

DATED 23 rd ~~January~~ February

2022

ROBERT HITCHINS LIMITED

and

CHELTENHAM BOROUGH COUNCIL

AGREEMENT

pursuant to S106 Town and Country Planning Act 1990

-Relating to-

Land at Oakley Farm, Priors Road, Cheltenham

Planning Application Ref. 20/01069/OUT

Planning Appeal Ref: APP/B1605/W/21/3273053

(Public Open Space)

THIS DEED is made the 23 day of February 2022

BETWEEN:

- (2) **ROBERT HITCHINS LIMITED** (Company Registration Number 0686734) whose registered office is at The Manor, Boddington, Cheltenham, Gloucestershire GL51 0TJ ("the Owner"); and
- (3) **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
3. The Owner is registered as the proprietor of the freehold of the Site at the Land Registry under title number GR215822 as more particularly described in the First Schedule
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. "Allotments" means an area of the On-Site Open Space set aside for use by individuals under the Smallholdings and Allotments Act 1908 and the Allotments Acts 1922 and 1950 for the growing of

