

## James Kon

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**From:** Lewis Westhoff  
**Sent:** 28 September 2018 18:00  
**To:** Whittingham, Gideon  
**Cc:** Cullen, Bethany; McDonald, Neil; Kieron Hodgson  
**Subject:** 135-149 Shaftesbury Avenue

Gideon

Thank you for your call yesterday.

You informed me that officers have been instructed to refuse the planning and listed building consent applications for 135-149 Shaftesbury Avenue. The main reasons for refusal are in relation to the principle of the roof extension and its detailed design.

This has come at complete shock and surprise to us.

As you know, we have worked closely with officers throughout an extensive pre-application consultation period and during the assessment of the application. In relation to design, we made a number of concessions to the height and scale of the roof extensions prior to submitting the application, and we also presented the application to the Council's independent design review panel. When the panellists ultimately endorsed the principle, height, scale and design of the roof extension, we considered that the design matter to be resolved.

We have also provided draft commercial agreements that are in place for the cinema and hotel, as well as s106 heads of terms that would ensure the cinema use would be provided and would be successful. We have also been happy to have the independent heritage report prepared at the applicant's expense to give officers the comfort needed on heritage matters.

In summary, we have followed the guidance from officers throughout the entirety of this application with the expectation that by following your guidance would lead to a recommendation for approval. Despite this, we are now told that the application is to be refused.

Given the above, we feel it is necessary for the Applicant and our core team to meet with Bethany, Neil and yourself so we can discuss and interrogate the reasons for refusal in more detail. We have worked closely with you for over 18 months, so we would hope that officers would be amenable to meeting with us.

I understand that you are in the process of writing up your report and articulating the reasons for refusals. We would suggest that these reasons for refusal would form the agenda for this meeting. We are flexible with our availability, so could you please discuss internally and let us know when a convenient time to meet either late next week or early the week commencing 8 October would be?

We look forward to hearing from you.

Kind regards

Lewis

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