

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application: 21/00470/FUL

**MIXED-USE REFURBISHMENT RETAINING COMMERCIAL USE (CLASS E)
WITH 13 STUDIOS**

AT: 42 FOREGATE STREET, WORCESTER, WR1 1EE.

OPEN SPACE

1. In lieu of the provision of sporting, play, allotments and informal open space on the site the Owner/Developer shall pay to the City Council a public open space contribution as follows:

13 x 1-bed@£1,298.70 = £16,883

Plus a commuted sum to fund future maintenance of £15,934.53

Total contribution = £32,817.63

The sum shall be paid on or before commencement of development.

2. The monies pursuant of paragraph 1 shall be used for the provision of off-site open space facilities including:
 - For the provision or enhancement of amenity green space in the vicinity of the development,
 - For the provision or enhancement of equipped play space in the vicinity of the development,
 - For the provision or enhancement of civic space in the vicinity of the development,
 - For the provision or enhancement of allotments in the vicinity of the development,
 - For the provision or enhancement of formal pitches in the vicinity of the development.
3. In the event that the City Council does not for any reason expend or commit the expenditure of the said sums in paragraph 1 for the purposes specified in the Agreement within ten years of the date of receipt of the payment, the City Council shall repay to the developer the said sum or such part thereof which has not been used by the City Council.
4. The Developer shall provide to the City Council either a solicitor's undertaking for the reasonable legal costs incurred by the City in connection with the preparation and completion of the Agreement or if no solicitor is instructed

these fees must be paid direct to the City Council. These fees shall be payable prior to the commencement of any legal work and are payable whether or not the agreement completes.

5. The developer covenants with the City Council to pay a Section 106 monitoring fee of £650 to the city council which shall be paid on or before completion of the agreement. This fee will be to cover the cost relating to the administration and monitoring of the planning obligations.
6. The Developer shall complete the Agreement within three calendar months of the application being presented to Planning Committee, unless otherwise agreed by the Director of Planning and Governance otherwise the application will be registered as deemed refused.

Nov 2021