

From: Mina Louka

Date: 19 March 2018 at 02:39:15 GMT

To: Councillors

Subject: Ref: 18/00332/FUL - Chapel Spa Cheltenham

Dear Councillors,

I hope you are well.

My application for a permanent dropped kerb goes to the committee on the 22nd March 2018, and I would like you to support this application. The information attached to this email will give you a much clearer picture.

Please go into CBC planning website and find the published documents to be able to follow this email.

I have also attached the following documents:

1. Plan showing the extent of the car park area belonging to Chapel Spa (10 spaces).
2. Plan received from David Roberts showing the very small piece of land that the council wanted to swap for my car park area.
3. Pdf containing two emails from David Roberts (Development Dept.) to myself, showing that the Development Dept. were encouraging the application for dropped kerb in 2015 and had completed the application for me. I only signed it and paid the fees.
4. Pdf email David Roberts confirming that the Portland St. Car Park has been leased for 35 years from March 2017 with 5 yearly breaks.
5. Statement from the original owner of Chapel Spa (1994).
6. 15/01208/FUL agenda and minutes 2016.
7. Martin Chandler's Report for the present application.
8. Timeline pdf.

My name is Mina Louka and I am the owner of Chapel Spa in North Place Cheltenham.

I stood before you in the Planning Committee meeting, two years ago, and asked for permission to install a dropped kerb outside Chapel Spa.

You all sympathised with me, but still only allowed me to have temporary permission for two years.

Some of you thought that you would be seeing me again in two years time, in exactly the same circumstances, as nothing would have changed.

You were right! Nothing has changed, and I am forced to go through this whole stressful procedure again.

If the Land Department of CBC have their way I will be doing this twice more, before the first break (after 4 years) in the 35 year lease (that has only been signed 12 months ago), between Auger Buckler and NCP.

I would like to summaries and comment on the statements made by interested departments in Martin Chandler's report:

1. Highways are happy with the application.
2. Planning and Listed Building are happy with the application.
3. Many public letters of support for the application.
4. The council has sent 12 letters (even to Augur Buchler) but no objections.
5. Development Department against the application.

Please note: that as you can see in the attached emails it was David Roberts and Jeremy Williamson (Development Dept.) who instigated the application for a dropped kerb, which was put forward by them in 2015. I was only required to sign and pay for it.

Now they are objecting to my application. This is manipulation and abuse of power.

Development Dept. seems to think that they already have the right to my land, by actions such as fencing off access to it, and depriving me of its amenity without discussion or notification. They have even referred to my land as **"still owned by Mr. Louka"**, - how absolutely crass.

However, after denying access to Chapel Spa land which we have owned for 33 years (as per attached statements), the Development Dept. have adopted a definite tendency to think they own it.

They are assuming that a land swop will take place, but have not communicated this to me personally since they abruptly ceased communications with me in 2015 after the collapse of the Portland Street car park deal.

This land swop, will take my 10 parking spaces, and the Council will give me one space in front of Chapel Spa, a listed building which LBC has entirely ruled out (this was the only objection in the previous application) this is not fair!

In paragraph 6.4.5 & 6 in the report attached: The Development Dept. is advocating parking in front of a listed building as if it was of no concern. Also they are giving the impression that parking cars in Warwick Place is much worse, than parking one outside a Listed Building. No wonder the Public get confused if Officers of the Council advocate ignoring legislation.

It was Land Dept. who agreed the redevelopment plans for Portland St. Car Park, and agreed to put a Bus Node, Taxi Rank, and Motorbike stands in Warwick Place as part of the development. All noisy, polluting and ugly which does not sit well a few meters from a Grade II listed building.

In paragraph 6.4.9: This is an alarm bell ringing, It looks like the bus node has not been scrapped, just “not likely”!

Surely not after all the promises made to me by David Roberts that Warwick Place would not become a highway.

Facts:

1. Fact. I came to Cheltenham in 2014, invested £1.5 million, increased staff working hours by 16000 hours in the first year, increased the visitors to Cheltenham as my clients come from London and from all over the country as well as Cheltenham.
2. Fact. It is my land and the Council did stop me using it (perhaps illegally, I don't know, but I will find out very soon)
3. Fact. The Council fenced off Warwick Place, causing me many problems with my business, I could not get / keep staff.
4. Fact. I had to fight very hard to get permission to access my land, and eventually got it.
5. Fact. Previously, my staff's cars were getting damaged through bumping up and down the high kerb. The installation of a dropped kerb has stopped that.
6. Fact. I have spent over £3000 to install the dropped kerb.
7. Fact. The Portland St. Car Park has been leased for 35 years with 5 yearly breaks from March 2017!
8. Fact. Augur Buchler did not object to my application, but the development dept did. Why? Doesn't Augur Buchler know about the new government fundings mentioned in 6.4.8?
9. Fact. The development Dept. has not given any new news at all, just repeating what they had said in 2014. Now we are 4 years on!
10. Fact. There is another £500,000 that I need to spent on Chapel Spa. However I do not have the confidence to do so when I can lose my staff at any time as happened previously in 2014 & 2015, when CBC stopped me accessing my Staff Car Park in Warwick Place.
11. Fact. The dropped kerb is in front of Chapel Spa and is needed at the moment to access the Car Park. In the future, if there is a land swap as the development dept. wishes, of course I will need this dropped kerb to access the space that they will give me in exchange. So how can this dropped kerb affect any future redevelopment, unless they knock down Chapel Spa?!

The Conclusion and Recommendation:

The first two paragraphs are a fair and simple assessment of my position, and acknowledge that I have done my best to comply with the Listed Building objection in my first application.

It also points out that nothing is known about the Portland Street car park progress.

The owner of Portland Street car park (Augur Buchler) has not even made a comment about this application.

Perhaps Augur Buchler is content to lease it out as a Car Park! Who knows? The Land Dept. can't even tell us the reason. But I am sure that they can see that my dropped kerb will not be a threat to their plans.

So how is it that the Officers of the Council have come to the decision to go against **all the evidence!**

I am now looking to the Councilors on this Committee, as my last hope. I urge you to vote with your conscience, put this injustice right.

Please disagree with the recommendations and vote to grant me permanent permission for a dropped kerb, so that I can get on with my business.

This is the last time that I will apply, as it is taking up too much of my time and energy. If this does not get approved this time as permanent, I will go to appeal or judicial review in order to obtain justice.

Kind regards,

Mr. Mina Louka BA, DMS, FCMJ
Managing Director