

# DECISION NOTICE

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

**Decision maker:** Portfolio Holder for Housing, Planning and Regeneration

**Decision in the matter of:** Crewe Youth Club, Mirion Street, Crewe - Variation of Covenants

- Decision:**
1. That Cheshire East Council (CEC) agree to modify the Covenants in order to allow the Club to sell part of their site to the adjacent landowners, the Jehovah's Witness Congregation for Crewe (JW's), for a larger Kingdom Hall to be built as part of a land swap, for that use/purpose only and in return for a payment of £1.00 (one pound) foregoing any consideration payable for the uplift in value on the change of use. The uplift in value therefore being an undervalue to the Council.
  2. This will be on the basis that the undervalue and any additional proceeds of sale be reinvested by the Youth Club into the future provision of youth services from the existing Kingdom Hall Building and retained proportion of the site. The existing covenants will then be applied to the new Youth Club which restricts the use of the Site to a Community/Youth Club use only . The JW's would have the benefit of the modified covenant with CEC retaining the covenant on the land restricting it to the Kingdom Hall use only (subject to agreement).
  3. That authority be given for CEC to enter into any necessary legal documentation in order to vary or modify the Covenant by agreement and then to subsequently enter into a new Deed of Covenant which binds the (retained) Youth Club Site by way of a S.33 (positive) Covenant over the Site restricting its use to that of "Youth Club/Community Use" only.
  4. That the proposed release/modification of the Covenant will also require the Crewe Youth Club to agree to an Overage provision which will bind the new youth club/community building. In the event that the club decide to sell the site at any time in the future then CEC shall be entitled to a 50% share of the proceeds of sale. This condition forms part of the agreement in order to protect the financial interests of CEC as this proposal involves CEC foregoing a Capital Receipt now.

**Background:** The site owned by Crewe Youth Club with Cheshire East Council has restrictive covenants on the land preventing any use other than a community/youth centre. The site is currently derelict following a number of arson attacks on the building and the Youth Club does not have the funds to re-build the site in order to continue to provide youth services from the building.

The Youth Club has requested Cheshire East Council to vary the use in the covenants in order to allow them to sell part of the site to the Jehovah's Witness Congregation for Crewe for a new, larger Kingdom Hall to be built. This is to be part of a land swap arrangement with the Youth Club, the Jehovah's Witness take on part of the Youth Club site to erect a new Kingdom Hall and a new parking area. The adjacent Jehovah's Witness site and existing Kingdom Hall building being transferred to the Youth Club, for them to re-invest the balance of sale monies in order to refurbish and re-open the building as a youth club.

**Background Documents:** The background papers relating to this report can be inspected by contacting the report officer.

**Approved:** Councillor Ainsley Arnold  
Portfolio Holder for Housing, Planning and Regeneration

**Date:** 11 May 2018

**Advising Officer:** Patrick Tansey, Senior Surveyor