

Committees: Corporate Projects Board - <i>for information</i> Projects Sub [<i>for decision</i>] Open Spaces & City Gardens [<i>for decision</i>]	Dates: 29 October 2019 19 November 2019 9 December 2019
Subject: Senator House Garden Unique Project Identifier: 11410	Gateway 6: Outcome Report Light
Report of: Director of Open Spaces Report Author: Patrick Hegarty	For Decision
PUBLIC	

Summary

1. Status update	<p>Project Description: The developer of Senator House undertook works to reinstate, remodel and improve the City Corporation's adjoining Senator House Garden, and carried out protective waterproofing works to the slab beneath the Garden according to the City Corporation's requirements, wholly at the developer's cost, as consideration for the City Corporation licencing of the temporary use of the Garden as a works area for the development of Senator House. The developer entered into a licence with the City to carry out the project and all City Corporation costs, such as City Surveyor, City Solicitor and Open Spaces staff time, were recharged to the developer.</p> <p>RAG Status: Green (Green at last report also)</p> <p>Risk Status: Low (Low at Gateway 5 also)</p> <p>Costed Risk Provision Utilised: 0</p> <p>Final Outturn Cost: £500,000 plus VAT</p>
2. Next steps and requested decisions	<p>Requested Decisions:</p> <ol style="list-style-type: none"> Members are asked to approve the content of this Outcome Report, and that the Project will be closed.

3. Key conclusions

A high-quality public garden, with improved access, seating and planting, was constructed by the developer of Senator House following their use of the City's site as a works area for the redevelopment of the adjacent Senator House. A short extension of the original licenced period for the works was agreed to accommodate snagging works.

The improvement works have improved access and helped resolve a long-standing issue of the previous garden being underutilised as it was perceived as a private space belonging to Senator House. Other benefits include:

- facilitating investment in a City freehold office building;
- the introduction of sustainable urban drainage in the garden;
- mitigating the additional maintenance of the improved site through the introduction of automatic irrigation and an agreement with the developer to assist in the cleansing of the site.
- waterproofing the London Underground Ltd (LUL) structure under the garden (a responsibility of the City of London Corporation which emerged during the project development);

Early consideration of improvements to part of the adjoining Cleary Garden and the possible introduction of a sculpture were not taken forward, in light of the priority works to the LUL structure.

All the hard landscaping works were paid for and carried out by the developer and all fees, charges and City staff costs were paid for by the developer.

Main Report

Design & Delivery Review

4. Design into delivery	<p>The garden re-design was originally proposed by the developer of Senator House, AG Senator House Gp Ltd. and approved by Members at Gateway 2 in February 2014. The proposals were further developed and received delegated Gateway 5 approval in September 2014. These proposals were for the temporary use of the City's Senator House Garden to facilitate the redevelopment of Senator House and the subsequent reinstatement of the garden to an improved standard. Senator House was subsequently sold on to Legal & General Assurance Society (L&G) who then sought similar consent, to use Senator House Garden in conjunction with their refurbishment proposals, which was the subject of an Issue report in April 2017.</p> <p>The Issue report sought approval to grant a licence to the developer for the revised works to reinstate, remodel and improve Senator House Garden and undertake protective waterproofing works to the subsoil slab beneath the garden according to the City Corporation's requirements, wholly at the licensee's cost as consideration for the temporary use of the space.</p> <p>The developer's revised detailed design proposals for the garden were approved by the Open Spaces & City Gardens Committee in October 2017.</p> <p>The design works generally prepared adequately for the delivery phases. When the works were nearing completion an issue became apparent with drainage of a small part of the lawn area over the concrete slab, such that a section of the lawn was wetter than was acceptable, and this was rectified in the snagging phase by installing an additional drainage layer under part of the lawn, which was not in the original specification.</p> <p>The works were completed in August 2019.</p>
5. Options appraisal	<ul style="list-style-type: none">• The previous layout, materials and branding gave the impression that the garden was in the private ownership of Senator House which meant the site was greatly underutilised by the public, even though it was maintained by the City. – This was addressed through redesigning the layout with improved access, the introduction of a variety of seating options, Yorkstone paving and granite kerbs to City of London standards, and improved planting. This resulted in a far more inviting garden which can accommodate many

	<p>more visitors. Options for the design layout were considered at the early design stage and the chosen design, which was delivered, allows increased numbers of visitors to enjoy the garden, and accommodates improved movement of people through the site.</p> <ul style="list-style-type: none"> • The garden paving is now drained into a sustainable urban drainage system on site. – Introducing a drainage solution to mitigate the increased area of paving was a key option to be considered and success criterion identified at Gateway 2. Two options were considered for the delivery of this objective: <ul style="list-style-type: none"> – a series of small ‘raingarden’ areas in the lawns which would receive the water run-off and allow slow percolation into the ground; or – surface water drainage into a below ground water retention and percolation structure constructed under part of the planting. <p>The later was chosen as it allowed greater amenity usage through not losing lawn space for visitors to sit on the grass.</p> <ul style="list-style-type: none"> • During the course of development of the licence for L&G to use Senator House Garden, it emerged that the City is responsible for the maintenance of the LUL structure under the garden. The City’s Engineer advised that in order to avoid future disruption and cost, this structure needed to be waterproofed ahead of the garden improvement works. • Officers had originally considered that an additional obligation to improve the adjoining part of Cleary Garden could be included in the licence. However, undertaking the waterproofing work was considered a greater priority to be funded by L&G in conjunction with the Senator House Garden reinstatement. • The link with Cleary Garden was however considered in the new design, which allows for a connection to be made with Cleary Garden as part of any future improvements, subject to funding. In addition, the design improvements to Senator House Garden included a pergola for climbing plants, reflecting the pergola in the adjacent Cleary Garden. • The addition of a suitable sculpture was identified at Gateway 2 as an option to be considered but was not a success criterion and was not seen as a priority. In the negotiations with L&G the option of a sculpture was not pursued given the additional costs incurred in the works associated with the LUL structure.
<p>6. Procurement route</p>	<p>Terms were agreed with L&G for it to procure, carry out and pay for all design, materials and installation needed for the reinstatement</p>

	<p>of Senator House Garden and waterproofing of the London Underground slab which is beneath the garden. The terms agreed with L&G were subject to obtaining LUL's consent under the terms of the City' Lease dated 9th June 2009. L&G obtained this consent and paid the associated fees and consent charges to LUL.</p> <p>L&G also paid the City Corporation's fees in documenting the necessary licences.</p> <p>The planting was carried out by the City Gardens team. All City Gardens costs, as well as City Surveyor and City Solicitor staff costs, were recharged to L&G.</p> <p>This scheme was essentially a developer design and build process with key objectives for delivery defined in the licence which the developer had entered into with the City. Generally, this worked very well as ultimately the developer was required to deliver a scheme to the City's satisfaction.</p>
<p>7. Skills base</p>	<p>The in-house project team had the necessary skills to ensure the project was delivered satisfactorily. This included appraisal and challenge of the design details and monitoring the works delivered by the developer under licence. Clearly setting out the City's requirements in the licence proved particularly important towards the end of the project, so that officers were able to ensure the garden was delivered to an acceptable standard, after the developer had enjoyed use of the site.</p>
<p>8. Stakeholders</p>	<p>Stakeholders were identified and engaged through regular meetings, emails, site visits and statutory planning consultation throughout the development of the scheme. In addition, the developer produced illustrative site hoarding panels ahead of delivering the site improvements. The key stakeholders were:</p> <ul style="list-style-type: none"> • L&G and their tenants at Senator House, • The City Surveyor (Senator House is a City freehold investment property) and • London Underground. <p>Other stakeholders included internal City consultees such as:</p> <ul style="list-style-type: none"> • the Access Officer, • Planning (particularly with regard to sustainable drainage), • the City's Engineer, • City Solicitor and • City Gardens team responsible for the adjacent Cleary Garden, (public access to Cleary Garden was maintained throughout, however scaffolding was installed under licence there, during the refurbishment of the building.)

	Positive relationships were developed with L&G and their tenants during the project and the effort put into achieving the finished high-quality garden and ongoing site cleansing arrangements, are testament to the work which went into these relationships. Access was maintained to the building throughout the garden project.
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Variation Review

9. Assessment of project against key milestones		Commencement on site	Duration
	G2	2 nd half of 2014	Not specified
	G5	Autumn 2014	9 months
	Issue Rpt.	No later than 31 March 2017	18 months
	Outturn	19 July 2017	25 months

- At Gateway 2 – The garden project details were subject to an agreement to be negotiated between the City of London and the developer. It was anticipated the developer would begin works on their building, Senator House, in the second half of 2014 and the garden improvement works would follow on from that, however the length of the combined period for temporary usage of the site by the developer and the garden reinstatement period were not estimated at this stage.
- At Gateway 5 – Works were anticipated to take place in autumn 2014 subject to completion of the licence and the developer’s programme. The terms of the draft licence at that time allowed the developer 9 months to complete the works. The Gateway 5 report was approved under delegated authority (confirmed on 29 September 2014) and on 30 September the City was informed by the developer that they had pressed pause on the scheme as they were considering sale of the property. The licence and the detailed programme were not finalised, and the project was moved to ‘amber’ in a project updates report.
- Issue Report – Following the sale of the building the City was approached by the new owner, seeking to negotiate a new licence agreement for the project. This was the subject of the Issue Report in which it was anticipated the licence was to start from a date to be agreed, but no later than 31 March 2017 and to expire in autumn 2018. There was a few months slippage due to further negotiation as the heads of

	<p>terms of the licence were progressed to a signed licence, and the garden was closed from 19 July 2017. The temporary usage of the site by the developer, and the garden reinstatement project licence was for a period of 18 months construction plus a planting period (19 July 2017 - 31 March 2019 in total).</p> <ul style="list-style-type: none"> • From the start of March 2019, the garden was accessible to the public. The developer's licence was extended to 31 May 2019, to allow their contractor to carry out rectification works following snagging. Other soft landscape rectification subsequently carried out by the City Gardens team; all works were completed in August 2019.
<p>10. Assessment of project against Scope</p>	<p>The scope of the project was modified to take advantage of having most of the site cleared to waterproof the LUL tunnel structure. Whilst the structure was already uncovered it was possible to carry out the waterproofing without impacting on the project timescale.</p> <p>This was carried out at the developer's cost, without impacting on the quality of the garden reinstatement.</p>
<p>11. Risks and issues</p>	<p>Ahead of practical completion, the site was inspected by officers in December 2018 and issues identified with the quality of the hard landscape works, which were rectified in February 2019. The licence for the works was extended to enable the rectification works to proceed, in consultation with the City Surveyor and City Solicitor.</p> <p>From the start of March 2019, the garden itself, including seating, was accessible to the public, although the planting had to be delayed due to drainage issues identified when tree planting began in the topsoil areas installed by the developer's contractor. These issues were investigated, and rectification works were carried out by the developer's contractor and approved by the City Gardens Manager.</p> <p>These issues of the quality control of the contractor's work were not monitored sufficiently by the developer's landscape architect and officers had to spend time following up issues that did not meet the specification standards. Additional officer time incurred, including, investigating the non-compliance issues, monitoring the rectifications and extending the licence, was recharged to L&G.</p> <p>Two trees were retained on the site during the works and their health was identified as a risk, which was mitigated by regular inspection and watering as necessary.</p>

	<p>No costed risks were identified for this project. Overall the risks on this project were managed by passing responsibility for the design and build of the project on to the developer through the licence, which they needed in order to enjoy the temporary use of the site to facilitate works to their building. At the same time the City reserved approval of the garden design and the quality of the garden construction to the Open Spaces and City Gardens Committee, which was monitored by the City Gardens team. In addition, the developer had to meet the requirements of the planning permission for the project and the waterproofing of the LUL structure was subject to a licence from LUL.</p>
<p>12. Transition to BAU</p>	<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 completion.</p> <p>A new water supply and an irrigation system was installed as part of the works, which will help offset the maintenance of the increased areas of ornamental planting.</p> <p>As part of the terms of the licence the building owners agreed to take on routine litter picking of the garden, in recognition that the refurbished garden would attract many more visitors.</p> <p>The City Solicitor is dealing with the provisions of warranties by the contractors and professional team who were employed by L&G. Comments have been made on the draft warranties and L&G's solicitors are arranging for the warranties to be signed.</p>

Value Review

<p>13. Budget</p>	<table border="1"> <tr> <td data-bbox="486 1559 778 1637"><i>Estimated Outturn Cost (G2)</i></td> <td data-bbox="778 1559 1455 1637">£500k-£1M</td> </tr> </table>		<i>Estimated Outturn Cost (G2)</i>	£500k-£1M				
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<i>Total</i>	£385,000 plus fees [†]	£500,000 plus VAT [‡]						
	<p>[†]At <u>Gateway 5</u> (delegated), no City of London funding was requested as the project was to be undertaken and fully funded by</p>							

	<p>the developer. An estimate in 2014 by the then developer, of the costs of their delivering the project at G5, was £385k plus fees.</p> <p>‡<u>Outturn</u> L&G have confirmed that the cost of their delivering the project was £500,000 plus VAT. This comprises Works of £350,000, and professional fees and licences of £150,000.</p> <p>A Final Account for this project has not been verified by the Chamberlain's Financial Services division.</p>
14. Investment	Not applicable
15. Assessment of project against SMART objectives	<p>Whilst SMART Objectives were not specifically identified in the 2014 G5 report, the project has delivered against most of its stated objectives.</p> <ul style="list-style-type: none"> • Improvement of the appearance and amenity of the garden; • Provision of safe public access to the garden; • Increased opportunities for seating; • Clearer identity of the garden as a publicly accessible space. <p>In prioritising the waterproofing works, the additional access to Cleary Garden from Senator House Garden was not delivered, but the new layout of the paths in Senator House Garden facilitates linking the two gardens in the future, subject to funding.</p>
16. Key benefits realised	<ol style="list-style-type: none"> 1. Licencing the temporary use of the garden as a works area facilitated the redevelopment of the adjacent office building. 2. The provision of a high-quality garden improved the building setting and access in support of City business. 3. The redeveloped 614m² garden, designed to City standards, provides access to an attractive, better laid-out garden for the growing population of City workers, visitors and residents, with a mix of seating opportunities where there was no seating previously. 4. The project provides natural areas for increased biodiversity, including additional trees and underplanting. 5. The redirection of the garden paving drainage into the soil profile and sustainable urban drainage system (SUDS), reduces flows into the City's combined drainage and sewer system. 6. Mitigation of the longer-term maintenance requirements of the garden through the introduction of automatic irrigation and an agreement from the developer that they will carry out litter collection on site. 7. In addition to the potential benefits identified at Gateway 2, having the LUL structure exposed during the works allowed waterproofing to take place in support of the City's responsibility for maintaining the structure. 8. The project was delivered at no cost to the City of London Corporation.

Lessons Learned and Recommendations

<p>17. Positive reflections</p>	<p>There was a high degree of close partnership working with the developer throughout the project which helped keep the essential improvements identified for the garden, whilst accommodating variations such as the waterproofing of the LUL structure, despite the significant additional LUL charge, fees and works costs involved. In addition, the developer entered a cleansing licence to help maintain the site. Given the shallow nature of much of the garden, over the LUL structure, this was a difficult site to get to drain properly but despite this we managed to introduce a sustainable urban drainage system(SUDS) and gained experience in the process.</p> <p>The design changes we made to the garden have made it a welcoming and recognisably public space which is already attracting far more visitors than it did previously. The additional maintenance of the garden is offset by the introduction of automatic irrigation and the developer's cleansing licence.</p> <p>A high level of support was provided to the project team by the City Surveyor and City Solicitor officers, particularly with regard to the licences negotiated.</p>
<p>18. Improvement reflections</p>	<p>The issues of the quality control of the contractor's work was not monitored sufficiently by the developer's landscape architect, and officers had to spend time following up issues that did not meet the specification standards, in particular, masonry and drainage issues, at the snagging stage. This caused a delay but was overcome and a good quality scheme has been provided.</p> <p>On reflection it would have been better if the topsoil was laid by the City Gardens team rather than the developer's contractor, as it would have provided an additional opportunity to control quality at an earlier stage.</p>
<p>19. Sharing best practice</p>	<p>The experience of developing a sustainable urban drainage system in such a restricted location will help inform future garden drainage projects and can also be shared with City Public Realm colleagues on Highways sites.</p>
<p>20. AOB</p>	<p>None</p>

Appendices

Appendix 1	Project Coversheet
Appendix 2	Plan of Senator House Garden
Appendix 3	Photographs of Senator House Garden

Contact

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