

Committee(s):	Date:
Open Spaces & City Gardens	10 December 2018
Subject: Unspent S106 funds for Seething Lane Garden	Public
Report of: Director of Open Spaces	For Decision
Summary	
<p>Section 106 funding of £140,490 was received by the City in 2012 for the installation of the soft landscape element of the garden at Seething Lane. The works have been completed and £11,481 of this funding is left over. Under the terms of the S106 this money can only be spent with the agreement of the Owner of 10 Trinity Square, EC3, otherwise it is to be returned to the Owner within ten years from the date of completion of the development.</p> <p>Subject to Members approval and with the agreement of the Owner, it is proposed that the left-over funding is used for the purchase of equipment to assist in the cleansing of the new garden and other City gardens.</p>	
<p>Recommendation</p> <p>Members are asked to:</p> <ul style="list-style-type: none"> Approve the use of the £11,481 left over funds received for the Seething Lane Garden Estimated Soft Landscaping Works Costs, of the 10 Trinity Square S106 Agreement, for the purchase of equipment to assist with the maintenance of paving in the City Gardens. 	

Main Report

Background

1. The redevelopment of 10 Trinity Square, EC3 as a hotel, gave rise to a Section 106 (S106) Agreement in March 2012, which included provision for the redevelopment of Seething Lane Garden and for its future maintenance.
2. In accordance with the S106 Agreement the Owner of 10 Trinity Square carried out the hard landscaping works in the garden and the City Corporation carried out the soft landscaping works through the City Gardens team. The Owner was obliged to pay the City's Estimated Soft Landscaping Works Costs in advance of the works, for which, £140,490 was received by the City in 2012.
3. Details of the redesigned garden were developed and the works were implemented in full in 2017. An official opening event was held on 26th June 2018.

Current Position

4. The City's actual spend to deliver the high-quality soft landscaping scheme was £129,009 which leaves £11,481 unspent compared to the £140,490 S106 Estimated Soft Landscaping Works Costs received.
5. The remaining £11,481 is held by the City Corporation in line with the S106 Agreement, under which any money left over is to be returned, with interest, less any tax and the City's administrative expenses, to the developer within ten years from the date of completion of the development. This is unless there is agreement between the City and the developer in the meantime as to how the left-over money is to be spent.

Proposals

6. Although the paving in the new garden has been treated with a coating to help with cleansing issues, we have found the light-coloured York stone readily shows any marks and needs very regular cleansing. We currently use pressure washing to clean the paving at this site and in other gardens, with partial success. However, regular use of this equipment can cause additional problems with the paving. Your officers have sought advice and are considering the purchase of steam cleaning equipment to assist with the cleansing, with potentially less long-term adverse impact on the stone surfacing.
7. It is proposed to allocate the unspent funding from the S106 Estimated Soft Landscaping Works Costs for Seething Lane Garden, for the purchase of equipment to help keep the garden paving in a clean condition.
8. Under the terms of the S106 agreement, the remaining £11,481 can only be spent with the agreement of the Developer. Following discussions with officers, the Developer has now agreed the proposal that this money be spent on the purchase of specialist equipment to help maintain the paving in Seething Lane Garden and other gardens in the City, to a good standard.
9. The Garden is a popular location resulting in an increased requirement for cleansing of the pavement, which has placed unforeseen demands on maintenance resources. There is no other appropriate call for this money associated with the garden and your officers believe this is a good use of this money which would otherwise be returned to the developer in due course.
10. If Members agree with this course of action, officers will undertake a procurement exercise and put the remaining £11,481 of the S106 Estimated Soft Landscaping Works Costs towards the purchase of suitable equipment.

Corporate & Strategic Implications

The Corporate Plan

11. The proposals support the activities of the Open Spaces Department which contribute to the following Corporate Plan 2018-23 aims and outcomes:

Contribute to a flourishing society

- People are safe and feel safe.
- People enjoy good health and wellbeing.
- Communities are cohesive and have the facilities they need.

Shape outstanding environments

- We have clean air, land and water and a thriving and sustainable natural environment.
- Our spaces are secure, resilient and well-maintained.

Implications

12. The City covenant's to the following clause in the S106 agreement: *In the event that any part of the contribution has not been allocated or used for the purposes within 10 years from the date of completion of the development and unless the City Corporation and the owner agree otherwise the City covenants as soon as reasonably practicable to repay such contributions or part thereof to the owner.*
13. The owner has agreed to the use of the remaining sums to be used for purchasing the cleaning equipment therefor the sum is not at risk of being returned.

Conclusion

14. The S106 funding for the redevelopment of 10 Trinity Square, EC3 provided £140,490 for the City to carry out the soft landscaping works at Seething Lane Garden, of which, £11,481 has not been spent. The works have been completed in full to a high standard and there is no outstanding requirement for additional works to be funded on site. The garden is the responsibility of the City Gardens team to maintain and the paving has been difficult to keep clean. It is proposed, with the agreement of the developer of 10 Trinity Square, to use the remaining £11,481 to help purchase appropriate cleaning equipment which could be used in this and other City Gardens to improve the standard of cleansing.

Appendices

None

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