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EXECUTIVE DECISION RECORD

A1 Service Area	Planning
A2 Title	Conservation Area Boundary amendments
A3 Decision Taken By	Deputy Leader and Chief Officer
A4 Chief Officer	Please print name: Sal Khan Please sign name: 
A5 Deputy Leader	Please print name: Cllr Julia Jessel Please sign name: 
A6 Date of Decision	22 nd September 2016

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to?	<i>(Please tick as appropriate)</i> ✓	
Scrutiny (Promoting Local Economic Growth) Committee		<input type="checkbox"/>
Scrutiny (Value for Money Council Services) Committee		<input type="checkbox"/>
Scrutiny (Protecting and Strengthening Communities) Committee		<input checked="" type="checkbox"/>
Scrutiny (East Staffordshire Health) Committee		<input type="checkbox"/>

B1 What is the Decision?	To consult on amendments to three conservation area boundaries: Station Road/Borough Road, Burton Upon Trent, Marchington and Rocester
B2 What are the reasons for the Decision?	To fulfil the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 71).
B3 What are the contributions to Corporate Priorities?	The implementation of the amended Conservation Areas boundaries contributes to the 'promoting well being' corporate priority. Conservation Areas status provides residents with a sense of wellbeing in terms of residents having a special sense of place and historic character
B4 What are the Human Rights considerations?	There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

Financial Implications

B5 What are the financial implications?	There are no financial issues arising from this decision.
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Revenue	2016/17	2017/18	2018/19

Capital	2016/17	2017/18	2018/19

The finance section has been approved by the following member of the Financial Management Unit:	
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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	

B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	Yes

Equalities Implications

B8 What are the Equalities implications: The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.
B8.1 Positive (Opportunities/Benefits): The conservation area boundary amendments aids the implementation of Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where East Staffordshire Borough Council as Local Planning Authority has a duty to review boundaries. The revised boundaries also aid the implementation of the historic environment policies in the East Staffordshire Borough Local Plan 2012-31.
B8.2 Negative (Threats): None
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.
B8.4

Risk Assessment

B9 What are the Risk Assessment implications: A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
B9.1 Positive (Opportunities/Benefits):
B9.2 Negative (Threats):
B9.3 [The risks are referred to in the Risk Register numbered [].] [The risks do not need to be entered in the Risk Register.] Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:

There are no significant legal issues arising from this decision. However, it should be noted that for land owners that may fall within areas which are marked for inclusion within the conservation area boundary then their permitted development rights will change with some additional planning restrictions. These include:

- a) Conservation area consent will now be required for the demolition of all unlisted buildings (other than excepted buildings) in the area.
- b) Planning applications for development which would in the opinion of the local planning authority affect the character or appearance of the conservation area must be given publicity and representations received as a result of the publicity must be taken into account in determining the application.
- c) It becomes an offence subject to certain exceptions to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree in the area except with the consent of the local planning authority.
- d) The local planning authority is now under a duty to formulate and publish proposals for the preservation and enhancements of the area.

The list of restrictions as stated above were included on the site notices (see appendices 3 and 4 of the CMT/LDL report).

B10.1 See above

This section has been approved by the following member of the Legal Team:

Angela Wakefield

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The proposal would result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
B11.2 Positive (Opportunities/Benefits): Conservation area designation promotes the long-term wellbeing of the historic environment and prevents inappropriate demolition. The process of demolition has climate change implications, as such works can use significant amounts of energy. This is not just relevant to the demolition works but also the embodied energy contained within the buildings that may be subsequently lost.
B11.3 Negative (Threats): Conservation area status of some areas of the borough may resist some climate change apparatus and technology from being used as they may have a negative impact upon the historic significance of such areas. However, relevant planning proposals should be assessed in order to promote appropriate technology in conservation areas. Therefore this is an implication for property owners who are now within the boundary area.

Health & Safety Implications

B12 What are the Health & Safety implications:
B12.1 A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
B12.2 N/A
B12.3 N/A
B12.3.1 Positive (Benefits)
B12.3.2 Negative (Threats)

Key Decision

B13 Is this a Key Decision?	No (<i>please delete as appropriate</i>)
<p>Note: A Key Executive Decision is one where:</p> <ol style="list-style-type: none"> 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000 2. CAPITAL – Any capital project with a value in excess of £150,000 3. A decision which significantly affects communities living or working in an area comprising two or more wards. 	
B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	NA
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk

