

Committees: Corporate Projects Board <i>[for information]</i> Projects Sub <i>[for decision]</i> Open Spaces & City Gardens <i>[for decision]</i>		Dates: 18 September 2018 10 October 2018 10 December 2018
Subject & Project Title: Seething Lane Garden	Unique Project Identifier: 10824	Outcome Report Approval Route: Regular
<u>Summary</u>		
[S1] Key conclusions		
<p>An enlarged, high quality garden has been built at Seething Lane, over newly constructed service basements required to facilitate the development of 10 Trinity Square as a major new hotel in the City. All works have been completed and the garden meets all the objectives set out in the Gateway 5 report. There was an underspend on this project of £8,540.</p> <p>The new garden was fully funded from the Section 106 Agreement for the redevelopment of 10 Trinity Square.</p>		
[S2] Key Learning and Recommendations		
<p>The project was developed and implemented over a long period of time. This project highlighted the importance of continuity with regard to access to project information as well as an integral part of succession planning for project managers.</p> <p>There was an unavoidable delay to the start of the Seething Lane Garden works due to delays at the 10 Trinity Square hotel development, as the Garden site is on top of new basements for the hotel and was used for the logistics for the overall project. Pressure was kept on the Developer to minimise the delay however a level of risk of a time overrun when dealing with an unusual project of this nature, has to be managed to provide the most acceptable outcome.</p>		
[S3] Decisions required		
1. Members are asked to approve the content of this Outcome Report, and that the Project will be closed.		

Main Report

Design & Delivery, Variation and Value:	
Design & Delivery Review-	
[1] Design into Delivery	The development of a high-quality design adequately facilitated the delivery of the project. City of London officers worked closely with the developer's design team and were directly responsible for the planting design.
[2] Options appraisal	<p>An enlarged, high quality garden has been built over newly constructed service basements facilitating the redevelopment of the adjacent 10 Trinity Square as a major new hotel in the City. The chosen option, the use of vehicle lifts at either end of the space and the incorporation of a private service road into the garden, allows the hotel basements to be accessed whilst maximising the area of public garden. The maintenance of the increased area of garden (20% net increase) is mitigated by measures including:</p> <ul style="list-style-type: none"> • rainwater harvested from the roof of 10 Trinity Square being made available to irrigate the garden; • storage and welfare facilities provided for the gardening staff; • a commuted sum (£375k) to fund the additional maintenance for 25 years. <p>The project was delivered through a S106 Agreement and modification of the City's 999-year lease of the garden.</p>
[3] Procurement Route	Consultants and contractors were employed directly by the Developer of 10 Trinity Square. The consultants worked closely with officers and the works relating to the garden were carried out to a specification agreed with the City through a Works Agreement. Soft landscaping works in the garden were carried out directly by the City Gardens team and fully funded, in advance, by the Developer. City Gardens purchases were subject to the City's normal Procurement Procedures.
[4] Skills base	In addition to managing the project, its design and delivery, the City Gardens team were assisted by consultants appointed by the Developer regarding the design, engineering and artwork in the garden and by colleagues in the City Surveyor's Department and City Solicitor's Department regarding the legal agreements and amendments to the lease. Colleagues from the Department of the Built Environment assisted regarding lighting, drainage and integration of the paving with the Section 278 Works on the Highway around the site.
[5] Stakeholders	The project was developed over ten years and involved Members at the various decision-making stages. The key events are:

	<ul style="list-style-type: none"> • First proposals from the Developer and subsequent options report and approval in principle by Members to allow basements and redevelopment of Seething Lane Garden, 2008; • Report of the City Surveyor to the Open Spaces Committee outlining the means to regulate the works to the garden through variation of the existing 999-year lease and additional co-terminus lease of the service road, February 2012; • Planning permission for the redevelopment of 10 Trinity Square as a hotel and residential apartments, along with excavation under Seething Lane Garden to create basements, 29th March 2012. • Gateway 5 report, June 2012 and subsequent closure of the former garden at the end of 2012; • Completion of the garden works and soft opening to the public, August 2017; • Official opening by the Chairman of Open Spaces & City Gardens Committee, 26th June 2018. <p>In addition, there were regular discussions with a local Ward Member at key stages of the project.</p> <p>Public consultation took place as part of the planning application and an exhibition was held in the old 10 Trinity Square building in 2012. Information was available on the site hoarding and on the City Gardens' pages of the City's website.</p> <p>Over the period of the project both the ownership of 10 Trinity Square and the main contractor for the project changed. Regular meetings were held with the Developer, their consultants and contractors throughout the project.</p> <p>The Samuel Pepys Club have a long association with Seething Lane Garden (which was the site of the Naval Office where Pepys lived and worked) and they were consulted in the selection of artwork in the garden, reflecting the life and diaries of Samuel Pepys.</p>				
[6] Closing RAG rating	<table border="1"> <tr> <td>Project Risk Assessment</td><td>Low</td></tr> <tr> <td>Project RAG rating</td><td>Green</td></tr> </table>	Project Risk Assessment	Low	Project RAG rating	Green
Project Risk Assessment	Low				
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[7] Positive reflections	<p>There was a high degree of close partnership working with the Developer and innovation in the design that was delivered.</p> <ul style="list-style-type: none"> • Rainwater harvested from the roof of the adjacent hotel is used to irrigate the garden and the garden is designed to 				

	<p>prevent runoff to the City's sewers, thereby providing sustainable urban drainage.</p> <ul style="list-style-type: none"> • An on-site gardener's store and welfare facility were provided as part of the lease. • The heritage of the site was highlighted through references to the Navy Office and Pepys carved into the new stonework in the garden. • To help compensate for the trees lost from the former garden, the construction of the garden provides sufficient depth (about 2m) over the basements for the growth and longevity of large trees. A modular plastic framework supports the paving and other structures, whilst providing a good habitat for roots and protecting the paving from root disturbance. • All the stone used for the paving, kerbs and stone seating was sourced from around the British Isles which assists with the sustainability of the project.
<p>[8] Improvement reflections</p>	<p>The Developer applied for an extension of their occupation of the site under the terms of the Works Agreement, citing delay to their construction works caused by the discovery of items of archaeological interest during the excavations for the 10 Trinity Square redevelopment, above that anticipated as part of the initial archaeological assessment. This meant that access to construct the new garden was delayed by over a year. The possibility of insisting that the Developer vacate the garden site was considered but was not pursued, to minimise impact on the local community and surrounding businesses from the displaced Developer's logistics (deliveries, some storage, staff welfare) on to the surrounding streets. This approach was supported by local Ward Members. The delay was reported to the Open Spaces & City Gardens Committee and a one-off goodwill payment of £30k and other mitigating arrangements were negotiated from the Developer in recognition of the additional inconvenience caused by the continued closure of Seething Lane Garden.</p> <p>In reflecting on whether we could have done anything differently to avoid/mitigate the delay, the root cause of the delay was outside the Developer's control and appropriate advice from the City Solicitor and the City Surveyor was taken beforehand and at the time of the delay, in addition to consideration of the impact of displacing the remaining developer's logistics off-site. We could in extremis have taken legal action against the Developer on the basis of the agreement which was in place and used the deposit held by the City to complete works to the garden but this would not necessarily have been any quicker to deliver and possibly have compromised the quality of the finished garden. We were advised not to use penalty sums in the agreement for any time extension</p>

	<p>as, given the scale of the development, this could be perceived as de facto acceptance of a time overrun at the cost of the given penalty sum, whereas an unspecified cost left open the potential consequences of their delay. The most effective course, in addition to the commercial pressure the Developer was already under to finish construction, was to maintain regular communication with the Developer, with a clear message of dissatisfaction concerning the delay, whilst leaving open the possibility of further action.</p>
Variation Review-	
[9] Assessment of project against key milestones	<p>Once the site was cleared of the Developer's logistics facilities, the Developer started construction of the garden structures in January 2017 and the City Gardens team carried out the planting on completion. Public access to the garden was restored in August 2017. This timeframe was generally in line with the expected programme from commencement on site to completion, even allowing for accommodation of a launch event for the hotel within this period.</p>
[10] Assessment of project against Scope	<p>The project was delivered in full as described in the Gateway 5 report.</p>
[11] Change	<p>No changes were required to this project post Authority to Start Work (Gateway 5).</p>
[12] Risks and Issues	<p>The delayed completion of the 10 Trinity Square development held up the construction of the garden by over a year. A three-year construction period from closure of the garden, had been written into the Works Agreement with the Developer. The Developer sought an extension of their occupancy of the site under the agreement beyond this period, on the grounds of force majeure. The issue was reported to Members of the Open Spaces & City Gardens Committee and officers negotiated with the Developer to minimise the additional occupancy of the site. A goodwill payment and other mitigation was made by the Developer to the City. Part of the impact of the delay was that the trees had to be planted outside the ideal season for planting and the responsibility for any losses that occur has been accepted by the Developer.</p>
[13] Transition to BAU	<p>Consideration of the transfer from the construction phase to business as usual (BAU) was considered at the earliest stages of the project. Measures taken included the involvement of the City Gardens team in the design, inspection and delivery of the project so that they were able to take on maintenance of the soft landscaping from installation and the routine maintenance of the hard landscaping from practical completion. There is a defects liability period in place for the project. In addition, a protocol has</p>

	been put in place outlining arrangements between the City Gardens team and the Developer/Occupier of 10 Trinity Square for example, regarding the irrigation system and the Gardeners' Room in the northern pavilion on site.																										
Value Review																											
[14] Budget	<table><tr><td>Budget envelope at Gateway 2:</td><td colspan="3">Not applicable</td></tr></table> <table><tr><td></td><td>At Authority to Start work (G5)</td><td>At Completion</td><td>Variation</td></tr><tr><td>Fees</td><td>£ -</td><td>£ -</td><td>£ -</td></tr><tr><td>Staff Costs</td><td>£70,727</td><td>£68,499</td><td>£2,228</td></tr><tr><td>Works</td><td>£66,822</td><td>£60,510</td><td>£6,312</td></tr><tr><td>Total</td><td>£137,549</td><td>£129,009</td><td>£8,540</td></tr></table> <p>The project was underspent by £8,540 compared to the Approved Budget.</p> <p>The Final Account has not been verified.</p>			Budget envelope at Gateway 2:	Not applicable				At Authority to Start work (G5)	At Completion	Variation	Fees	£ -	£ -	£ -	Staff Costs	£70,727	£68,499	£2,228	Works	£66,822	£60,510	£6,312	Total	£137,549	£129,009	£8,540
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[15] Investment	Not applicable																										
[16] Assessment of project against key measures of success	<p>The project delivered against all the success criteria identified at Gateway 5.</p> <ul style="list-style-type: none">• <i>A garden which accommodates increased numbers of City workers, residents and visitors.</i> – Improved configuration of the plot and increased area, improved paths, additional seating, lawn almost double in size.• <i>Improved access and permeability through the garden.</i> – High quality paving and disabled access throughout, design reflecting pedestrian desire lines, additional lighting.• <i>The establishment and flourishing of large trees, to maturity.</i> – Automatic irrigation, 2m depth for tree roots and use of a modular plastic framework system to supports the garden structures whilst allowing unimpeded lateral movement of roots.• <i>An increase in the size of the garden.</i> – Net increase in area of 20%.• <i>Improved biodiversity value through an increase in habitats.</i> – The previous garden was very shady with closely planted trees which allowed for little understorey planting. The new garden includes fourteen trees, extensive areas of underplanting and mature hedges, bird boxes, a bird bath and the greening of the facade of the southern pavilion using climbers, thus creating a greater number of habitats and improved biodiversity.• <i>Mitigation of the impact on the public drainage system, of the rainfall run-off arising from the development.</i> – Harvested																										

	<p>rainwater utilised for garden irrigation and the garden surface water drains discharge into the planted areas.</p> <ul style="list-style-type: none"> • <i>A garden which reflects the history and heritage of the area.</i> – The bust of Pepys and the Blue Plaque commemorating the Naval Office was reinstated on site, carvings were installed on stonework in the garden reflecting Pepys' life and diaries.
[17] Assessment of project against SMART Objectives	Whilst SMART Objectives were not specifically identified in the 2012 G5 report the project has delivered against all its stated objectives.
[18] Key Benefits realised	<ol style="list-style-type: none"> 1. The provision of service basements under the garden facilitated the redevelopment of the adjacent listed building as a high-quality hotel and apartments for the benefit of the City. 2. The new garden design provides access to an attractive, better proportioned garden for the growing population of City workers, visitors and residents with almost double the size of lawn area compared to the previous garden and an overall increase in area of 20%. 3. The project provides natural areas for increased biodiversity, including fourteen trees, extensive underplanting and hedging, to compensate for the planting lost from the former garden. 4. The extension of the garden to include a former service road, along with the redirection of all the garden paving drainage into the soil profile, reduces flows into the City's combined drainage and sewer system. In addition, rainwater is harvested from the hotel building, treated against legionella and provided to the City for use in the garden irrigation system. 5. The history of the site is reflected in the artwork and Blue Plaque installed in the garden.
Lessons Learned and Recommendations	
Lessons Learned-	
[19] General Purpose Review	<ol style="list-style-type: none"> 1. We can share learning from our experience of some of the innovative solutions utilised in the design of this garden such as the rainwater harvesting and sustainable drainage, etc. 2. Keeping knowledge of the design intent and decisions made, such as materials approvals, over such an extended project timescale was difficult due to changes in companies and personnel, both for the City Corporation and the Developer's team. Change of the main contractor, responsible for a design and build contract for the structural works, added to the difficulty in continuity. Good recording and access to information are critical to the delivery of such a project. In this project, the City Gardens team and other officers were able to provide that continuity of information relevant to the construction of the garden. Project continuity should be an integral part of succession planning for project managers.

	<p>3. Managing expectations about the likely timeframe for a major building project is important. A realistic timeframe was initially set and flexibility was built into the Works Agreement in case of an overrun of the Developer's occupation of the site. Significant pressure was maintained on the Developer to stick to their programmed occupancy. However, it is important to be realistic about the possibility of an overrun when dealing with a £400M redevelopment of a heritage site in the City, in an unusual case like this – despite having an agreement in place and managing the risk to achieve the most acceptable outcome.</p> <p>4. The new garden is very popular and although the paving has been treated to help with cleansing issues, we have found the light-coloured York stone readily shows any marks and needs very regular cleansing. Although the stone looks well we would recommend a stone less likely to show dirt in future.</p>
[20] Learning sharing and use	We have already started to engage in shared learning through talks and site visits with colleagues. The DBE City Public Realm team attended such a visit in July 2018.
Recommendations-	
[21] Recommendations	Members are asked to approve the content of this Outcome Report, and that the Project will be closed.

Decisions required
If any decisions are required in addition to the approval of this outcome report, please describe them here:
N/A

Appendices

Appendix 1	Plan of Seething Lane Garden
Appendix 2	Photographs of Seething Lane Garden
Appendix 3	Project Coversheet

Contact

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Appendix 1

Plan of Seething lane Garden



Appendix 2

Photographs of Seething Lane Garden

Before project commencement:



During construction of the basements under Seething Lane Garden:



After project completion:



