

DATED 23 February

2022

(1) ROBERT HITCHINS LIMITED

-and-

(2) CHELTENHAM BOROUGH COUNCIL

AGREEMENT

**pursuant to s.106 Town and Country Planning Act 1990
in relation to land at Oakley Farm, Priors Road, Cheltenham
PLANNING APPLICATION REFERENCE 20/01069/OUT
PLANNING APPEAL REFERENCE APP/B1605/W/21/3273053**

(Affordable Housing)

**One Legal
Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury**

THIS DEED is made the 23 day of February 2022

BETWEEN:

- (1) **ROBERT HITCHINS LIMITED** (Company Registration Number 0686734) whose registered office is at The Manor, Boddington, Cheltenham, Gloucestershire GL51 0TJ (“the Owner”); and
- (2) **CHELTENHAM BOROUGH COUNCIL** of Municipal Offices 77 Promenade Cheltenham Gloucestershire GL50 1PJ (“the Council”)

INTRODUCTION

1. The words and phrases used in this Agreement are defined in Clause 1
2. The Council is the Local Planning Authority for the purposes of the Act and is also the Housing Authority for the purposes of the Housing Act 1996 and is entitled to enforce the planning obligations contained in this Agreement
3. The Owner is registered as the proprietor of the freehold of the Site with absolute title at the Land Registry under title number GR215822
4. The Owner has appealed to the Secretary of State against the Council’s non determination of the Application
5. The Owner enters into this Agreement with the intent that any objections of the Council to the grant of planning permission are overcome

NOW THIS DEED WITNESSES AS FOLLOWS:

1. DEFINITIONS

For the purposes of this Agreement the following expressions shall have the following meanings:

- 1.1. “Act” means the Town and Country Planning Act 1990 or any re-enactment or modification thereof for the time being in force
- 1.2. “Affordable Housing” means affordable housing as that term is defined in Annex 2 of the National Planning Policy Framework dated July 2021 as updated from time to time or as

