

Gentet, Matthias

From: Willmott, Paul @ London HH <paul.willmott@cbre.com>
Sent: 20 June 2016 10:57
To: Fowler, David; Planning
Subject: 2015/2704/P - Central Somers Town - Francis Crick Institute
Attachments: DRDF160616.pdf; S106 - Plan 6.pdf

Dear David

Having just returned from annual leave this morning, I am playing catch-up on tomorrow's Committee Meeting. I have seen a copy of my Client's letter from last week but understand that they have not had any acknowledgement so attach a copy in case you have not seen it.

In reviewing the Committee Report I have also identified a factual inaccuracy in respect to Paragraph 17.36 which reads:

17.36 An objection was received on behalf of the Francis Crick Institute stating that they had paid a Section 106 contribution towards Public Open Space (of £74,000) which should be repaid if not to be used for the Public Open Spaces on site. However, this contribution was not earmarked specifically for the Public Open Spaces on the current application site, but were allocated to the Greening Somers Town Project. This contribution is for the creation of green spaces in Somers Town, such as grass verges, pocket parks, rain gardens and greening of housing estates. The Council has appointed a consultant to look at places in Somers Town suitable for the greening project. The Public Open Spaces that are part of the application site are not included in this project.

There were two similar contributions within the S106 the first relating to Public Open Space and the other Public Realm. I have set out below the extract from the engrossed S106 which is explicit that the £74,030 related to Public Open Space and was for the "maintenance and upkeep of existing public open spaces and/or the obtaining of land to create public open spaces in the vicinity of the Development" and that explicitly it "shall be targeted in particular at Purchase Street Open Space".

The Public Open Space Contribution does not in any way provide for the activities listed in the Committee Report. The provision was a direct mitigation measure. Correspondence from the time was explicit that the Public Open Space contribution was to mitigate the deficiency in the provision of physical open space within the development and that it would be targeted specifically on upgrading Purchase Street Park given the expectation that occupants of the Crick would make use of the Park for recreational purposes. Vicinity was considered as being the immediately adjoining roads and the expectation was that the Council might acquire additional land that would be added to existing park space that occupants of the building might use. Otherwise the monies would be spent on the Purchase Street OS.

The Public Realm Contribution however was more flexible and related to pedestrian, cyclist and environmental improvements. This provision could arguably cover some but not all of the activities listed in the Report but only within the area stipulated by Plan 6.

Public Open Space Contribution	The sum of £74,030 (seventy four thousand and thirty pounds) to be applied by the Council in event of receipt for the improvement maintenance and upkeep of existing public open spaces and/or the obtaining of land to create public open spaces in the vicinity of the Development and to be targeted in particular at Purchase Street Open Space;
Public Realm Contribution	The sum of £450,000 (four hundred and fifty thousand pounds) to be applied by the Council in event of receipt to pedestrian, cyclist and environmental improvements in the vicinity of the Property in the area edged blue on Plan 6 annexed hereto;

There is nowhere within the S106 that identifies that any contribution has been allocated to the Greening Somers Town Project or that it would be used for the “creation of green spaces in Somers Town” as described in the Report.

In light of the above, this section of the Planning Report should be amended as part of the addendum to Committee to accurately reflect the S106, and given the wording of the S106 provision Members should be advised that my client is entitled to the reimbursement of the monies paid under the Public Open Space Contribution.

Turning to tomorrow’s Committee Meeting, I am aware that my client wrote to the Council specifically on its outstanding objections last week to set out their position on where matters stand. Given that it is highly unlikely that those objections will be addressed before the Committee sits, the content of the objections and the current position relating thereto should be reported tomorrow if it is decided to take the application forward. I would be grateful if you could let me know what the current intent is.

Regards

Paul

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