DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-1018-21**	**Applicant:**	**PCC of St Mary Magdalene Fleet**
Proposal:	Reconstruction of timber & thatched lychgate to west boundary		
Location:	St Mary Magdalenes Church Church End Fleet		
Terminal Date:	23rd November 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning application for the reconstruction of timber & thatched lychgate to the west boundary following the destruction of the original structure by fire (Arson attack).

This report is to be read in conjunction with H05-1019-21 (Listed Building Consent application).

Site Description

The original lychgate was not a listed building but is within the curtilage of St Marys Church & Church tower which are both listed Grade I, so was effectively a curtilage listed structure.

The lychgate was located straddling a pedestrian access to the churchyard from Church Gate.

The site is located within the Fleet Conservation Area.

The listing description for the church and separate tower are set out in H05-1019-21 (Listed Building Consent application).

History

H05-1019-21. LISTED BUILDING. Reconstruction of timber & thatched lychgate to west boundary. Under consideration.

H05-0291-20. PLANNING APPLICATION. Replacement of lead roof covering to north aisle with terne coated stainless steel. Approved. 02-06-20.

Consultation Responses

Lincolnshire County Council - Historic Environment Officer

No archaeological impact.

Planning Considerations

Layout and Design

The proposed lychgate is to replace the original, that was destroyed by an arson attack. There are remnants of the timber uprights of the structure that show exactly where it was located, and sufficient photographic information to give guidance to the design of its replica.

It is considered that the form and detailing, as well as the methods of fixing are acceptable.

Archaeology and Heritage considerations

The LCC Historic Environment Officer confirms that the proposal would have no archaeological impact.

The proposal would enhance the character and appearance of the Fleet Conservation Area, and the setting of the listed buildings related to the site.

It is considered that the proposal accords with Policies 2, 3 and 30 of the SELLP and the guidance of the NPPF 2021.

Conclusion

Approve.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the

special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.