

12th February 2025

**To all Members of Cheltenham Borough Council Planning Committee
By email**

Dear Councillor

**131 Promenade, Cheltenham
Applications 24/01762/FUL & 24/01763/FUL**

The time between the release of an officer report and a committee meeting is often a busy one for applicants. Rather than having weeks or perhaps months to consider a proposal and draft the report for it, the applicant has 5 working days within which to read and assess a report, prepare any comments and then circulate a response.

At times, a report might raise matters the applicant was not aware of until then. Whilst I am aware that furnishing you with information at this stage in the process might not be ideal, it can be the only opportunity for an applicant to convey (hopefully clearly) things to you in writing.

I hope this context is helpful to you in understanding the time constraints sometimes involved, and why letters like this are at times a necessary step in the proceedings prior to a committee meeting.

There are some key points we wish to cover, and I seek to do that as concisely as possible.

Public Support

A petition signed by over **2,000 members of the public** expressing their support for the proposed development has recently been submitted.

We note that 127 people, **over 80% of those commenting**, on CBCs website say they support the applications.

Covers

I was not on site on Tuesday, but I am aware of discussions relating to the number of covers. To clarify, there is a **total of 128 covers** at the terrace. The applicant took the time on Tuesday to count every single cover.

Heating

The design approach is to use the electricity provided by the proposed **roof mounted PV** to heat the structures. Whilst the detailed calculations are to be completed, this approach is more energy efficient.

6.98 of the report says 'there is little evidence of the proposals offering any environmental benefits'. We feel **providing PV as part of a site wide sustainable energy strategy is a significant benefit.**

Trees, Drainage and Engineering

These matters are closely related and have been addressed holistically.

There are no planted trees on site; they are all in pots. The street trees to the front are beautiful and important, and need to be safeguarded.

Tree reports provided confirm **no works to trees** are required and there would be no future threat to trees from the proposals.

Our engineer confirms that small ground screws (max 10cm diameter) will be used to support the structures, sitting just above the existing, retained surface. The precise location of the screws will be decided by carefully hand dug trial holes to avoid tree roots.

Water to the street trees is currently limited because they are surrounded by impermeable surfaces. A carefully cut channel in the existing paving will be fitted with a perforated drain to allow water to seep gently into the ground to better irrigate the trees. **This is a benefit to trees.** Any excess surface water will be directed to the existing drains as it is now.

I anticipate officers will update you on these matters at the meeting.

Kitchen Location

The Space Assessment accompanying the application demonstrated that, for sound and sensible operational reasons, as well as for health and safety, the proposed structures cannot be located elsewhere and the main kitchen needs to remain where it is, in the basement of 131.

For these reasons the area to the rear of 133 cannot be used for the purposes for which the current application is required.

Setto Bello and Precedent

Each site is different of course and is **decided on its own merits.** Officers often remind Members about the lack of 'precedent' in planning and to judge the proposal in front of you. This is also important in respect of many objections, which cite precedent as a reason to refuse.

Interestingly though, for the recent retrospective approval of the structure for Setto Bello opposite the town hall, the report for that said 'The 'harmful' element of the scheme is a standalone structure, unaffixed to the listed building, and can be easily removed in the future when no longer required.'

The same approach can be applied for 131, even if it was for **a temporary period which the main buildings would long outlive,** such as 20 years.

Other Outside Structures

At 6.13 the report refers to other structures to the rear of 133, and at 6.14 two undetermined applications from 2018. I was not the agent for those applications and have to date not received communication about them from officers, other than what is said in the report, so can't comment at this stage.

For the recent temporary structures to the rear, there is a legal consideration which I believe prohibits the inclusion of those in the current application – that being recent changes to the relevant law/regulations which prevent an application seeking permission for something which is the subject of an enforcement notice. This provision does not apply to the current applications because the proposals are very different to what is covered by the enforcement notice.

Economic Impacts and Viability

More recent accounts were not available when the application was submitted. These are now complete and show that revenues remain strong because of this space, but revenues do not necessarily equal profit and/or viability. The returns continue to be significantly short of covering the long-term investment and, in brief, over 2022 – 2024 there continued to be a loss of about £1,000,000. **The inability to use this space year-round means the business is not viable long term.**

The data in the recent report on behalf of Marketing Cheltenham by The South West Research Company was also not 'out' when the application was submitted and so could not have been taken into account at the time.

The applicant has provided an addendum to the Economic Impact Statement which covers the more recent data now available.

The conclusions about the significance of this site for the local and wider economy as well as the livelihoods of many, the vitality of the town centre and the long term viability and the preservation of the historic assets as a result, are unchanged.

The pressure the hospitality sector is under, and thus the need for it to adapt sensitively to survive and maintain its significance for the local economy, is aptly demonstrated by the **House of Commons Library research commissioned by the Liberal Democrats** which confirmed that in the first nine months of 2023, almost 5,000 more hospitality and retail businesses closed (that's about 18 per day!) compared to those that opened. This fact is part of a telling article in the Independent which is worth reading - [Thousands of restaurants and pubs closing across UK blame soaring bills among pressures they face | The Independent](#).

The proposals and if any harm is outweighed by the benefits

I do not intend to try and cover this most subjective element of the considerations here; and believe that will be better done through the presentation to you at the meeting.

As always, we are very grateful to you for taking the time to read this letter and hope it assists you in your considerations.

Yours faithfully

Simon Firkins
SF Planning Limited