

## Agenda Item 8

### **Food Waste Storage at 117 Gisburn Road:**

The Clerk was approached by Mr. Bannister the owner of 117 Gisburn Road asking on behalf of one of his tenants to use the area to the rear of the Fleece Toilets for food waste storage. The Clerk responded that this had already been discussed by the Parish Council and that the council had rejected the idea. Mr Bannister was very unhappy about the current unsightly storage solution and the unfavourable comments and complaints he had received but could do nothing about the situation due to the lack of an alternative solution. (Appendix 1)

The Clerk agreed that the current elevated position of the waste containers and the restriction to the footpath down the steps was both an eyesore and a potential trip hazard, and had received several complaints regarding the current storage arrangements.

The Clerk suggested that it may be possible to create a storage area to the top of the land recently transferred to the Parish Council from Pendle Borough Council but the land had a 10 year restriction clause as to its use which would have to be overcome.

After a brief discussion with the Chairman the Clerk has made some tentative enquiries regarding using a 3 metre by 3 metre area for this purpose. The Clerk received an email from Mr. Townson at Pendle regarding the matter: (Appendix 2)

**Problem from a Parish Perspective:** The waste storage situation at 117 Gisburn Road has been an ongoing problem for several years and the problems can be broken down into the following points:

1. Inappropriate location of 4 waste containers in an elevated prominent area within the conservation area reducing the visual amenity of the prime shopping area.
2. Partial restriction of a public right of way between 117 Gisburn Road and the Fleece Toilets which includes a steep flight of stone steps.
3. Leakage of waste liquids onto footpath and steps increasing the slip factor particularly in winter.
4. Broken bottles and other waste being deposited to the rear of the Fleece Toilets. (not by the businesses that use the waste containers)
5. Complaints of vermin from local residents.

The difficulty for the owner is that given the existing curtilage of 117 Gisburn Road no other suitable outside space is in the ownership of the building. Suggestions have been made to use the area to the rear of the Fleece Toilets but given its narrow entrance and the tapering nature of the space the usable space would not accommodate all the existing requirements.

In April the Parish Council took ownership of the Rose Garden to the other side of 117 Gisburn Road. This area of land given the original steep slope between Gisburn Road and Church Street has been terraced onto two distinct levels. The lower level abutting Gisburn Road is an elevated rose garden approximately 1.2m above the road height. The second level is approximately 30-50cm higher this area has in recent years comprised of overgrown shrubs and self-seeded trees but last year Pendle Borough Council improved the area by trimming the shrubbery and removing some of the trees and bushes abutting 117 Gisburn Road.

A small section of this top level abutting the building if utilised could provide a suitable alternative area for the waste containers. The area needed would need to be approximately 3metres square and would need a concrete base and protective

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screening with access gates onto Hill Top/Church Street. The following problems need to be addressed before the Parish Council makes a binding decision.

1. Will Pendle Borough Council relax the condition to allow this area to be created?
2. Will this work require planning permission?
3. What will the cost be?
4. Who will pay for the work?
5. Who will be responsible for maintenance and cleaning of the area?

The following will help address some of the questions:

1. Question 1 is the most complex as it could need a variation of the conditions to the title deed. This could either be by persuading Pendle that this alternative use of a very small area of the land would be in the community's interest as an improvement to both the visual amenity and improved access to the public right of way to the opposite side of 117 Gisburn Road.

The Title Condition relating to this land is as follows:

Not to sell or grant a lease of the Property or any part of it during the period of ten years from the date of this deed for any purpose other than for community use.

Whilst the Condition of the Title to the land across Hill Top reads:

Not to sell or grant a lease of the Property or any part of it during the period of ten years from the date of this deed for any purpose other than as a garage site or other community use.

If the Parish wished to lease the land on a tenancy similar to either a garage or allotment then this would be necessary but clarification needs to be sought from Pendle.

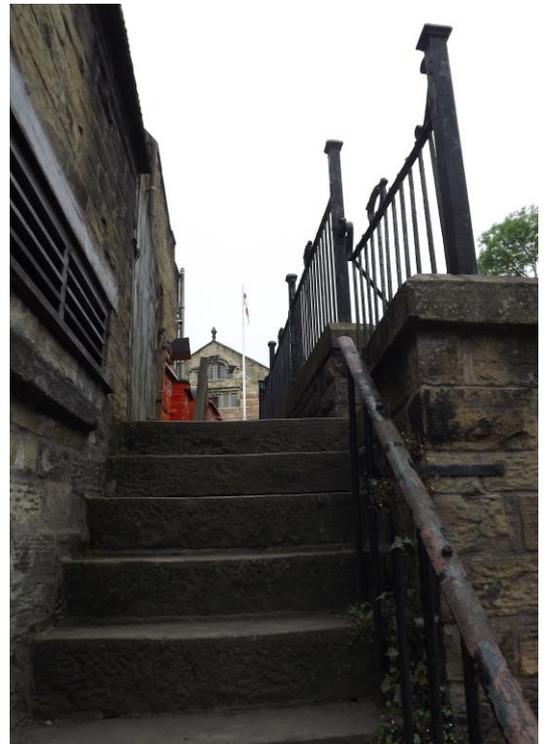
2. Enquiries will need to be made as to whether this work will need planning permission and if needed applied for.
3. If the Council are minded to consider this use appropriate if Pendle Borough Council's agreement is given, the Clerk will work up a detailed costing for the work needed.
4. The owner of 117 Gisburn Road has intimated that he would be willing to significantly contribute to the works, but this would need further discussion if permission was granted.
5. The answer depends whether the council leased the land or retained full title but allowed the use. The answer again goes back to Pendle Borough Council's response to question 1 but whichever way the Parish decided the onus of maintenance and cleaning should fall on the user with conditions to ensure that this happens.

**Proposed Location of the Area:** The proposed area is highlighted in Appendix 3 along with various pictures of the land involved. The pictures will help Councillor's visualise how this area will fit into the existing streetscape and gauge its impact on the visual amenity of the area.

**Recommendations to the Council:** The Clerk recommends that approves this use in principle subject to approval by Pendle Borough Council and that further discussions, permissions be sought as to the feasibility of this scheme and costings and funding proposals be drawn up if permission is given.

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### Appendix 1 Current location of Bins



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Appendix 2 email from Pendle regarding initial enquiry.

Iain,

I refer to our telephone conversation yesterday. This is my understanding of the issue which you raised with me:

1. In April this year, Pendle transferred a number of areas of land in Barrowford to your Council. One of these was a piece of land adjoining 3 Church Street and 117 Gisburn Road and the transfer contains the following covenant:

“Not to sell or grant a lease of the property or any part of it during the period of ten years from the date of this deed for any purpose other than for community use”.

2. 117 Gisburn Road is Turners Restaurant. They have contacted you to ask whether part of the above land (about 3 metres by 3 metres) can be fenced off and used as a bin store, despite the covenant being in place.
3. At present Pendle collects trade waste from Turners using the path/ginnel to the side of the property which links Gisburn Road to Church Street. There do not seem to be any problems with the current collection arrangements.

Is my understanding as set out above correct?

Also, have Turners said that there are problems about waste collection at the moment? Are they saying that the provision of the proposed bin store would solve those problems?

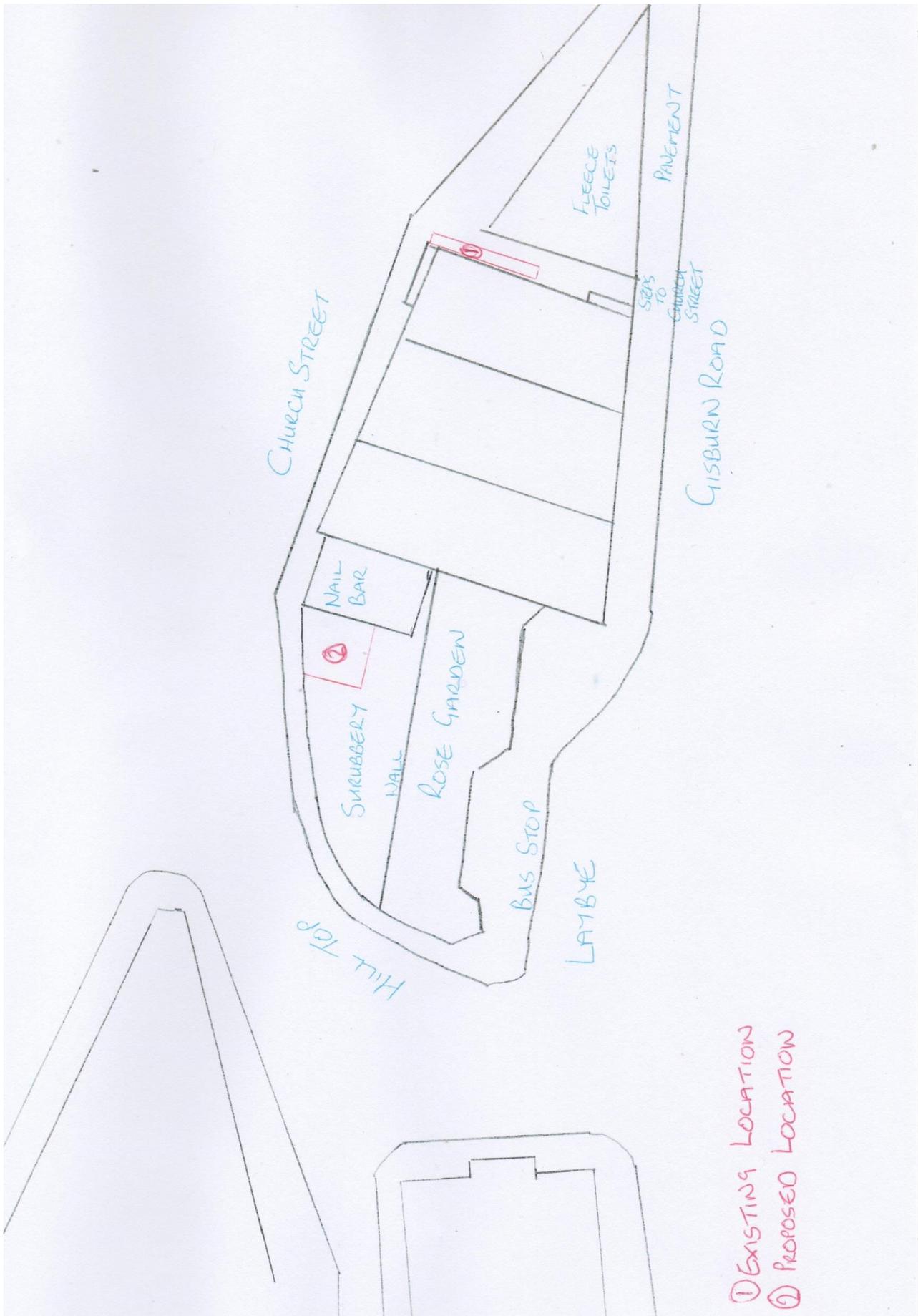
I look forward to hearing from you and when I receive your reply I will discuss this issue further with my colleagues.

Richard

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**Appendix 3**

Plan showing existing location of bins and proposed site.



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### Proposed area for Storage:



### View from Gisburn Road:



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View from Gisburn Road facing towards proposed area:



View from Hill Top:



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View from Hill Top across second level:



View from Church Street:

