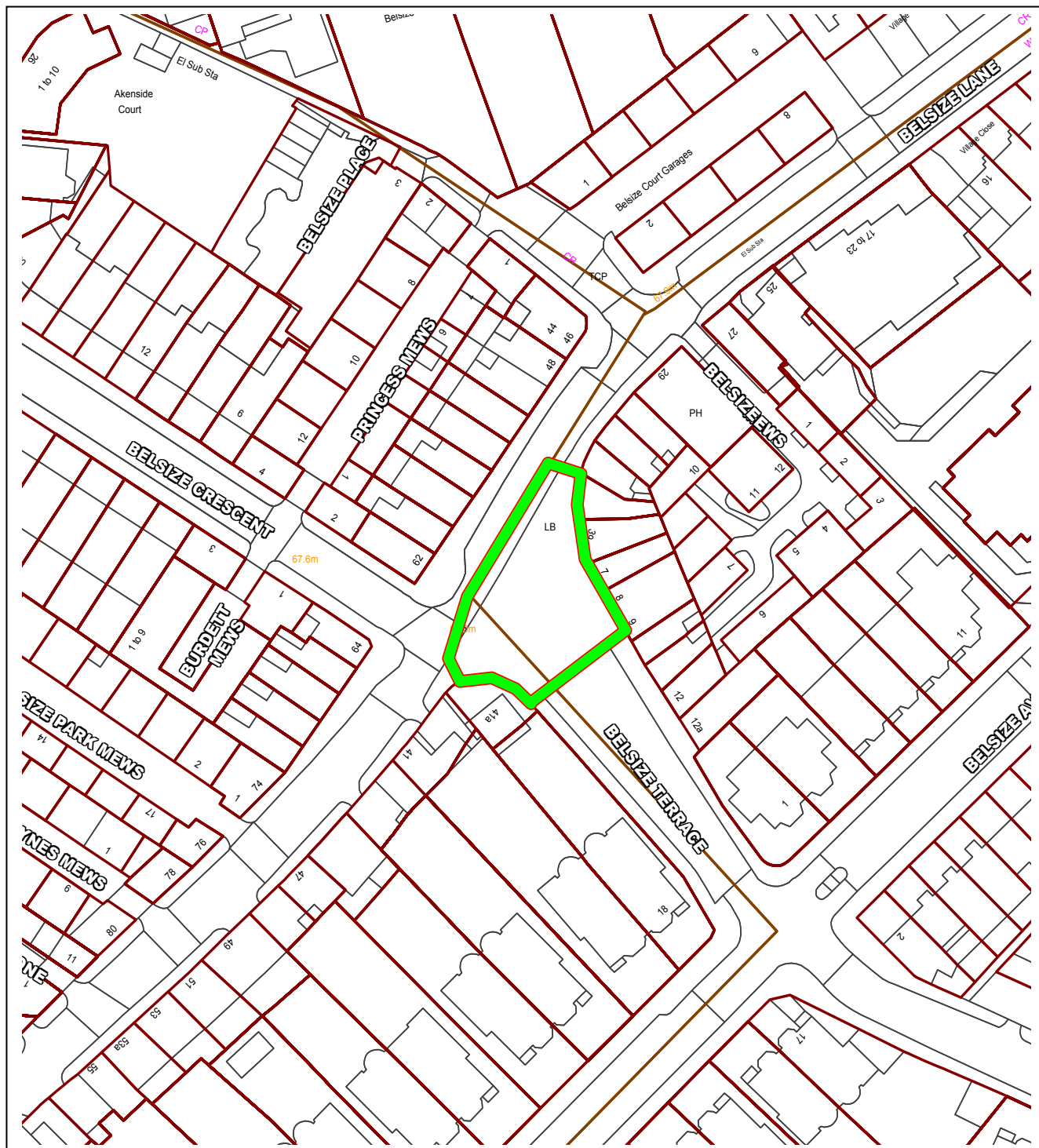


Pavement at corner of Belsize Lane and Belsize Terrace, NW3 5BJ. Ref. 2020/4413/P



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Photos:



1. Aerial view



2. View from Belsize Terrace



3. View from Belsize Lane



4. Site 8th July 2020: No freestanding bins in place



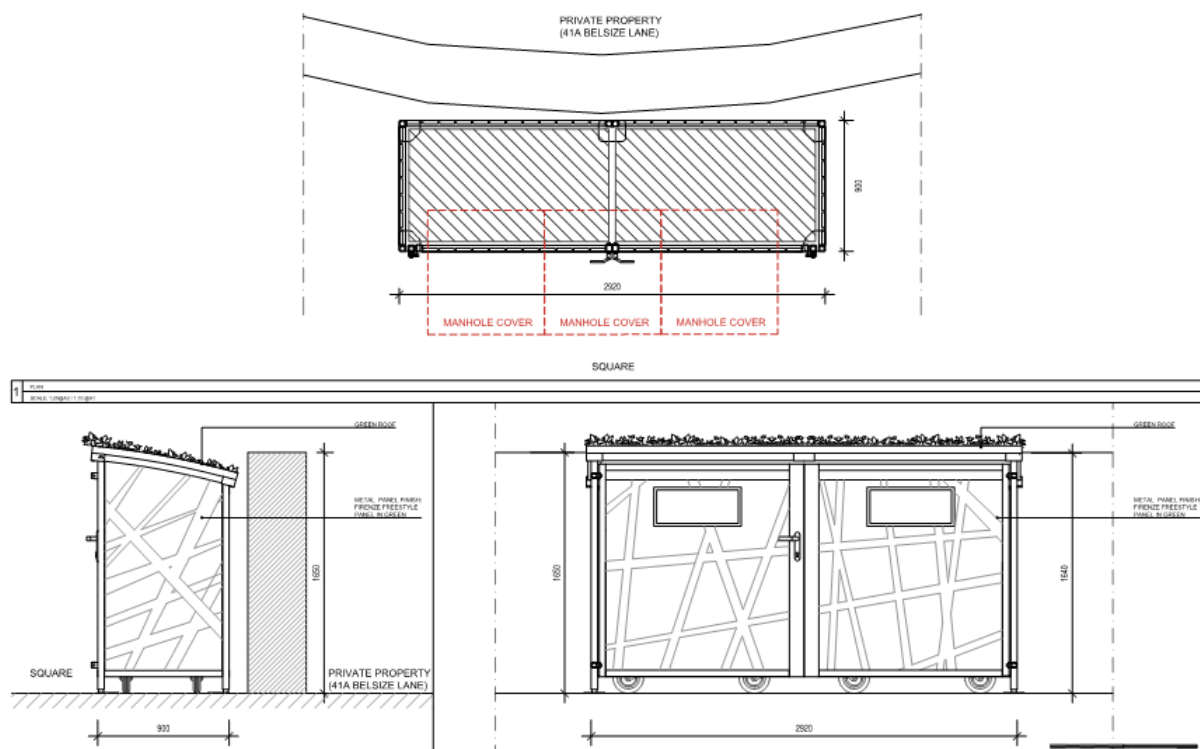
5. 16th Dec 2020: Freestanding bins (but not proposed bin store) in place



6. Streatery



7. Existing and proposed site plan (*existing left and proposed right*)



8. Drawings of temporary bin store

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	15/01/2021
		N/A / attached		Consultation Expiry Date:	20/12/2020
Officer			Application Number(s)		
Sofie Fieldsend			2020/4413/P		
Application Address			Drawing Numbers		
Pavement at corner of Belsize Lane and Belsize Terrace London NW3 5BJ			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of 2x bin stores on the pavement at corner of Belsize Lane and Belsize Terrace for a temporary period of 12 months					
Recommendation(s):		Grant conditional temporary planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:		00	No. of responses	73	No. of objections	09
					No of letters of support	64
Summary of consultation responses:	<p>A site notice was displayed on the 25/11/2020 and the consultation period expired on the 19/12/2020. A press notice was advertised on 26/11/2020 and expired on 20/12/2020.</p> <p>9 objections from 9 addresses were received during this consultation period.</p> <p>Their objections can be summarised as follows:</p> <p>1) Scale/Location/design:</p> <ul style="list-style-type: none">- Prominent location, stores too large- Site should developed as a whole not just bins, comprehensively designed- Green lids impractical, may not be maintained- Not the location for commercial waste, turns area into a private space to serve the restaurants- Will the stores be permanently fixed to the ground?- Do not enhance the CA- Alternative locations should be explored <p>2) Management:</p> <ul style="list-style-type: none">- Should not be run/managed by a private party- Should have a support contract for maintenance to ensure bins do not overflow- Will encourage further fly tipping. Rubbish collection times need to be investigated to ensure this is not the case <p>3) Environmental issues from waste:</p> <ul style="list-style-type: none">- Smell, flies, vermin and foxes. Health and safety risk- Photos of overflowing bins, will also encourage more fly tipping- Fear they could be set on fire <p>4) Pedestrian/cycle flow: Narrowing of pavement results in less pedestrian/cyclist flow</p> <p>5) Security concerns: will provide access to No.41As property</p> <p>6) Consultation:</p> <ul style="list-style-type: none">- Only notice in area, should be in neighbouring streets- Did not receive a notification <p>Other objections relate to the following which do not form part of the planning application:</p> <p>7) Objection to planters – block flow, concerns not COVID-19 secure and not maintained</p> <p>8) Objection to benches</p>					

	<p>Officer response:</p> <ol style="list-style-type: none">1) See sections 3.5-3.82) See sections 4.3-4.43) See sections 4.2-4.34) See section 55) The existing wall around the property is 1.65m which is not very high and the bin store of a similar height would not be likely to facilitate improved access over this wall.6) A site notice and press notice were issued in line with the Council's Statement of community involvement. There is also the option for residents to sign up for e-alerts <p>7&8) The planters were removed from this application as they do not require planning permission and the benches are existing and do not form part of this application.</p> <p>64 letters of support were also received.</p>
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<p>Belsize CAAC</p>	<p>Belsize CAAC raised the following objection:</p> <ol style="list-style-type: none"> 1) Proposal is piecemeal and expedient, site should be comprehensively designed with consideration given to relocation of cycle stands, bins and parking, the extension of paved areas and the removal of bollards. 2) Bins are very prominent and large, sit awkwardly along the curved wall of no 41A Belsize Lane and are visually intrusive in the space. 3) Planters obstruct pedestrian movement along Belsize Lane and their ferrous fixings are causing considerable staining on flagstones. 4) The existing benches are user unfriendly and have their backs to the sun. <p><i>Officer response:</i></p> <ol style="list-style-type: none"> 1) <i>This is a temporary permission not a permanent solution to deal with Covid 19 and the temporary 'stretery' that was granted by the licencing team (see paragraph 3.3) so it would be unreasonable of the Council to demand a wider redevelopment of this area.</i> 2) <i>See section 3.7</i> 3) <i>The planters were removed from this application</i> 4) <i>The existing benches are not part of the development</i>
<p>Council's Environment Services Team</p>	<p><u>Bin stores:</u> In summary they raised the need for businesses to provide suitable controls their waste and it's the responsibility of the 'stretery'/business to pay for their own waste management arrangements adequate for the needs of their business.</p> <p><u>Planters:</u> No objection, but should have adequate and acceptable upkeep of both the contents of the structure and the structure itself</p>
<p>Council's Licencing Team</p>	<p>Conditions on the Stretery licence will be updated depending on the outcome of this application and will include relevant conditions including:</p> <p>'The tables are to be regularly cleared of glasses, plates, etc. and the surrounding area to be swept clear of litter, food and smoking deposits etc. Waste deposited on the Highway must be removed each day at the Licensee's expense or at more frequent intervals as may be required by the Council under the Environmental Protection Act 1990".</p> <p>Another condition will be added to ensure the area is kept clean and litter free at all times.</p>

Site Description

The site is a triangular plot of pavement near the junction of Belsize Lane and Belsize Terrace. It is an area with existing street furniture, with a number of street trees, bike racks, benches, bollards, street cabinets, signage and small bins. The surrounding ground floor premises are generally in commercial use. The site is located within the Belsize conservation area.

Relevant History

Application site

Planning - None relevant

Tables and chairs applications:

2020/2794/TC – 25 Tables, 50 Chairs, 25 Parasols and 2 service stations on Belsize Place & 77 Tables, 154 Chairs, 77 Parasols and 7 service stations on Belsize Terrace. Monday - Sunday 07:00- 22:00 – **Granted 20/08/2020**

2020/5857/TC - 44 tables, 88 chairs, 5 heaters (electric), 10 parasols, 10 planters, 1 serving station and 1 cleaning trolley and 4 waste bins. Monday - Sunday 08:00 22:00 – **Not yet issued.**

Relevant policies

National Planning Policy Framework (2019)

London Plan (2021)

Camden's Local Plan (2017)

- A1 - Managing the impact of development
- A2 – Open Space
- A3 – Biodiversity
- CC5 - Waste
- D1 - Design
- D2 – Heritage

Supplementary Guidance

- CPG Design (2021)
- CPG Amenity (2021)

Belsize Park Conservation Area Statement (2003)

Assessment

1. Proposal

1.1 Planning permission is sought for the temporary erection of two bin stores for a period of 12 months.

1.2 The bin store will be in connection with the streatory approved by the tables and chairs licencing team. A streatory was considered appropriate by the licencing team as a result of the ongoing Covid-19 pandemic and the need for social distancing. In light of the need for social distancing and limited spaces in the unit, a group of local businesses put a request to use this space to allow additional space for businesses to operate safely.

Background

- 1.3 The Government introduced a simplified route for pubs, restaurants and cafes to obtain a temporary pavement licence to place furniture including outdoor tables and seating on the highway, allowing them to increase their outdoor capacity quickly and at a low cost on the 22 July 2020 in the Business and Planning Act 2020. This was part of several measures the Government introduced to seek to support hospitality businesses to reopen safely and serve their local communities.
- 1.4 Following recent announcements by the Government, it is expected that no earlier than the 12 April hospitality venues will be allowed to serve people outdoors. In a letter dated 5th March 2021 from Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, Councils are advised to plan for outdoor dining and make all necessary changes to local high streets, squares and the public realm so this is as convenient as possible for businesses and members of the public.
- 1.5 A tables and chairs licence for this area was granted in August 2020 until Jan 2021 under the London Local Authorities Act 1990 to place 44 tables and 88 chairs on the square in association with local businesses seeking to operate during the requirements for social distancing and requirements under various tiers as a result of covid 19.
- 1.6 Permission was approved to operate Monday to Sunday 08:00-22:00 with 12 conditions, which included a number of conditions, including the following in relation to waste:
- The outside area is kept clean at all times with regular sweeps/ litter collection.
 - The outside area is kept clean at all times with regular sweeps/ litter collection.
 - The licensee shall ensure that the participating businesses manage their waste appropriately, waste shall be stored and only placed outside at the time of their scheduled collection.
 - The tables are to be regularly cleared of glasses, plates, etc. and the surrounding area to be swept clear of litter, food and smoking deposits etc. Waste deposited on the Highway must be removed each day at the Licensee's expense or at more frequent intervals as may be required by the Council under the Environmental Protection Act 1990
- 1.7 Previously large bins were placed on the highway to accommodate the waste from the streaterie, which are still in place. In order to address concerns raised about the appearance of the bins and fly tipping around the bins this application has been submitted for 2 x temporary bin enclosures. These will be emptied a number of times a day by private waste removal companies.
- 1.8 A further application has been submitted to the licensing team and the tables and chairs licence will be issued followed the decision on this planning application.

Revisions:

- 1.9 During the lifetime of this application the following revisions were received:

- The planters were removed as they do not require planning permission

2.0 Assessment

- 2.1 The main considerations in relation to this proposal are:

- Design / Appearance and impact on Belsize Park Conservation Area
- Impact on the amenity of adjoining occupiers

- Highways

3.0 Design and Heritage

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden's design policies are supported by CPG Design.

3.1 The proposal seeks temporary permission for a period of 12 months for two bin stores in connection with the use of the adjacent square as a streatory given the continued restrictions as a result of covid 19.

3.2 Each bin store will accommodate two large bins and measure 1.7m high (sloping to 1.5m to the rear), 0.9m deep and 2.9m wide. It will be finished in a galvanised steel green panel 'Firenze Freestyle' with a green roof. It will be located in front of the existing 1.65m wall facing onto the pavement.

3.3 Concerns were raised about the development's scale, location, design and impact on the conservation area. The store will be located in front of the garden boundary wall of no. 41a Belsize Lane. It is marginally higher than this wall by 5cm but this slopes down at the rear and is not considered to appear dominant or overbearing in this location. It is acknowledged that this type of structure is not usually considered appropriate on a pavement in a conservation area. Accordingly, it is considered that the proposal results in less than substantial harm to this section of the conservation area. The resulting harm is considered to be limited given the structure is temporary and it is reversible. The public benefit from the connection to the streatory, which is supporting local businesses and serving the local community whilst providing a covid secure environments outweighs the limited and temporary harm.

3.4 As the structure is only considered acceptable on a temporary basis and in connection with the streatory a condition is recommended to require the removal of the bin stores either after 12 months or if the tables and chairs licence required for the streatory under the London Local Authorities Act 1990 is no longer valid.

3.5 Concerns were also raised that the green roofs of the stores will not be maintained. A maintenance plan was provided in the design and access statement. The Council's Tree Team reviewed the development and found the details acceptable for a temporary period. A condition is attached to ensure that the planting is maintained for the lifetime of the structure.

3.6 It is noted that there are manhole covers in front of the proposed stores which are shown on the plans. The bin store structure will not sit directly on top of these manhole covers so it would not obstruct access to these. The manholes are owned by Openreach. The Council have been provided with an email from Openreach stating that access would still be possible and they do not object to the scheme which is satisfactory.

3.7 Overall it is considered that the proposal by reason of its temporary nature, scale, siting and detailed design, would result in limited harm to this part of the conservation area which is outweighed

by the associated public benefit, in compliance with policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

3.8 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4.0 Amenity

4.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

4.2 Objections have been raised regarding potential poor waste management and environmental issues such as smell and vermin being attracted by fly tipping or overflowing bins.

4.3 It is acknowledged that this area has a history of fly tipping and vermin issues which occurred prior to the introduction of the street eatery and free standing bins. Prior to the streatory the local businesses would be required to put their refuse on the street for collection. This scheme only seeks to provide a structure to accommodate the bins required to enable the local businesses involved in the streatory to manage their waste. The proposal's new waste collection schedule is set to take place a number of times a day using private waste collection companies. It is noted that the Belsize Village Business Association also organise volunteer litter pickups.

4.4 A standard condition of any tables and chairs licence is *"The tables are to be regularly cleared of glasses, plates, etc. and the surrounding area to be swept clear of litter, food and smoking deposits etc. Waste deposited on the Highway must be removed each day at the Licensee's expense or at more frequent intervals as may be required by the Council under the Environmental Protection Act 1990"*. It is recommended that there is a specific condition for the tables and chairs licence to control the proposed to ensure the area is kept clean and details the agreed refuse collection arrangements. The enclosure may not prevent the issues with fly-tipping which existed prior to the streatory, but by tidying up the bins, it is hoped this will deter fly-tipping.

4.5 In addition to a condition requiring the removal of the bin stores in the event the tables and chairs licence for the streatory is no longer valid is recommended to only permit the use of the bin stores in connection with the streatory.

4.5 Given the scale and siting it is not considered the bin stores will have a detrimental impact on neighbouring properties amenity in terms of loss of light, privacy, overlooking or a sense of enclosure.

5.0 Highways

5.1 Concerns were raised about the bin stores impleading pedestaling/cyclist flow. The Council's highways team were consulted and raise no objection the scheme given its temporary nature. Over 1.2m of footway width is maintained and therefore the scheme is not considered to have a negative impact on pedestrian flow in this area. The cycle link across the pavement between Belsize Lane and Belsize Terrace is set significantly away from the stores and would not be materially impacted. The existing bike racks remain unaltered.

6.0 Recommendation

6.1 Grant conditional temporary planning permission.

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 15th March 2021, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to and search for 'Members Briefing'.

Application ref: 2020/4413/P
Contact: Sofie Fieldsend
Tel: 020 7974 4607
Email: Sofie.Fieldsend@camden.gov.uk
Date: 9 March 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Omnide
96
Belsize Lane
London
NW3 5BE

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Pavement at corner of Belsize Lane and Belsize Terrace
London
NW3 5BJ**

Proposal:

Erection of 2x bin stores on the pavement at corner of Belsize Lane and Belsize Terrace for a temporary period of 12 months

Drawing Nos: A-0.01; A-0.05; A-0.10 Rev.01; A-0.11 Rev.01; A-1.00 Rev.02; A-1.00b Rev.01; metroSTOR Green Roof Systems and design and access statement by Omnide.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The two bin stores hereby permitted are for a temporary period only and shall be removed on or before 12 months from the date of this decision or in the event that a tables and chairs licence is no longer valid for the Belsize Streetwork which ever one is soonest.

Reason: In order that the long term use of the site may be properly considered in accordance with policies A1, D1, D2 and DM1 of the London Borough of Camden Local Plan 2017.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

A-0.01; A-0.05; A-0.10 Rev.01; A-0.11 Rev.01; A-1.00 Rev.02; A-1.00b Rev.01; metroSTOR Green Roof Systems and design and access statement by Omnide.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The two bin stores hereby approved shall only be used in connection with the Belsize Streatory.

Reason: To ensure that the development serves to protect the visual amenity and character of the area, in accordance with the requirements of policies A1, D1, D2 and CC5 of the London Borough of Camden Local Plan 2017.

- 4 The green roof shall be retained and maintained in accordance with the approved maintenance details for the lifetime of the structure. Should the planting die or become seriously diseased it shall be replaced on a like for like basis.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DRAFT

DECISION