

DATED 8 April **2021**

THE COUNCIL OF THE BOROUGH OF KIRKLEES

AND

H.H SERVICES LIMITED

DEED OF VARIATION TO SECTION 106 AGREEMENT

relating to 106 Greenfield Road Holmfirth HD9 2LP

THIS DEED OF VARIATION is made the day of 8 April 2021

BETWEEN:

- (1) **THE COUNCIL OF THE BOROUGH OF KIRKLEES** of the Town Hall, Huddersfield, West Yorkshire, HD1 2TA ("the Council") and
- (2) **H.H SERVICES LIMITED** (Company No.06151941) whose registered office is at 100 High Ash Drive, Alwoodley, Leeds, West Yorkshire, LS17 8RE and **STEPHEN KARL HEINZ AND LINDA HEINZ** both of Intake Farm, Wolfstones Road, Holmfirth HD9 3UU and **GEORGE STEPHEN HOBKIRK** of 64 Rawdon Road, Horsforth, Leeds LS18 5EW as trustees of the HH Services Ltd directors Pension Plan ("the Owner")

WHEREAS:

- (1) The Council is the Local Planning Authority for the purposes of the Act for the area within which the Site is situated and is the authority by whom the obligations contained in this Agreement are enforceable.
- (2) The Owner is the registered proprietor of the Site with absolute freehold title under title numbers YY44134, YY42147 and YY103404.
- (3) The Council entered into an agreement with the Owner on 4th February 2020 ("the Principal Agreement") pursuant to Section 106 of the Act.
- (4) The Principal Agreement related to a scheme originally approved under outline planning consent 2015/94106, reserved matters for which was approved in relation to landscaping and appearance under reference 2019/90727 but which was subsequently superseded by planning permission number 2019/91004 (which removed condition 6 (affordable housing) from 2015/94106
- (5) For the avoidance of doubt and ease of reference the Principal Deed secured the payment of the commuted sum for Public Open Space in the sum of £21,160 within one month of completion of the first dwelling on the development
- (6) By application reference 2020/93548 the Owner seeks to vary condition 9 10 11 12 14 and 15 of the granted planning permission reference 2019/91004

- (7) The Council and the Owner have agreed to vary the said terms of the Principal Agreement in manner hereinafter appearing

NOW THIS DEED WITNESSES AS FOLLOWS:

1. In this Agreement and for the purposes of the recitals to this Agreement all expressions shall have the meanings ascribed to them in the Principal Agreement unless a contrary meaning is expressed herein.

2. The Council and the Developer hereby agree that the terms of the Principal Agreement shall be varied as follows:

the definition of "Planning Permission in Clause 1 Definitions " in the Principal Agreement shall be deleted and replaced with the following:

"Planning Permission means the planning permission granted by the Council under reference 2019/91004 as varied by 2020/93548

3. In all other respects the Council and the Owner hereby confirm that the terms of the Principal Agreement shall remain in full force and effect as varied and amended by this Agreement.
- 4 The Owner shall pay the Council its reasonable costs in the preparation of this Agreement.

IN WITNESS whereof these presents have been duly executed as a deed by the parties hereto the day and year first before written

**THE CORPORATE COMMON SEAL of
THE COUNCIL OF THE BOROUGH
OF KIRKLEES** was hereunto
Affixed but not delivered until the
Date hereof in the presence of:



014060

~~Assistant Director~~ / Authorised Signatory

EXECUTED as a Deed by
H.H. SERVICES LIMITED Director
Acting by one Director in the presence of

Witness:

Name: []

Address:

EXECUTED as a Deed by
The said
STEPHEN KARL HEINZ
in the presence of

Witness:

Name:

Address:

EXECUTED as a Deed by

The said

LINDA HEINZ

in the presence of

Witness

Name:

Address

EXECUTED as a Deed by

The said

GEORGE STEPHEN HOBKIRK

in the presence of

Witness:

Name:

Address: