



## **OLD RIVER LANE DELIVERY BOARD MINUTES**

27<sup>th</sup> October 2021, 5.00-6.30pm

Meeting at Grange Paddocks, Bishop's Stortford

### **Distribution:**

<b>Name</b>	<b>Title</b>	<b>Date of Issue</b>
Cllr Linda Haysey	Chair of the ORL Delivery Board	22/10/2021
Cllr Eric Buckmaster	ORL Delivery Board Member	22/10/2021
Cllr Geoffrey Williamson	ORL Delivery Board Member	22/10/2021
Cllr David Snowdon	ORL Delivery Board Member	22/10/2021
Cllr Mione Goldspink	ORL Delivery Board Member	22/10/2021
Richard Cassidy	Chief Executive	22/10/2021
Helen Standen	Deputy Chief Executive	22/10/2021
Benjamin Wood	Head of Communication, Strategy and Policy	22/10/2021
James Ellis	Head of Legal and Democratic Services	22/10/2021
Steven Linnett	Head of Finance / ORL officer group	22/10/2021
Geoff Hayden	Corporate Property Services Manager	22/10/2021
George Pavey	Principal Planning Officer	22/10/2021
Tamara Jarvis	Major Projects Manager	22/10/2021
Georgia Adamson	Executive Coordinator to The Leader and CE	22/10/2021

### **Agenda**

- 1.0 Welcome and Minutes from previous Delivery Board meeting on 15<sup>th</sup> September 2021**
- 2.0 Risk Register**
- 3.0 Arts Centre Operating Model**
- 4.0 Strategic Brief – Screens 1 and 3**
- 5.0 SPD Steering Group and Consultation**
- 6.0 Northgate End Update**
- 7.0 DA and DMA Update**
- 8.0 Any other business /Date of next meeting: 8<sup>th</sup> December 2021, 5-6.30pm**

**Recommendation 1:** Delivery Board agrees with the recommendation of the Arts Centre Steering Group that the design of the ORL Arts Centre and the associated Business Case iterations be



developed on the assumption that the Council will operate and manage the new ORL Arts Centre.

**Approved**

**Recommendation 2:** Delivery Board authorises the project team to apply to vary the two planning conditions as highlighted. **Approved**

## **1.0 Welcome and Minutes from previous Delivery Board meeting on 15<sup>th</sup> September 2021**

Declaration of interest – Cllr David Snowdon declared himself as a Member of the Bishop’s Stortford Business Improvement District (BID)

Mins of previous meeting (15<sup>th</sup> September) – Mione Goldspink (MG) questioned whether she had confirmed that the results of the public engagement surveys were ‘good’. RM has checked the recording of the 15 September Delivery Board. Although the minutes did accurately paraphrase what MG said, they have been amended to exactly quote her as she was in fact more emphatic in her support to say:

*“TJ concluded the presentation by saying it is “really important that we ensure a fair representation of the public and their views...through a variety of means of engagement”.  
MG said “I strongly support that final statement and conclusion and we should use different forms of communications and consultation...”.*

Action point from minutes for the engagement results to go on the website – completed.

## **2.0 Risk Register**

Risk 1 Community engagement – the SPD chair has been appointed and the first of three meetings to take place on 10<sup>th</sup> October.

Risk 3 Artistic / cultural vision – proposal for screen 3 to be called the studio, to reflect greater diversity of use.

Risk 9 Competing priorities – RC meeting regularly with Mark Kemp at HCC. TJ provided spreadsheet of EHDC / HCC contacts and touchpoints in projects to aid conversations.

Risk 11 Retail commentary report – circulated by Ben Wood.

Risk 12 Waitrose – meeting this week with Waitrose, Cityheart and EHDC property team. MG asked how many spaces Waitrose will lose. RM confirmed that looks like 7 at the moment but this is to be agreed and Cityheart are engaged with Waitrose on the issue.

## **3.0 Arts Centre Operating Model**

To date, there has been a working assumption that the operation of the Old River Lane Arts Centre will be managed ‘in house’, and that the current experience and expertise in the operational team from Hertford Theatre will be utilised and developed to expand the Council’s theatre and cinema operations, to include the operation of all elements of the new Arts Centre in Bishop’s Stortford.



Whilst this has been the early assumption, there are of course a number of potential operating scenarios, which include:

- Outsourcing the management to a specialist cinema operator
- Creating a new management company or independent trust / charity to run the offer
- A hybrid offer, which outsources certain elements of operations whilst delivering some parts of the offer 'in house'

The ORL project team engaged Fourth Street, consultants specialising in providing commercial advice and expertise to projects in the arts, heritage and entertainment sectors, to provide further analysis and advice in relation to the operational context of the developing design for the ORL Arts Centre. The full report is attached at **Appendix B**.

There are some encouraging key messages in the report, including:

- Consultation and desk research have confirmed that there is a viable opportunity for independent cinema in Bishop's Stortford
- Soft market testing with existing operators have confirmed that there would be an appetite for a new cinema of the proposed scale of the ORL Arts Centre in Bishop's Stortford
- There are a number of examples of comparable offers which combine a successful live events programme within a cinema led venue where film represents the 'spine' of a business model supplemented by live events

The advantages and disadvantages of the potential operating scenarios have been considered with a recommendation that the Council extend the remit of the existing Council service to include management of the new centre, for the following reasons:

- East Herts has a history of high quality cultural programming, and this experience can be carried over to the new venue
- An operator not solely focused on cinema is more likely to create a vibrant programme of live events
- Distribution support is available from specialist cinema operators, which will help the venue to secure strong bookings while retaining the benefit of in-house management
- A directly managed venue is more likely to produce a strong programme that embraces both indoor spaces and the adjacent public realm
- Assuming operation of the venue through a council service, the option remains open to either outsource the F&B operation or deliver it in-house, depending on market appetite and the operator's preference



The Fourth Street report findings were considered by the Arts Centre Steering Group, which concluded that it recommends to Delivery Board that the Business Case is developed on the assumption that the Council will operate and manage the new ORL Arts Centre.

RM read through appendix B, paper by 4<sup>th</sup> Street consultants on operating models.

MG commented that this is an interesting report and she is encouraged by the findings. MG asked if the potential of 200 seats in screen 1 could be revisited based on report findings.

EB commented that the report references a range of 150-200 seats, which supports existing screen 1 size and there are a number of reasons that have already been discussed as to why the number of seats in the space should not be increased.

LH commented that we need to be careful not to design the space for a single group / individual but for best use across the board.

TJ noted that the recommendation of scope / size of screen 1 was agreed at the last ACSG and DB meetings.

LH confirmed that the issue has been agreed should not be revisited.

JS asked if the decision to run the ORL AC in house (as recommended by the report) would preclude decisions at a later date about how the Council would run the theatre, e.g. through a Trust.

TJ confirmed that the decision at this stage is to rule out outsourcing to a commercial provider, which would have impacts for the design process and does not preclude later decisions on how EHDC manage the operation.

RC confirmed that options for EHDC operational management should be actively explored.

Recommendation in paper AGREED (please put full recommendation into the minutes).

**Recommendation 1:** Delivery Board agrees with the recommendation of the Arts Centre Steering Group that the design of the ORL Arts Centre and the associated Business Case iterations be developed on the assumption that the Council will operate and manage the new ORL Arts Centre.

**Approved**

#### **4.0 Strategic Brief – Screens 1 and 3**

The strategic brief, as prepared by Stefanie Fischer and her team for RIBA stage 2 of the ORL Arts Centre development, has been agreed by the Arts Centre Steering Group and the ORL Delivery Board. Stefanie and her team have now commenced with the next stage of the building specification work, to support Cityheart and their architects, Glenn Howells, with RIBA stage 3, developed design.

To support this work, and in particular the detailed development of the spaces proposed for live performance, the project team held a workshop with Meadowcroft Architects, Theatre Projects and



Rhys Thomas (Director of Hertford Theatre and East Herts Arts and Culture Advisor) to review Screen 3 in terms of how it might be programmed and operated to ensure a diverse and exciting live programme alongside the cinema offer and to understand how the type and content of this live performance programme might impact on design and fit out. The presentation highlights are attached as **Appendix C**. In response to that consultation and strategic brief development, Screen 3 will be developed as a live performance space with the capability to screen film, and is proposed to be called 'The Studio'.

RM reported on the presentation given by Meadowcroft Architects to the ACSG and attached to the Board papers.

TJ confirmed that the crux of the issue is that it is easier to deliver cinema in a live performance space than to deliver live performance in a cinema space.

EB agreed and outlined a number of issues that are important to live performance, such as sound quality and the option to have a flat floor.

## **5.0 SPD Steering Group and Consultation**

A Chair for the SPD Steering Group has been appointed (Mehron Kirk - he is a landscape and urbanism specialist, director of BDP and a member of the Hertfordshire Design Review Panel) and the first of three meetings will commence on 10<sup>th</sup> November. Face-to-face public engagement and consultation will take place once the Steering Group process has been completed and the masterplan can be shared with residents and the wider public.

DS proposed that LH be the EHDC representative on the ORL SPD Steering Group. EB seconded the proposal. LH agreed as representative (please run this point past James Ellis to include appropriate wording).

Discussion was held about appropriate venue for the SPD meeting in BS. RM to explore venue options with George Pavey.

## **6.0 Northgate End Update**

### **Residential Building**

The timber roof formation, first floor screeding and first floor masonry formation are completed. Gypsum party wall formations are well progressed to the third floor, and partial dry lining is well progressed to the second floor.

RM provided a full update.

### **MSCP**

Erection of CONCAST panels is completed, and the ramp formations are progressed to level 4. The ground floor base course tarmacadam has been applied between gridlines 1-11. Structural concrete toppings are 85% complete. The panel mesh installations are complete between gridlines A3-A11.



Regular meetings have been held with the Operations team to ensure a seamless handover, and they have had a 'walk-round' tour of the MSCP earlier today.

Site visit to MSCP took place in advance of meeting and all Board Members attended

Handover date confirmed as 8<sup>th</sup> May 2021

### **Planning Permission**

1. It is proposed to apply to vary condition 36 of planning permission 3/18/0432/FUL (approval dated 15th February 2019) which states:

*The vehicular entry into the public car park shall be restricted as follows:*

*- in relation to the ground floor and top floor of the multi storey car park and the rear surface parking area - to between 0700 and 2300 on all days;*

*- in relation to all other floors of the multi storey car park - to between 0700 and 2400 on all days*

*Details of how this will be controlled shall be submitted to and approved in writing by the Local Planning Authority prior to the opening of the car park. The development shall be carried out and thereafter operated in accordance with the details approved.*

#### *Reason*

*In the interests of the amenity of the occupants of nearby properties and in accordance with policy DES4 of the east Herts District Plan 2018.*

This condition seeks to impose different operating hours to the ground floor, where the disabled parking is located (**Appendix D**) which may be considered to be discriminatory. The project team proposes to apply to vary this planning condition to bring operating hours to the ground floor in line with the rest of the building.

Condition 36 in 2019 planning permission – project team propose to apply to vary condition to restrict vehicle entry to the ground floor so as not to discriminate against disabled customers (as disabled spaces are on the first floor).

JS asked the reason for the restriction and RM confirmed that it comes from the recommendation of an Environmental Health Officer who was concerned about the noise of tyres on the concrete.

EB made the point that vehicles can still exit.

RC and JE both confirmed that this would be indirect discrimination.

All agreed that the discrimination argument is greater than the noise argument.

**Recommendation to apply to vary condition 36 – Agreed**



2. The project team propose to submit an application to vary condition 4 of planning permission 3/21/1283/FUL (approved 10th September 2021) which states:

*The external artificial lighting at the development hereby approved shall be controlled via a photocell detector and time-clock, programmed to operate during dusk to dawn. The lighting shall not be in use before 07.00 hours or after 23.00 hours on any day.*

*Reason*

*In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.*

It is proposed that customers are able to recover their vehicles 24/7 which requires artificial lighting to ensure a safe environment, and the project team propose to seek to vary this planning condition to match external lighting arrangements with the rest of the building for operational and safety reasons. It is worth noting that motion sensors will reduce artificial lighting to 10% of normal levels when there is no movement/activity. Finally, the attached light-spill report (**Appendix E**) calculates that light levels will be 0.00 lux at 20m from the top deck, which demonstrates that even the closest neighbouring residents will not be affected by external lighting from the building.

Lighting – RM ran through proposal to vary condition to restrict external lighting to ensure safety of customers exiting the car park after 11pm.

JS said that the number of residents that might be affected would be very limited, if any, given the topography of the site. MG raised concerns re: North Terrace and Alpha Place as they are higher up, however JS noted that they are still well below the 5<sup>th</sup> floor level.

RM reiterated the report findings of zero light spillage for 20m – nearest property is 45m.

RC made the point that the planning condition refers to all external lighting not just the top deck.

RM agreed and noted that the other perimeter external lighting has cowling at the back as a protective measure.

RM to provide a note following the meeting to Board Members outlining the lighting in question and the mitigation measures / impacts.

Recommendation to be agreed in correspondence following the meeting.

**Recommendation 2:** Delivery Board authorises the project team to apply to vary the two conditions as highlighted. **Approved**



### **7.0 DA and DMA Update**

The project team have continued with drafting the DA and DMA, and will meet 'in the room' with Cityheart in Manchester on 10<sup>th</sup> November. The key issue yet to be agreed revolves around liability for costs in the event of a third party legal challenge under procurement regulations following a modification to the Development Agreement or Development Management Agreement (ie in the event of an agreed cost increase). There are a few other issues to be resolved, but both sides agree we are close to agreement on drafting.

RM updated the Board on progress and invited SL and JE to next review meeting – invitations to be sent.

**8.0 Any other business /Date of next meeting: 15<sup>th</sup> December 2021, 4-5.30pm**