

Report to	<b>Planning Committee</b>
Date	<b>12 October 2023</b>
By	<b>Director of Planning</b>
Title of Report	<b>Lewes Conservation Area Character Appraisal and Management Plan</b>
Purpose of Report	<b>To present the draft Lewes CAAMP for adoption by the National Park Authority</b>

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**Recommendation: The Committee is recommended to:**

- 1. Adopt, subject to any changes proposed by the Committee, the new Lewes Conservation Area Appraisal & Management Plan, attached as Annex Two to this report, to replace the existing version, for the purposes of Development Management and to inform the other activities of the National Park Authority and its partner organisations.**
  - 2. Delegate authority to the Director of Planning in consultation with the Chair of Planning Committee to make any minor changes to the Lewes Conservation Area Appraisal and Management Plan.**
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**Executive Summary**

- Lewes has been a Conservation Area since 1970 and has an Appraisal and Management Plan dating from 2007 and 2013 respectively. Both are out-of-date and in need of revision.
- The Conservation Area was extended in 2012 to include properties and land on Rotten Row, St Pancras Road, Lewes Cemetery, and County Hall.
- A specialist conservation consultancy was appointed following a tendering process to undertake the work to update the Conservation Area Appraisal and Management Plan.
- A first draft was the subject of a public consultation process. This has resulted in significant alterations to the draft and, in responding to the consultation, an improved document.
- At the same time, an informal public consultation was undertaken on the desirability of revising the current Article 4 Direction covering the conservation area. This will be taken forward in the New Year.

**1. Background**

- 1.1** Lewes is the largest town in the South Downs National Park and any National Park. It lies on the river Ouse at the point where it cuts through the chalk of the Downs.
- 1.2** The town is one of great antiquity, with development from the Anglo-Saxon period onwards. It remains an attractive and thriving historic town of great national significance. Almost all the historic town is a Conservation Area, first designated in 1970 by East Sussex

District Council and extended in 2012 by the National Park Authority to include properties and land on Rotten Row, St Pancras Road, Lewes Cemetery, and County Hall

- 1.3 The Conservation Area has had a Conservation Area Appraisal since 2007 and a management plan, prepared by the National Park Authority, was added in 2013.
- 2. The Existing Appraisal and Management Plan.**
    - 2.1 In principle, all Conservation Areas should have a written appraisal which sets out what elements are thought by the Local Planning Authority to give the designated area its special character. This should include, or be accompanied by, a Management Plan which sets out proposals and aspirations for improvements to the Conservation Area. Collectively, the National Park Authority refers to these as ‘CAAMPs’.
    - 2.2 The existing Conservation Area Appraisal for Lewes was written by The Conservation Studio on behalf of the District Council in 2007. However, it lacked a management plan. This was rectified in 2013.
    - 2.3 The SDNPA has 167 conservation areas (more than any other National Park). In practice, it is a difficult target to ensure that all have reasonably up-to-date CAAMPs. The National Park Authority has, therefore, sought to ensure that the principal historic towns do have up-to-date ones. The existing Lewes CAAMP is 15 years old and is overdue a revision. This does not mean that the current document is all wrong, but it does need to be revised and updated to address changes in the town, changes in legislation and government guidance, and to unify several disparate documents.
    - 2.4 As well as the CAAMP, Lewes Conservation Area has had an Article 4 Direction since 1995. This was even more out-of-date and the then Conservation Officer at Lewes District Council asked the National Park Authority to review, and potentially revise, that document in the light of issues that were arising from it.
    - 2.5 It was decided that a review of the existing CAAMP, leading to the adoption of a revised version, which could be combined with a preliminary consultation seeking residents’ views on the Article 4 Direction, would be desirable.
- 3. The Consultation Process**
    - 3.1 The document has been the subject of a public consultation process. The results of that process are summarised in Appendix I.
    - 3.2 The initial consultation period was six weeks (30 May - 11 July 2023), the Authority’s usual period for consultation on a draft CAAMP. The consultation was advertised on the SDNPA website and social media platforms (Twitter, Instagram, Facebook), in the local press (Sussex Express group week beginning 29 May 2023), in the SDNPA Planning Newsletter (Spring 2023) and with posters at key locations in the town including Lewes Town Council, Lewes District Council, and the Tourist Information office.
    - 3.3 Direct notifications of the consultation were also sent to key stakeholders including Historic England, Lewes District Council, Lewes Town Council, the Conservation Area Advisory Committee, the Friends of Lewes, The South Downs Society, Sussex Archaeological Society and East Sussex County Council (archaeology and properties).
    - 3.4 Moreover, a public display of poster boards explaining the proposed changes, with copies of the draft document were left on show in the Lewes Public Library, taking advantage of their evening and weekend opening hours, for the entire period of the consultation. Additionally, two public drop-in sessions were held and attended by SDNPA planning officers and Purcell, on Thursday 15 June and Saturday 17 June.
    - 3.5 To enable the efficient collation and processing of responses in a timely manner, a structured on-line questionnaire was developed; this was the preferred collection method for consultation responses. The questionnaire was designed to establish the general views of the public on the main sections of the draft document and included opportunities to respond in both tick box and free form text formats. Written submissions were also accepted. Paper copies of the survey were also made available at the Library to enable responses from those without web access.

3.6 In response to a request from some consultees, the SDNPA extended the consultation period by a further 4 weeks (to 8 August, 10 weeks in total).

#### **4. Broad Results of the Consultation**

4.1 In total, there were 92 consultation responses received on-line, and 19 in writing. The results of the consultation process are reported in detail in Annex 1 in tabular form, divided into two sections. The first section includes the written representations, which are largely the responses of organisations rather than individuals. It is here that the comments received from Historic England, Lewes District Council, Lewes Town Council, and Friends of Lewes can be found. The second section presents the on-line responses and is organised around the structure of the questionnaire. However, key headline issues can be identified here.

4.2 Probably the most significant of these, and certainly the one that attracted the most adverse comments, was the proposal to remove two small areas of relatively recent development from the conservation area.

4.3 Area 1, which is a relatively modern housing estate to the south of Southover High Street, attracted particular objection. The main argument presented was that the estate had been designed with an eye on the historic character of the town and that to remove it from the conservation area would undermine this quality and lessen control of potential harmful development that the conservation area status currently provides.

4.4 Area 2 was a small area known as Wallands Park Rise, an early 21st century in-fill development accessed by a narrow gap between terraces on Leicester Road. This attracted less comment though objections were received.

4.5 Following the consultation process, and upon reflection, officers have accepted the reasons put forward for retaining the areas within the conservation area and the proposal to remove them has been removed from the document presented for adoption.

4.6 A second significant theme arising from the consultation was the suggestion that the CAAMP should contain detailed guidance on a range of issues, but particularly on the issue of retrofitting technology to houses to upgrade their thermal performance and wider issues of climate change and sustainability.

4.7 It is not usual to include guidance at the level suggested in a CAAMP; this would turn it into a Design Guide. However, in response to this issue, the revised CAAMP has looked to provide more general advice and signpost to other sources of advice. The preparation of very detailed advice would greatly expand an already large document and would be better provided at an Authority-wide scale, as this issue is not unique to Lewes.

4.8 Generally, requests for significant additions to the draft document on specific issues have been resisted where this would add a significant amount of complexity to the document while providing only limited utility. As noted above all comments received – with an accompanying officer response – are provided at Annex 1.

#### **5. The Article 4 Direction**

5.1 Article 4 Directions take away specified permitted development (PD) rights from specific properties and are a tool to help protect conservation areas from the cumulative erosive effect of relatively minor works which do not ordinarily need explicit planning permission from the Local Planning Authority.

5.2 The existence of such a Direction for over 25 years is one reason that Lewes remains such an attractive historic town and this was recognised in the consultation responses.

5.3 The current direction does have several issues. The properties it covers are identified on a map with a boundary that covers the whole conservation area. In doing so, it extends the effect of the Direction to listed buildings which are protected by the need to obtain Listed Building Consent (LBC). In defining the properties affected using just a map, it falls short of more recent best practice, which is to list the affected properties and identify them on a map.

5.4 The PD rights removed by the current Direction are:

- The enlargement, improvement, or other alteration of a dwellinghouse where any part of the enlargement, improvement or alteration would front a highway, waterway or open space.
- Any alteration to the roof of a dwellinghouse where the alteration would be to a roof slope which fronts a highway, waterway or open space (this, for example, requires solar panels to apply for planning permission).
- The erection or construction of a porch outside any external door of a dwellinghouse where the external door in question fronts a highway, waterway or open space.
- The provision or improvement within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse where it would front a highway, waterway or open space.
- The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse where the hard surface would front a highway, waterway or open space.
- The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse, where the part of the building or other structure on which the satellite antenna is to be installed, altered, or replaced fronts a highway, waterway or open space.
- The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space.
- The painting of the exterior of any part, which fronts a highway, waterway or open space, of (i) a dwellinghouse, or (ii) any building or enclosure within the curtilage of a dwellinghouse, resulting in the painting of a previously unpainted surface or resulting in a change of colour.
- Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure where that gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a highway, waterway or open space.

5.5 In reviewing the current Article 4 Direction, the intention was to test public awareness of, and support for, its existence. A further objective would be to update the Article 4 direction to bring clarity to the properties included, thereby removing those which didn't need to be in it and make it easier and clearer for both householders and officers to understand and manage. More specifically, the previous Conservation Officer at the District Council reported that she considered the requirement to obtain planning permission for painting of buildings was too onerous.

5.6 The draft Direction for the purposes of consultation proposed the removal of the following PD rights.

- The enlargement, improvement, or other alteration of a dwellinghouse where any part of the enlargement or alteration would face public open space, highway or waterway.
- Alteration to the roof of a dwellinghouse, including construction of window openings, installation of rooflight, installation of solar panels and changes to external roofing material. (this is similar to the existing Article 4 direction, but the requirements are made more explicit)

- The erection of a porch outside any external door of the dwellinghouse or any other building, structure or enclosure within the curtilage of the dwellinghouse where this would face public open space, highway or waterway.
- The provision of a hard surface within the curtilage of a dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse, where the hard surface would front a highway or public open space.
- The erection, construction, alteration, or demolition, whole or in part, of any gate, fence, wall, or other means of enclosure which are adjacent to a highway used by vehicular traffic, public right of way or public open space.
- The application of paint or other surface treatment to the external joinery of a dwellinghouse or any building or enclosure within the curtilage of a dwellinghouse, where that would result in a change of colour. (this is a relaxation compared to the existing Article 4 direction)
- The construction, alteration, enlargement, or replacement of windows, doors and other openings to elevations which face public open space, highway, or a waterway.

5.7 38 respondents answered the on-line questions relating to the Article 4 Direction. Of these 87% were aware of the existing Direction and 80% agreed that it had helped to protect the character of Lewes. In terms of any replacement direction, there was strong support for the approach of providing greater clarity in any new Article 4 Direction, but not majority support for the proposed updated version, with 64% not agreeing with the proposed update.

5.8 Only two respondents commented specifically on the proposed Direction. The Friends of Lewes requested a reconsideration and more assessment work to clarify the appropriateness and scope of changes to the Article 4 Direction, whilst a resident was concerned at the omission of the exterior painting of previously unpainted surfaces or changes to colour. She suggested that this would allow the proliferation of garish colour schemes and/or murals through the historic town.

5.9 The results suggest continuing support for the existence of a Direction protecting the town but are more negative about the draft version presented. Officers are considering the feedback, including in respect of sustainability, and will present a report to Planning Committee about a proposed new Article 4 direction in the New Year.

## **6. Conclusion**

6.1 The CAAMP document now presented for your consideration has been prepared for the National Park Authority by a well-respected heritage consultancy. An initial draft was the subject of an extensive consultation process, which has resulted in quite major revision and improvements.

6.2 The document will assist agents, architects, developers, and householders to make well-informed planning applications and planners to make well-informed planning decisions. It will also promote a better understanding and appreciation amongst the wider population of the quality and significance of Lewes as a historic town.

6.3 The document has also taken advantage of IT developments since the last version which allows the document to be easily navigated online. Care has also been taken to ensure its accessibility and it meets the legal AA requirement for web documents.

<b>Implication</b>	<b>Yes*/No</b>
Will further decisions be required by another committee/full authority?	Not with regards to the CAAMP. Once a revised Article 4 direction has been produced, this will require separate approval by the Planning Committee.
Does the proposal raise any Resource implications?	The cost of the consultants for this work has been funded from within existing budgets.
How does the proposal represent Value for Money?	The adoption of the document will assist the National Park Authority and its partner organisations to better perform their role of caring for the Park's cultural heritage and, as such, will help perform this role efficiently.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	PMP Outcome 1.1: To protect that natural beauty and character of the National Park. PMP Outcome 4.1: To increase conservation awareness, access to, and understanding of South Downs cultural heritage.
Links to other projects or partner organisations	The adopted document is intended to be used by the National Park Authority for development management and by their NPA and its partner organisations for their wider activities.
How does this decision contribute to the Authority's climate change objectives	The re-use of existing buildings is inherently sustainable.
Are there any Social Value implications arising from the proposal?	No implications.
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, insofar as no such direct impacts have been identified.
Are there any Human Rights implications arising from the proposal?	It does have an impact on the rights of property owners in the Lewes Conservation Area. However, given the role of the planning system in protecting the historic environment, this is considered to be proportionate with the aims, in the wider public interest, sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	None directly.
Are there any Health & Safety implications arising from the proposal?	None directly.
Are there any Data Protection implications?	None

<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?</p> <ol style="list-style-type: none"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	<p>The use of existing buildings is inherently sustainable.</p>
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**7. Risks Associated with the Proposed Decision**

Risk	Likelihood	Impact	Mitigation
A failure to keep the CAAMP up-to-date makes it more likely that planning decisions might be made with inadequate information	Low	Low	Adopt the revised and updated CAAMP attached as Appendix 2 to this report.

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Appendices  
 1. Summary of Consultation Responses  
 2. Draft Conservation Area Appraisal and Management Plan

SDNPA Consultees  
 Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services

Background Documents.  
[Lewes Conservation Area Appraisal pages 1 to 14](#)  
[Lewes Conservation Area Appraisal pages 15 to 28](#)  
[Lewes Conservation Area Appraisal pages 29 to 38](#)  
[Lewes Conservation Area Appraisal pages 39 to 54](#)  
[Lewes Conservation Area Appraisal pages 55 to 71](#)  
[Lewes Conservation Area Appraisal pages 72 to 79](#)  
[Lewes Conservation Area Appraisal pages 80 to 99](#)  
[LEWES-CONSERVATION-AREA-MANAGEMENT-PLAN-3.pdf \(southdowns.gov.uk\)](#)  
 2013 [Proposed Extension to Lewes Conservation Area Map \(lewes-eastbourne.gov.uk\)](#)

