

**21/03076/FUL**

**Applicant** Ms Mahsa Yazdanparast

**Location** Cafe Piano 7A Main Road Radcliffe On Trent Nottingham  
Nottinghamshire

**Proposal** Single storey front extension

**Ward** Radcliffe On Trent

Full details of the proposal can be viewed [here](#).

## **THE SITE AND SURROUNDINGS**

1. The application site comprises a café/restaurant within a unit in what appears to be a late 1950s/early 1960s two storey shopping parade. There is a paved forecourt to the front part of which is used as an outdoor seating area for the premises, and which is partly covered by a retractable awning.
2. The site is located on the western edge of the village centre shopping/commercial area. There is a variety of buildings in the area in terms of scale, form, period & design/style, a variety of shops, and a number of other eating/drinking establishments.
3. To the front of this shopping parade are a row of trees covered by a Tree Preservation Order ( TPO)

## **DETAILS OF THE PROPOSAL**

4. The application seeks full planning permission for the construction of a single storey front extension to accommodate an additional eating/drinking area. The extension would be fully glazed with a steel reinforced aluminium frame, and would have a mono-pitched roof. It would project by 5m from the front elevation, and would extend by 6.4m across the frontage.
5. In support of the application, the applicant states the following:
  - a) For over a decade Café Piano has played a central role in the vitality of the village. COVID driven challenges continue to affect the business and, whilst during the relatively warmer period of the year we managed to make the most of the outdoors seating area, the cold/wet weather does not allow this. The emergence of the new COVID variant (in late 2021) has already impacted the business again.
  - b) The all-weather stylish outdoor glass room constructed from a high quality metal frame and sliding shatter proof glass panels would enable customers to be served in a well ventilated but environmentally friendly temperature controlled space, and would not encroach on to neighbouring businesses space or the pavement and highway.

- c) The high quality metal frame together with sliding shatter proof glass panels would represent a high quality, stylish addition to the centre of the village and would continue to enhance the vitality of village regardless of the weather or with COVID conditions which show no sign of subsiding.
6. As a result of concerns of the Borough Council's Design & Landscape Officer relating to the potential impact on trees adjacent to the site which are protected by a Tree Preservation Order, the applicant has subsequently submitted details of the method of construction.

## **SITE HISTORY**

7. Permission was granted in 2012 for a new shop front including bi-fold doors (ref. 12/01262/FUL).
8. Permission was granted in 2017 to replace a flat awning to the front with a sloped awning (ref. 17/02619/FUL).

## **REPRESENTATIONS**

### **Ward Councillor(s)**

9. Cllr Brennan, Cllr Clarke and Cllr Upton do not object and make comments which are summarised as follows.
- a) Acknowledge that the extension would be unique in the village centre and would make a difference to & alter the street scene, and could set a precedent. However, we have all come to realise the importance of outdoor space and the value we place on having local businesses thriving on our high streets. Such extensions are not uncommon and can add to the frequency with which outdoor spaces can be used bringing more customers to the village centre.
  - b) Being mainly of clear construction, it would not necessarily create a major obstruction, and it is also removable as opposed to a permanent structure.
  - c) A common sight in many countries that have a pavement cafe culture and clearly this proposal is trying to emulate that.
  - d) There is a strong business case for this extension, and believe the commercial advantages outweigh the disadvantages.
  - e) Would be helpful if there was a condition that ensured that it was kept in good repair, as there is a danger it may become "tatty" over the years.

### **Town/Parish Council**

10. Radcliffe on Trent Parish Council object on the following grounds.
- a) Nearby trees may need to be removed.

- b) Not in keeping with current street scene.
- c) Impact on neighbouring businesses (Birds Bakery, Post Office).
- d) Would set a precedent.

## **Statutory and Other Consultees**

### **The Borough Council**

11. The Design & Landscape Officer initially commented that the 5 trees along the frontage of the row of shops are protected by a Tree Preservation Order (TPO). The application doesn't take into account these trees and he is minded to object, although with some supporting information from the applicant, he would be happy to review his position. He comments that there appears to be 2 issues, firstly, would the grass structure require the tree to be pruned and, secondly, he would want to know what below ground construction is required to create the structure. If it's a light weight structure sitting on the existing surface he suggests the risk of root damage from footings would be low, but if a new surface is proposed roots damage is a possibility. If the tree needs to be pruned to facilitate the construction of the structure this should be specified as part of this application, otherwise a separate TPO application would need to be made.
12. The officer has subsequently commented that the extension would incorporate 2 supporting posts inset from the corners by around 1.6m. There is a small Maple tree in front of the premises which is protected by the TPO which is approximately 4.8m from the front of the building and is 1.6m from the eastern boundary of the forecourt meaning the structural post for the extension would be sited where the tree is located. The application states that the tree would be retained and that the foundations would be 1.8m from it, but he does not believe this to be the case. The row of trees protected by the TPO is located in a prominent location and enhances the public realm, and he would have to object to the removal of the tree.

### **Nottinghamshire County Council**

13. The Highways Authority comment that the development would not encroach on to the public highway and the footway width is wide enough to allow passage of pedestrians. There is no highway safety objection.

### **Local Residents and the General Public**

14. 1 written representation has been received raising objections which are summarised as follows.
  - a) Completely out of character for the High Street, and would encroach into a key public space and create circulation/security issues at night once the business is closed.
  - b) Would set a precedent for the adjacent businesses to also apply for similar extensions which would eventually result in the loss of this open space.

- c) The proposal takes no account of established trees within this space and how they could be retained with this development. If they are to be lost this would be another loss to the High Street character and should not be approved.

## **PLANNING POLICY**

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) and, in this case, the Radcliffe on Trent Neighbourhood Plan (ROTNP).
16. Other material considerations include the National Planning Policy Framework (NPPF) (2021) and the National Planning Practice Guidance (the Guidance).

### **Relevant National Planning Policies and Guidance**

17. The NPPF which includes a presumption in favour of sustainable development. There are three objectives to sustainable development, economic, social, and environmental.
18. The following sections of the NPPF are considered to be relevant.
- 6 - Building a strong, competitive economy
  - 12 - Achieving Well Designed Places

A copy of the National Planning Policy Framework 2021 can be found [here](#).

### **Relevant Local Planning Policies and Guidance**

19. The following policies in LPP1 are considered to be relevant.
- Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 10 - Design and Enhancing Local Identity

A copy of LPP1 can be viewed [here](#).

20. The following policies in LPP2 are considered to be relevant.
- Policy 1 – Development Requirements
  - Policy 25 - Development within District Centres and Local Centres
  - Policy 37 - Trees and Woodlands

A copy of LPP2 can be viewed [here](#).

21. The following policies of the ROTNP are considered to be relevant.
- Policy 1 – Village Centre First
  - Policy 13 – Business and Enterprise
  - Policy 14 – Design and Layout
  - Policy 15 – Local Architectural Styles

A copy of the ROTNP can be viewed [here](#).

## **APPRAISAL**

22. The main planning issues for consideration are:

- a) The visual impact of the proposed extension on the street scene and the character & appearance of the surroundings;
- b) The impact on trees protected by a TPO;
- c) The economic benefits of the proposal.

### **The visual impact of the proposed extension on the street scene and the character & appearance of the surroundings**

23. As stated in paragraphs 1 and 2, the application premises are within a two storey flat roofed building which appears to date from the later 1950s/early 1960s, in an area with a variety of buildings in terms of scale, form, period and design/style. The shopping parade however creates a uniform street scene to this part of Main Road, and the paved forecourt/outdoor seating area to the front, together with a row of trees protected by a TPO, results in an attractive street environment.

24. The proposed extension would project out by 5m into the forecourt/outdoor seating area. As the structure would be predominantly glazed, it is acknowledged that it would be a lightweight appearance. It is, however, considered that, due its siting and scale, it would represent an incongruous addition to the shopping parade and would have an intrusive visual impact in the street scene, which would be unsympathetic to the character of the surroundings.

### **The impact on trees protected by a TPO**

25. In view of the concerns of the Design & Landscape Officer relating to the impact on a protected Maple tree, it is considered that the loss of the tree, which enhances the street scene and has notable public amenity value, would be unacceptable.

### **The economic benefits of the proposal**

26. The impact of the Covid pandemic on business such as the applicants, and the economic benefits in terms of enabling the business to expand are acknowledged. However, after careful consideration it is considered that the adverse impacts on the environment identified above would outweigh the limited social economic benefits of the development.

27. The application was not subject to pre-application discussions. Further information was sought from and was provided by the applicant during processing of the application. However, it is considered that the adverse impacts of the proposal would be unacceptable and the application cannot, therefore, be supported.

## RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. Due to its siting and scale, the proposed extension would represent an incongruous addition to the shopping parade and would have an intrusive visual impact in the street scene, which would be unsympathetic to the character of the surroundings. The proposed development is, therefore, contrary to Section 12 (Achieving Well Designed Places) of the National Planning Policy Framework, policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, policies 1 (Development Requirements) & 25 (Development within District Centres and Local Centres) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and policy 14 (Design and Layout) of the Radcliffe on Trent Neighbourhood Plan.
2. The proposed development would result in the loss of a Maple tree which is protected by a Tree Preservation Order and which enhances the street scene and has notable public amenity value. The proposed development is, therefore, contrary to the environmental objective of the National Planning Policy Framework and policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.