

THIS DEED is made the 20th day of October 2017 by **HAJERA HABIBEE** of 22 Park Drive Huddersfield HD1 4EB (hereinafter referred to as "the Owner")

WHEREAS

1. The Council of the Borough of Kirklees ("the Council") is the local planning authority for the Kirklees District within which the Site is situated and by whom planning obligations within this Deed are enforceable
2. The Owner is the owner of the Site
3. By the provisions of Section 106 of the Town & Country Planning Act 1990 any person interested in land in the area of a Local Planning Authority may by agreement or otherwise enter into a planning obligation in respect of the land
4. The Owner enters into this obligation to the intent that any objections by the Council to the grant of the Planning Permission are overcome
5. The Owner has submitted planning application reference 2017/92523 to the Council for permission to develop the Property for an extension ("the Development")
6. By planning permission reference 2007/91021 granted on 17th May 2007 planning permission was granted for an extension and double garage
7. This Deed is entered into to regulate the Development and to secure the matters hereinafter referred which are required in order to enable the Development to go ahead.

NOW THIS DEED is made in pursuance of Section 106 of the Town & Country Planning Act 1990 and is a planning obligation for the purposes of that section and **WITNESSES** as follows:

1. INTERPRETATION

- 1.1 In this Deed unless the context otherwise requires the following words and expressions shall have the meanings respectively assigned to them in this Clause:-

“the Development” means the development of the Site in pursuance of the Planning Permission

“the Garage Permission” means planning permission reference 2007/91021 granted by the Council on date 17th May 2007

“the Plan” means the plan annexed hereto

“the Planning Permission” means the planning permission to be granted under reference number 2017/92523

“the Property ” means the land at 22 Park Drive Huddersfield HD1 4EB in the County of West Yorkshire which is more particularly shown edged red on the Plan

2. GENERAL

- 2.1 No person shall be liable for breach of a covenant contained in this Deed after he shall have parted with all interest in the Site or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest
- 2.2 The covenants contained in this Deed shall take effect upon the date hereof
- 2.3 If the Planning Permission expires or is revoked or otherwise withdrawn or modified without the consent of the Owner or its successors in title this Deed shall forthwith determine and cease to have effect but without prejudice to any rights liabilities or obligations which may have been incurred by or shall have accrued to any party prior to such determination
- 2.4 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission granted (whether or not on appeal) after the date of this Deed

H. M. LAND REGISTRY

NATIONAL GRID PLAN

SE 1317

SECTION

P

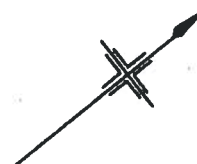
~~YORKSHIRE~~

COUNTY OF WEST YORKSHIRE
KIRKLEES DISTRICT

Scale 1/1250

GLEDHOLT ROAD

~~MIDDLESFIELD COUNTY BOROUGH~~



12/5

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VERNON AVENUE



Filed Plan of Title No. **YK 33222**

- 2.5 This Deed is a local land charge and shall be registered as such
- 2.6 The provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply to this Deed
- 2.7 The Owner shall pay to the Council its legal costs in the sum of £150 in negotiating and preparing this Deed

3. OWNER'S COVENANT

To implement only the Planning Permission and not to permit or allow erection of the detached garage under the Garage Permission

IN WITNESS whereof the parties below have executed this document as a deed:

Signed as a Deed by

HAJERA HABIBEE

in the presence of:

Witness Signature:

Witness Name:ALAN DAVIES.....

Witness Address:17.3 Kalfon hana Grotten
Oldham OL4 5QY.....

Witness Occupation: Architect

DATED 20th October **2017**

HAJERA HABIBEE

UNDERTAKING

Under Section 106 of the Town and Country
Planning Act 1990 relating to land at 22 Park Drive
Huddersfield HD1 4EB
