

Report to Planning Committee

29 November 2023

Application Reference	DC/23/68690
Application Received	21 September 2023
Application Description	Proposed renewal of temporary traveller site (planning permission DC/17/60410 and DC/20/63956) for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (three year permission requested).
Application Address	Travellers Transit Site Wellington Street Smethwick
Applicant	Sandwell MBC
Ward	Soho & Victoria
Contact Officer	Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to the following condition:


- i) The development authorised by this permission shall be discontinued at the expiration of a period of 3 years from the date of this permission and any structure/building in association with the use/development shall be removed from the site.



2 Reasons for Recommendations

- 2.1 The proposal accords with the provisions of national and local policy in terms of the broad aims and objectives of providing transit sites; however, a further temporary consent would ensure that the effect on the local community and environment can continue to be monitored before any decision is reached on the need for, and the size and location of, a permanent transit site. Furthermore, a temporary consent would not hinder future development.

3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities
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4 Context

- 4.1 The application is being reported to your committee as the application is submitted by the Council, is on Council-owned land and three objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Transit Site, Wellington Street, Smethwick](#)

5 Key Considerations

- 5.1 The site is allocated for local employment uses in the Development Plan. Due to the temporary nature of the proposal, the use is not considered to be a departure from the plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law,



planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

5.3 The material planning considerations which are relevant to this application are:-

- Government policy (NPPF)
- Proposals in the Development Plan
- Planning history (including appeal decisions)
- Amenity concerns – noise/anti-social behaviour/dumping of rubbish

6. The Application Site

- 6.1 The application relates to Council-owned land at the corner of Boulton Road, Foundry Lane and Wellington Street, opposite Black Patch Park. The site is used as a traveller transit site.
- 6.2 Toilet and washing facilities are available in a relocatable steel container, which is connected to water, electricity and sewerage and can be disconnected and removed when use of the land as a temporary transit site ceases.

7. Planning History

- 7.1 The site was given temporary consent under planning application DC/17/60410 for three years by Planning Committee in May 2017 to operate as a traveller transit site for 34 caravans. This consent was renewed by committee for a further temporary period of three years in 2020.
- 7.2 Relevant planning applications are as follows:

DC/20/63956	Proposed renewal of temporary traveller site	Temporary approval - 15.05.2020
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	(planning permission DC/17/60410) for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (3 year permission requested).	
DC/17/60410	Establishment of temporary travellers site for up to 34 caravans, together with associated toilet/washroom facilities and boundary fencing (3 year permission requested).	Temporary approval - 05.05.2017

8. Application Details

8.1 As the description states, the Council propose to extend the temporary use by a further three years.

9. Publicity

9.1 The application has been publicised by neighbour notification letter and site notice, with three objections being received.

9.2 Objections

Objections have been received on grounds of amenity; namely, concerns regarding noise, anti-social behaviour and dumping of rubbish.

It has also been raised as to who in the Council is contacted if matters arise. The site is operated by the Council's Environmental Protection Team and issues may be reported to them.



The objections will be addressed in section 13 (Material considerations).

10. Consultee responses

10.1 Highways

No objection.

10.2 Pollution Control (Noise)

The officer states that they have checked the records for any history of noise complaints in respect of this site but have found none. Given its location and the small number of occasions on which it is used, the officer believes it is unlikely that noise issues will arise in the future. No objections are raised on noise grounds to the renewal of the permission for a further three years.

10.3 West Midlands Police

No objection.

11. National Planning Policy

11.1 The NPPF is supported by a specific document entitled 'Planning policy for traveller sites', which refers to setting targets, identifying deliverable sites, protecting local amenity and that sites are sustainable.

11.2 'Planning policy for traveller sites' refers to determining applications for such sites by assessing matters such as the existing level of provision; whether the application accords with the development plan; is a brownfield/sustainable site; and whether there is an up to date five-year supply of deliverable sites. This proposal is in accordance with the NPPF which states that travellers are among the groups to assess and provide housing for.



12. Local Planning Policy

12.1 The following policies of the Council's Development Plan are relevant:

BCCS

HOU4 - Accommodation for Gypsies/Travellers/Travelling Showpeople

12.2 Black Country Core Strategy Policy HOU4 set out targets for travellers up to 2018, with a target of 10-12 pitches and states that they should be safe, have convenient access, located to cause minimum disruption to surrounding communities and should be suitable as a place to live.

These targets were based on needs identified in the Black Country Gypsy and Traveller Accommodation Assessment (GTAA) 2008. To date there are no sites allocated within the borough as part of the Site Allocation and Delivery Development Plan Document.

12.3 Taking into consideration that no sites are currently available within the borough, in the first instance the continued provision of such a site would assist in meeting the Council's own targets. In considering whether the continued use of the site is acceptable, the site is brownfield land, benefits from reasonable transport links and is not directly adjacent to existing residential properties. In addition, further temporary consent would not prejudice future proposals for the site.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Planning history

13.3 The principle for the development was established by the first approval. As no adverse comments have been received from consultees or the public consultation to any issues regarding the operation of the site thus



far, the primary material consideration is whether a further temporary consent is appropriate.

13.4 Planning policy guidance states that: ‘It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale...)’. Given that no immediate redevelopment of the site is proposed and taking into account the changing aspirations for the site (from employment use to residential – a change approved by Cabinet in November 2018 and carried forward to the Black Country Plan) and the benefits that the transit site provides, as highlighted above, I find that a further temporary use is appropriate in this instance.

13.5 Amenity concerns

I note the objectors’ concerns regarding noise, anti-social behaviour and rubbish. However, these are matters which can be managed by the Council and police. Given the comments of the Pollution Control officer regarding a lack of complaints, there is no evidence before me that the continued, temporary use of the site would create or exacerbate these issues.

14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 On balance the proposal accords with the provisions of relevant Development Plan policies and there are no significant material considerations which warrant refusal of the application.



15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.

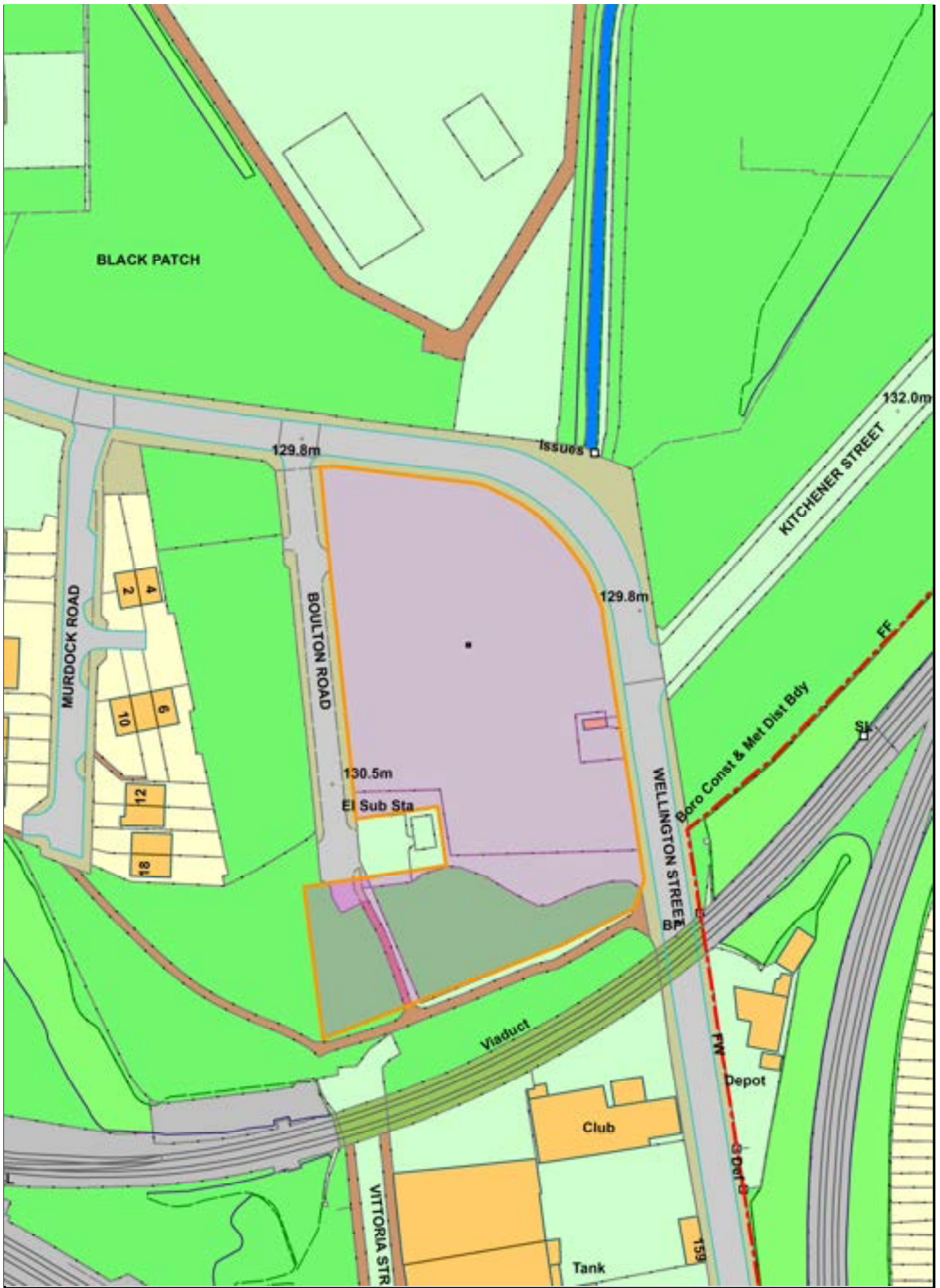
16 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

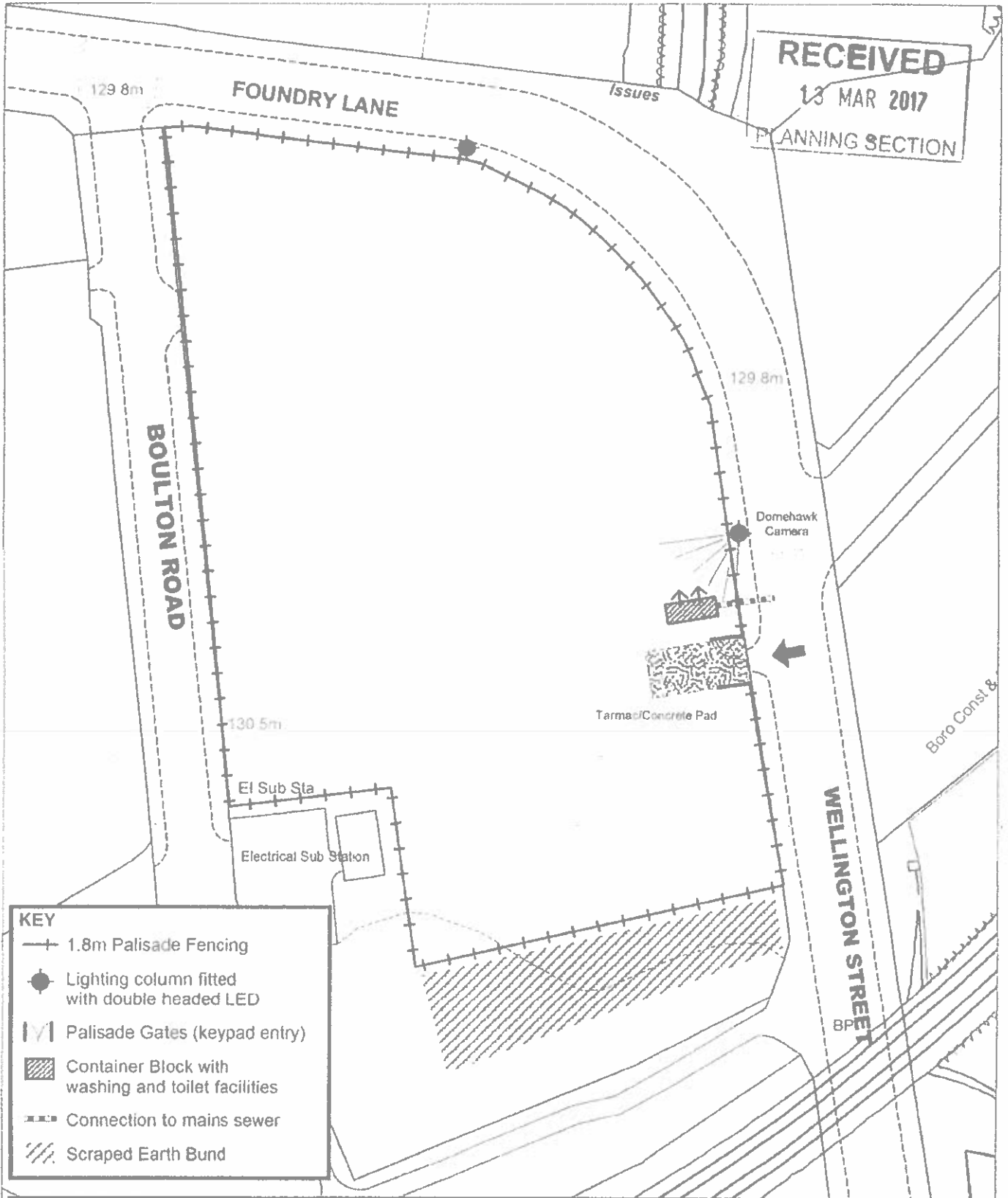
17. Appendices

Location Plan
Context Plan
Location Plan 1
Site Plan 2





RECEIVED
13 MAR 2017
PLANNING SECTION



KEY

- +— 1.8m Palisade Fencing
- Lighting column fitted with double headed LED
- ⌘ Palisade Gates (keypad entry)
- ▨ Container Block with washing and toilet facilities
- Connection to mains sewer
- ▨▨ Scraped Earth Bund

Sandwell
Metropolitan Borough Council

NORTH
Not to Scale

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**Proposed Transit Site
Site Layout**

**Boulton Road, Smethwick
Area 0.67ha**

February 2017