

Date: 19/08/2019
Our Ref: RFI2726
Your Ref: FOI Request – NHS Brentwood
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI2726

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA). For clarification, you requested the following information:

I am writing on behalf of a group of residents of Crescent Drive, Shenfield, Brentwood, Essex CM15 8DP and the residents of surrounding streets, Middleton Road and Worrin Close, who are very concerned in regard to a new development proposal set out for this site by the new purchasers, Fairview New Homes Ltd.

Specifically, we wish to learn the full details of the sale of the above property, how it was made, whether by open tender or private treaty etc.

The planning brief information that was made available to prospective purchasers.

The full terms and conditions attached to the sale.

The date of the legal completion of sale to Fairview New Homes Ltd.

The price paid by Fairview New Homes Ltd to Homes England

We received a further enquiry from you which is as follows:

We are requesting clarification of the issues listed on the original FOI request, in order to try and comprehend the rationale of how, a site with just one hectare of developable land, which in this location would be suitable for just 5 or 6 single dwelling houses, was apparently sold by Homes England to Fairview Homes Ltd who, are now seeking planning consent for a substantial over development of the site with EIGHTY SIX Mansion flats in four blocks, up to five storeys high, with wholly inadequate parking provision.

The proposed development is out completely out of character with the existing neighbourhood, its density is TWELVE times the number of homes per hectare in which, it is not possible to create a 'new' neighbourhood.

This further enquiry is not a request for any recorded information under the Freedom of Information Act 2000, and as such, we have provided our response to this enquiry in the section 'Advice and Assistance' below. To note, the 'original FOI request' referred to above was directed to another agency and not Homes England.

Response

We can confirm that we do hold some of the requested information. We will address each of your points in turn.

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1) *the full details of the sale of the above property, how it was made, whether by open tender or private treaty etc.*

The site was openly marketed through inviting best and final bids with interest from a variety of parties.

2) *The planning brief information that was made available to prospective purchasers.*

We have provided as Annex A the Planning Brief undertaken by Wood plc in March 2018.

3) *The full terms and conditions attached to the sale.*

The terms and conditions of the sale are recorded in the 'Agreement for Sale' contract between Homes England and Fairview New Homes (London) Number 2 Limited.

Section 43 - Commercial interests

The information requested relating to the contract between Homes England and Fairview New Homes engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency.

Section 43 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

Public Interest Test – Factors in favour of disclosure

Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

Homes England believes it should not disclose the Agreement for Sale as there is a high likelihood that release would prejudice our commercial interest. The Agreement contains information relating to bidding conditions for the site. If these conditions were in the public domain there is a high probability that this would affect the competitive bidding process for other and future sites. Release of this information would distort the market and Homes England would not be in a favourable negotiating position. This would detrimentally impact the use of public money in the care of Homes England and potential homes could be put at risk. This would not be in the public interest.

The Agreement for Sale should not be disclosed into the public domain as release of the details contained within could adversely affect our relationship with current and future partners. Homes England must have the ability to competitively tender bids for land, and work with developers to achieve the best value for money for the public purse. Homes England strongly believes that disclosure of the Agreement would prejudice this.

The Agreement for Sale was signed within the past year, and development of the site is ongoing, as such Homes England believes that the Agreement should not be in the public domain. This may not necessarily be the position in the future.

Therefore after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure.

The full text of in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

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4) *The date of the legal completion of sale to Fairview New Homes Ltd.*

The sale completed on 3 January 2019

3 *The price paid by Fairview New Homes Ltd to Homes England*

£7,023,000

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA.

Homes England are the government's housing accelerator, we work to release land to developers. Homes England has sold the land to Fairview Homes as developer and Fairview Homes will develop the plans for the site in consultation with the local authority. Homes England is not a party to the planning consent for the site as the site was sold without planning permission. We have provided, as Annex B, a press release from Fairview Homes regarding this development. There is also further information on the Fairview website here:

<https://www.fairviewnewhomes.co.uk/land-acquisition/fairview-new-homes-acquires-former-brentwood-blood-centre/>

If you require further information regarding the planning for this development, we recommend that you contact the local council or Fairview Homes directly. Contact details are as follows:

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex, England, CM15 8AY
Tel: 01277 312 500 Email: enquiries@brentwood.gov.uk

Fairview New Homes, 50 Lancaster Road, Enfield, Middlesex, EN2 0BY
Tel: 0208 0237 092 Email: enquiries@fairview.co.uk

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Access Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to foi@homesengland.gov.uk

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

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<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

Information Access Team
For Homes England