

**Application Number**

P/2011/0802

**Site Address**Old Toll House  
Torbay Road  
Torquay  
Devon  
TQ2 5JA**Case Officer**

Mrs Ruth Robinson

**Ward**

Tormohun

**Description**

Extend time limit - Formation of roof terrace, modifications to lift.  
P/2008/0981/LB.

**Executive Summary/Key Outcomes**

Listed building consent should be refused as the proposal would have an adverse affect on the architectural character of the Listed building, on Rock Walk Gardens and the wider Conservation Area.

**Recommendation**

Refusal of listed building consent

**Site Details**

The Toll House is a Grade II Listed Building located at the junction of Abbey Crescent with Rock Walk Gardens, a Grade II entry of the Register of Historic Parks and Gardens. It is Council-owned but let on a long lease to the applicant. It was formerly used as a shop and public toilets. It is in a poor state of repair. A mature and attractive Copper Beech is located immediately adjacent to the building within Rock Walk Gardens.

Planning permission and listed building consent were granted in 2005 for a change of use to a café/bar and erection of a 2 storey extension. In 2008, approval was granted for the inclusion of a roof terrace above the proposed extension. None of these works have been implemented.

**Detailed Proposals**

Roof Terrace and modifications to lift.

**Summary Of Consultation Responses**

*Conservation Officer:* The proposal would adversely affect character and architectural quality of the Toll House which is a Grade II Listed Building and the setting to Rock Walk Gardens which are a Grade II entry on the Register of Historic Parks and Gardens.

## **Summary Of Representations**

None.

## **Relevant Planning History**

P/2005/1369/LB	Demolition of part of existing building; extension and change of use to café bar. Approved 26/9/2005.
P/2005/1368/PA	Demolition of part of existing building; extensions and change of use to café bar. Approved.
P/2008/0980/PA	Inclusion of roof terrace and modifications to lift: Approved
P/2008/0981/LB	Inclusion of roof terrace and modifications to lift: Approved.
P/2010/0974	Extend time limit for implementation of P/2005/1369: Delegated approval granted subject to a S106 Agreement which has not been signed.
P/2010/1052	Extend time limit for implementation of P/2005/1368: Delegated approval granted subject to a S106 Agreement which has not been signed.

## **Key Issues/Material Considerations**

### **Principle and Planning Policy -**

Planning Principle and Policy.

In 2005, planning permission and listed building consent were granted to change the use of the Toll House to a café bar and to erect a 2 storey extension.

This proposal involved the demolition of more recent unattractive extensions to the Toll House and their replacement with more contemporary extensions to provide a 'café bar' use. The extensions were to be largely glazed, with stone, lead and aluminium detailing. A very modern style was thought to be appropriate in order to create a clear contrast with the character of the Toll House and the scale and form of the extension was subservient to the listed building. This solution was arrived at after lengthy negotiations to achieve an appropriate scale of development that did not overwhelm the diminutive Toll House.

This proposal has not been implemented and applications have been made to extend the time for implementation. These have been approved under delegated powers but the applicant has not signed the s106 due to the increase in the sustainable transport contributions arising from the SPD which became adopted policy since the original approval in 2005.

In 2008, planning and listed building applications for a roof terrace above the approved extension and modifications to the lift were submitted. It was recommended for refusal for the following reasons.

It was thought that the extension to accommodate the lift would create a three storey blank elevation in a particularly prominent location. The roof terrace would increase the height and prominence of the approved extension considerably. It is considered that this would be damaging to the Listed Building, to the setting of Rock Walk Gardens and to the wider Conservation Area. It was considered that

the roof terrace would result in a form of development that would overwhelm the Listed Building and seriously damage its architectural character and integrity.

The applicant, at the time argued that some outside space was essential if this project was to be delivered and that he had a reputable and serious occupier ready to sign up if only the issue of outside seating for smokers was resolved. As a consequence, Members overturned the officers recommendation that planning permission and listed building consent be refused due to the positive impact the scheme could have in providing economic regeneration. The scheme has not been implemented and it is officer's opinion that this extension of time should not be granted as the erection of the roof terrace would be damaging to the character and architectural quality of this listed building by virtue of its position, appearance and relationship to the Toll House.

The imminent implementation of a scheme of refurbishment and the consequent regeneration impacts of the scheme clearly influenced Members views in considering the scheme in 2008, such delivery has failed to materialise and it is thus recommended that there is no justification for extending the life of this permission.

### **Conclusions**

It is considered that the harm the scheme would cause to the Listed Building, the Conservation Area and the adjacent Rock Walk Gardens is such that permission should be refused.

### **Recommendations:**

Committee Site Visit: Refusal.

### **Relevant Policies**

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