Incorrect identification of the access road and absence of a site notice or letter to residents seem to be administrative matters relating to the management of the planning application by Cornwall Council if they are valid faults. They do not affect the merits of the approved development, the acceptability of the use of the accesses, or the validity of the planning permission. Complainants have recourse to the Courts or the Ombudsman on these matters but we seriously question that anyone was disadvantaged by any administrative error if there was one.

Perhaps finally I should elaborate on our concern that BFPC gives the appearance of regarding, objecting neighbours of the Orchard Meadow site as deserving of special treatment to ensure that development does not take place next to them. To illustrate this; in the 1970s, the occupiers of Cross Farmhouse [a mum mostly on her own with two young children] lived for several years with the scenic orchards adjoining Cross