

Further to my emails of 24 November and 7 December 2010, I have sought a response from officers to your request to relocate the blue refuse bins, currently located between Nos. 12 and 14 Queen Anne's Place.

From our investigations the ownership of the piece of land in question is uncertain, but rights of way to service adjoining properties appear to have been established. In such circumstances it is not appropriate for the Council to intervene in what is a civil dispute amongst neighbours over the management of privately owned land.

The Council is however able to offer advice on possible solutions. To this end the Commercial Waste Officer has inspected the site and confirmed that the alley was clean and tidy, the bins were not obstructing the highway and there were no public health concerns in respect of the alley or the bins.

One of the traders has indicated that they are unwilling to relocate the bin, stating that the land in question is a "service road" and they are entitled to store their refuse bin. It has been suggested to the local businesses that have the trade waste agreements that they could build a provisional bin store/screen to disguise the bins, but it seems that they are not willing to progress this at present.

In general terms, when dealing with bin areas for commercial properties, Planning Enforcement would usually rely on the planning conditions set in the planning approval for the commercial use. There would usually be a condition which required a bin area and controlled the location of the bin store. However, these commercial properties were built many years ago, therefore it is unlikely that there are any enforceable planning conditions. As the bins in some form have been there for a number of years it is also unlikely that any enforcement action to protect the amenity of residents within the conservation area would be successful.

In view of the above, a more practicable informal approach may be the best way forward. It was suggested to you that the bins be repainted black and during our recent telephone conversation you indicated your support for this suggestion and requested that the locks to the bins be repaired.

This request has now been actioned and the new bins should be in place in approximately 14 days.

Other possible solutions could include erecting a short section of fencing to act as a screen, but anything higher than one metre would require planning permission, as would any bin store. I would suggest that you contact the Council's Development Control Service (Telephone: 020 8379 3848) if you wish to proceed with either of these options. It may be possible for the local residents association/ study group to mediate in any negotiations with the traders over design, location and cost sharing.

In view of the reasons set out above, the Council is unable to relocate the bins as you have requested, but I hope that the information provided above explains the rationale behind this decision and the suggestions made give you and the other residents something to take forward.