

Committee(s):	Date(s):
Open Spaces and City Gardens	10 October 2016
Subject: Seething Lane Garden, EC3 – Delegated Authority Request	Public
Report of: Director of Open Spaces	For Decision

Summary

The City has been approached by Reignwood Investments UK, the owner of 10 Trinity Square, EC3 and freeholder of Seething Lane Garden, to seek a revised extension to their occupation of Seething Lane Garden to practical completion of the landscaping works in April 2017.

The City holds the garden on a 999 year lease (from 1972) which contains a reservation allowing the landlord to carry out building works on, around or under the garden subject to making good. In 2012 the Open Spaces, City Gardens and West Ham Park Committee approved proposals for the reinstatement of the garden post basement and pavilion construction works associated with the development of 10 Trinity Square, EC3, which were subsequently detailed in a Section 106 Agreement.

Under a Deed of Variation and Works Agreement entered into between the City and the developer, the developer is authorised possession of the site for the duration of the works and is required to use reasonable endeavours to complete the works within three years from the date on which the Garden was first closed to the public. The agreement allowed provision for the extension of this period, if necessary, due to matters defined as Force Majeure. The Garden was closed to the public in December 2012.

In April 2015 at the request of the developer, your committee approved an extension of their use of the site to the end of 2016. This was in light of the cited delay to the project caused by the discovery of items of archaeological interest during the excavations that affect 10 Trinity Square, and the impact of the actual delay when compared with that anticipated as part of the initial archaeological assessment. As a result the developer needed to find alternative space for the displaced building activity and to use Seething Lane Garden to facilitate a welfare and logistics strategy that helped reduce the impact on traffic congestion to the area and surrounding businesses whilst carefully considering the safety of local residents and public. As a gesture of goodwill, Reignwood relocated the bust of Pepys, which used to reside in the garden, to the nearby St Olave's Churchyard so as to make it publically accessible during the continued works period and offered a goodwill payment of £30,000 in recognition of the additional inconvenience caused by the continued closure of Seething Lane Garden.

In seeking a revised extension, the developer stated that their strategy to

accommodate the timely completion of the development has considered all possible options to prevent the extension being required, however they have found this not to be possible without creating further impact to surrounding local residences and businesses. Their strategy includes moving some staff to rented commercial office space adjacent to the site. However the welfare facilities for a substantial number of workers and a delivery area are still required on site. They are proposing to use Seething Lane Garden as a logistics compound until Christmas 2016 and then commence works on the gardens in January 2017.

There are no financial implications at this stage as discussions with Reignwood are ongoing. In the circumstances Delegated Authority is sought for the Town Clerk in consultation with the Chairman and Deputy Chairman to approve transaction terms and the period of the extension once they can be presented.

Recommendation

Members are asked to;

- Authorise the grant of delegated authority to the Town Clerk in consultation with the Chairman and the Deputy Chairman to approve the extension of use of Seething Lane Garden by Reignwood International UK or such other designated subsidiary or contractors as a temporary works area and the subsequent reinstatement of Seething Lane Garden and all upon such terms and period of the extension to be negotiated, to the satisfaction of the Superintendent and without cost to the City Corporation.

Appendices

- Appendix 1 – Location plan

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Appendix 1 – Location plan

