

East Herts Council Report

Council

Date of meeting: 18th March 2021

Report by: Councillor Geoffrey Williamson – Deputy Leader and Executive Member for Financial Sustainability

Report title: Business case for the Old River Lane development

Ward(s) affected: **Bishop's Stortford wards**

1. Summary

- 1.1 This report details the business case for the Old River Lane (ORL) main development and the ORL Arts Centre.

2. RECOMMENDATIONS FOR COUNCIL

Recommendation 1: Council approve that Officers proceed with the delivery of the Old River Lane Arts Centre development and the Old River Lane Main Scheme development, as set out in this report and on the basis of the financial viability demonstrated in the business case.

Recommendation 2: That Council delegates to the Head of Strategic Property and Finance, in consultation with the Old River Lane Delivery Board operating in line with its Terms of Reference as contained at Appendix 1, the authority to make decisions relating to the delivery of the Old River Lane project.

3. Background

- 3.1 In 2017 EHDC embarked upon a journey to breathe new life into Bishop's Stortford by transforming the Old River Lane area as part of a major regeneration project. After much research and

consultation to define the scope and requirements of the scheme, Cityheart were appointed as Developer in 2019 to create a new destination in Bishop's Stortford that would:

- Respond to the town's celebrated skyline
- build on the town's historic narrative
- act as a growth for sustainable growth
- deliver a high quality public realm
- include a mix of active uses including retail, workspace and residential

The main scheme would comprise of c. 13,000 sq ft of retail / food and beverage space, 137 residential dwellings and c. 31,000 sq ft of workspace and office space. In addition to the complete regeneration, a minimum land payment, from the Developer to EHDC, of £2.07mn was agreed for the land on which the scheme would be developed.

Central to the project would be an Arts Centre funded by East Herts. The agreed brief for the Arts Centre set out a venue that would be open 14 hours a day, seven days a week and would include:

- A 500+ seat auditorium to accommodate a range of performances including touring theatre, pantomime, live music, dance, opera, orchestra, spoken word, amateur and professional and to consist of stage space, technical requirements, and backstage space
- A 100 – 150 seat black box studio theatre
- A 4 screen cinema with 330 seats
- Versatile space for rehearsals / meetings
- 60sqm of office space
- Open, public, practical area for foyer space and interconnectivity
- Café / Bar / Restaurant space for 100 covers
- Exhibition space provided using 15-30m wall space for permanent and changing art
- A fully integrated library space of up to 800sqm

Based on the business case presented at the time the following funding recommendations were also agreed to deliver to the Old River Lane Arts Centre:

- a capital allocation of £30M to fund the arts centre is made in the Council's capital programme;

- a revenue allocation of £250,000 to fund the East Herts' share of the arts centre running costs be made in the Medium Term Financial Plan from 2022 onwards;

In January 2020 the following recommendations were approved by full Council.

- a) a Unit Buyback funding model be approved as the preferred route to deliver the Old River Lane scheme (excluding the Arts and Entertainment Centre which is subject to separately delivery arrangements) ensuring a maximised commercial benefit to the council; and
- b) a final business case be developed, incorporating the outcome of negotiations with the approved developer, Cityheart, for presentation to Council for approval at a future date.

In February 2020, the world changed around us. The onset of the COVID 19 pandemic and subsequent impact of this on Council finances meant that the project team had to review all capital project business cases. The team reviewed the business case for the whole ORL scheme and looked closely at the EHDC funded element, The Arts Centre. With deep regret, it was realised that the Council could no longer commit to the large capital cost and the significant subsidy requirement of the original proposals and a number of alternative options for a financially viable offer, which would still provide a diverse and exciting arts offer, were explored. Later in the year, there was also a change in Government policy concerning Government lending. This meant that Councils could no longer use Public Works Loan Board (PWLB) borrowing to fund projects for financial yield and so EHDC could not proceed with the buyback scheme for the main ORL scheme, as agreed in January 2020. Instead, Council would have to revert back to the original scheme of sale and capital receipt. The loss of the potential financial yield from the buyback of the main scheme added greater pressure to the cost of the Arts Centre element and to the capacity for Council finances to shoulder this cost. The following recommendations were made to and accepted by Full Council in January 2021.

- a) Council agree the revised scope for the cinema-led Old River Lane Arts Centre in combination with an additional c. 31 residential units and c. 2000 sq ft of commercial space to ensure financial sustainability of the overall scheme in light of the impact of the COVID-19 pandemic and endorse the project's approach to maximise the affordable housing delivered on the site, subject to the project having flexibility to vary the

numbers in order to present a financially viable scheme at the planning application stage.

- b)** Council notes, with disappointment, the government's change of policy concerning lending and requests a final business case for the whole scheme, based on the sale of the land for a capital receipt to the approved developer, Cityheart, be prepared and presented to Council for approval in March 2021.

4. Summary

Arts Centre

- 4.1 In January 2021 Full Council approved the recommendation to proceed with the revised proposals for the Arts Centre. The new Arts Centre would not have a 500 seat auditorium, a studio theatre and the associated backstage space but it would still be designed to provide
- An engaging and exciting Arts Centre which maximises performance spaces inside and outside the building and enables the delivery of a varied live performance programme
 - Inside - live performance spaces designed into the foyer, gallery and café/bar space; cinema space designed flexibly with a stage area, raked seating and back of house space to accommodate live cabaret style music, comedy and theatre performances as well as daytime community events, such a parent toddler theatre and dementia friendly live music. It is proposed that one of the 80 seat cinema spaces provide this flexible, live performance space and the project team will also explore the option of creating a second flexible live performance space in the 150 seat cinema.
 - Outside - dedicated public realm area for a wide ranging arts offer, from outdoor theatre and music festivals to live sports screening and leisure offers, such as ice skating over the festive period
 - A high end cinema offer delivered across 5 screens, all screens will be able to live stream nationally, internationally and locally

- Open and inviting shared public space with a café and bar offer and gallery space
- An iconic, town centre hub for the community, local residents and visitors

4.2 Since then the project team has worked closely with Cityheart, the developers, Glenn Howells, the architects and the wider design team, including experts in live performance space, Theatreplan, to understand how the building can best be designed to provide an engaging and exciting offer which maximises performance spaces inside and outside the building and enables the delivery of varied live performance programme alongside the high end cinema offer, an open and inviting shared public space with cafe and bar offer and an exciting and engaging gallery space. This close collaboration with stakeholders will continue throughout the design process to continue to improve and maximise the live performance offer alongside other key elements of the brief, as already agreed.

4.3 Part of the design development has included further work both to develop the offer, to maximise the live performance elements and to minimise the costs, to present the best possible business plan. The project team has worked together with the Developer, Architects and expert design and development consultants to interrogate and develop:

- Building design and spatial requirements for the revised Arts Centre proposals and the residential element
- Detailed costs for the revised designs
- Potential values and income related to the residential elements

Through this process it has become clear that the value of the residential element of the proposals would not be as high as we initially hoped and estimated it might be (due to the further understanding on the type and size of property that could be developed, their associated values and changes in the anticipated yield).

4.4 In light of this, the design team explored the potential cost reductions that could be achieved in the Arts Centre design by removing the

residential element and using the associated space to make the Arts Centre more efficient and cost effective. In doing so, we have improved the financial viability of the Arts Centre whilst simultaneously reducing the design and delivery risk.

So, through the iterative design and cost process we have increased the financial viability of the Arts Centre by:

- Removing the residential element (which had an estimated cost of c.£5m)
- Re -designing the Arts Centre space over a larger footprint which meant a lower, wider, more cost effective design (reducing the height has reduced the cost and complexity of the build)
- Reducing the construction on- costs (consultancy fees, inflation, design fees etc. are all based on a %age of the overall construction cost and so can be reduced considerably when the construction cost goes down (from the removal of the residential element and the additional design efficiencies in the Arts Centre building).

And we have further improved the offer and reduced the delivery risk attached. The key benefits are:

- Greater scope for flexibility in the designs to maximise the live performance spaces and improve the operational efficiency of the building
- A stand-alone, iconic Arts Centre building occupying this key geographical site on the corner plot of the Development
- Reduced planning risk
- Reduced building risk – reduced complexity of build, acoustic separation etc
- Better alignment with the District Plan
- Reduced borrowing requirement

4.4 The end result is a better building at a better price. The numbers below clearly show that designing the Arts Centre as a stand-alone building can increase the return on investment (ROI) and reduce both the subsidy requirement and the total borrowing requirement. Please note, as with all major developments, cost and income may be subject to change.

Revised Arts Centre proposal, without auditorium and with 31 additional residential units (to be sold on Practical Completion to contribute to the funding of the borrowing)

- Total cost / borrowing requirement £23.5mn
- £4.07mn ROI
- £1.1mn total subsidy
- Subsidy period of 6 years (yrs 13-19)

Revised Arts Centre proposal as a stand-alone building - no additional residential

- Total cost / borrowing requirement £15.5mn
- £6.9mn ROI
- £693k total subsidy
- Subsidy period of 7 years from yr 1.

4.5 This design iteration will ensure the development of a vibrant multi-activity arts centre, where a diverse range of cultural activities, including live performance, art, cinema and multi-media take place within an iconic town-centre hub. The full business case can be found at Appendix 2 and provides full details of cost and income assumptions. The outside entertainment area has not been factored into the business plan but an additional allocation of £1mn has been made for this in the capital budget.

Main scheme

4.5 The main scheme will be delivered by Developers Cityheart and will provide for a complete regeneration of the Old River Lane area to drive footfall into the area and revitalise the local economy by creating a welcoming destination for residents and visitors to Bishop's Stortford. In addition to the delivery of the Arts centre, as outlined above, the scheme will deliver an exciting mix of retail, commercial, office, workspace and residential dwellings, including some senior living properties in a pedestrianised area with new and enhanced green spaces as well as new tree planting and landscaping. All of which will generate activity and vibrancy in the area and will improve the connectivity to Castle Gardens whilst reflecting the town's existing scale and massing, reflecting the varied roofscape, building type and features of the town.

4.6 Cityheart’s scheme proposal for Old River Lane from 2019 provided for the following uses (excluding the Arts Centre block):

Use	Proposal
Residential	137 dwellings
Retail	12,863 sq ft (NIA) of retail / food & beverage space.
Offices / Workspace	4,951 sq ft (NIA) of workspace and 25,833 sq ft of office space

4.7 Following further technical due diligence, and particularly changes to the scale of the Art and Entertainment Centre (a significant reduction in space and land take), this has allowed for opportunities to improve the main scheme, essentially allowing for an improved reconfiguration of the office block to the north of the proposed Arts Centre - and also creating space for the inclusion of senior living apartments within the same block. The overall structure and layout of the scheme has not however changed.

The updated main scheme uses (those elements to be both funded and delivered by Cityheart) are:

Use	Proposal
Residential	137 dwellings 90 senior living beds / apartments
Retail / commercial	5,597 sq ft of food & beverage space / 10,925 sq ft of commercial space
Offices / Workspace	4,574 sq ft of workspace and 24,585 sq ft of office space

4.8 Cityheart has submitted their revised proposal for the main scheme and this has been reviewed internally and by independent development experts at Montagu Evans. The revised land value included in the appraisal reflecting the minimum price payable to EHDC comprises £2,070,000, based on a private sales proposition, plus £700,000 for the additional extra care element now included on land previously earmarked for the larger Arts Centre. So the total capital receipt for the land is

estimated at £2.77mn. The developer's profit in the appraisal stands at 9.2% on cost. This is below Cityheart's target rate but is considered sufficiently viable to be deliverable. An overage clause has been included in the Development Agreement to ensure a 50:50 split with the developer on any increase in value. The full cost plan and appraisal can be found at Appendix 4.

5.0 Next steps

Subject to the approval of recommendations set out in section 2, the project team will work collaboratively with the developers, Cityheart and architects, Glenn Howells, as well as expert consultants, to support the design and delivery of the Arts Centre and the main scheme through the RIBA design stages. The Masterplanning and Supplementary Planning Document (SPD) processes will commence in Spring 2021 and will provide the opportunity for extensive consultation and communication with residents, stakeholders and delivery partners in Bishop's Stortford and across the District. Further engagement on the design and development of the offer for the Arts Centre will also take place through the Arts Centre Steering Group and as a part of the wider strategic work to take forward the East Herts Cultural Strategy.

The East Herts project team will finalise the Development Agreement, for the main scheme and the Development Management Agreement, for the Arts Centre. Through the execution of the Development Agreements and continued collaborative working the team will ensure that the Development is delivered to the highest possible standard and in line with the briefs, which have already been agreed.

6.0 Governance

The Old River Lane Delivery Board will continue to be responsible for the delivery of the overall design and construction programme for the Old River Lane Site. The Board will regularly review, comment, check and challenge in order to ensure that all parts of projects that impact on the delivery of the overall programme are co-ordinated and any deviation from the overall plan is mitigated. The Board will also help determine the allocation of any resources to the programme. The full terms of reference for the Delivery Board are attached at Appendix 1. The terms of reference

have been updated to include a provision that necessary and/or desirable agreements and legal documentation, required to be entered into in order to facilitate the delivery of the project, shall be authorised by the Head of Strategic Property and Finance and reported back to the Board at the next meeting. This is reflected in recommendation 2.

Project Board minutes will be published on the EHDC website alongside other project information to provide regular reporting on project progress and provide maximum transparency.

In addition to the Project Board, a number of working groups will be set up as part of the Masterplanning and SPD processes and will ensure that all stakeholders are represented in the consultation process,

7.0 Conclusion

- 7.1 The business case for the Arts Centre has been modelled on the revised scope Arts Centre, as agreed at Full Council in January 2021 and without the additional residential properties that it was originally thought might be required to help with the funding of the revised Arts Centre proposals. As part of the iterative design and cost process it has become clear that through the removal of the residential element and the associated benefits that come with using the space allocated for the residential element to build in a number of design and operational efficiencies to the Arts Centre building, it is possible to further improve the financial viability of the scheme, whilst reducing the design and build risk.
- 7.2 The revised business case demonstrates that the revised Arts Centre is a financially and commercially viable offer with an estimated return on investment of £6.9mn over the 30 year borrowing period and a total subsidy of c.£693k over a 7 year period. Funds have been allocated for this work in the capital programme. Additional funds have been allocated for the outdoor arts and entertainment area which has not been factored into the business case at this stage as there is still work to be done to understand the offer and the associated programme and potential income. Please note that, as with all major development projects, costs and income may be subject to change as further design work takes place.

7.3 Cityheart have submitted their revised proposal for the main scheme and this has been reviewed internally and by independent development experts at Montagu Evans. The total capital receipt for the land is estimated at £2.77mn. The developer's profit in the appraisal stands at 9.2% on cost. This is below Cityheart's target rate but is considered sufficiently viable to be deliverable. The scheme will provide for a complete regeneration of the area, to include 137 residential dwellings, 90 senior living / care apartments, c.17,000 sq ft of commercial and retail dwellings and c. 30,000 sq ft of office and workspace which will draw increased footfall to revitalise the area and stimulate the local economy.

8.0 Risks

As with any major town-centre regeneration development there are risks embedded within the project at this stage. The Masterplanning and SPD process is a key risk, although this will be mitigated through close working and good communication between Cityheart, the EHDC project team and EHDC planning officers. It is expected that there will be some turbulence around public opinion, and this will be mitigated through good and effective consultation and communications. The site is in a town-centre location close to an historic castle, so there is likely to be interesting archaeology uncovered during excavations. This can be seen to be of public interest and benefit as it will reveal more of the town's history; however there will be associated costs and possible delay as a result of any archaeological excavations. There is risk around the letting of the commercial buildings and sale of residential units, although that is largely Cityheart's risk as EHDC is no longer pursuing the 'buy-back' option. There is risk around the proposed 4-way highway junction, although detailed traffic survey and junction modelling will ensure that the right design option is implemented. As with all major developments there is a risk that costs will increase as a result of external influences beyond project control or due to changes in the design process. An external cost consultant, AECOM, has been appointed to provide a continuous check and challenge role on Cityheart cost plans and contingencies have been built into the project budgets.

9. Implications/Consultations

Community Safety

Yes – the scheme will design out crime and make residents and visitors feel safe

Data Protection

No

Equalities

Yes – the design will ensure access is in line with standards and it will also use dementia friendly design considerations around the colour of floor covering etc,

Environmental Sustainability

Yes – the scheme design will seek to maximise sustainability and minimise environmental impact through design and choices of recycled construction materials. The scheme is seeking a BREEAM excellent accreditation.

Financial

A total budget of £17.5mn has been allocated in the capital programme to fund all costs associated with the development of the Arts Centre and the main scheme.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

Yes – Bishop's Stortford Wards.

10. Background papers, appendices and other relevant material

Appendix 1 – Delivery Board Terms of Reference

Appendix 2 – Business Case

Appendix 3 – Barker Langham Business Plan

Appendix 4 – Cityheart cost plan

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