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1. Policy Context

1.1 Planning control for the historic environment is provided by three sources of statutory requirements:

1.2 **Primary legislation** – The Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990. These three pieces of legislation set out the legal requirements for the control of development and alterations which affect buildings, including those which are listed or in conservation areas, and the framework by which control is maintained.

1.3 **National Policy** – A number of circulars issued by the former Welsh Office give further detail on the application of the legislation. These are as follows:

- Welsh Office Circular 60/96 Planning and the Historic Environment – Archaeology - The circular sets out advice on legislation and procedures relating to archaeological remains.
- Welsh Office Circular 61/96 Planning and the Historic Environment -The circular sets out advice on legislation and procedures relating to historic buildings and conservation areas.
- Welsh Office Circular 1/98 Planning and the Historic Environment Directions by the Secretary of State for Wales – The purpose of this circular is to update aspects of circular 61/96 following the judgement in the case of Shimizu (UK) Ltd v. Westminster City Council relating to demolition within conservation areas.
- Planning Policy Wales (PPW) (2011) – PPW provides guidance on the historic environment The following areas are the subjects of statements of national policy within Planning Policy Wales (PPW) and, as a result, need not be repeated as local policy within the LDP (the relevant PPW paragraph is included in brackets):
 - Financing archaeological works (6.4.3)
 - Preservation of listed buildings and optimum viable use (6.5.8)
 - Conservation areas and assessments (6.4.6);
 - Ancient monuments and archaeological remains (6.5.1);
 - Archaeological investigation before development commences (6.5.3);

- Proposals affecting a listed building or its setting (6.5.9);
- Consent to demolish a listed building – exceptional circumstances/use of conditions (6.5.10)
- Conservation area consent considerations (6.5.16 - 6.5.17);
- Advertisements in conservation areas (6.5.19);
- Trees in conservation areas (6.5.20);
- World Heritage Sites (6.5.24);
- The effect on historic landscapes, parks or gardens and their settings as a material consideration (6.5.25).
- Conservation Principles (2011) outlines Cadw's intentions for the sustainable management of the historic environment in Wales.

1.4 It is therefore not necessary to include an all-encompassing range of historic environment policies within the LDP. In accordance with PPW local policy is only required in relation to locally distinct elements. In some cases, the most suitable vehicle for such elaboration is Supplementary Planning Guidance (SPG). However, this would still necessitate the inclusion of a relevant policy within the LDP itself, in order that the SPG originates from adopted local planning policy.

2. The Character and Architecture of Conwy County Borough

- 2.1 The north-western part of North Wales which lies within the County of Conwy has an especially rich and varied heritage. This ranges from settlements and fortifications from the earliest times to the late 20th century engineering works of the tunnel under the Conwy Estuary.
- 2.2 The landscapes to be found in the County are also very varied. The coastal plain accommodates the main towns – Colwyn Bay, Llandudno, Conwy, Abergele, Penmaenmawr and Llanfairfechan. To the south of these towns lies an extensive rural area, encompassing the Conwy Valley with the hills and mountains of Snowdonia to the west and to the east the vast upland area generally known as the Denbigh Moors.
- 2.3 Within the County there is a wide range of interesting and unusual structures which make a very significant contribution to the character and appearance of the County. These structures also help us to understand and appreciate the way in which the County has grown and developed from the earliest times to the present day.
- 2.4 There are marked differences between the western and eastern parts of the County. The Conwy Valley forms a natural border, dividing the more mountainous west and the gentler upland moors to the east. These differences are defined not only by the topography, but also by the different materials available for building. Thus we have the proximity of slate and granite, for example, in the west and the shales and outcrops of carboniferous limestone in the east and along the coast respectively.
- 2.5 The history of the architectural development of the area reflects the availability of local materials and building traditions. There has been a strong Snowdonia influence to the architecture of the inland and Conwy Valley areas as would be expected where there was a ready availability of stone, timber and slate.
- 2.6 Historic timber frame buildings are now relatively few with the vast majority of pre 18th century vernacular architecture being constructed of random stone rubble. Brick was more generally introduced to the County in the 18th century but, compared to the eastern part of North Wales, early 18th century brick buildings are

relatively rare with brick only really gaining in popularity once mass production and transport improvements in the nineteenth century had allowed the material to be widely used. Stone remained the building material of choice for many Civic and Commercial buildings such as banks who wished to create a high status or prestigious character.

- 2.7 The brick and slate buildings quickly overtook stone when commercial centres, resorts and even villages were expanding in the 19th century. Accompanying the use of brick as a mono-chromatic, or polychromatic building material, came terracotta and ironwork details. Much of the coastal settlement expansion in Colwyn Bay and parts of Llandudno and Penmaenmawr were built in characteristic, regionally produced, pressed faced brickwork. Architects created features such as towers to highlight important positions such as corners in the urban expansion plans.
- 2.8 Modern later 19th century architecture in the area was strongly influenced by historical styles and the work of local notable architects.
- 2.9 Herbert North for instance established a recognisable local Arts and Crafts, Rustic theme by using stone slates with a strong character with roughcast or pebbledashed walls e.g. Llanfairfechan.
- 2.10 The influence of the Classical style is also evident in parts of, for example, Llandudno and Penmaenmawr, where decorated stucco is utilised to create an impression of grandeur and elegance. Modernist architecture using bold white elevation panels and mass-manufactured horizontal windows stand out but few survive unaltered. Ironwork, the hallmark of the Victorian era is still evident, mainly used as decoration or to create stand out features in Llandudno and Colwyn Bay – where canopies provided welcome shade/cover. Metal sheet buildings such as missions, churches and agricultural buildings have not survived well but now the remaining few structures stand out as relatively rare and distinctive buildings.

3. Listed Buildings

3.1 There are 1733 listed buildings / structures within the County Borough and there are a number of pertinent issues facing these which are raised below:

- Conwy currently has 89 listed buildings on its “At Risk” register
The need to develop a strategy to address the issue of listed buildings at risk from neglect and decay has been identified as a priority within Conwy. A Buildings at Risk Strategy is currently being developed to provide a consistent and systematic approach to identifying and taking action to deal with listed buildings which have fallen into disuse or disrepair, commonly referred to as ‘Buildings at Risk’ (BAR). The purpose of a BAR register is to identify buildings where there is a risk of loss of historically or architecturally important fabric (structure or details) with a view to preventing that loss.
- The current approach to the protection of buildings at risk by the council is predominantly reactive. The main outcome of this strategy is to achieve a change in the approach so that the emphasis is on proactive action and prevention
- In order to achieve realistic outcomes it is necessary to adopt a rigid monitoring policy requiring targeted funding along with staffing resources.
- The aim of this strategy is to produce an ongoing structured 3-year approach to dealing with Conwy’s Buildings at Risk with the aim of reducing the amount of buildings on the register by:
 - 2- in Year 1
 - 4- in year 2
 - 6- in year 3
- Scott Handley carried out a resurvey of listed buildings in 2005/6. The buildings listed as at risk may have been subject to change since then and others been made more prominent through public pressure. The “At Risk” list will provide the basis from which an action plan will be formulated. Priority will be given to buildings based upon the order in which effective action can be taken and the extent of the action required. Consideration will be given to risk scores, building grade, rates of deterioration, schemes that will bring community benefit, location, unoccupied dwellings in areas targeted for renewal, significance of the property and its contribution to townscape and ease of achieving positive result.

- In the coastal zone, and where rural regeneration through commercial or tourism related reuse is appropriate, historic buildings can add to the economic vitality and attractiveness of the county as a tourist destination.
- Changes of use that have a harmful effect on the fabric and features of listed buildings and have a debilitating impact on the designated building, or its setting in the longer term, should be carefully examined to ensure there are no alternatives available that would allow the use for which the building was originally designed to continue, or other uses that would preserve its special character and interest.
- The objective of preserving listed buildings and their settings needs to be given significant weight when proposals for alternative energy generation and energy efficiency measures are submitted for designated buildings. These measures can harm the special historic or architectural interest and character of a listed building and require careful consideration.
- Other regulations such as the Building Regulations and DDA provisions will also require special attention to ensure that any developments preserve the character of the listed building.
- Enabling development may be one way of securing the future of listed buildings where other measures have not been successful. This is explored in more detail in section 7 of this background paper.

4. Conservation Areas

4.1 Conwy County Borough Council currently hosts 25 designated conservation areas:

- Abergele Town Centre Conservation Area
- Betws-yn-Rhos Conservation Area
- Cerrigydrudion Conservation Area
- Colwyn Bay Town Centre Conservation Area
- Conwy Conservation Area
- Gwytherin Conservation Area
- Llandudno Town Centre & Seafront Conservation Area
- Llanellian-yn-Rhos Conservation Area
- Llanfairfechan Town Centre Conservation Area
- Llanfairtalhaearn Conservation Area
- Llangernyw Conservation Area
- Llangwm Conservation Area
- Llanrwst Town Centre Conservation Area
- Llansannan Conservation Area
- Old Colwyn Conservation Area
- Penmaenmawr (Penmaenan) Conservation Area
- Penmaenmawr (Pen-y-Cae) Conservation Area
- Penmaenmawr (St David's Road) Conservation Area
- Penmaenmawr (Bell Cottages) Conservation Area
- Penmaenmawr Town Centre Conservation Area
- Pentrefoelas Conservation Area
- Pwllcrochan Conservation Area
- Rhos-on-Sea Conservation Area
- St George Conservation Area
- The Close Conservation Area

4.2 Some of these conservation areas or significant parts of them are characterised as having good authentic surviving historic features that still contribute significantly to the distinctive special character of the area. In such cases, the emphasis of policies and proposals should be to preserve their existing special character and features whilst also enhancing special character wherever possible.

- 4.3 Conversely, some conservation areas have been degraded in character because of widespread small scale inappropriate changes to the external features of buildings, or larger scale new developments that are out of keeping with the character of the area. Where this is the case, the emphasis of policies and proposals should be to enhance the area by reinstating lost historic features, remedying breaches of planning control and enhancing/replacing instances of inappropriate non historic development with more compatible buildings/extensions.
- 4.4 Conservation areas can be frequently poorly understood and explained to occupiers, users and visitors. The special character of individual areas needs to be analysed and proposals formulated in order to manage future change with a view to preserving or enhancing these areas.
- 4.5 Conservation area proposals that will be implemented during the Plan period will be contained within management plans that are tailored to the individual characteristics of each designated area. Some key themes are highlighted below:
- Security measures in commercial/retail areas
 - Shop fronts in retail areas
 - Advertisements in commercial/retail areas
 - Historic uses in commercial/retail and residential areas
 - Traffic management and highway design
 - Streetscape features
 - Minor developments in residential areas
 - Additional/infill development within residential areas
 - The control and management of permitted development rights in residential areas
 - Energy efficiency and generation measures in conservation areas
 - Protection of the settings of conservation areas.
- 4.6 As well as producing Conservation Area Management Plans, topic based SPGs will be compiled on issues that affect a wide number of conservations areas, for example, installation of UPVC, appropriate shopfront security measures etc.

5. Conwy World Heritage Site

- 5.1 The Conwy conservation area contains the thirteenth century castle and town walls that are designated as a World Heritage site. This designation confers a pre-eminence to this conservation area. The exceptional interest of the town and its medieval defensive structures require particular management proposals that are tailored to protect their fabric and immediate and wider settings.
- 5.2 UNESCO requires the preparation of the Management Plan to guide development of the World Heritage Sites that comprise the Edward I castles and walls of Conwy, Caernarfon, Harlech and Beaumaris. A draft Management Plan has been prepared which includes a defined a buffer zone intended to protect the setting of Conwy World Heritage Site.
(See www.conwy.gov.uk/doc.asp?cat=2433&doc=1224 for the Management Plan)
- 5.3 The crucial importance of the medieval military architecture and later engineering operations place additional constraints on the conservation area and its setting. These factors need to be taken into consideration when the Council reviews this conservation area. The Council also aims to ensure the preservation of surviving historic structures and that the character of the historic town and its surrounding setting is enhanced when the opportunity arises as well as being protected. The additional World Heritage Site designation of Conwy introduces further aspects that must be considered, evaluated and managed if the objectives of the overall management are to be achieved. These evaluated aspects will include:
1. The identification of principal and secondary viewpoints of the Castle and town (both inwards and outwards facing).
 2. The definition of buffer zones and wider areas of landscape setting for the World Heritage Site. Distant viewpoints will be factored into these considerations.
 3. Streetscape and other urban works must reflect the pre-eminent historic character and distinctive appearance of Conwy. The enhancement of buildings, spaces and streetscapes must all be integrated within a Conservation Management Plan to ensure the overall character of the town reflects the historic importance of Conwy as a commercial, residential and visitor destination.

6. Historic Parks and Gardens

- 6.1 The inclusion of parks and gardens in the Cadw/ICOMOS Register does not confer any statutory controls. New development that is proposed within boundaries or within their defined essential settings should not harm the special interest of the landscapes, parks and gardens. Enabling development proposals within historic landscapes, parks and gardens should be systematically evaluated to ensure these assets are adequately protected. Further background information can be found within the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

Landscapes

Lower Conwy Valley

Creuddyn and Conwy

North Arllechwedd (crosses LPA boundary)

Denbigh Moors (crosses LPA boundary)

Parks and Gardens

Happy Valley

Haulfre Gardens (Sunny Hill)

Benarth Hall

Bryn y Neuadd

Wern Isaf (Rosebriars)

Plas Madoc

Gwydir

Hafodunos

Voelas

Garthewin

Kinmel Park

Coed Coch

Gwrych Castle

Plas Uchaf

Plas yn llan

Bodnant

Oak Bank/Bulkeley Mill

Caer Rhun Hall

Gloddaeth (St. Davids College)

Bodysgallen

Bryn Eisteddfod

Colwyn Bay - Cotswold

Conover House

Colwyn Bay – The Flagstaff

Hendre

7. Enabling Development

- 7.1 Enabling Development is not a statutory term, but was confirmed as a legitimate planning tool in 1988 when the Court of Appeal, in *R v. Westminster City Council ex parte Monahan*, upheld the validity of a planning permission authorising office development, which was contrary to the development plan, on the basis that it would provide funds to improve the Royal Opera House, Covent Garden, unobtainable by other means. (English Heritage, 2008)
- 7.2 Enabling Development is development that would normally be unacceptable in planning terms but is necessary to benefits to the historic environment which could not otherwise be achieved. Enabling Development is technically a 'last-resort' option to be explored where there are no other ways of securing the long term future of a heritage asset.
- 7.3 Enabling Development can be used as a delivery vehicle for preserving listed buildings which may conflict with planning policies or sound conservation principles and is often advanced as a measure that will allow a listed building to be preserved or rescued from dilapidation and/or disuse. These listed buildings are frequently redundant, unused and possess large areas of surrounding land, including park and gardens or landscapes that are themselves of special interest. Care needs to be taken to ensure that the proposed development:
1. Is required.
 2. Does not damage the asset it seeks to assist.
 3. Is linked to assisting the listed building.
 4. Is of a proportional scale.
- 7.4 **The Link Between Buildings at Risk and Enabling Development**
- If Enabling Development is the only way to secure the long term future of buildings at risk, then a set of carefully thought-out criteria is necessary to guide development.
- 7.5 A policy on Enabling Development is therefore recommended for inclusion within the LDP to guide such proposals. Criteria produced by Cadw (Conservation Principles 2011) is incorporated into the LDP policy.

7.6 In addition to the policy criteria, it is recommended that planning briefs are produced to evaluate each proposal on its individual merit.

8. Buildings and Structures of Local Importance

8.1 Conwy has a rich and diverse historic built environment. A number of buildings and structures (c1700) benefit from the protection of listed status, however there are a significant number of other buildings and structures which, although of local importance, do not have any specific protection in planning terms.

8.2 Broad categories are listed below and from these it can be seen that the County can boast a rich and varied heritage. The heritage of the County is not restricted to a limited range of building types.

8.3 In addition to the broad categories listed below, there are good examples of the work of distinguished local and regional architects such as Sidney Colwyn Foulkes, Herbert North and John Douglas.

8.4 Building Types

The types of buildings and structures post 16th century which may be found in the County which should be assessed include:-

- Churches and Chapels and other places of worship, especially the Welsh Chapels, which survive both in towns and in the country.
- Cottages, small houses and small holdings and associated buildings.
- Country houses and their associated estates and estate buildings.
- Later (e.g. 19th century) estates and planned, model farm-steads, lodges and the like.
- Traditional agricultural buildings, either individually or those which form a group.
- Main roads and associated structures, especially Telford's London – Holyhead road, the 1930's improvements to the coast road (tunnels and viaducts) and the Conwy Tunnel of the 1990's.
- Railways, especially Stephenson: Chester – Holyhead railway and the Conwy Valley line.
- Structures associated with the quarrying and mining industry, such as inclines, narrow gauge railways, huts, jetties and conveyors.
- Other industrial structures such as the canal out to the former Dolgarrog works.

- Structures associated with the provision of utilities, such as pumping stations.
- Mid-late 19th century houses and villas, especially in Llandudno and Colwyn Bay, demonstrating notable examples of the development of the towns, and of later Edwardian and inter-war expansion.
- Public buildings such as schools, libraries, town halls, village halls, theatres and the like.
- Examples of Arts and Crafts buildings and the work of notable local architects.
- Surviving structures from World War II such as pillboxes, gun emplacements, air raid shelters (e.g. Great Orme Gunnery School) and those structures on the Great and Little Orme and, by association, war memorials.
- Structures associated with the resorts – band stands, collonades, shelters, kiosks etc.
- Others/miscellaneous such as fish weirs (e.g. Rhos on Sea) and old quays (e.g. Penrhyn Bay).
- Garden structures in the grounds of large houses and institutions such as gazebos, summer houses, greenhouses.
- One offs e.g. the obelisk.
- Places of employment such as good examples of factory buildings, depots, smithies, workshops.

8.5 LDP8 – ‘Buildings and Structures of Local Importance’ SPG has been produced to explain how the LDP policy will be applied in relation to the compilation of a list of buildings and structures of local importance.

9. Scheduled Ancient Monuments and Archaeological Sites

- 9.1 Scheduled ancient monuments (SAMs) are nationally important archaeological sites that are protected under the Ancient Monuments and Archaeological Areas Act 1979. The list of these is maintained by Cadw. The effect of scheduling is that proposals to damage, demolish, remove, repair, alter, add to, flood or cover up a SAM require scheduled monument consent, on top of the requirement for planning permission.
- 9.2 Development should be sensitive to the preservation of archaeological remains and national policies stress the need to evaluate sites, record them and preserve those that are most important. Consultations with Clwyd-Powys Archaeological Trust and Gwynedd Archaeological Trust have revealed that some of the proposed strategic allocations may require archaeological assessments or evaluation prior to any development taking place. Consultation responses such as these will be taken into account when producing development briefs for these sites or when assessing developers' proposals.
- 9.3 As SAMs are protected independently of the planning system, there is no requirement for such protection to be included within the LDP. However, scheduled ancient monuments form only a small proportion of the total number of archaeological and historic sites. When considering proposals on unscheduled archaeological sites, the Council will consult with the Clwyd-Powys / Gwynedd Archaeological Trusts, and take into account the interest and importance of the sites and their settings. Where necessary the Council will require that sites are properly assessed and evaluated before deciding on whether to grant planning permission. Planning permission will be refused if the archaeological site is of sufficient interest to merit protection from disturbance altogether. Preservation and recording of sites may also be secured through the use of planning conditions and agreements. An SPG will be produced to guide development proposals on these matters.