

## OFFICER DECISION RECORD

<b>CMT Officer:</b> Peter Catchpole, Section 151 Officer	<b>Service:</b> Business and Economy
<b>Lead Officer:</b> Mark Greenwood, Head of Property, Assets and Major Projects	<b>Delegated Power Being Exercised:</b> Table 4
<b>Subject of Decision:</b> Land adj 80 Upwell Road, March	

**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):

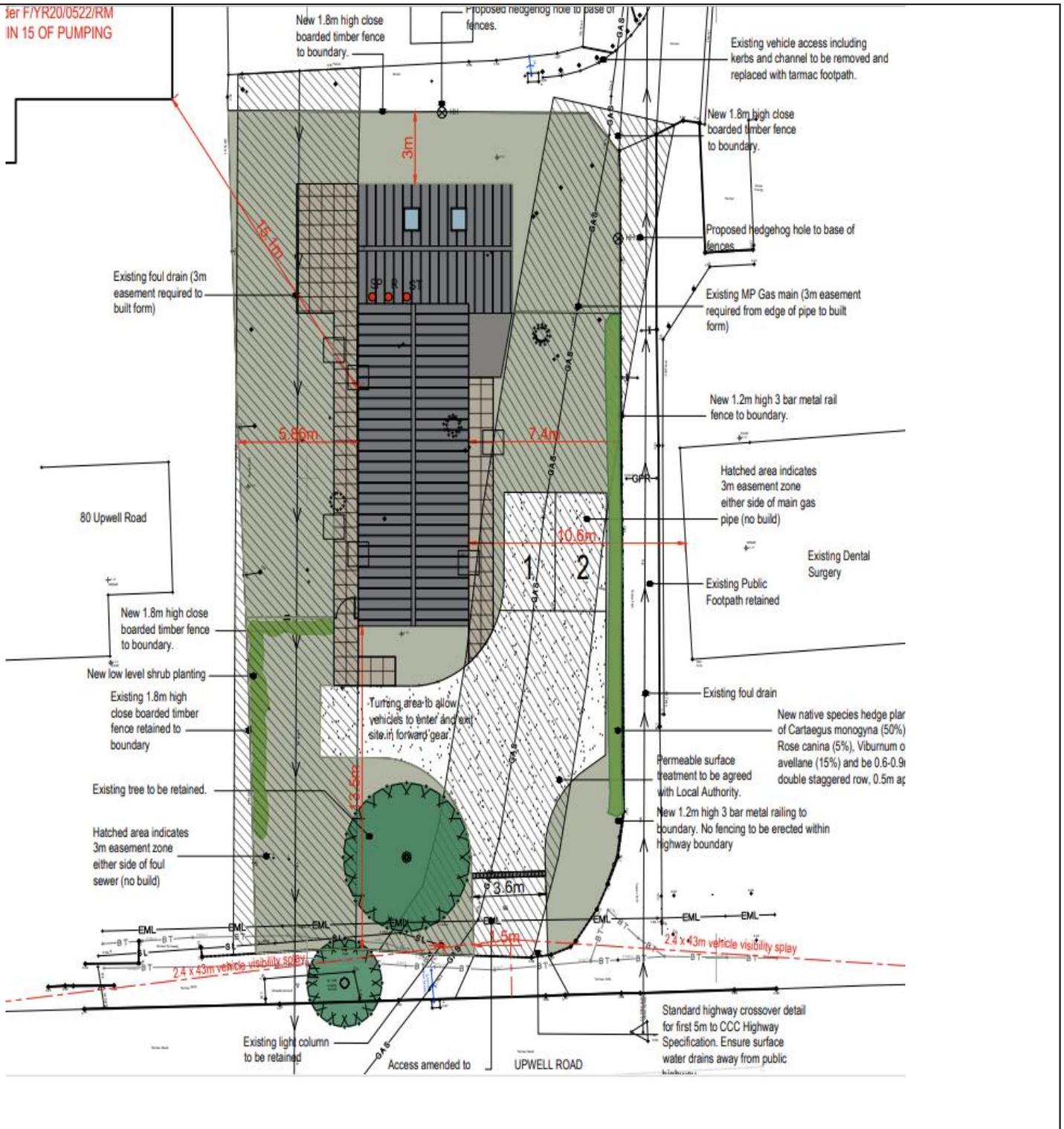
Refuse request and payment even though there is no prospect of an overage payment being triggered in the future. (see para 4. below).

**Background/Reports/Information considered and attached:**

1. This land was sold 19th March 2020 with an outline consent in place for a single dwelling. The purchaser applied for a reserved matters consent for a single dwelling, this was granted – see ref: F/YR22/0322/RM. Accordingly, no overage payment was triggered as the development is in accordance with the consent in place upon the sale.
2. This sale and overage pre-dated the change in the Council's standard overage clause which now references floor areas.
3. The dwelling has now been constructed and so there is no realistic prospect of the overage being triggered in the future, it would in any event fall away in 2040.
4. Much of the site cannot be developed due to buffer zones for a gas main and a foul drain and so development has been maximised by the current development – see cross hatched buffer zones on plan below.
5. The purchaser who has constructed the dwelling now wishes to transfer it to his daughter, however issues with the overage are being raised by mortgage lenders. Consequently, the Council has been asked if the overage could be released.
6. The purchase has agreed to pay £3,000 and the Council's legal costs for the release of the overage provision on the property title.

**Reserved Matters Planning Consent - F/YR22/0322/RM**

Jer F/YR20/0522/IRM  
IN 15 OF PUMPING



Officer's Signature:  
Peter Catchpole, S151 Officer

Date:  
29 May 2024

**Please forward to Democratic Services upon completion**

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<p><b>Date copy passed to Democratic Services 17/07/25</b></p>	<p><b>Implementation Date: (if not called-in) (Allow 5 clear working days after publication of decision)</b></p>

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