

OFFICER DECISION RECORD

Lead Officer: Mark Greenwood Head of Property, Assets and Major Projects	Service: Business and Economy
CMT Officer: Peter Catchpole, Corporate Director and Chief Finance Officer	Delegated Power Being Exercised: Table 4
Subject of Decision: Land at Drybread Road, Whittlesey	

Decision Taken:

Release of overage restriction on title.

Reason for the Decision:

To enable additional receipt following the development of the site.

Alternative Options Considered (if appropriate):

Refuse request and payment even though there is no prospect of an overage payment being triggered in the future. (see para 5. below) and incur the administrative burden of individual Deeds of Covenant on every future sale for each of the six bungalows.

Background/Reports/Information considered and attached:

1. This land formed the ex-garage site off Drybread Road, Whittlesey, the site was sold at auction for £200,000 in June 2023 with an outline planning consent.
2. Following a reserved matters planning consent, an overage payment of £8,500 was agreed and collected to reflect the improved scale of the consented scheme. The overage remains on the site until 2043.
3. Much of the development is nearing completion and purchasers' solicitors are advising that mortgage companies are expressing concern over lending on properties where there are overages on the title.
4. With the site now being split into 6 bungalows, every time a plot is sold a deed of covenant is required to be entered into by the new owner with FDC to covenant to comply with the overage terms. Whilst costs can be recovered it is an administrative burden that diverts resources from more meaningful Council matters.
5. With the site now split into 6 plots the overage is incapable of being triggered as it needs a planning consent in excess of that granted on the entire site – which obviously would not fit on an individual plot.
6. After negotiation with the developer, it is proposed to accept a sum of £5,000 plus FDC legal fees to remove the overage from the site and therefore each individual plot.

CMT Officer's Signature:

Peter Catchpole, S151 Officer

Date: 9 April 2026

Please forward to Democratic Services upon completion

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**Date copy passed to
Democratic Services 09/04/26**

**Implementation Date: 09/04/26
(if not called-in)
(Allow 5 clear working days after publication
of decision)**

Circulation: Democratic Services, Portfolio Holder, Officer and Accountancy.