



**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 13 April 2021

**DEVELOPMENT:** Retrospective application for the erection of 2No. pergolas.

**SITE:** Kaya Cafe The Stable Block North Street Horsham West Sussex RH12 1RJ

**WARD:** Denne

**APPLICATION:** DC/21/0037

**APPLICANT:** **Name:** Mrs Benita Uys-Wright **Address:** The Stable Block North Street Horsham RH12 1RJ

**REASON FOR INCLUSION ON THE AGENDA:** By request of Councillor Haigh

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the retention of 2no. pergolas located to the east and west of the Grade II Listed Building. Both structures are freestanding and are not physically attached to the building.
- 1.2 The pergola to the eastern elevation (car park frontage) extends over the double door entrance, and measures to a depth of 1.5m and an overall width of 2.6m. The pergola measures to an overall height of 2.4m and is constructed of oak framing.
- 1.3 The pergola to the western elevation (park frontage) extends over the outdoor seating area to the café, and measures to a length of 14.5m and a depth of 4.6m. The pergola measures to an overall height of 2.5m and is constructed of oak framing. Lighting and heaters have been affixed to the underside of the pergola, with a plastic corrugated sheeting placed on the northern-most section of the roof.
- 1.4 The purpose of the development is to provide additional covered and secure seating in connection with the existing café.

## DESCRIPTION OF THE SITE

- 1.5 The application site is located to the north of North Street and is situated within Horsham Park. The building comprises a Grade II Listed Building which is in use as a café.
- 1.6 The building is located adjacent to the main circular pedestrian thoroughfare around the Park, and is sited directly adjacent to the public car park on North Street. The building benefits from dual access to the east and west, with a designated outside seating area provided to the west. This area is separate from, but immediately adjacent to, the main pedestrian thoroughfare, with the wider area comprising the bandstand, Park House Memorial Garden and additional picnic seating.
- 1.7 The Grade II\* Listed Building of Park House is located to the north-east of the subject building, with the Grade II Listed Building known as The Granary located to the south-east.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

- 2.1 **National Planning Policy Framework**

- 2.2 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 11 - Tourism and Cultural Facilities  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 **Horsham Blueprint Business Neighbourhood Plan**

Policy HB1: Location of Development  
Policy HB3: Character of Development  
Policy HB4: Design of Development  
Policy HB5: Energy Efficiency and Design  
Policy HB7: A Welcoming Public Realm  
Policy HB8: Horsham As A Sustainable Visitor Destination  
Policy HB9: Protecting Existing And Encouraging New Commercial Premises And Land  
Policy HB10: Green and Blue Infrastructure And Delivering Biodiversity Gain

Policy HB12: Encouraging Sustainable Movement  
Policy HB13: Provision of Sport, Leisure, Recreation Facilities  
Policy HB14: Community and Cultural Facilities

## PARISH DESIGN STATEMENT

### 2.4 Horsham Town Design Statement 2008

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/263/89	Reg 4. erection of approx. 2m high garden wall and gates and single storey conservatory (From old Planning History)	Application Permitted on 01.11.1989
HU/438/88	Repair and renovation of buildings barn to staffroom and stable block as a coffee shop and offices and demolition of garages (From old Planning History)	Application Permitted on 16.02.1989
HU/187/97	Installation of 2 condensor units Site: Park House Restaurant North Street Horsham	Application Permitted on 26.08.1997
DC/20/1145	Erection of 2x illuminated fascia signs.	Application Permitted on 02.09.2020
DC/20/1201	Change of use of office (B1 use) to guest room (C1 use) (Full Planning Application)	Application Permitted on 11.09.2020

## 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

### 3.2 **HDC Conservation:** Comment

The building currently occupied by Kaya Café was formerly the stable for Park House which is listed grade 2\*. Park House is an example of a late 17<sup>th</sup>/ early 18<sup>th</sup> century provincial house constructed for John Wicker II, with the earliest part dating to approximately 1690, facing towards North Street, with nine bays of windows and rusticated pilasters in Sussex sandstone. The later elevation constructed in circa 1720 faces into Horsham Park and has seven bays with Portland stone architraves to each window. There are modern additions to the north east and south western elevations. In addition to the former stable building the granary, barn and estate walls all remain forming a coherent group associated with Park House.

The significance of the listed former stable is informed by the quality of its materials including the use of the vernacular roofing material Horsham stone slate, and its proximity and historical link with Park House, the granary, and barn.

The pergolas placed on the front and rear elevation of the building have not been attached to the building, and have been constructed with simple, functional oak supports. It is considered that the pergolas will not prevent an appreciation of the building as the historic stable to Park House, although it is accepted that the construction of the pergolas does represent a form of domestication. However, the understanding of the building as a former stable has already been eroded to some extent by the provision of the conservatory in the late 1980s, the car park to the south east, and the modern extensions to Park House. Therefore due to the existing changes already made to the building and its setting it

is considered that the addition of the pergolas would result in less than substantial harm (at the lower end of the scale) to the significance of the former stables, Park House, the barn and granary. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is therefore requested that the applicant describes the public benefit of the proposal as highlighted in the NPPF.

The corrugated plastic placed on the structure is not acceptable and further information would be required with regards to the hanging of heaters etc which could detract from the functional and simple form of the pergola.

**3.3 HDC Environmental Health: No Objection**

**3.4 HDC Economic Development: No Objection**

Economic Development has no objection to this application. The rear pergola facilitates extra sheltered seating for this local business, supporting their operation and allowing them to accommodate more customers at their premises.

**OUTSIDE AGENCIES**

**3.5 WSCC Highways: No Objection**

**PUBLIC CONSULTATIONS**

**3.6 Denne Neighbourhood Council: Objection**

There had been vague intimations of erecting a porch over the front door but it was implied that this would be a temporary structure. The pergola structure over the entrance & the much larger structure overlooking the Park are very substantial & apparently permanent structures.

The building which is the Stables to Horsham Park is Grade II listed & therefore of architectural significance & sits in a very traditional area of the Park. The area includes other listed buildings: Park House (with its tranquil garden) & The Granary; as well as the Victorian-style bandstand. The building also sits on the main perimeter path of the Park & opposite the very popular public "picnic" area with bench tables. The perimeter path is an important route used by many visitors taking daily exercise in the Park.

The chunky wooden pergola constructions are completely out of character in this area, both in terms of type of material & size. The pergola facing the Park completely dominates & obliterates the view of the listed building both from the distance and nearby. Although it is not attached to the building, it is as close as possible & would be an obstruction to any required maintenance.

This pergola also includes lighting & heating elements which presumably have power sourced somehow from the listed building. There are no details of these additions in the planning application.

It is noted that the construction does not meet with the description in the application form submitted. This clearly states that the construction will have an open roof but nevertheless a roof has been added since. The rather tacky corrugated plastic roof is made up of piecemeal sections with the addition of cane matting & is completely out of character in the Park.

It is difficult to perceive how the pergola area may work in normal times compared to during COVID restrictions. However it is clear that the size of the large structure & the fact that it is roped off is forcing café customers off the café curtilage & onto the public area of the Park. It is not clear from the application if the intention is to have a permanent barrier restricting use of this area to café customers. However it is clear that the roped area prevents an orderly queue being formed by takeaway customers who straggle across the path.

These takeaway customers occupy the main path & the "picnic" area which should be open to all visitors rather than just café customers.

The smaller pergola obscures the front entrance, which is an attractive architectural feature specifically mentioned on The Historic England Listed Buildings website. It seems to serve no useful purpose and should be removed.

In summary HDNC is concerned about:

- 1) The size of the large pergola causing encroachment of customers onto public area of the Park
- 2) The superfluous nature of the small pergola
- 3) The large pergola is concealing the attractive appearance of the Listed Building
- 4) The incompatible heavy wood construction
- 5) The unsuitable roof, not in the application
- 6) The lighting & heating, not in the application

### 3.7 **Horsham Society:** Objection

Retrospective nature of application is of concern, particularly as the owners are fully aware of the correct procedure having made previous applications.

The stable block is part of a cohesive group of buildings, set around a fine Plane Tree, and incorporate many attractive external designs and also display some interesting brickwork, fenestration and arch work features. The pergola, which is excessively large and is constructed from heavy oak timbers and plastic sheeting serves no apparent purpose, and conflicts with the setting of this interesting group of listed buildings.

### 3.8 **Friends of Horsham Park:** Objection

A vibrant café in the park is very important and we wish our comments to be understood in the context of wanting the Kaya café business to be successful and to thrive. The decoration and offering are a great improvement on that of the previous tenants. Consequently, the café is very popular. We wish them to continue to do well, but we would also like to see solutions to our concerns listed below.

The pergolas result in significant changes to the landscape around Park House Grade II\* listed building and Park House Sensory Garden. The pergola at the back dominates the Stable Block and obscures the bandstand when walking along the path from north to south. It changes the atmosphere of this area. We do not object to the woodwork which is of high quality oak, but a more discreet structure would be preferable so that more of the building and more of the bandstand can be seen - overall, so that the structure dominates the landscape less.

The structure at the back has a large footprint - taken right to the edge of their boundary. This does not leave sufficient space to queue, both to order and collect, takeaway coffees and food. People wait for 10-20 minutes for their coffees to be made and so at peak times there is a considerable build-up of people. This results in congestion on the paths and we are concerned it makes it difficult for park users to use the path. In addition, at busy times it is impossible for people to pass and keep socially distanced - the area is too crowded with people waiting.

Our understanding is that the takeaway will be the main café offering long term as inside they are moving towards a more exclusive lounge bar and dining area. This means that path congestion will persist post COVID.

We are also concerned that the effect of the pergola at the back is to increase the sense that the whole of this area, including the HDC picnic benches, is exclusively for the use of Kaya customers. We object strongly to encroachment on this area. This is an important area in the park for families and visitors - many like to bring their own food and drink and be positioned next to the bandstand, maze, tennis courts and table tennis amenities. We are concerned that people may feel unwelcome, that they cannot sit on the benches, unless they purchase refreshments.

The planning application is for open roof pergolas but it appears that corrugated plastic is intended to protect from rain. This will affect the appearance from a distance and is less in keeping with the setting. The application needs to clarify what roof material will be used and whether it will be seasonally adjusted.

External heaters are suspended from the oak beams at the rear. From a sustainable angle this is not something the Friends of Horsham Park support.

3.8 5 letters of objection were received from 4 separate households, and these can be summarised as follows:

- Retrospective application
- No Listed Building Consent application
- Impact on character and quality of Listed Building
- No reference to plastic corrugated roof
- Pergola to the front obscures and disrupts the integrity of the façade
- Extent of the pergolas forces users onto the public thoroughfare
- Pedestrian traffic must navigate through customers in public areas
- Not an appropriate form of development
- Does not respect the character of the building
- Does not expand or enable the business
- Out of scale with the Grade II Listed Building
- Materials used are not appropriate
- Oak timbers too bulky
- Overdevelopment of the site
- Causes congestions on adjacent park paths and grass

3.9 2 letters of support were received from 1 separate household, and these can be summarised as follows:

- Significantly enhances the appeal of the café
- Enables year round enjoyment of the café
- Ambition and vision to turn the premises into a destination café
- Great improvement
- Significant improvement to facilities within Horsham Park

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks full planning permission for the retention of 2no. pergolas erected to the east and west of the Grade II Listed Building.

### **Principle of Development**

- 6.2 Policy 5 of the Horsham District Planning Framework (HDPF) seeks to promote the prosperity of Horsham Town and maintain and strengthen its role as the primary economic and cultural centre in the District, and the wider economic area. Development will be allowed within the built-up area of Horsham where it retains the town's key position as the main settlement within the District, while protecting the unique characteristics of the town, including its historic character and high quality environment. In addition, development should contribute to the provision of a range of services and facilities including those in arts, heritage and leisure that makes the town self-sustaining; contribute to the economy of the town to support a vibrant high street and town centre that meets local and business demands; and retain, enlarge or enhance the existing formal and informal green spaces within the town.
- 6.3 Policy 11 of the HDPF states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District. Support will particularly be given to proposals which: reinforce the local distinctiveness and improve existing facilities; focus major tourism and cultural facilities in Horsham Town Centre; and do not result in the loss of a cultural resource.
- 6.4 It is recognised that a number of objections, including from Denne Neighbourhood Council, have raised concerns with the need for the structure. These responses consider that the structure is superfluous and does not expand or enable the business.
- 6.5 The pergola to the west of the building has been constructed to provide a formal outside seating area for the established café. This area has a long-established use as outside seating in connection with the café use, albeit that it has consisted of picnic benches and remained open to the elements. The pergola extends across the full breadth of the previous seating area, with the associated plans indicating that this structure benefits from a number of lighting and heating fixtures.
- 6.6 While recognised that the pergola has formalised and defined the seating area, the use remains as ancillary to the established café. The structure is considered to support the established use of the café, providing an additional facility for the commercial enterprise. The structure would contribute to the continued vitality and vibrancy of the business, while increasing the offer to customers and users. The development is therefore considered to result in economic, social, and wider public benefits. The development is therefore considered acceptable in principle, subject to all other material considerations as discussed in greater detail below.

### **Design and Appearance**

- 6.7 Policy 25 of the HDPF states that the natural environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscape and habitats will be protected against inappropriate development. Development proposals which protect, conserve and enhance the landscape and townscape character, will be supported.
- 6.8 Policies 32 of the HDPF state that high quality and inclusive design for all development will be required based on a clear understanding of the local. Physical, social, economic, environmental and policy context. In particular, development will be expected to provide an

attractive, functional, accessible, safe, and adaptable environment; complement the locally distinctive characters and heritage of the District; contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit; and optimise the potential of the site to accommodate development and contribute to the support for suitable complementary facilities and uses.

- 6.9 Policy 33 continues that development shall be of a scale, massing and appearance that is of a high standard of design and layout, and relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views. Development shall be locally distinctive in character, respecting the character of the surrounding area (including its overall setting, the nearby townscape features, views, and green corridors) and shall use high standards of building materials, finishes and landscaping.
- 6.10 Policy HB3 of the draft Horsham Blueprint Business Plan states that development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area. Policy HB4 continues that development is expected to demonstrate a high quality of design which responds and integrate well with its surroundings.
- 6.11 The pergolas consist of free-standing structures located to the east and west of the Grade II Listed Building, which are constructed of oak timbers. Both structures are open-sided, extending to an overall height of 2.4m and 2.5m respectively. The pergola to the north sits over the existing double doors and addresses the public car park, with the pergola to the south extending over the dedicated seating area
- 6.12 Denne Neighbourhood Council has objected to the proposal on the grounds of the nature and scale of the development, and the impact the pergolas have on the understanding of the building. Concerns have also been raised regarding the lighting and heating fixtures and the corrugated plastic roofing material.
- 6.13 Objections have also been raised by members of the public, including the Horsham Society and Friends of Horsham Park, regarding the large footprint of the pergola to the south, and the impact the pergolas have on the character of the building.
- 6.14 The pergola structures are lightweight in form, with the open nature of the development allowing views through to the principal building. While it is recognised that these are located to the front of the Listed Building, and do therefore impact upon the perception and views of the Listed Building, the lightweight form, which allows views through the structure, is considered to reduce its visual presence. In addition, the contrasting material provides a clear break between the historic building and the new structures, enabling the development to be interpreted as a modern evolution of the building and it's setting. For these reasons, the structures are not considered to over-dominate the host building, and are considered to sit appropriately within the context.
- 6.15 While recognised that the pergola to the west extends across the frontage of the building, the structure extends over the breadth of the outside seating area, and given the lightweight nature of the structure, is not considered to be of such dominance to be significantly harmful. It is not therefore considered that a reason for refusal on the grounds of scale could be justified.
- 6.16 It is recognised that concerns have been raised regarding the plastic corrugated roof. The Agent has confirmed that this is a temporary measure and will be removed, with the plans submitted making no reference to this element. This roof material is considered to be of limited aesthetic merit, and detracts from the overall character and appearance of the

structure and the building when read as a whole. It is therefore considered reasonable to require the removal of this element, with a suitably worded condition recommended which would require the removal of this feature within 3 months of the planning approval.

- 6.17 Concerns have also been raised regarding the light fixtures and heating elements. The installation of small scale heating elements and lighting fixtures would not normally fall within the definition of “development” for which planning permission would be required in their own right. The heating and lighting is though affixed to the pergola and plans have been submitted indicating the number of lighting and heating fixtures. It is considered reasonable to restrict the addition of further external lighting and heating without the prior submission of a planning application, and to control the operating hours of the lighting and heating to match the opening hours of the related café. This approach would minimise the potential for harm to the amenities of the locality.
- 6.18 The two pergola structures are considered to be of a scale, form and appearance that sit appropriately within the context of the building, with the lightweight nature of the structures considered to allow the continued perception and understanding of the host building. The development is not therefore considered to result in significant harm to justify a reason for refusal on the grounds of design or visual amenity.

### **Impact on the Setting of the Grade II Listed Building**

- 6.19 Paragraph 193 of the NPPF sets out that '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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.20 Paragraph 196 of the NPPF states that 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.
- 6.21 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.22 Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.
- 6.23 The subject building comprises the former stable building to the Grade II\* Listed Building of Park House, and forms part of a cluster of ancillary buildings which include the Granary and the Barn. While these buildings are perceived together, it is recognised that their collective understanding has been reduced by modern development undertaken within their setting, including the car park addition to the north, and the thoroughfares and bandstand within the park. Furthermore, the modest conservatory addition to the stable building has reduced the perception of the former utilitarian building, with the subject building now appearing much more domestic in character.

- 6.24 Following consultation from the Design and Conservation Officer, while the constructed pergolas do represent a form of domestication, they have been constructed with simple and functional oak supports. The pergolas do not therefore prevent an appreciation of the building as the historic stable to Park House. It is recognised that the setting of the designated heritage asset and those surroundings have been impacted by modern development, and for this reason it is considered that the pergolas would result in less than substantial harm to the significance of the former stable building, Park House, the Barn, and the Granary.
- 6.25 The development contributes to the use and function of the outside seating area, and consequently supports the existing business premises, particularly during the current pandemic. The public benefit arising from the development is a material consideration of weight, and is considered to outweigh the limited harm arising from the development.
- 6.26 It is recognised that the Design and Conservation Officer has raised concerns with the corrugated plastic placed on the structure, and has sought clarification regarding the heaters and lighting placed on the structure. The Applicant has submitted further information indicating the number of heaters and lighting fixtures to the pergola, and has also confirmed that the corrugated plastic will be removed. The removal of the corrugated plastic roof would be subject of a condition on the planning approval, and is considered to address the concerns of the Design and Conservation Officer.

### **Amenity Impacts**

- 6.27 Policy 33 of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, whilst having regard to the sensitivities of surrounding development. In addition, Policy 32 states that development will be expected to provide an attractive, functional, accessible, safe and adaptable environment, and contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with the surroundings.
- 6.28 The pergolas are lightweight in nature and open sided, and are located immediately adjacent to the subject building. Given the nature of construction and the siting, it is not considered that the development would result in harm to the amenities and sensitivities of neighbouring properties through loss of light or privacy.
- 6.29 It is recognised that concerns have been raised regarding the expansion of the café and the impact this is having on wider park users. Of particular note, concerns have been raised regarding the clustering of patrons across the pedestrian thoroughfare and the spread of café paraphernalia into the bandstand and picnic area adjacent to the Maze. These concerns highlight that the formalisation of these areas may restrict access by non-customers and limit accessibility to members of the public.
- 6.30 While the increased patronage at the café has increased the activity within this area, the development relates specifically to the pergolas constructed within the immediate area surrounding the building. This area has historically been used as outside seating space in association with the café use, with the structures considered to form an ancillary part of this use. It is not therefore considered that the development subject of the application would result in an intensification of use above previous capability.
- 6.31 The development relates solely to the operational development comprising the erection of 2no. pergolas, with no change of use taking place. The land to which the pergolas are located have historically been used as ancillary to the operation of the subject building, and would continue to remain in such use. The development is not therefore considered to result in an increase in noise, activity or disturbance that would justify a reason for refusal.

## **Other Matters**

- 6.32 The comments from Denne Neighbourhood Council, as well as a number of objection letters, have questioned the lack of a Listed Building Consent application. The development does not attach to the Listed Building and does not therefore require Listed Building Consent.
- 6.33 It is acknowledged that outside heating is less efficient than warming an enclosed and insulated space. This comparison is not though considered of overriding importance since the objective of the heating is specifically to provide warmth to those who are outside. It is entirely reasonable for a business to attract and retain customers and the provision of heaters would make a contribution toward this. The provision of electric heating is considered to be a reasonable approach in achieving the intended purposes, and refusal of the application on the basis of sustainability concerns could not be substantiated.

## **Conclusion**

- 6.34 The development as constructed supports the established use of the café, providing an additional facility for the commercial enterprise. The structures contribute to the continued vitality and vibrancy of the business, while increasing the offer to customers and users. The development is therefore considered to result in economic, social, and wider public benefits.
- 6.35 While recognised that the structures comprise a modern evolution to the historic building, the lightweight nature and construction is considered to reduce the dominance of the additions, allowing views through to the historic built form. While the pergolas do introduce a further level of domesticity to the former utilitarian building, it is recognised that the setting and understanding of the designated heritage asset has been impacted by modern interventions within the setting. It is therefore considered that the harm arising is modest, with the public and economic benefits resulting from the development considered to outweigh this limited harm.
- 6.36 The structures would be used as ancillary to the host building, and extend over an existing outdoor seating area historically used by previous enterprises. It is not therefore considered that the development results in further intensification of use, or would result in greater noise and disturbance than existing.
- 6.37 The development as constructed is therefore considered to accord with all relevant local and national planning policies.

## **7. RECOMMENDATIONS**

- 7.1 To approve the application subject to the following conditions.

### **1 Approved Plans**

- 2 **Regulatory Condition:** Within 1 month of the permission hereby granted, the plastic corrugated sheet roofing shall be removed from the western pergola. The pergola has constructed shall be retained as an open-sided and open-roofed structure, and shall not be altered other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and the significance of the Grade II Listed Building, and in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** No external lighting / floodlighting or heating shall be installed other than that shown on the approved plans. All such lighting and heating shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The external lighting and heating hereby permitted shall only operate between the hours of 08:00 and 17:00 and at no other time (on any day).

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/21/0037