

Report to the Council

Committee: Cabinet

Date: 18 December 2007

Portfolio Holder: Councillor C Whitbread

Item: 11 (a)

1. LOUGHTON HALL AND THE LIBRARY SITE ADJOINING EPPING FOREST COLLEGE, LOUGHTON - RIGHT OF PRE-EMPTION

Recommending:

That the Council's right of pre-emption to purchase Loughton Hall and/or the library site adjoining Epping Forest College be not exercised.

1. The Epping Forest College site, including Loughton Hall, was transferred in 1952 to Essex County Council by the then London County Council subject to a restrictive covenant that the site be used only for educational purposes. The benefit of the London County Council covenant is now vested in the District Council as successors to the London County Council and the Essex County Council interests are vested in the Epping Forest Further Education Corporation. The remainder of the site was retained by Essex County Council for a library development.
2. We agreed at our meeting on 8 October 2007 to release the restrictive covenant to enable the College to redevelop the college campus and to sell off Loughton Hall for use as a residential care home for the elderly.
3. Loughton Hall is a Grade II listed building which is in a dilapidated condition and its sale will enable the redevelopment of the College to proceed and facilitate the refurbishment of the building. Removal of the restrictive covenant relating to the use of the Hall will enable the proposed purchaser to fully utilise the building as a means of recouping its considerable financial commitment on refurbishing a landmark listed building.
4. The title documents contain an arguable right of pre-emption such that on any disposal of any part of the College site it should first be offered for sale to the District Council at the current market value. We have been advised that these title documents are poorly drafted and are open to interpretation but as the proposed development requires the disposal of Loughton Hall and also the purchase of the library site waiver of the Council's right to purchase is required.
5. Given that the Council has no current operational requirement for office type accommodation in the Loughton area we are recommending that the right of pre-emption be not exercised in respect of the current proposed transactions.
6. In approving the College's application and agreeing that the existing restrictive covenant be released we are proposing that new covenants be imposed prohibiting the use of Loughton Hall for any purpose other than residential care home; community, education or health purposes and that any residential use be prohibited other than as a residential care home.

7. We recommend as set out at the commencement of this report.

NOTE: Our decision regarding the release of the restrictive covenant was called-in and was considered by the Overview and Scrutiny Committee on 8 November 2007. The Overview and Scrutiny Committee decided to confirm our decision to release the covenant and as a result the Council is now able to consider our recommendation regarding the right of pre-emption.