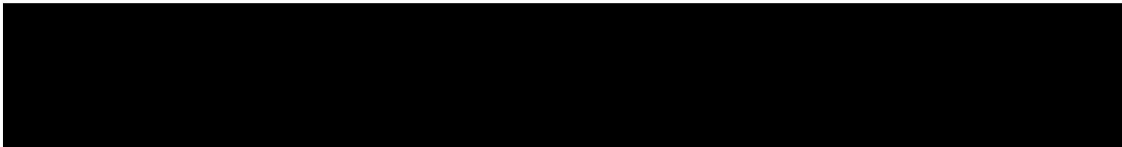




Subject: Neighbour Representation – Objection to Proposed Development at 52 Tottenham Street - FAO Laura Dorbeck



FAO: Luran Dorbeck
Jusna Khanum

Dear Ms Dorbeck,

I write to outline our objections to the proposed development at 52 Tottenham Street, your reference 2020/3043/P. We are Take-Two Interactive Software (“Take-Two”), occupiers of 30 Cleveland Street and immediate neighbours to 52 Tottenham Street.

After more than 20 years in Windsor, Take-Two relocated its International headquarters to Cleveland Street in a well-publicised move of late 2019, reported in the Evening Standard and across the property trade papers, a move reflecting our confidence in London as an eminent location for offices and international businesses like ours. However, in making the move from Windsor, we were highly conscious of the importance of the specific location within the city, in retaining elements of our culture and the working lives of our people. After an extensive search, the Fitzrovia area of central London was chosen, specifically, in part due to the already vibrant creative industries focussed in this area but also for reasons of quality of working life for our employees due to the atmosphere and mix of property and people which, together, help to provide a neighbourhood feel. The existing feel of the area immediately surrounding the building, as well as its specific features (some of which would be impacted, adversely, by the proposed development) were a major part of the appeal of the Cleveland Street premises.

Take-Two, headquartered in the United States is one of the largest global video games companies and is listed on the Nasdaq. The Cleveland Street headquarters spans 40,000sq ft, currently serves 184 employees (a significant number of which are employees who have joined since the move to Camden) and is home to the management of Take-Two’s EMEA and APAC business. While a commitment was made to Cleveland Street in 2019, refurbishment and preparation works meant that the site wasn’t meaningfully occupied until June of 2021.

Lack of Consultation

The first time we were made aware of the planning application at 52 Tottenham Street was a matter of days ago, when we were informed that the application had already been brought before Planning Committee, with an associated Committee Report disregarding the impacts of the development on 30 Cleveland Street.

As noted above the lease of the building by Take-Two was publicly known and prominent, as would have been the consequences of this agreement in 2019 – i.e. that the building would be vacant for a period to allow for refurbishment. Over the pre-application and part of the application period, it would have been clear to anyone visiting the site or street that the building was not occupied and was being refurbished.

Further to this, the entire pre-application consultation process took place during the height of the pandemic and its degrees of coronavirus restrictions, and across this whole period it was the government's advice that working from home should be carried out by all who were able to do so.

A timeline of the consultation exercises carried out thus far is provided below, together with the fundamental reasons these exercises must be considered flawed:

- Flyer and public exhibition of March 2019 – Take-Two did not occupy the building, consultation carried out two years prior to submission.
- Meeting of April 2019 – Exclusive, non-public consultation.
- Newsletter of April 2020 – Circulated during early stages of the first national coronavirus lockdown.
- Site notice erected and newspaper notification published July 2020 – Period of government work from home advice.

As this timeline shows, each exercise undertaken was fundamentally flawed given anyone upon seeing the site would be fully aware that it was undergoing refurbishment and as such not occupied, or was undertaken during a state of national coronavirus restrictions which required working from home. The absence of direct contact with Take-Two over this period is conspicuous. The applicant's Statement of Community Involvement outlines a small number of consultation exercises not one of which would have been suitable in the context of a building being refurbished during the coronavirus pandemic.

Additionally, the main consultation exercises were conducted over two years prior to submission of an application. This is not a reasonable period of time between consultation and submission, particularly given the inevitable design development and change the proposal would've gone through over this period. Indeed, the only consultation exercise undertaken outside of national restrictions was two years prior to the submission date.

Effective meaningful consultation should have included direct contact with the nearest neighbours. It should have been the duty of the applicant to demonstrate that they had adequately consulted and, in the case of Take-Two as the most impacted neighbouring property, made direct contact via email or telephone.

The result of this lack of consultation which would have brought the application to our attention is that the application has progressed without consideration of the impacts to our offices, which would not have been the case had we been given the opportunity to object. The Planning Committee have resolved to grant the application, on the basis of a Committee Report and recommendation which does not include an assessment of the impacts of the development on our building as the most significantly impacted neighbour. I draw your attention to the decision in *R (Hobbs) v Dorset Council (CO/556/2022)*, which saw the quashing of planning permission on the basis that a significantly impacted party was not appropriately consulted.

Impact of the Development

The Committee Report recommending the application be approved, and in the context of which the Planning Committee made their decision, includes no assessment of the impacts on our property as immediate neighbours and the most significantly impacted site. At first reading, the report has instead focused on the impacts on neighbouring residential amenity without including any assessment of the impacts on amenity areas within our own building.

Below is an extract from the front cover of the submitted Design and Access Statement alongside an axonometric satellite image from the north (Figure 1):

Figure 1: Design and Access Statement Extract, Axonometric Satellite Imagery



These images together demonstrate the eclipsing of the roof terraces at 30 Cleveland Street by the proposed development, with the Design and Access Statement front cover showing that the extension would substantially occlude the roof terraces and windows at the rear of our property – indeed, the view chosen shows the proposed development covering these areas in their entirety, as well as enclosing important windows serving our building.

Exacerbating this still further is the projection of the development beyond the existing building lines at 30 Cleveland Street and Arthur Stanley House, with the eleven-storey development falling within close proximity of windows in the western elevation of our building and within metres of our rooftop amenity spaces to the rear.

The resultant harm is difficult to overstate. There would be substantial harm to the amenity provided by the roof terraces at the rear of our building. As well as loss of light, which is addressed in further detail below, the proposal would appear wholly domineering from the adjacent roof terraces with an oppressive increase in sense of enclosure, worsened by the almost entirely blank elevation which would now fall within metres of each terrace (see Figure 2, below) and which as-proposed incongruously projects at least three storeys higher than the neighbouring built form.

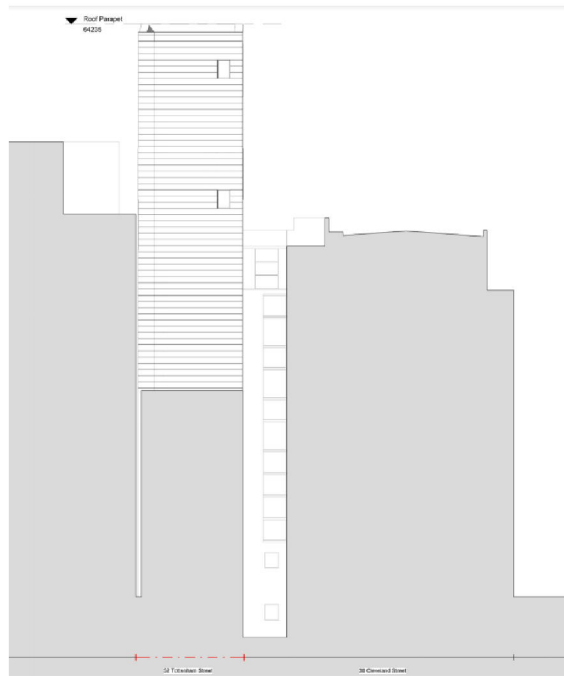


Figure 2: Blank Proposed Elevation Facing Roof Terraces at 30 Cleveland Street

With regards to light, the proposal falls to the south of our amenity areas and as such would inevitably have a significant and noticeable impact on the light – and therefore the usability – of both roof terraces. This is not addressed by the submitted Daylight and Sunlight Report, despite the BRE Guidelines providing several references to the importance of light in non-domestic buildings. Paragraph 3.2.1 of the BRE Guidelines note that *“care should be taken to safeguard the access to sunlight both for existing dwellings, and for any nearby non-domestic buildings where there is a particular requirement for sunlight”*, and Figure 27 of the same shows an example diagram of the kind of new building, as per its orientation, which would warrant daylight and sunlight testing – an orientation and arrangement matching that of the proposed development.

It can be agreed that roof terraces enjoy a particular requirement for light, with the BRE guidance noting that this type of non-domestic space should be safeguarded. Added to this is the methodologies it sets out for testing the overshadowing of amenity spaces, with 3.3.3 of the Guidelines making reference to the overshadowing of amenity spaces which include areas for sitting out associated with non-domestic buildings. Additionally, the harmful impacts on the light experienced across the entire rear elevation of 30 Cleveland Street and the internal areas adjacent to the roof terraces must not be ignored.

Despite relying on the BRE guidance to inform the recommendation made to Committee, its advice concerning non-domestic buildings was not followed. In concluding, the report brought before Committee stated that *“any impacts to daylight and sunlight are not considered to be significant, and would not warrant refusal of the application on this basis”*. It is with this statement in mind that I must refer to the judgement made in *Rainbird, R v. London Borough of Tower*

Hamlets [2018], EWHC 657 (Admin), with planning permission quashed in similar circumstances where the decision-making Committee were misled on the very matter of daylight and sunlight impacts facing neighbouring properties.

The conclusion that there would be no harm to neighbouring amenity was fundamentally flawed, and the assessment of amenity impacts which did not include 30 Cleveland Street specifically was equally faulty when considering LB Camden Local Plan Policy A1 (Impacts of Development). Concluding that the proposal complied with this policy was also incorrect. It should be noted that the daylight and sunlight to the rear terraces is a major part of our certification by Fitwel, the World's leading certification system focused on health and well-being. The Fitwel certification is a key component of our ESG strategy enhancing the attraction and retention of employees. One of the ratings criteria is access to natural light and views of nature. The light at the rear of the property, including light to the third floor via the lightwells on the 4th floor terrace, and the plants on the terraces are key components of our satisfaction of the relevant criteria. The fact that the impact of the proposed development may put this certification at risk is clear evidence of the potential for harm.

Ultimately, LB Camden have resolved to grant a development which would substantially lower the quality of an existing office building, representing damage to its office stock directly contrary to the strategic objectives of local policy which seeks to encourage, strengthen, improve and protect employment assets within LB Camden. This has been allowed to happen as the most substantially impacted neighbour has not been adequately consulted, and the impacts on this neighbour have not been addressed in the relevant Committee Report or by the Committee during discussion.

As neither of these policy considerations were included in the Committee Report in relation to impacts on 30 Cleveland Street, we request that the application be brought before Committee with an updated recommendation and report. We invite those members of the Committee to perform a site visit to the building, where the potential impacts and harm can be fully appreciated.

Future Impacts of the Proposal

Without prejudice to our mounting a legal challenge if the resolution to grant is formalised, we would take this opportunity to request that there be further conditions to any approval and that direct consultation be made to Take-Two Interactive with regards to any further details submitted for approval – specifically the Construction Management Plan required via condition. As a key stakeholder and the likely most impacted neighbour, specific reference must be made to us in the consultation requirements of a future detailed Construction Management Plan.

The draft noise condition must also specify that the limit on noise output from future plant applies to noise sensitive areas which include 30 Cleveland Street as a whole. Critical meeting rooms as well as amenity areas internally, and the roof terraces externally, represent noise sensitive areas which must be considered appropriately and which are all situated along the boundary with 52 Tottenham Street.

Notwithstanding, it is concerning that there has not been a detailed Construction Management Plan or a Delivery and Servicing Plan required as part of the planning application and particularly given the extremely constrained nature of the site with high potential for impacts on neighbouring properties – sitting cheek by jowl with both immediate neighbours, and having no space on site for construction refuge or welfare, or the storage of materials and siting of machinery. Additionally, the draft Construction Management Plan must refer to us and how the impacts on our amenity will be managed and mitigated.

Conclusion

The amenity provided by the roof terraces at 30 Cleveland Street is intrinsically linked to its quality and attractiveness as an office. This amenity would be irrecoverably damaged by the proposal, with resultant impacts on the wellbeing of the current occupiers and users of the site. In addition, as committed members of the local community, we feel that the design and appearance of the proposed development is out of keeping with the immediate surroundings and would have a significant negative impact on the look and feel of the street and on our building, in particular (the merits of which do not appear to have been properly considered in the Committee report).

Our role in our local community has always been key to our people and our values as a company. Since deciding on 30 Cleveland Street as the base for our new International Headquarters, we have made a conscious effort to engage with London Borough of Camden and the local community and, in the relatively short time we have been located in the area, we have been involved in a number of local initiatives, including:

- Donating £250,000 to Camden Giving in 2020 to create an unrestricted Covid Relief fund for businesses and individuals in need.
- Creating an Apprenticeship programme, paying the Real London Living Wage to underprivileged youth from Camden.
- Hosting community events such as the local neighbourhood watch, autism hub and women in games among many others.
- Our teams volunteering their time to local charities, such as Life After Hummus and Story Garden.

We place great importance on our position as members of our local community. This makes it all the more disappointing that the council should make a decision on a proposal that so clearly has a material negative impact on our use of our premises, without engaging with us so that we may have the opportunity to raise our concerns.

Aside from Take-Two Interactive's occupation, it must be recognised that the impact on the amenity offered by office buildings is a key consideration as set out in LB Camden's Development Plan policies and which is clearly linked to the future success of the Borough's economy, a matter which has grown ever more important over the pandemic with competition in the office market at an all-time high and officer occupiers matching greater scrutiny of potential sites with high expectations in terms of amenity and welfare for their employees.

A resolution to grant has been made without full consideration of the impacts on the amenity experienced at our building. This would not have been possible had adequate consultation had been undertaken, as we would have taken the earliest opportunity to object to this proposal.

In summary, our requests are as follows:

- Planning Committee must be afforded the chance to assess the development in light of the impact on 30 Cleveland Street, with the officer's report addressing these matters in full;
- If members would find it useful to assist in their decision-making, a site visit to 30 Cleveland Street could be undertaken;
- The draft Construction Management Plan must be amended to include direct reference to consultation with immediate neighbours as key stakeholders;
- The draft condition related to noise limits should be amended to specify that noise sensitive areas nearby include those amenity areas at the rear of 30 Cleveland Street; and
- Conditions requiring submission of further details and which relate to amenity and operation should include a clause which requires explicit direct consultation with neighbouring stakeholders including Take-Two Interactive.

Further to the above and distinct from this objection we reserve the right to legally challenge the grant of consent if the proposal is unchanged, on the basis of inadequate consultation practices and a flawed Committee Report as well as any other matter of which we may become aware. We are writing to the Mayor's office on the same basis, should they be drafting the GLA Stage 2 report currently.

Yours Sincerely,

Seb Belcher



Take-Two Interactive Software