

Hungerford Triangle Field

Boundary detail



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and Communication Services' Geographic
Information System

PARISH BOUNDARIES
 Text OS 1:1250 LANDLINE DATA ANNO
 OS 1:1250 LANDLINE DATA POINT
 OS 1:1250 LANDLINE DATA ARC
 Building Outline
 Building Pecks
 Parish Boundary
 Pecked Road Metalling
 General Line Detail
 General Peck Detail
 Vegetation Limit (sup)
 Vegetation Limit
 Minor Line Detail
 Water Feature
 Centre Line of Road
 Top of Slope
 Bottom of Slope
 Railway

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West Berkshire District Council LA 090 72L

27 Jan 2009

1:1045



West Berkshire
 C 090 72L

Sarah House

From: Colin Broughton
To: Sarah House
Cc: Sarah Foster
Subject: FW: Allotments in Hungerford
Attachments:

Sent: Mon 16/03/2009 10:58

Sarah,

Annette was dealing with a proposal to use part of the Triangle Field Hungerford for allotments, the Hungerford Town Council having taken a lease on the field and the TC now wish to have licence from WBDC to permit them to let the part of the site as allotments.

Heads of Terms were agreed and Annette had a copy but as she is away from the office will someone else be able to pick up on this and respond to David small who is the solicitor acting for the TC.

regards,

Colin

From: David Small [mailto:David@dagsmall.co.uk]
Sent: Wed 11/03/2009 15:50
To: Colin Broughton
Cc: Town Clerk; Peter Harries; Annette Thomas
Subject: RE: Allotments in Hungerford

Hello again Colin - any chance of some progress?

Regards
 David

-----Original Message-----

From: David Small [mailto:David@dagsmall.co.uk]
Sent: 18 February 2009 14:22
To: Colin Broughton
Cc: Town Clerk; Peter Harries; Annette Thomas
Subject: RE: Allotments in Hungerford

Thanks Colin -

I think that the planting scheme won't be a problem as the Town Council don't plan to use this particular area after all. The car park issue therefore doesn't matter either, although this isn't demised to the rug club - their underlease merely gives them a right to use it.

£250 is fine. Look forward to receiving draft Licence as soon as convenient.

Regards
 David

-----Original Message-----

From: Colin Broughton [mailto:CBroughton@westberks.gov.uk]
Sent: 17 February 2009 14:50
To: David Small
Cc: Town Clerk; Peter Harries; Annette Thomas
Subject: RE: Allotments in Hungerford

David,

Thank you for your mail.

I would suggest £250 to cover the councils costs in this matter.

I would just draw your attention to the current planning condition attached to the Rugby Club building where a planting scheme was agreed on the land at the end of the car park which is proposed to be used as an allotment and I suspect that application will need to be made to the planning dept to relax this condition attached to application No 05/02564.

Presumably some agreement with the Rugby Club will be needed to allow access across the car park as it appears now to be demised to the Rugby club.

regards,

Colin

From: David Small [mailto:David@dagsmall.co.uk]
Sent: Wed 11/02/2009 15:48
To: Colin Broughton
Cc: Town Clerk; Peter Harries; Annette Thomas
Subject: Allotments in Hungerford

Colin, this is to confirm that I have been instructed by the Town Council in this matter and have been given a copy of your Heads of Terms. I look forward to receiving a draft Licence from Annette for my and the Council's approval as soon as convenient. Will your Council be seeking any legal costs contribution?

Best regards
David

David Small
Solicitor

Crown Passage, 23 High Street, Hungerford, Berkshire RG17 0NF
DX 47104 Hungerford Email David@Dagsmall.co.uk
Tel 01488 680701 Fax 01488 681063

Mobile 0771 3094759

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Annette Thomas

From: David Small [David@dagsmall.co.uk]
To: Colin Broughton
Cc: Town Clerk; Peter Harries; Annette Thomas
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Attachments:

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**David Small
Solicitor**

Crown Passage, 23 High Street, Hungerford, Berkshire RG17 0NF
DX 47104 Hungerford Email David@Dagsmall.co.uk
Tel 01488 680701 Fax 01488 681063 Mobile 0771 3094759

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Annette Thomas

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To: Colin Broughton
Cc: Town Clerk; Peter Harries; Annette Thomas
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Attachments:

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Best regards
 David

David Small
Solicitor

Crown Passage, 23 High Street, Hungerford, Berkshire RG17 0NF

Hannah Stanley

From: Annette Thomas
Sent: 17 February 2009 15:00
To: Hannah Stanley
Subject: FW: Allotments in Hungerford

From: Colin Broughton
Sent: Tue 17/02/2009 14:50
To: David Small
Cc: Town Clerk; Peter Harries; Annette Thomas
Subject: RE: Allotments in Hungerford

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DX 47104 Hungerford Email David@Dagsmall.co.uk
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17/02/2009

Hannah Stanley

From: Annette Thomas
Sent: 13 February 2009 10:42
To: Colin Broughton
Cc: Hannah Stanley
Subject: FW: Allotments in Hungerford

Colin

Unsure whether I shall be around next week (sorry to be so vague) but if I'm not could you please confirm to David Small the specific planning condition which needs to be addressed for the land in question to be used as allotments and also the issue relating to the right of way.

I suggest we request £250 as a contribution to the Council's legal fees.

Thanks.

From: David Small [mailto:David@dagsmall.co.uk]
Sent: Wed 11/02/2009 15:48
To: Colin Broughton
Cc: Town Clerk; Peter Harries; Annette Thomas
Subject: Allotments in Hungerford

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Hannah Stanley

From: Annette Thomas
Sent: 11 February 2009 15:51
To: Colin Broughton
Cc: Hannah Stanley
Subject: FW: Allotments in Hungerford

Colin

I don't know whether you want to e mail David Small and relay the need for the planning condition(s) and right of way issues to be resolved before the licence can be granted. Alternatively, I can respond later this week, although I will need to meet with you to clarify the right of way in question.

Thanks.

From: David Small [mailto:David@dagsmall.co.uk]
Sent: Wed 11/02/2009 15:48
To: Colin Broughton
Cc: Town Clerk; Peter Harries; Annette Thomas
Subject: Allotments in Hungerford

Colin, this is to confirm that I have been instructed by the Town Council in this matter and have been given a copy of your Heads of Terms. I look forward to receiving a draft Licence from Annette for my and the Council's approval as soon as convenient. Will your Council be seeking any legal costs contribution?

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Hannah Stanley

From: Annette Thomas
Sent: 11 February 2009 15:27
To: Hannah Stanley
Subject: FW: Allotments at Triangle Field
Attachments: heads of terms - use as allotments (clean) - 27-01-09.doc

From: Colin Broughton
Sent: Wed 11/02/2009 15:21
To: Annette Thomas
Subject: FW: Allotments at Triangle Field

Annette,

Copy of the Heads of terms fyi.

regards,

Colin

From: Colin Broughton
Sent: Fri 30/01/2009 12:12
To: gkoddjob@yahoo.co.uk
Cc: Annette Thomas
Subject: Allotments at Triangle Field

Dear Mr Harries,

I attach herewith draft Heads of Terms in respect of the Town Councils proposals to use part of the Triangle Field Hungerford as allotment gardens which are issued subject to contract and without prejudice.

A Licence will be needed regarding the use of the land for allotments, and a draft Licence will be prepared by the Councils solicitor shortly which the Town Council will need to approve.

Could you confirm whether the Town Council will be engaging a legal representative to advise them in respect of the Licence and if so, could you please forward their details.

The Heads of Terms and Licence are issued on the basis of the District Council in its capacity as landowner, and the Town Council needs to address the issues of any planning permissions or amendments to existing consents directly with the planning authority.

Yours sincerely,

Colin Broughton
Estates Officer

11/02/2009

HEADS OF TERMS REGARDING TRIANGLE FIELD USE AS ALLOTMENTS

- 1) The area of land to be used as allotments as shown outlined red on the attached plan.
- 2) The land to be used as allotment gardens to be managed by Hungerford Town Council Allotment Committee in accordance with any legislation governing the use of land for allotments.
- 3) All services required i.e. water, drainage, electricity (if required) to be provided and maintained at the expense of the Town Council.
- 4) Any planning or statutory consents required for the use of the land or provision of access or temporary buildings to be obtained by the Town Council.
- 5) The Town Council to hold Third Party liability insurance against any claims that may arise on the land and to indemnify the District Council as owner.
- 6) The site to be fenced off from the Triangle Field by chain link fencing no higher than 1.8 metres or such other type of fencing as the council may approve.
- 7) West Berkshire District Council to approve the licence agreement that is to be used by the Town Council in respect of licencing the allotments.
- 8) At the end of the term however occasioned, to reinstate the allotments back to playing field use if requested to do so by West Berkshire District Council and remove all fencing, structures and lay the land out to a grass surface to the satisfaction of the District Council.
- 9) The Town Council to satisfy itself that there are no pipes, cables or other services that will be disrupted by cultivation of this area of land.
- 10) The Town Council to erect a notice board giving contact details in respect of the allotments in a conspicuous position on the site.
- 11) Each side to bear its own costs in preparing the necessary documentation.
- 12) With regard to the proposed use of land to the south of the car park, there is currently a planting scheme attached to the Rugby Club planning application 05/02564, and this condition will need to be relaxed by applicaton to the planning dept and the use of land changed to that of allotments.
- 13) Access to the proposed area to the south is via the car park, which is shown in the proposed underlease to the Rugby Club as being within their demise, and arrangements for allotment holders to have access over the car park will need to be agreed with the Rugby Club.

Hannah Stanley

From: Annette Thomas
Sent: 11 February 2009 15:11
To: Colin Broughton
Cc: Hannah Stanley
Subject: RE: Allotments at Triangle Field

Thanks Colin.

I look forward to receiving the draft heads of terms which you sent to the Town Council.

Regards

Annette.

From: Colin Broughton
Sent: Wed 11/02/2009 14:52
To: Annette Thomas
Subject: FW: Allotments at Triangle Field

Annette,

Copy of response from town Council.

I will forward a copy of the Heads of Terms separately.

regards,

Colin

From: Peter Harries [mailto:gkoddjob@yahoo.co.uk]
Sent: Wed 11/02/2009 10:04
To: Colin Broughton
Subject: Re: Allotments at Triangle Field

Colin

Sorry for delay but council needed to agree for solicitor, now OK I will pass this over to David Small today and he will contact you

Thanks for your help

Peter

--- On Fri, 30/1/09, Colin Broughton <CBroughton@westberks.gov.uk> wrote:

From: Colin Broughton <CBroughton@westberks.gov.uk>
Subject: Allotments at Triangle Field
To: gkoddjob@yahoo.co.uk
Cc: "Annette Thomas" <AThomas@westberks.gov.uk>
Date: Friday, 30 January, 2009, 12:12 PM

Dear Mr Harries,

I attach herewith draft Heads of Terms in respect of the Town Councils proposals to use part of the Triangle Field Hungerford as allotment gardens which are issued subject to contract and without prejudice.

A Licence will be needed regarding the use of the land for allotments, and a draft Licence will be prepared by the Councils solicitor shortly which the Town Council will need to approve.

Could you confirm whether the Town Council will be engaging a legal representative to advise them in respect of the Licence and if so, could you please forward their details.

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Yours sincerely,

Colin Broughton
Estates Officer

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Hannah Stanley

From: Annette Thomas
Sent: 11 February 2009 15:10
To: Hannah Stanley
Subject: FW: Allotments at Triangle Field

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To: Annette Thomas
Subject: FW: Allotments at Triangle Field

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Hannah Stanley

From: Annette Thomas
Sent: 11 February 2009 14:26
To: Colin Broughton
Cc: Hannah Stanley
Subject: RE: Triangle Field Use as Allotments

Thanks Colin.

I'm unsure whether the letter yet has been sent to Mr. Harries.

I suggest the Heads of Terms also incorporate the amendments I made in my e mail of 27th January (sent by Hannah Stanley) at 14.58.

The covering letter should also include reference to the issues contained in paragraphs 3,4 and 5 of my draft letter also attached to the e mail referred to above.

Could you please forward me a copy of your letter to Mr. Harries.

Thanks.

From: Colin Broughton
Sent: Fri 30/01/2009 11:05
To: Annette Thomas
Subject: Triangle Field Use as Allotments

Annette,

I have now inspected the Triangle Field and the location of the area for allotments does not appear to interfere with the playing field and the NW perimeter is rough shrub/bush type undergrowth and not mature trees so there will not be an issue regarding any tree removal.

With regard to the land to the south adjoining the car park hammer head, this is currently an open area and would be suitable for allotments but the Town Council will need to apply to the Planning dept for the relaxation of the planning condition attached to the rugby club consent in respect of landscaping as this area is shown as planted.

Additionally the Town Council will need to come to some arrangement with the rugby club regarding access over the car park since it seems that the TC Underlease includes the car park within the demise and there is now a gate across the car park entrance.

I am not sure whether the TC control access but it seems the car park is now the rugby club is the sole beneficiary of the car park whereas I presume the Triangle Field is generally open to the public albeit managed by the Town Council and possibly only rights reserved over the car park would be more appropriate rather than demise it to the club.

I will add a requirement to the Heads of terms in respect of the planning and right of way across the car park and forward it to the Mayor.

regards,

Colin

11/02/2009

Hannah Stanley

From: Annette Thomas
Sent: 10 February 2009 09:52
To: Hannah Stanley
Subject: FW: Allotments at Triangle Field
Attachments: heads of terms - use as allotments (clean) - 27-01-09.doc

Please print and place on front of file.

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Yours sincerely,

Colin Broughton
Estates Officer

10/02/2009

Hannah Stanley

From: Hannah Stanley
Sent: 27 January 2009 14:58
To: Colin Broughton
Cc: Annette Thomas
Subject: Triangle Field - Use as Allotments
Attachments: hannah - mr p harries_hungerford town council.doc; heads of terms - use as allotments (strikeout) - 27-01-09.doc; heads of terms - use as allotments (clean) - 27-01-09.doc

Sent on behalf of Annette Thomas

Colin,

Thanks for your email and apologies for the delay in responding.

I have checked the Headlease dated 10th September 1992 and it is unnecessary for a separate lease to be prepared. I think a licence incorporating the revised heads of terms (attached) will suffice. This is on the assumption the allotment land will not impinge on the underlease granted to the Rugby Club and any planning conditions (in particular landscaping) relating to the erection of the Club.





I note you will visit the site to check the physical layout with the plan supplied to you by Peter Harries.

In the interim I attach draft letter and revised Heads of Terms which I suggest be forwarded to Peter Harries and the Clerk to the Town Council, subject to any changes you wish to make following your site visit.

Thanks

Annette

Hannah Stanley, Support Services Assistant

 Legal & Electoral Services, West Berkshire Council, Market Street, Newbury RG14 5LD
 (01635) 519584 (external)  2584 (internal)  (01635) 519431



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From: Colin Broughton
Sent: Mon 12/01/2009 15:54
To: Annette Thomas
Subject: Triangle Filed Use as Allotments

Annette,

Further to your mail of 11 December 2008 I attach some draft Heads of Terms as suggested.

The Mayor of Hungerford has contacted me again and from his researches says that an allotment is a recreational use and Derek Carnegie in planning supports the use.

I have spoken with Kathy Warden who is not concerned as Countryside has no involvement here.

I have not yet suggested to the Town Council that we do a surrender and regrant a new lease yet but perhaps when you have looked at the Heads of Terms if you wish to amend or add anything to them I will forward them to the Town Council for comment.

regards,

27/01/2009

() January 2009

Mr Peter Harries
Mayor of Hungerford Town Council
Woodlands
43 Church Way
Hungerford
Berkshire
RG17 0JP

By email and 1st class post

DRAFT

Dear Mr Harries

Triangle Field – Use as Allotments

I write in connection with the Town Council's request to use part of Triangle Field as allotments.

I attach Heads of Terms prepared by Mr Colin Broughton (Estates Officer) relating to the Licence which will need to be prepared regarding use of the land as allotments. The plan referred to in the Heads of Terms will be forwarded by post this evening. Mr Broughton needs to check and confirm with you the proposed allotment land does not impinge on the land underlet to the Rugby Club and any planning conditions relating to the erection of the Club, in particular approved landscaping scheme. Mr Broughton will contact you direct in relation to this issue.

I assume the Town Council will need to resolve the Heads of Terms are approved before the Licence can be executed.

In the interim, I shall be preparing the draft Licence on the assumption the Town Council will approve the terms. Could you please confirm whether you intend to instruct a legal representative to approve the Licence and if so, perhaps you could confirm his/her contact details.

Please note this letter is sent on behalf of the Council in its capacity as landowner, and the Town Council needs to address the issue of any planning permission which may be required, with the planning authority.

Legal and Electoral Services

West Berkshire District Council
Council Offices
Market Street Newbury
Berkshire RG14 5LD

Our Ref: ACT/HS/L100660

Your Ref:

Please ask for: Miss A. Thomas

Direct Line: 01635 519341

Fax: 01635 519431

e-mail: athomas@westberks.gov.uk

I look forward to hearing from you.

Yours sincerely

Miss Annette Thomas
Principal Solicitor (Property & Commercial)

Att

cc: Ms J Collins – Clerk to Hungerford Town Council
Mr Colin Broughton – Estates Officer

HEADS OF TERMS REGARDING TRIANGLE FIELD USE AS ALLOTMENTS

- 1) The area of land to be used as allotments ~~surrendered from the existing lease to be as shown outlined red on the attached plan and simultaneously a new lease of this area to be granted to Hungerford Town Council.~~
- 2) ~~The new lease of the 'allotment land' to run for a term contemporaneously with that of the existing lease of The Triangle Field dated 10 September 1992.~~
- 3) ~~The rent to be one peppercorn if demanded.~~
- 4) ~~2) The land to be used as allotment gardens to be managed by Hungerford Town Council Allotment Committee in accordance with any legislation governing the use of land for allotments.~~
- 5) ~~The parties to the lease will be West Berkshire District Council (Landlord) and Hungerford Town Council (Tenant).~~
- 6) ~~3) All services required i.e. water, drainage, electricity (if required) to be provided and maintained at the expense of the Town Council.~~
- 7) ~~4) Any planning or statutory consents required for the use of the land or provision of access or temporary buildings to be obtained by the Town Council.~~
- 8) ~~5) The Town Council to hold Third Party liability insurance against any claims that may arise on the land and to indemnify the District Council as owner.~~
- 9) ~~6) The site to be fenced off from the Triangle Field by chain link fencing no higher than 1.8 metres or such other type of fencing as the council may approve.~~
- 10) ~~7) West Berkshire District Council to approve the licence agreement that is to be used by the Town Council in respect of licencing the allotments.~~
- 11) ~~8) At the end of the term however occasioned, to reinstate the allotments back to playing field use if requested to do so by West Berkshire District Council and remove all fencing, structures and lay the land out to a grass surface to the satisfaction of the District Council.~~
- 12) ~~The Town council not to assign the lease of the whole.~~
- 13) ~~9) The Town Council to satisfy itself that there are no pipes, cables or other services that will be disrupted by cultivation of this area of land.~~
- 14) ~~10) The Town Council to erect a notice board giving contact details in respect of the allotments in a conspicuous position on the site.~~
- 15) ~~11) Each side to bear its own costs in preparing the necessary documentation.~~

HEADS OF TERMS REGARDING TRIANGLE FIELD USE AS ALLOTMENTS

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- 10) The Town Council to erect a notice board giving contact details in respect of the allotments in a conspicuous position on the site.
- 11) Each side to bear its own costs in preparing the necessary documentation.

Hannah Stanley

From: Annette Thomas
Sent: 27 January 2009 10:49
To: Hannah Stanley
Subject: FW: Allotments Triangle Field Hungerford

From: Annette Thomas
Sent: Tue 27/01/2009 10:49
To: Colin Broughton
Subject: RE: Allotments Triangle Field Hungerford

Thanks Colin.

From: Colin Broughton
Sent: Tue 27/01/2009 10:31
To: Annette Thomas
Subject: Allotments Triangle Field Hungerford

Annette,

The correspondence from Hungerford Town council was by letter but there is a mail address on the letterhead which is hungerfordclerk@hotmail.co.uk for the Town Clerk or for Peter Harries his mail address is :- gkoddjob@yahoo.co.uk and his address for correspondence is The Mayor, Mr Peter Harries, Woodlands, 43 Church Way, Hungerford, Berkshire, RG17 0JP Tel No 01488 682966.

regards,

Colin

27/01/2009

Hannah Stanley

From: Annette Thomas
Sent: 21 January 2009 16:45
To: Stewart Souden
Cc: Hannah Stanley
Subject: RE: missed call - H`ford Allotments

Hi Stewart I have spoken to them.

The intention is to use part of the recreation ground which the Council leases to them be used as allotments.

I have since spoken to them.

Thanks.

From: Stewart Souden
Sent: Wed 21/01/2009 16:32
To: Annette Thomas
Subject: RE: missed call

Hi Annette

I has a weird call from Hungerford Town Council yesterday asking for an update on something to do with allotments.

I think that this may be something to do with Colin Broughton and yourself? I was not aware of the background and could not help the caller....

Rgds Stewart

From: Annette Thomas
Sent: 21 January 2009 11:15
To: Stewart Souden
Subject: FW: missed call

Stewart - I shall be around this afternoon - after 2 if you want to speak to me.

Thanks.

From: Jayne Mann
Sent: Tue 20/01/2009 10:52
To: Annette Thomas
Subject: missed call

Stewart Souden X2553

Jayne Mann P.A. to David Holling

 Legal & Electoral Services, West Berkshire Council, Market Street, Newbury RG14 5LD
 01635) 519425 (external)  2425 (internal)  (01635) 519431

21/01/2009

Hannah Stanley

From: Annette Thomas
Sent: 12 January 2009 15:56
To: Hannah Stanley
Subject: FW: Triangle Filed Use as Allotments
Attachments: HEADS OF TERMS REGARDING TRIANGLE FIELD USE AS ALLOTMENTS.doc

From: Colin Broughton
Sent: Mon 12/01/2009 15:54
To: Annette Thomas
Subject: Triangle Filed Use as Allotments

Annette,

Further to your mail of 11 December 2008 I attach some draft Heads of Terms as suggested.

The Mayor of Hungerford has contacted me again and from his researches says that an allotment is a recreational use and Derek Carnegie in planning supports the use.

I have spoken with Kathy Warden who is not concerned as Countryside has no involvement here.

I have not yet suggested to the Town Council that we do a surrender and regrant a new lease yet but perhaps when you have looked at the Heads of Terms if you wish to amend or add anything to them I will forward them to the Town Council for comment.

regards,

Colin

12/01/2009

HEADS OF TERMS REGARDING TRIANGLE FIELD USE AS ALLOTMENTS.

- 1) The area of land to be surrendered from the existing lease to be as shown outlined red on plan and simultaneously a new lease of this area to be granted to Hungerford Town Council.
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14) The Town Council to erect a notice board giving contact details in respect of the allotments in a conspicuous position on the site.

15) Each side to bear its own costs in preparing the necessary documentation.

Hannah Stanley

From: Annette Thomas
Sent: 12 January 2009 14:48
To: Hannah Stanley
Subject: FW: Triangle Field hungerford use as allotments

From: Colin Broughton
Sent: Mon 12/01/2009 14:41
To: Kathy Warden
Cc: Annette Thomas
Subject: Triangle Field hungerford use as allotments

Kathy,

Hungerford Town Council has approached the council with a request that part of the Triangle Field around the eastern periphery be used for allotments as the Town Council currently has some 100 requests for allotments which it cannot fulfill.

The use will not interfere with the current use of the field as a rugby or football pitch and the Town Council are to contact the adjoining houses as a courtesy to address any concerns they may have.

The lease to the Town Council restricts the use to that of open space for sports games or activities although with the landlords consent they could use it for other purposes and the Town Council Mayor assures me an allotment comes under a redreational activity.

In terms of change of use the planners have indicated that to use as an allotment planning consent is not required but if permanent structures are created then they may require consent.

Would Countryside and environment have any issues about a 15 metre strip on the eastern boundary being put over to allotments and would you have any specific requirements.

regards,

Colin

12/01/2009

Hannah Stanley

From: Hannah Stanley
Sent: 11 December 2008 15:36
To: Colin Broughton
Cc: Annette Thomas
Subject: Triangle Field - Hungerford Allotments

Sent on behalf of Annette Thomas

Colin,

Thanks for your memo dated 12th December 2008.

I note in principle you have no objection to the proposal regarding the allotments.

One of the initial issues to be addressed is planning. I think Paul Jackson confirmed planning permission would not be required, unless there were buildings erected on the land. However, planning permission may be required for vehicular access. I suggest you contact Paul Jackson direct for further confirmation on this point.

I suggest the Heads of Terms refer to a surrender rather than a Deed of Variation as there will be major variations to the terms of the lease. In those circumstances a surrender is appropriate.

The Heads of Terms should clearly reflect the works you require to be undertaken and the transaction should also be subject to a resolution by the Parish Council, subject to delegated authority from the District Council, subject to any planning permission (which may be required being obtained) and also subject to the District Council approving any agreements/licences granted to allotment holders.

I also suggest you contact Kathy Warden in Countryside & Environment to inform her of the proposals.


Under the terms of the lease, it is possible to request the land revert to a previous or different use. However, this would also be dictated by the planning regime. You may wish to discuss this further with Paul Jackson. I suggest the Council retains the freehold reversion (rather than an outright disposal).

Colin, I suggest in the first instance you prepare draft Heads of Terms. I will then approve the Heads of Terms before they are issued to the Parish Council.


Thanks

Annette

Hannah Stanley, Support Services Assistant

 Legal & Electoral Services, West Berkshire Council, Market Street, Newbury RG14 5LD

 (01635) 519584 (external)  2584 (internal)  (01635) 519431

 Please consider the environment before printing this e-mail

MEMORANDUM

To:	Annette Thomas – Principal Solicitor	Our Ref:	CB/pc/201/98/33.4
From:	Colin Broughton – Property Services	Your Ref:	
Extn:	2833	Date:	12 December 2008

HUNGERFORD ALLOTMENTS

I have received the attached letter from Hungerford Town Council requesting that WBDC permit them to change the use of part of the Triangle Field shown hatched red on the attached plan to that of allotments.

As you are aware the Town Council leases the field from West Berkshire District Council under a 50 years lease from 10 September 1992 at a nominal rental of £5 p.a. the lease containing an option for the Town Council to extend their lease for a further 50 years on the same terms.

The lease does prohibit subletting or parting with possession and currently the uses are prescribed to sporting activities and no buildings are to be erected except an extension to the pavilion.

However, clearly the Council can vary the lease if it so chooses, and in principle given that WBDC may not get possession of the field for over 80 years, and that the Town Council are presumably best placed to assess the need in the locality, I would have no objection to the proposal.

There are specific issues the Town Council will need to address such as fencing in the allotment, providing vehicular access to the individual plots and possibly laying on some sort of metered water supply. Additionally the permission to site temporary sheds on the allotments may have to be agreed.

I believe that the users of the allotments are usually given a yearly licence, and Newbury Town Council lets plots of around 1,000 sq. ft at £25p.a. so there is no money to be made by the Town Council if it has to fence the site and provide water and manage the allotment holders.

In total the Town Council may be likely to obtain total rents of £500 p.a. if it can get around 20 allotments but if an access drive has to be left vacant this could reduce the income.

One issue however that I am not clear on is whether, if the land is given over to allotments it is lost to this use forever and whether at the end of the lease the land could if required, revert back to WBDC and open space.

Cont'd2/.....

Annette Thomas
File Ref: CB/pc/201/98/33.4
10 December 2008

Whether any agreement is dealt with as a Deed of Variation or we agree to take a Surrender of the land to be allotments and grant a new lease will need to be discussed, but if the land once given over to allotments cannot be reclaimed by WBDC, consideration may need to be given to whether an outright disposal may be appropriate.

I would welcome any thoughts you may have on the subject prior to me responding to the Town Council.

Regards



COLIN BROUGHTON
ESTATES OFFICER

enc: Copy correspondence for Hungerford Town Council

HUNGERFORD TOWN COUNCIL

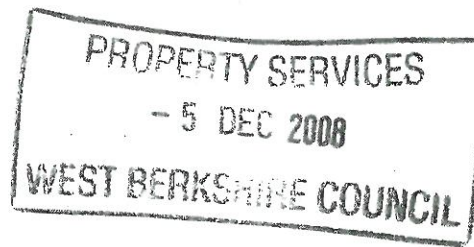
The Mayor
Mr Peter Harries
'Woodlands'
43 Church Way
Hungerford
Berkshire RG17 0JP
Tel: 01488 682966
gkoddjob@yahoo.co.uk



The Town Clerk
Mrs Jennie Collins
The Library
Church Street
Hungerford
Berkshire RG17 0JG
Tel: 01488 686195
hungerfordclerk@hotmail.co.uk

3rd December 2008

Amanda Dennis
Property Services
West Berkshire Council
Council Offices
Market Street
Newbury
Berkshire RG14 5LD




Dear Amanda

Reference our telephone conversation yesterday regarding the use of scrub land on the western edge of the Triangle Field, Priory Road, for garden allotments. As you are aware, Hungerford Town Council has a duty to provide allotments for the people of the town, and the allotments site at Priory Road has been reclaimed by the church of Our Lady of Lourdes.

Hungerford Town Council has identified the area at the Triangle Field as a prospective site and would request West Berkshire Council, as the owner, to permit us to proceed to convert this area for allotment use.

As requested, I have enclosed a plan of the site with the area marked, and your further advice would be appreciated.

Yours sincerely


Peter Harries
Mayor

Triangle Field Hungerford
proposed Allotment site



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**COUNCIL PROPERTY OWNED
PARISH BOUNDARIES**

Text OS 1:1250 LANDLINE DATA ANNO
 • OS 1:1250 LANDLINE DATA POINT
 OS 1:1250 LANDLINE DATA ARC

Building Outline
Building Pecks
Building Round

- Parish Boundary
- Pecked Road Metalling

General Line Detail

Vegetation Limit (sup)

Vegetation Limit
 A / Missing Data Detail

✓ Minor Line Detail
✓ Water Feature

Centre Line of Road

Top of Slope
Bottom of Slope

 Railway

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West Berkshire District Council LA 090 72

08Dec2008

1:3020



West
Berkshire

Hannah Stanley

From: Annette Thomas
Sent: 02 December 2008 12:39
To: Kathy Warden; Paul Jackson
Cc: Steve Broughton; Hannah Stanley; Colin Broughton
Subject: RE: Allotments - Hungerford

Thanks Kathy - I just wanted to alert you if the proposal becomes more definite.

From: Kathy Warden
Sent: Tue 02/12/2008 12:37
To: Annette Thomas; Paul Jackson
Cc: Steve Broughton; Hannah Stanley; Colin Broughton
Subject: RE: Allotments - Hungerford

Just to confirm that this section has no involvement with maintenance of the Triangle Recreation Ground thus it seems appropriate to leave discussion of the proposal with TTC and Property/Planning.

Regards

Kathy

From: Annette Thomas
Sent: 02 December 2008 11:20
To: Paul Jackson
Cc: Steve Broughton; Kathy Warden; Hannah Stanley; Colin Broughton
Subject: RE: Allotments - Hungerford

Thanks Paul.

If you need further information as to current use please let me know.

Also could you please let me have copies for my file.

Thanks for confirming he needs to contact Property - I have also confirmed this to him and the Town Council as Tenant will also need to approve the variation to the Lease.

I have also copied Kathy in to this e mail as she may wish to discuss the proposal with the Town Council.

Thanks.

Annette.


From: Paul Jackson
Sent: Tue 02/12/2008 11:09
To: Annette Thomas
Cc: Steve Broughton
Subject: RE: Allotments - Hungerford


Just spoken to him and suggested that he sends me a letter setting out his proposals and I would confirm if pp is required. I think pp is not required for the use but will be required for any buildings. I have also suggested that he contact property as it is WBC land.

02/12/2008

Regards

Paul Jackson, Development Control Manager

 Planning & Trading Standards, West Berkshire Council, Council Offices, Market Street,
Newbury, Berkshire, RG14 5LD

 (01635) 519304 (external) Ext: 2304



Please consider the environment before printing this e-mail

From: Annette Thomas

Sent: 02 December 2008 11:03

To: Paul Jackson

Subject: Allotments - Hungerford

I received a call from Peter Harries - H'ford Town Council regarding potential use of part of recreation land at H'ford being used as allotments. This land is owned by the District Council - leased by Town Council. He was under the impression planning permission not required - I said it was and he needed to speak to you.

Thanks Paul.

02/12/2008

Hannah Stanley

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Cc: Steve Broughton; Hannah Stanley; Colin Broughton
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 Planning & Trading Standards, West Berkshire Council, Council Offices, Market Street,
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Thanks Paul.

02/12/2008

ATTENDANCE NOTE

File No.: L100660

Date: 2 December 2008

Subject: Triangle Field

ACT receiving telephone call from Peter Harries.

Peter Harries was ringing in connection with Triangle Field. He said there was a possibility the Town Council would want to use part of the land as allotments. I said in the first instance, we would need to check with the planners as to the planning situation as I anticipated planning permission would be required. Mr Harries was under the impression this was not required and they just needed to notify the District Council. I said this was not the case.

I said if it was likely planning permission was to be granted, the District Council would also need to agree to the proposal in its capacity as the landowner. The Town Council would also need to agree to the variation to the lease as it was currently used for recreational purposes.

I suggested Peter Harries contact Paul Jackson to discuss the question of planning and use as allotments.

Hannah Stanley

From: Annette Thomas
Sent: 02 December 2008 11:20
To: Paul Jackson
Cc: Steve Broughton; Kathy Warden; Hannah Stanley; Colin Broughton
Subject: RE: Allotments - Hungerford

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Thanks Paul.

02/12/2008

Hannah Stanley

From: Annette Thomas
Sent: 02 December 2008 11:05
To: Hannah Stanley
Subject: FW: missed call (Triangle field)

From: Jayne Mann
Sent: Tue 02/12/2008 10:50
To: Annette Thomas
Subject: missed call

Peter Harries - Hungerford Town Council
01488 686195

Jayne Mann P.A. to David Holling

 Legal & Electoral Services, West Berkshire Council, Market Street, Newbury RG14 5LD
 01635) 519425 (external)  2425 (internal)  (01635) 519431



Please consider the environment before printing this e-mail

Hannah Stanley

From: Annette Thomas
Sent: 02 December 2008 11:04
To: Hannah Stanley
Cc: Colin Broughton
Subject: FW: Allotments - Hungerford (Triangle Field)

From: Annette Thomas
Sent: Tue 02/12/2008 11:03
To: Paul Jackson
Subject: Allotments - Hungerford

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