

**The Secretary
An Bord Pleanála
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6th December 2018

Your reference: ABP-302744-18

Name of planning authority: Meath County Council

Planning authority register reference number: RA/180833

Location of the development: Corner of Seagrave Hall and Fairyhouse Road, Ratoath, County Meath

Dear Sir/Madam,

Thank you for giving us the opportunity to submit a response to submissions to our appeal of the granting of the planning application RA/180833 by MCC. We will limit this response to the most important points.

1. Inadequate Site Notices

The first indication we had of planning application RA/170815 (which RA/180833 duplicates according to Owr Construction Ltd) was a Site Notice nailed to a boundary wall of 1 Seagrave Hall. On 25 July 2017 we contacted Thornton O'Connor and asked for this to be moved to the correct location.

When RA/170815 was approved by Meath County Council (MCC) on 14 June 2018, we appealed this to An Bord Pleanála (ABP). Owr Construction Ltd withdrew RA/170815 and then in rapid succession made four new planning applications for the site to MCC:

- RA/180672, dated 21 June 2018 on MCC planning website
- RA/180747, 6 July 2018
- RA/180800, 17 July 2018
- RA/180833, 26 July 2018

The withdraw of RA/170815 by Owr ended our appeal, whilst tracking and responding to all the new applications presented us with a serious challenge – for example on 6 July 2018 we made a submission to MCC regarding RA/180672 but had this returned as the application had been invalidated and was replaced by



Picture 1. Site Notice attached to the boundary wall of 1 Seagrave Hall

RA/180747. We then realised that we could not trust the Site Notices on display as these were often not consistent with the current situation. We note that the First Party submission to ABP, prepared by Thornton O'Connor Town Planning on behalf of Owr Construction Ltd (hereafter "Owr/TOC"), shows a clear difference of opinion to MCC as to the cause of the problems with Site Notices.



Picture 2. A view of the Site Notice on Fairyhouse Road

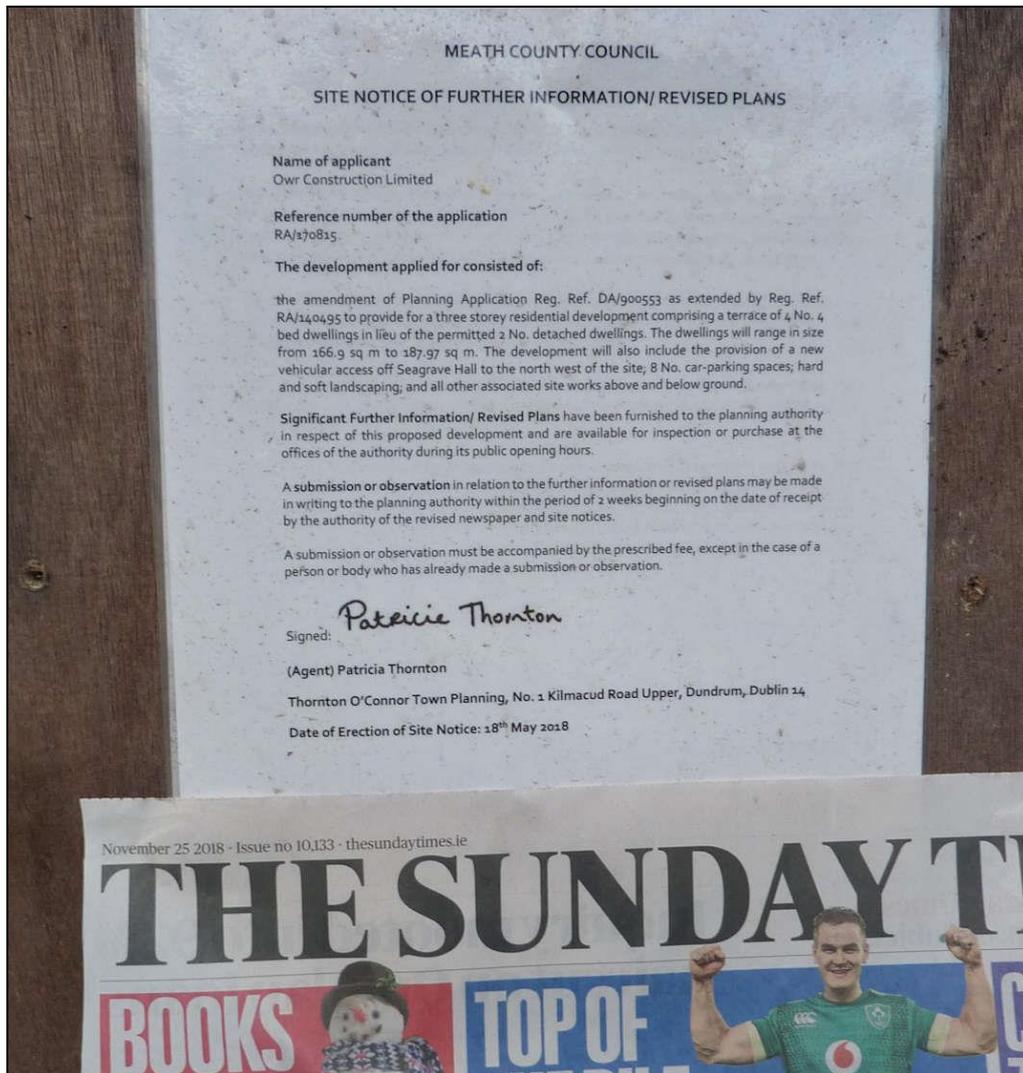
photograph this regularly. This notice has since been removed by someone – perhaps in early October 2018.

As a daily scouring of all national newspaper for relevant planning applications by Owr/TOC was simply not a practical option, we had to rely on frequently checking the MCC planning website for new applications. This was how we identified application RA/180833 and were thankfully able to make a submission in time.

For interest, below and left are photos of a Site Notice located on Fairyhouse Road, taken on 26 November 2018. It refers to RA/170815 and is dated 18 May 2018.

A second site notice which referenced later planning applications was located on the Seagrave Hall entrance road - unfortunately we didn't anticipate the need to

photograph this regularly. This notice has since been removed by someone – perhaps in early October 2018.



Picture 3. Close-Up of the Site Notice on Fairyhouse Road

2. MCC Have Not Followed Their Own Requirements

MCC received the planning application RA/170815 from Owr/TOC on 12 July 2017. On 28 August 2017, MCC issued a Notice of Further Information about the planning application, the letter stating:

*“The current proposal is based on a density of 35 units/ha which is significantly higher than the 'existing residential' development surrounding this application site. **You are therefore invited to submit a revised design for a two-storey development** [emphasis added], which is reflective of housing development in the immediate area and which will assimilate more readily at this location”*

This clearly required Owr/TOC to submit a proposal for a smaller two-storey development. Owr/TOC were asked to submit the information within six months, but a day before the deadline Meath County Council granted them a three-month plus 9 days extension.

On 2 May 2018 Owr/TOC finally submitted the requested additional information, but this was not for a two-storey building – it was for an enlarged three-storey building. The MCC Planning Report recommending that the revised application was approved didn't address both the increase in building size area, and the failure to meet the Authorities request to reduce the development from three to two-stories. This was pointed out in our submission concerning planning application RA/180833, but the MCC Planning Report recommending the approval of RA/180833 again failed to address these important points.

3. Non-Conformance with the Meath County Development Plan 2013-2019

The documents from Owr/TOC and MCC frequently cite areas where the planning application RA/180833, and previously RA/170815, is compliant with the *Meath County Council Development Plan* – for example in regard to separation distances.

However, a review of the planning application RA/180833 against Chapter 11 (Development Management Standards and Guidelines) of the *Development Plan* also identifies multiple instances where the proposed development is not, or may not, be compliant. For example:

- “[Consider] the degree of overlooking, (particularly of residential property) and consequent loss of privacy to surrounding premises.
- “Design should respect existing form, layout, urban grain and the natural landscape”
- “[Consider] pursuit of higher residential densities only in conjunction with the protection of existing urban quality and where adequate infrastructure is available”
- “[Have] regard to the need to protect the established character and amenities of existing adjoining residential areas”
- “Privacy, defined as freedom from undue observation, is an essential factor in residential layout.”
- “Proper provision must always be made in all layouts for access by fire appliances and refuse freighters”
- “Public open space shall be provided for in residential development at a minimum rate of 15% of total site area.”
- “Adequate car parking bays should be provided within the confines of the public areas of residential areas to address public needs.”

4. MCC Have Not Been Consistent with Previous Planning Decisions

We are puzzled why the MCC Planning Report for RA/180833 (and the previous report for RA/170815) does not consider and take in to account:

- i. The planning authority's previous robust refusal of an application to build a smaller two-storey apartment building on the same site (ref. DA/70314). [Unfortunately, despite the best efforts of Councillor Nick Killian, we have been unable to obtain a copy of the plans for this development from MCC Planning Department.]
- ii. The authority's rigorous height and other conditions when previously granting planning approval on this strip of Fairyhouse Road, e.g. the bungalow Avalon beside the development site (ref. 94/35), and the creche opposite the development site (ref. DA/60449) were both limited to a single-storey.
- iii. Statements in the planning application – and now in the First Party submission to ABP - that the proposed terrace building is no higher than the previously approved houses (ref. DA/900553). Is the height of an inhabited near full-length third-floor comparable to two short roof-top ridges? The visual impact is very different as show in figures 1 and 2 below.



Figure 1. Front elevation of the two 4-bed detached houses proposed in DA/900533 and granted by MCC in 2009.

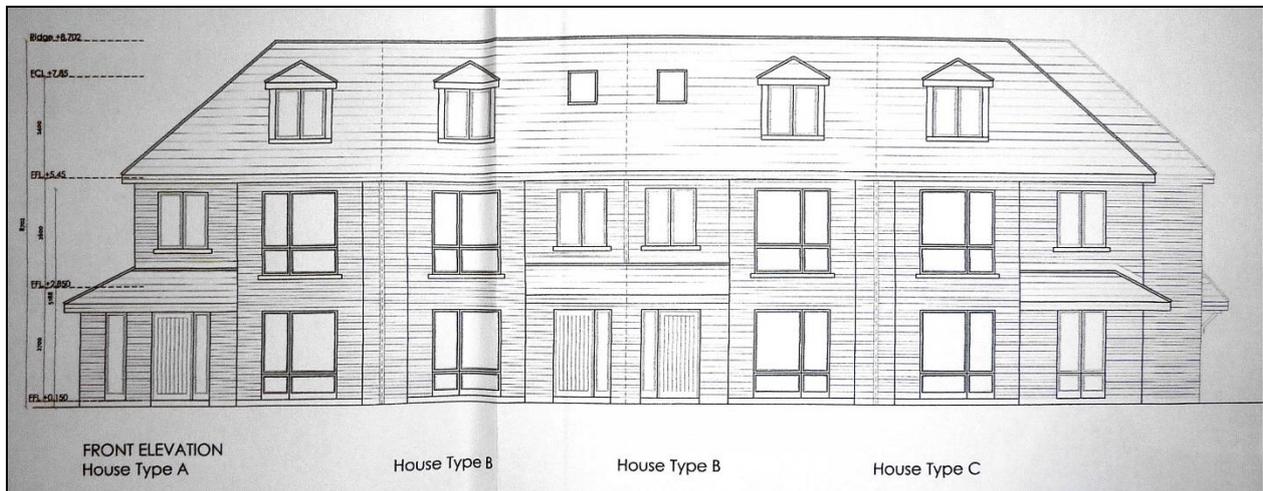


Figure 2. Front elevation of the four 4-bed terraced houses proposed in RA/180833. The building is clearly three-storey, and the lower floors are very apartment-like in appearance

Planning Conditions Set for 'Avalon'

When owners of 'Avalon' were in consultation with MCC during their planning application process in 1994, they were advised that permission would only be granted for a single-storey bungalow similar to those already in existence along this ribbon of Fairyhouse Road. A dormer was verbally declined.

When planning permission 94/35 was granted, the conditions set by MCC were very stringent. For example, they stipulated:

- The exact distance of the bungalow from the road
- That the site entrance must be closed, and the use of communal entrance with the neighbouring property of a specified width
- That a 2-meter-high screen wall along the portion of the southern and rear boundary of the site be built to prevent overlooking and preserve the privacy of the adjoining single-storey property.

The granting of RA/180833 will result in existing boundary hedges and trees being replaced by a 2-meter-high screen wall between the new building and 'Avalon'. But this wall is clearly insufficient for preserving privacy given the extreme height (c.8.7 metres, including an occupied third floor) of the proposed development compared to 'Avalon' (c.5.3 metres, including the roof).

5. Lack of Consultation with Local Residents

Owr Construction Ltd made no attempt to engage with local residents before the planning appeal. On 6 November 2018, Councillor Nick Killian facilitated a meeting between concerned residents and the Managing Director (MD) of Owr Construction Ltd, Mr. Gus Whelan. (Minutes are included as Attachment 1).

To the surprise of attending residents, Mr. Whelan stated that when his planning advisors (Thornton O'Connor Town Planning) met with MCC planners, the latter actively encouraged a high-density development of the site. Indeed, he believed that a larger and higher building would have been approved. Documents provided by Owr/TOC (for example, see page 7 of the planning application) emphasise the company's engagement with MCC, whilst noticeably failing to mention any engagement with local residents

6. Not in Keeping with the Surroundings

The proposed development is simply not in keeping with the surrounding area. Relative to existing development it will be a massive tall building, front-facing and prominently located close to the Fairyhouse Road. As such it will be an inappropriate development, located among a ribbon strip of smaller lower bungalows and single-storey buildings set back from the road. The only two-storey houses in very close proximity to the proposed development are to the rear (west) of the development, and not on the front facing Fairyhouse Road.

In their submission to ABP, we note (pages 5-6) that Owr/TOC suggest that the application is not for a three-storey building, but rather "2 No. storey's with accommodation at attic level". However:

- The front of the proposed building has eye-catching third-floor dormer windows, its appearance and design is not compatible with this part of Fairyhouse Road
- Owr/TOC propose to retain the front elevation dormer windows (Page 10 of their submission), a non-compliance with condition 2(c) set by MCC when granting approval
- The planning application by Owr/TOC concedes (Page 7) that MCC had concerns that the development looked like an apartment block, and we contest that it still does

The proposed development is suited to a city location - not the periphery of a village/small town in a semi-rural location.

7. Southern Site Boundary

After a review of the planning application and associated landscaper report there is a serious fear that Owr may intend to breach the boundary line with the adjoining bungalow, 'Avalon'. This was clearly outlined in the submission / observation letter from the bungalow's owners Padraig & Michelle Anne Reid to ABP, dated 1 November 2018.

This issue was also discussed at the meeting of relevant parties held on 6 November 2018 (see attachment 1). Mr. Whelan of Owr Construction assured residents that no boundary would be breached and that although he has never walked the site, he would meet with the Reid's onsite as soon as possible with an Engineer to stake out the site and the proposed boundary wall of the development. Unfortunately, Mr. Whelan has not since contacted the Reid's to arrange this meeting, despite his personal commitment to do so within a few days.

8. Inadequate Checking of Application Accuracy by MCC

The evaluation of the planning application by MCC seems to have been heavily based on minimum regulatory compliance, whilst not checking important statements made by Owr/TOC. For example:

- i. The relevance of the supporting examples of "permitted schemes that respect their surrounding urban context".
- ii. That the area of the site is 0.1132 Ha
- iii. The actual availability of public transport, particularly to Dublin

Poor Supporting Examples

In their planning application to MCC, Owr/TOC offer two examples of similar developments. No background information is provided. After investigation we have discovered that one of these examples is in Dublin City, and not comparable with the proposed development in Ratoath. Also, Owr/TOC include only a computer graphic visualisation, not a photograph of the building - which we understand was completed by early 2016.

In their submission to ABP, Owr/TOC provide (page 7) a further example located in Cork, but again insufficient information is provided to assess how relevant this really is to the proposed development in Ratoath.

Uncertain Site Area

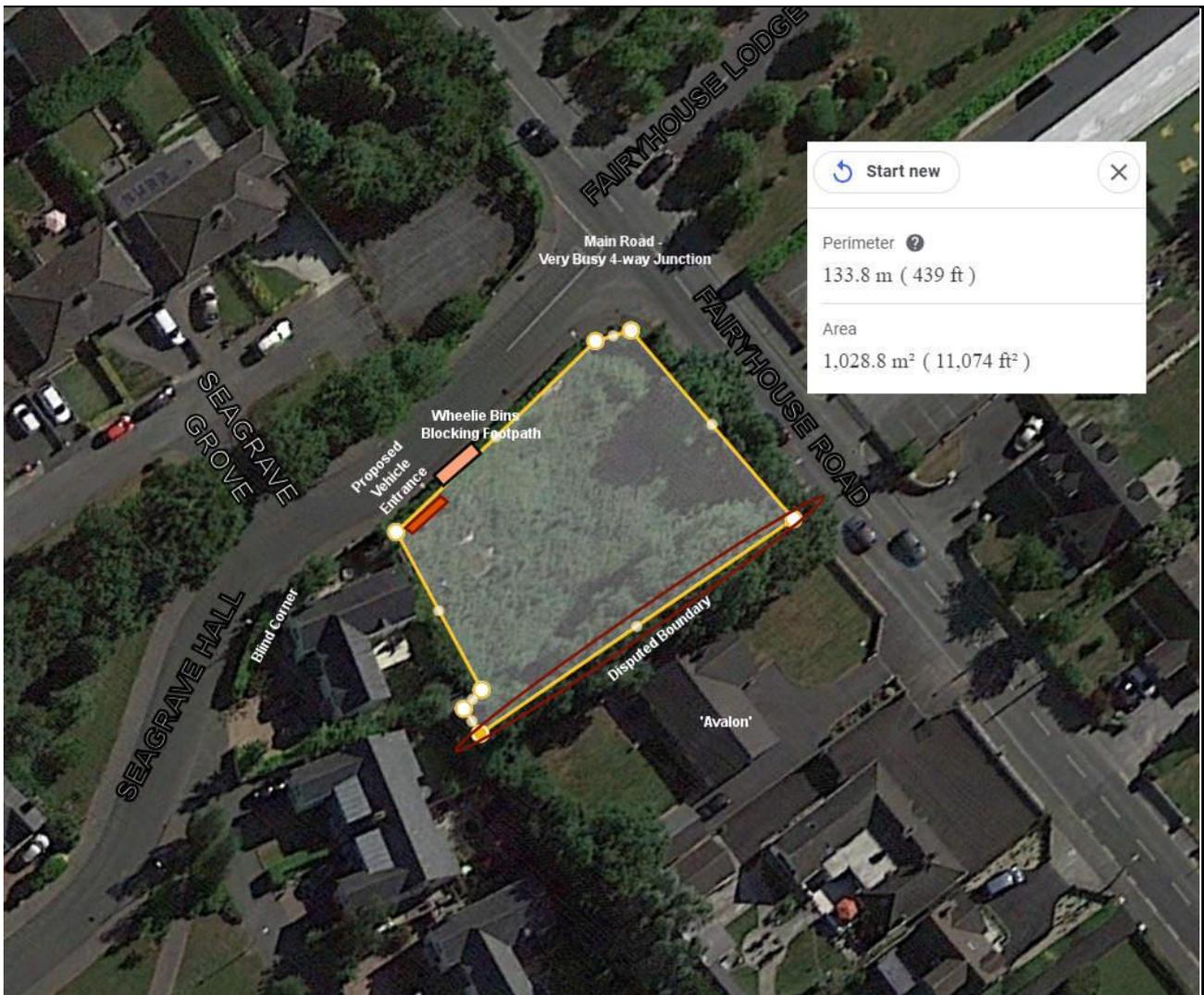
We have been unable to confirm that the site is really 0.1132 Ha. in area - measurements made using Google Earth (trying to match the plans provided by Owr//TOC as closely as possible) suggest that the site is 0.1028 Ha. – i.e. 10% less. A key factor is the exact location of the



Picture 4. *The Grove, Goatstown Road, Goatstown, Dublin 14. The computer visualisation provided by Owr/TOC (top) and a photograph of the actual building.*

southern boundary. We contend that MCC should have required Owr Construction to agree the boundary line with the owners of the adjacent bungalow - 'Avalon' - before considering and granting any planning application.

At the meeting with residents on 6 November 2018, the Managing Director of Owr Construction Ltd offered an engineer to 'walk the boundary' with the owners of the Avalon in order to establish the exact line. Unfortunately, Owr/TOC has not subsequently facilitated this.



Picture 5. A Google Earth view of the site, including its calculated area.

Inadequate Public Transport

A very serious issue for existing residents in the Seagrave Hall estate and this part of Fairhouse Road is the lack of public transport – particularly to Dublin. When the estate was being built in 2002 the developer emphasised to potential buyers that there were government plans for a rail link to Dublin. Unfortunately, the nearest station that has since opened – M3 Parkway – is an 8km drive away.

Bus services from Ratoath are notoriously unreliable. For example, see: <http://www.meathchronicle.ie/news/roundup/articles/2018/06/08/4157193-commuters-vent-their-anger-at-bus-ireann-chief/>. The article states “The problem services are primarily the 103, 103X, 105, 105X, 109 and the 109A. These are services that daily commuters rely on to get to and from work, university and hospital appointments.” Excluding the 109, all the quoted bus services run from Ratoath.

In their original planning application for RA/170815, Owr/TOC were clearly unaware that the Bus Eireann service running down Fairyhouse Road to Dublin had been cancelled in early 2015. In their submission to ABP, Owr/TOC suggest that the Bus Eireann 103 bus service to Dublin can be caught from the *SuperValu* stop in Ratoath village. This is indeed the case, but it requires a c.1.2 km walk that is unsuitable for young children and pensioners. There is very little nearby public parking, so driving to the stop is not an alternative option.

Owr/Thornton also suggest that the *Auld Stand* stop in Ratoath can be used to catch the Ashbourne Connect bus service to Dublin, and that this is a c.15-minute walk away. However, there are numerous problems and limitations with this service:

- It is a very brisk c.1.5 km walk to the *Auld Stand* bus stop from the proposed development
- The service only runs Monday to Friday
- The service is aimed at commuters with pre-paid tax-saver tickets, and is priced to discourage occasional users – an adult single to Dublin is currently €10 cash
- On a cold and rainy morning, many commuters using the service drive to the stop and park in the area
- As the name implies, the service runs via Ashbourne and - as the timetable provided by Owr/TOC shows - a typical journey time to Dublin is 80 minutes
- The service is very infrequent and for non-commuting residents of Ratoath it is simply not a viable option for travel to Dublin.

Whilst not mentioned by Owr/TOC, there is also a Bus Eireann 105 service to Connolly Hospital that does run down Fairyhouse Road, however:

- The service does not continue to Dublin
- Changing to a Dublin Bus that goes in to the City will result in a 2-3-hour journey time – each way!
- It does not stop in the Blanchardstown Shopping Centre
- The nearest stop to the Shopping Centre is isolated and very unsafe. A stabbing incident on 20 November 2018 demonstrated this, see: <https://www.herald.ie/news/alice-is-traumatised-we-must-move-this-bus-stop-stabbing-victims-mum-37546045.html>

9. MCC's Reliance on Previous Approvals

A constant theme in the documents from Owr/TOC and MCC is the referencing of a “previously granted planning approval” [or words to such effect] as a justification not to address an issue raised in submissions.

For example, the development's entrance is hidden in a blind spot just 30 metres from the junction with the very busy Fairyhouse Road. However, the MCC Planning Report for RA/180833 (page 13) notes in regard to “8.7 Access and Parking” – “Permission has previously been granted for this development under RA170815”. The Planning Report for RA/170815 (page 14) in turn states “The proposed access is reflective of what has been previously proposed”, presumably a reference to the granting of DA/900533. But RA/180833 and DA/900533 are very different.

Similarly, other important issues related to RA/180833 such as the height of the terrace building are discounted by MCC on the basis that planning permission had previously been granted.

10. Negative Impact on Existing Local Residents

Both Thornton O'Connor and MCC Planning discount the impact of the development on residents, however the reality is:

- i. The three-storey terrace building will overlook neighbouring bungalows and two-storey houses and reduce privacy.
- ii. The creation of a new vehicular entrance just 30 metres from the busy Fairyhouse Road will make an already dangerous and congested traffic junction even worse.
- iii. On site car parking is inadequate and there is no provision for visitor parking, hazardous on-street parking and an overflow into the nearby Seagrave Grove and Hall estates is inevitable.
- iv. Refuse bins will have to be left on the footpath for collection and emptying, otherwise the entrance to the development will be blocked.
- v. The mature trees at the site boundary will be cut down – assuming that they prove to be owned by Owr Construction when the boundary is finally agreed.
- vi. The development includes no public green space, so the use of the green spaces in the nearby Seagrave Hall private estate is inevitable.
- vii. Conditions such as the use of frosted glass on the upper storey will be impossible to enforce long-term.

Elaborating several of these points:

Very Inadequate Car Parking

The development includes eight car parking spaces - two per 4-bedroom house. The submission by Owr/TOC states that they have met the Car Parking Standard required by the *MCC Development Plan*, and they no obligation beyond that, i.e. where excess vehicles park is not their problem. MCC support this position, stating that in the Planning Report for RA170815:

- Page 14, "The proposed car-parking is adequate for the 4 no. dwellings as per the Development Plan standards and overflow parking is not required"
- Page 17, "the no. of car-parking spaces ... is in accordance 11.9 of the Development Plan and the Transportation Department of Meath County Council has no objection subject to condition and a special levy".

However, given the distance from the village centre and the very limited nature of local public transport, eight parking spaces will simply not be enough for the cars and vans of building residents, let alone visitors:

- The 2011 census results show that more than three-quarters of the village's working population travel to work by car
- Due to the lack of convenient public transport in the area (see above), most 3- or 4-bedroom houses in the Seagrave Hall estate and neighbouring properties are forced to own two, three or even four cars
- The nature of the proposed development makes it inevitable that some rooms will be let and sub-let – nearly one car or van for each of the 16 bedrooms in the building seems likely
- We do not understand how MCC determined that overflow parking was not required.

It is very disappointing that MCC didn't at least consider more than minimum compliance in such an important matter. Unfortunately, the consequence of the Planning Authority's adherence (in this instance) to their *Development Plan* will be a major problem for residents regarding unsafe on-street parking, and also unauthorised parking in the adjacent Seagrave Hall and Seagrave Grove estates.

No Provision for Refuse Collection

The proposed development does not include provision for access by refuse lorries, and MCC accept this potential breach of the Development Plan in the Planning Report for RA170815, stating that “bins can be brought to the access road kerb”. In their submission to ABP, Owr/TOC accept that bins will have to be left on the public footpath for collection and emptying - but suggest that this “is generally the norm” and emphasise that the planning authority raised no issue in relation to bin collection.

Several domestic refuse collection companies operate in the area (including Thornton’s, Panda and Mahan), and they all schedule the emptying of black, brown and green wheelie bins on different days. It is thus inevitable that multiple wheelie bins will be obstructing the foot-path into the Seagrave Hall estate on every week day.

We contend that there is a significant difference between a single bin being left on driveway close to a footpath for emptying, and multiple bins being placed on the footpath. The later will be a significant hazard for pedestrians, particularly at busy school-run times.

No Public Green Space

Non-resident children and teenagers entering the Seagrave Hall estate from nearby areas and causing problems (noise, rubbish, damage to shrubs and trees, placing obstacles on the road, ...) has unfortunately been a problem since the estate was built.

The proposed development includes no public open space, and MCC accept this potential breach of the breach of their *Development Plan* in the Planning Report (page 12). We contend that the lack of green space makes it inevitable that the green areas of the nearby Seagrave Hall estate will be frequented by even more non-residents, to the detriment of existing residents.

11. Inappropriate Development for Zoning

Both Thornton O’Connor and MCC Planning contest that the approved three-storey terrace development is consistent with the zoning of the site. It is not:

- The zoning of the site is A1, with the objective: “**To protect and enhance the amenity of developed residential communities.**” But the site is located in an area categorised by low density residential development – typically bungalows or two-storey houses on relatively large sites
- Further, Para 11.2.2.3 of the *Meath County Development Plan 2013-2019* states: “A significant consideration will be the manner in which the adequacy of the site area allows the building to be sited, such that they will not adversely interfere with the scale, amenities or visual quality of existing development.”

Whilst Para 11.2.2.3 refers particularly to Apartments, it seems to be a very relevant consideration in this instance – particularly given MCC’s concern that the design of the building was “apartment-like.”

In either case, shoehorning a relatively dense development in to an existing low density residential development characterised by large houses on relatively large sites is not in accordance with the stated objective. If the development is approved, it will – as extensively described in this response and the original appeal - significantly degrade the amenities that local residents currently enjoy.

12. **A Final Representation**

We are in favour of a **suitable** development of the site – its long-standing status as a vacant and undeveloped plot (despite planning permission being granted in 2009) is an increasing concern for ourselves and other local residents.

However, it is extremely disappointing that MCC granted conditional approval for RA/180833 without adequately considering the negative implications for existing local residents, or even its own previous planning decisions and conditions for the site and the immediate area. The proposed development does not protect, let alone enhance, the amenity of existing developed residential communities.

We request and sincerely hope that An Bord Pleanála will decide in favour of the appeal.

Please note that our appeal is strongly supported by Seagrave Hall residents. We attach a list of signatories to a previous submission to MCC, made in regard to RA/170815 (which RA/180833 apparently replicates).

Finally, writing the appeal and this submission has made us realise that the Meath County Council Planning Department has a very difficult and complex job. Whilst we strenuously disagree with their decision in this instance, we would still like to thank for them for raising with Owr/TOC many complex issues (lighting, drainage, landscaping, utilities ...) that we do not have the technical competence to even identify.

Yours sincerely

Richard Beedall

Terri Beedall

Attachment:

1. Minutes of meeting between Owr Construction and local residents, 6 November 2018
2. Signatories to a submission to MCC, made in regard to RA/170815

Attachment 1. Meeting between Owr Construction Ltd and Local Residents

MINUTES

Date: 6 November 2018

Time: 20:40- 21:30

Facilitator: Cllr Nick Killian

In Attendance

- Nick Killian (NK), Peace Commissioner, Ratoath Municipal District
- Gus Whelan (GW), MD Owr Construction Ltd
- Oliver Farrell (OF), Foley Auctioneers and Chartered Surveyors
- Richard & Terri Beedall (RB & TB), 1 Seagrave Hall
- Steve & Geraldine Davis (SD & GD), 2 Seagrave Hall
- Lucia Moloney (LM), 5 Seagrave Hall, Secretary Seagrave Hall Residents Association
- Aidan Breslin (AB), 37 Seagrave Hall
- Pdraig & Michelle Anne Reid (PR & MR), Avalon, Fairyhouse Road

Key Points

- GW:* RA/180333 replaced RA/170815 because the later was an amendment to an existing permission that would expire in December 2018. He would not have been able to build the houses by then.
- RB:* A high-density three-storey building was completely at variance with this part of Fairyhouse Road (bungalows and 2-storey houses) and was inconsistent with the A1 zoning – “To protect and enhance the amenity of developed residential communities.”
- GW:* His planning advisers (Thornton O’Connor) had met with MCC Planning Department, and the later had encouraged a high-density development of the site. MCC have approved the three storey-building and would probably now approve higher.
- NK:* There has been no consultation with local residents. In his experience, a developer should start a dialogue with these at an early stage in the process.
- RB:* There are material inaccuracies in the planning application (e.g. the bus service to Dublin) that may have influenced MCC’s decision.
- MR:* Landscaping Documents submitted by Owr to MCC showed that 9 of 14 trees on the southern boundary of the site will be removed, and three of the remaining trees will be in a back corner. It’s not clear that all these the trees are on Owr’s side of the boundary. Further, the new building will tightly abut the boundary with Avalon and loom over the bungalow, and the proposed measures (e.g. planting some hornbeams) will not adequately preserve privacy.
- GK:* He would try to retain tree’s where possible. Was willing to consider other changes that would protect privacy, “but the planning won’t be changed”.
- LM/NK:* The shortage of car parking in the development will inevitably result in an overflow in to the neighboring estates, e.g. for a Christening party. This is not acceptable to local residents. [No response by GW.]

- TB/NK:* The Seagrave Hall and Fairyhouse Road junction is already very hazardous, indeed there is a memorial to a girl who was sadly killed there. The proposed development will greatly increase the risks. [No response by GW.]
- LM:* Asked Mr Whelan to explain how was it that in the new planning application [RA/180833], the four houses were of a larger floor space than those detailed on the original application [RA/170815], whilst the height was apparently reduced. Where had the additional space come from? [No direct answer by GW.]
- RB:* Expressed concern that GW was avoiding answering questions by referring to his planning advisers, but no one from Thornton O'Connor Town Planning was at the meeting.
- TB:* Refuse/recycling lorries won't be able to enter the development, so bins placed on the pavement will be a major hazard. [GW denied that this would be case.]
- GD:* Asked GW if there be any consideration of a 2-storey type building.
- GW:* Categorically stated that he would NOT revisit planning permission with regard to any redesign of the proposed development.
- NK:* Expressed his disappointment that the developer had come to the meeting ill prepared, with little to offer the local residents.
- GW:* "Will try to help as much as I can" - will consider any changes that don't affect planning permission, e.g. colour of the houses, boundary trees, height of walls...
- GW:* Offered a personal promise that all building machinery etc will not be parked on local footpaths roads, etc. - obstructing views and thus endangering residents. Will arrange a yard nearby. He would provide his own personal contact number if any problems should arise.

Action

- GW & PR/MR.* Mr Whelan will come on site with his Engineer and measure / agree boundary lines with PR/MR.

Attachment 2. Signatories to a Submission to MCC, Made in Regard to RA/170815

Below are the signatures of Seagrave Hall residents supporting a submission to MCC requesting that they refuse planning application RA/170815. Terri Beedall of 1 Seagrave Hall is crossed out to avoid double counting as she was a signatory of the submission.

Owr/TOC state that RA/180833 replicates RA/170815.

[In original]