



HARPENDEN TOWN COUNCIL

CLOSER TO THE COMMUNITY

INVITATION TO TENDER FOR THE FREEHOLD

INTEREST IN THE FORMER WESTFIELD

ALLOTMENT SITE TO DELIVER 100%

AFFORDABLE HOUSING SCHEME

CLOSING DATE: 12 NOON 19 DECEMBER 2018

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1. Location and Description

- 1.1 The site is a rectangular parcel of land of some 0.407ha shown edged in red on the site plan annexed as **Appendix 1**. The site is approximately 1 mile from Harpenden town centre. The site was previously used as allotments, but it is now fenced off and overgrown. Permission has been received from the Secretary of State to dispose of the land and we refer you to the letters of consent annexed at **Appendix 4**.
- 1.2 The land has been included by St Albans District Council's in their Strategic Housing Land Availability Assessment for inclusion in the Local Development Framework. The land is earmarked for development in the Harpenden Neighbourhood Plan which has passed Independent Examination and is scheduled for Referendum in February 2019.
- 1.3 The surrounding area is a mix of residential housing of a variety of dwelling types. To the south-west of the site is a large open space which includes a children's play area and a basketball/kickabout area. To the east is a disused railway line which is now a public foot and cycle path, the latter forming part of the Lea Valley Walk. The path provides a quick and easy access to open countryside. Note that whilst the plan to the planning permission indicates a pedestrian and cycle link from the site to the Lea Valley Walk, this is subject to the Buyer obtaining the necessary consents from St Albans District Council.
- 1.4 To the south-east of the site is an area of some 0.1 ha, which is retained for allotment use shown edged in blue on the site plan annexed as **Appendix 1** ("the Adjoining Allotment Land").
- 1.5 The site is located within a highly sustainable area near to Harpenden town centre and a railway station to the south-west. Bus stops are located nearby in Westfield Road. The site is also near local shops and services in Batford.
- 1.6 Access to the site will be via Willoughby Road. Note that part of the access route is unregistered land and the owner of the land is unknown. Town Council have obtained an Indemnity Insurance Policy, a copy of which is annexed at **Appendix 4**

2. Planning history

- 2.1 Outline planning permission was granted on 16 July 2018 subject to the completion of Section 106 Legal Agreement within 3 months. The S106 was completed on 26 October 2018. A copy of the Section 106 Agreement is annexed at **Appendix 3**
- 2.2 The planning permission is for 24 affordable dwellings comprising 16 houses and 8 flats together with associated access road, parking and

landscaping. A copy of the planning permission under reference 5/2018/0474 annexed at **Appendix 2**

- 2.3 At least 30% of the dwellings shall be for Social Rent (8 units in total) and the balance for affordable housing (no fixed tenure mix). Nomination rights for the rented units will be afforded to St Albans District Council in accordance with their Housing Allocations Policy.

3. Legals

- 3.1 Please find annexed:

Appendix 4a	Title entries and title plans for the following titles: HD498889 and HD518165
Appendix 4b	Allotment Consents
Appendix 4c	Indemnity Insurance Policy
Appendix 4d	Replies to commercial property enquiries
Appendix 5	Local Search
Appendix 6	Highway Search

4. Conditions of tender and financial submission requirements

- 4.1 Offers are invited on an informal basis for the freehold interest in the development site shown edged in red on the site plan set out in **Appendix 1** ("the Site") with vacant possession subject to the terms set out below.
- 4.2 Offers must be made for the whole of the Site.
- 4.3 The Buyer must take the site in its present condition and shall execute any necessary clearance of it at their own expense.
- 4.4 Tenders are invited subject to contract on the following terms:
- 4.4.1 The dwellings once constructed are to be used and occupied for affordable housing to meet the housing needs and requirements of St Albans District Council. The land transfer will contain a restrictive covenant to secure this obligation, but an appropriate mortgagee protection clause can be incorporated in the land transfer deed.
- 4.4.2 The dwellings are to be built:
- (i) to lifetime homes standards;

- (ii) to comply with the latest building design and quality standards; and
- (iii) to meet a high standard quality build having regard to CABI principle of good design which displays architectural merit and enhance the local area.

5. Terms of Sale Contract

5.1 The contract for sale will contain the following terms and such other terms as deemed reasonable by Harpenden Town Council:

5.1.1 A deposit of 10% of the purchase price to be paid on exchange to be held by Harpenden Town Council's Solicitor as Stakeholder.

5.1.2 The contract will provide that in the event the buyer obtains planning for additional dwellings over and above that submitted in Planning Application the Harpenden Town Council will be entitled to an additional amount equivalent to the same percentage over the original purchase price by which the number of dwellings has increased over the number originally proposed.

5.1.3 An obligation on the Buyer to construct the accessway to the Adjoining Allotment Land. The route and width of the access to be agreed by Harpenden Town Council. The minimum width is to be 3 metres.

5.1.4 To provide a water supply to the Adjoining Allotment Land.

5.1.5 An obligation on Harpenden Town Council to fulfil the ecology condition contained at Paragraph 1 of Schedule 1 of the Section 106 Agreement

5.1.6 The right for Harpenden Town Council to buy back the Site in the event the Buyer fails to substantially commence the development of the Site within 4 years of the date of grant of the outline planning permission

6. Terms of Transfer

6.1 The transfer to the Buyer will contain the following terms and such other terms as deemed reasonable by Harpenden Town Council:

6.1.1 a restrictive covenant that the dwellings shall not be used or occupied other than for affordable housing (and an appropriate mortgagee protection clause will be incorporated).

6.1.2 The transfer will reserve a right of way in favour of the Council over the accessway to the Adjoining Allotment Land and the right to use and connect into the waterpipes supplying water to the allotments.

7. Tender return

- 7.1 A prospective Buyer of the Site shall make an offer using the Tender Return Form and covering letter supplied at **Appendices 7 & 8** and shall complete the Tender Form in full and this shall be returned with the covering letter to Harpenden Town Council to be received no later than 12 noon on Wednesday 19 December 2018.
- 7.2 In advance of the Tender Return deadline, prospective buyers are asked to confirm in writing to the Town Clerk that they are intending to submit a Tender Return. Confirmation of intentions to tender should be submitted by Friday 16 November 2018. These should be sent to carl.cheevers@harpenden.gov.uk
- 7.3 The Tender Return Form and covering letter should be returned to:
- Carl Cheevers - Town Clerk
Harpenden Town Council
Town Hall, Leyton Road
Harpenden
Hertfordshire
AL5 2LX
- 7.4 The form shall be returned in a sealed envelope together with the following:
- 7.4.1 An outline development programme giving estimated timings from start to finish.
- 7.4.2 A table setting out the proposed tenure mix for each of the three options requested below. In all options, the Council's preference is for a minimum of six of the 3-bedroom properties to be available for social rent.
- 7.4.3 Annual reports for last two years.
- 7.4.4 If you are a Registered Provider the supply of a copy of your Homes England programme delivery assessments for the last three years and the last tenant satisfaction survey results (status survey), how much grant you have obtained in the last three years and the office you will manage the properties from.
- 7.4.5 If you are not a Registered Provider, then please indicate which Registered Provider you will work with and supply the information set out in 7.4.3 for that Registered Provider.
- 7.4.6 Evidence of comparable, high quality schemes demonstrating innovate or practical design and sustainable development.

7.4.7 Details of track record and experience of comparable residential schemes.

7.5 The Tender Form shall be completed in full and shall:

7.5.1 Show the full name and address of the Tenderer. If the offer is made jointly the full names and addresses of all persons making the offer should be given. If a company makes an offer its full name and address and/or registered office shall be given. If the offer is made by an Agent on or behalf of another the full name and address of the principal as well as the Agent must be given and a copy of the Agent's authority enclosed.

7.5.2 Be signed by the Tenderer and where signed by a Director or other person in power to make an offer on behalf of a company the full name of the Director or other person shall be given. The capacity in which he/she signs the form shall be stated.

7.5.3 Include the name and address of the Solicitors who will act in the event of his or her tender being accepted and the name and address of his or her Bank as to whom reference may be made by the Council before acceptance of the Tender.

7.6 The Tender must contain a separate purchase price based upon the following housing tenure options:

- Option 1 – 30% of the units for Social Rent
- Option 2 – 50% of the units for Social Rent
- Option 3 – 100% of the units for Social Rent

“Social Rent” shall have the meaning given to it in the proposed Section 106 Agreement.

7.7 In all cases, the price offered must be on the basis that:

- Outline planning consent for the proposed development has been granted;
- The purchaser will pay the contributions set out in the S106 agreement (excluding the costs associated with the new hedge at Batford Springs Nature Reserve)
- An appropriate deed granting rights of way/services has been entered into;
- A minimum of 24 units will be constructed.
- The units will be for 100% affordable housing to meet St Albans City and District Council's housing needs.

8. **Tender evaluation criteria**

- 8.1 Tenders shall be evaluated using (but this shall not exclude other matters which may be considered) the following criteria which are not listed in order of importance:
- Capital receipt
 - Previous experience
 - Proposed tenure mix
 - Timescales for delivery
- 8.2 The Town Council does not bind itself to accept the highest of any Tender. Harpenden Town Council reserves the right to negotiate the terms set out in these particulars or any other terms before final acceptance of the offer. Harpenden Town Council reserves the right to reject any Tender which in the Town Council's opinion gives rise to or could potentially give rise to a conflict of interest. Tenderers not conforming to the conditions and instructions contained in this document may be disqualified.
- 8.3 The Council is currently working to the following timetable. The dates after the deadline for Tender Return are subject to change.

Milestone	Date
Tender documents advertised to prospective purchasers	2-Nov
Deadline for confirmation of any intentions to tender	16-Nov
Deadline for Tender Return	19-Dec
Start of Evaluation Panel work	20-Dec
Completion of Evaluation Panel work	18-Jan
Approval of preferred tenderer at Council	28-Jan

General Tender Enquiries and Clarification

- 8.4 Tender enquiries shall be raised in writing with the Town Clerk. Queries raised, and responses given will be issued to all organisations that have confirmed their intention to submit a tender. Tenderers may during the tendering and pre-contract stage be asked to clarify aspect of their Tender. Clarifications given may be incorporated into the Town Council's requirements and if so will be deemed to be Town Council's requirements.

Viewing

- 8.5 The Tenderer shall as part of preparing its Tender inspect the development site and acquaint itself with details of matters concerning the site.

- 8.6 Appointment for access can be made with the Town Clerk by emailing carl.cheevers@harpenden.gov.uk or by calling 01582 768728.

Conflict of Interest

- 8.7 Tenderers must disclose in their Tender details or any circumstances including personal, financial and business activities that will, or might give rise to conflict of interest. Where Tenderers identify any potential conflicts of interest they should state how they intend to avoid or overcome such conflict.

Data Protection Act 2018

- 8.8 Any information that you submit in relation to this tender will be held in line with our Data Protection Policy. Details of this policy can be found on our website www.harpenden.gov.uk/documents/public-and-statutory

Freedom of Information Act 2000

- 8.9 Please be aware that as a public body Harpenden Town Council is subject to the Freedom of Information Act 2000 (FOI). Our policy is to disclose tender information in compliance with the FOI if an FOI Act request is received. However, we will not disclose any information that forms part of this tendering process until the final award of the contract and all unsuccessful bidders have been informed.
- 8.10 There may be elements of your tender submission which you consider to be potentially commercially sensitive and would not want them to be disclosed. The FOI Act does allow certain exemptions related to trade secrets and commercial interests. Therefore, where you consider tender information falls into this category please extract the information and insert it into a separate annex which we will treat as being potentially commercially sensitive, but you should refer to it in the main body of the Tender.
- 8.11 When Harpenden Town Council consider it to be appropriate and practicable we may seek the views of the tenderer before disclosing information in this annex. The tenderer acknowledges that information provided in this annex is of indicative value only and that Harpenden Town Council may nevertheless be obliged to disclose this information in accordance with the requirements of the FOI Act. All information in the main tender documents would be disclosed should a request be received.
- 8.12 Under no circumstances shall the Council be liable for any loss damage harm or other detriment however arising from the disclosure of any information relating to this tender which it judges it is obliged to disclose under its Access Duties.

General Disclaimer

8.13 Whilst these particulars are believed to be correct, they are in no way guaranteed, neither do they constitute an offer or form a contract or any part of one. Intending Buyers must satisfy themselves by inspection or otherwise to the correctness of the statements contained in these particulars and also if the suitability of the factors relating to its location, ground conditions, working space and all other relevant matters.