

## Sayful Alom

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**From:** Namita Mistry  
**Sent:** 11 October 2021 10:11  
**To:** Licensing  
**Subject:** RE: 30 GOODALL STREET, WALSALL - NEW LICENSE APPLICATION

Good morning Karen

I am still awaiting a reply from the Planning Officer but I just wanted to forward you the Conservation Officers comments.

Regards

Namita Mistry

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**From:** Karen Price [REDACTED] **On Behalf Of** Licensing  
**Sent:** 11 October 2021 10:05  
**To:** Namita Mistry [REDACTED]  
**Subject:** RE: 30 GOODALL STREET, WALSALL - NEW LICENSE APPLICATION

Good morning Namita

Thank you for your email, can you confirm please whether Planning will be looking to submit a representation to the application?

Regards

Karen Price  
Licensing Officer

Resilient Communities  
Economy Environment & Communities

Walsall M.B.C.  
Licensing Unit  
Civic Centre  
Darwall Street  
Walsall, WS1 1TP.

[REDACTED]  
[Licensing@walsall.gov.uk](mailto:Licensing@walsall.gov.uk)

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**From:** Namita Mistry [REDACTED]  
**Sent:** 08 October 2021 14:55  
**To:** Licensing <[Licensing@walsall.gov.uk](mailto:Licensing@walsall.gov.uk)>  
**Subject:** 30 GOODALL STREET, WALSALL - NEW LICENSE APPLICATION

Stamped Date Rec'd	Date Rec'd into LIT	Ref No.	Applicant	Address	16 Day Due Date	24 Day Due Date	Outcome	Pass to Leg
28/9/21	28/9/21	21/030	Jay Juicez, 30	Goodall Street, Walsall WS1 1QL	19/10/21	26/10/21 Closing Date		8/10/21

Please see comments from Conservation Officer above.

Regards

Namita Mistry  
Land Charges Information Officer  
Land Charges  
Planning and Building Control  
Economy and Environment  
Walsall M.B.C.  
2<sup>nd</sup> Floor, Civic Centre,  
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**TO:** Namita Mistry  
**FROM:** Devinder Matharu: Building Conservation Officer  
**DATE:** 29 September 2021

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**App No:** License Application  
**Site Address:** 30 Goodall Street

**Proposal:** Proposed take-away to sell slushies, milkshakes, cocktails and mocktails.

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### **National Heritage List for England.**

#### **Listed Building**

Former Police Station, Grade II

The Guildhall, Grade II\*

Building adjoining to the north west of Green Dragon Inn, Grade II

10, 11 and 12 High Street, Grade II

### **Local Designations**

#### **Local List / Non Designated Heritage Asset**

School of Art, Goodall Street

16-24 Goodall Street

### **Conservation Area**

Church Hill, listed on the heritage at risk register as 'very bad' and 'low' vulnerability.

### **Article 4**

N/A

### **Archaeology /Historic Environment Record**

As above.

### **Legislative and Policy context**

#### **Legislation:**

- **Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990**

**16(2)** In considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**66 (1)** In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**72 (2)**, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**National policy:**

- National Planning Policy Framework, Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment).
  - Defines significance as ‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.
  - Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
  - Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).
- Planning Practice Guidance
  - Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
  - Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm.

**Local policy:**

- Walsall Unitary Development Plan
  - ENV25 (Archaeology)
  - ENV27 (Buildings of Historic or Architectural Interest)
  - ENV28 (The Local List of Buildings of Historic or Architectural Interest)
  - ENV32 (Design and Development Proposals)
  - ENV35 (Appearance of Commercial buildings)
- Walsall Town Centre Area Action Plan
  - AAPINV6 (Secondary Development Sites)
  - AAPLV1 (Residential Developments)
  - APPLV5 (Protecting and Enhancing Historic Character and Local Distinctiveness)
  - APPLV6 (Securing Good Design)
  - APPLV7 (Enhancing Public Realm)
- Black Country Core Strategy
  - CSP3 (Environmental Infrastructure)
  - CSP4 (Place Making)
  - ENV2 (Historic Character and Local Distinctiveness)
  - ENV3 (Design Quality)
- Site Allocation Document

- EN5 (Development in Conservation Areas)

## **Supplementary Planning Documents**

### **Designing Walsall SPD**

- DW3 Character
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

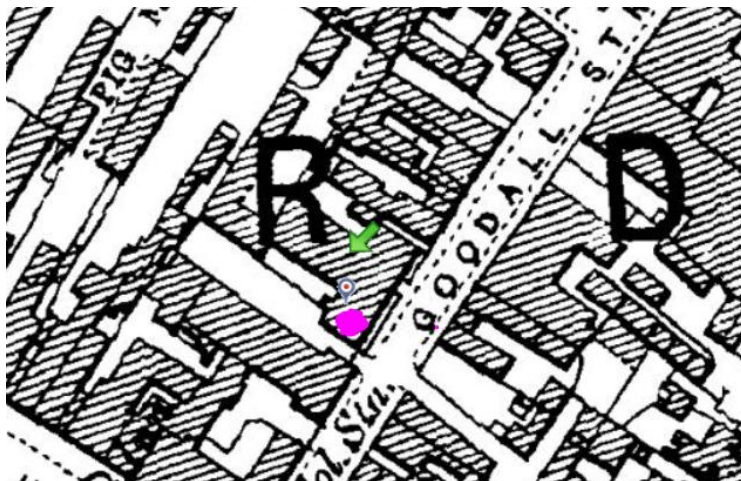
### **Shop Front SPD**

- SF1: Historic shop fronts
- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security
- SF9: Canopies

### **Other Policy/guidance:**

- National Design Guide
- Historic England Good Practice Advice Note1: Conservation Area Designation, Appraisal and Designation.
- Historic England Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment.
- Historic England Good Practice Advice Note 3: The Setting of Heritage Assets.
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Black Country Historic Landscape Characterisation (2009).
- Church Hill Conservation Area Appraisal and Management Plan.

## **Report**



The Council's historic mapping dating from 1902 identifies the site, as shown on the screen shot to the left.

Number 30 Goodall Street has high significance in that it has:

- Archaeological interest as it holds evidence of past human activity worthy of investigation at a future date.

- Historical interest, an interest in past lives and events.
- Architectural and Artist interest in the design of the property with twin pairs of lunette windows at first floor with stone detailing in the centre, diamond stone detailing, corbels and stone banding and cornice, at ground floor engaged columns with stone detailing above the fascia.

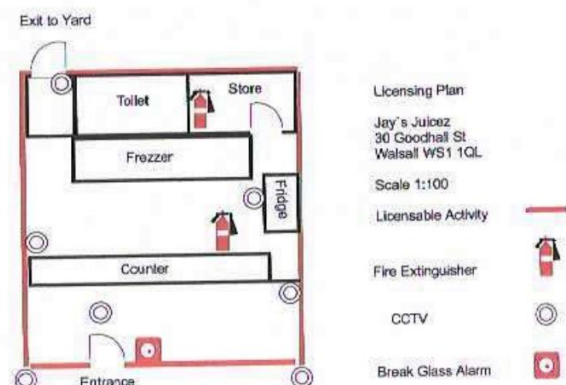
Number 30 George Street is not nationally or locally listed, however, it is classed as a non-designated heritage asset and worthy of locally listing. The Council are in the process of reviewing and updating their local list and this would be put forward as a potential candidate for local listing.

The proposal is to utilise the premises as a takeaway for slushies, milkshakes, cocktails and mocktails. I would advise the advice of planning services is ought as to whether this requires planning permission for change of use.

My concerns are if planning permission is given for a take-away, then the premises can be utilised for any other form of take-away. I would advise planning colleagues to restrict the use of the premises to be utilised as take-away specifically for the proposed use and should a new take-away use application be submitted, it be assessed on those merits. My concerns would be with any proposed extraction vents and flues that would be installed / fixed to the interior and exterior of the premises.



The submitted floor plan is incorrect, in that the front elevation shows two opening on the ground floor, see google image. Can we check, this is the correct address? If it is, then the plan will need to be updated.



I would advise formal pre-application advice is sought to advise whether planning permission is required for the proposed works.



Based on the above plan layout, will a new shop front be incorporated, as it does not match that as existing as shown on the google image? Any new shop frontage will require planning permission.

Will any internal works be carried out to create the proposed layout?

Will any internal historic fabric be removed to create the proposed layout?

Has the premises already a counter as shown in the above plan?

Will the external elevations be altered?

Will the scheme include new signage? What type of signage? An advertisement consent application will need to be submitted.

Should a planning application need to be submitted, the application would be assessed in line with the following tests as set out in the NPPF, in regards to the harm to the significance and setting of the adjacent designated heritage assets those being the listed buildings (including locally listed buildings) and the visual impact of any proposed signage to the character and appearance and significance of the Church Hill conservation area.

The level of harm to these designated heritage and non designated heritage assets would be assessed when full details of the proposed works and proposed advertisement details are submitted.

Paragraph 194 of the NPPF states *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.*

Paragraph 195 of the NPPF states *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.*

Paragraph 197 of the NPPF states *'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their*



*conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness’.*

Paragraph 199 of the NPPF states ‘*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.*

Paragraph 200 of the NPPF states ‘*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*’<sup>68</sup>.

Paragraph 201 of the NPPF states ‘*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use’.*

Paragraph 202 of the NPPF states ‘*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.*

Paragraph 203 of the NPPF states ‘*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.*

Paragraph 130 of the NPPF states ‘*Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 39 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or*

*change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.*