

MONSON

Structural Engineering
Roads & Car Parks
Traffic & Flood Risk Assessments
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Technical Audits & Assessments

**CASTLEMER FRUIT FARM
SITE
ASHCOMBE LANE
KINGSTON
EAST SUSSEX**

**TRAFFIC/ACCESS
CONSTRAINTS**

Issue B

Date 12th November 2018

Author L.G.Leslie

Job No 8505V



Registered No. FS 37624

**CASTLEMER FRUIT FARMS SITE
ASHCOMBE LANE
KINGSTON, EAST SUSSEX**

Traffic/Access Constraints Assessment

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APPENDICES

1.00 Introduction

- 1.01 Monson have been asked to consider the access issues that would arise from the development of land at the Castlemer Fruit Farms site off Ashcombe Lane, Kingston, East Sussex. The site lies to the east of properties known as Badgers, Papilons and Orchard House.
- 1.02 Issue B supplements the previous report, Issue A dated September 2017 and follows additional survey work which has been carried out and responds to the site assessment made by Hampshire County Council in April 2018.

2.00 Access

- 2.01 The access to the site is long established, running east-west from the site to a junction with Ashcombe Lane near its junction with The Avenue in the northern part of the village.
- 2.02 The junction lies within a 30mph limit and visibility at the junction is acceptable to the right. However visibility to the left is obstructed by a hedge which is linked with Pippins. Having obtained the Highway Boundary Plan from ESCC (see Appendix A), it is also clear that the visibility splay to the left, required to meet the current standards, would cross third party land as well as being obscured by the hedge which is not acceptable and a potential safety hazard to traffic.



Figure 1. Highway Boundary Plan Extract (Appendix A)

- 2.03 The access road itself is narrow although Land Registry Plan ESX 222244 (see Appendix B) appears to show that the verge on either side could be used for widening.
- 2.04 However, around 75m into the site, the access narrows further and at this point widening would be difficult due to the land to the south falling away steeply as well as the land to the north rising. On the north there is a substantial tree and to accommodate any widening this would have to go.

- 2.05 The access then drops away sharply and the change of gradient would not be acceptable to fire/refuse vehicles. This is further compounded by a sharp 90 degree bend with no acceptable forward visibility and nowhere to pass. The access continues to be narrow until it reaches the yard area at the rear where it opens out a little.
- 2.06 Within the site identified in the South Downs Local Plan as SD77 there would appear be sufficient space within the land ownership and adopted highway to create a new access road although given the level issues it would be necessary to lose the house known as Appletrees to try and create an acceptable alignment and gradients to access the wider site at the rear as there is insufficient room between Appletrees and Badgers/Papilons to create an acceptable road.
- 2.07 The access road, given its length, will need to be widened to a minimum of 4.8m to allow for a refuse vehicle and car to pass and any development will need to be able to accommodate a refuse vehicle turning on site. Given the distance between the site and the public highway, it will not be possible to deal with refuse by the use of bin stores.
- 2.08 There should also, ideally be a 1.2m minimum width footway unless the access is to be a shared surface.
- 2.09 To achieve an acceptable width and gradient for the new access road it would be necessary to construct a retaining wall on the southern side along the properties known as Pippins and Badgers. In the vicinity of Badgers the access is already close to eaves level and any widening to the south will further overshadow the house.
- 2.10 It would also be necessary to remove a number of the trees to the north of the access/Appletree and given the slope of the ground to the north and south I would expect some substantial retaining structure(s) will be needed in places and possibly on both sides. Retaining walls to the south would have an overbearing impact on the adjacent houses.

3.00 Traffic

- 3.01 A development of 10-12 units will generate a modest level of traffic at around 60-70 trips per day. This is not considered significant in traffic terms however it is noted that the junction with Ashcombe Lane is effectively a cross roads and the intensification of trips at such a junction may be of concern to ESCC.

4.00 Hampshire CC Highways Input

4.01 To inform the preparation of the South Downs Local Plan a "Site Allocations Highway Assessment" was prepared on South Downs behalf by the Engineering Consultancy of Hampshire County Council's Environment Department (Ref:- R.J506339.01 - South Downs Local Plan Site Allocations Highway Assessment - Additional Site Assessments - Highway Assessment Report - Dated April 2018).

4.02 Within that report specific reference was made to site SD77 – Castlemere Fruit Farm, Kingston-near-Lewes, Lewes in paragraph 3.6. The comments in the report are shown below in italics and I have made comments on specific points.

4.03 3.6 SD77 – Castlemere Fruit Farm, Kingston-near-Lewes, Lewes

The site access is via a narrow strip of land approximately 12m wide and 100m long off Ashcombe Lane on the northern edge of Kingston Village. Ashcombe Lane connects with the main A27 dual carriageway, and is used as a cut through between the A27 and the Newhaven docks area. As a result the traffic flows are higher than would be expected for a narrow village road, and vehicle speeds appear generally in excess of the 30mph limit.

A speed survey was carried out on Ashcombe Lane and this showed that 85%ile wet weather speeds did exceed the speed limit. The results of the speed survey are included in Appendix B. The details of the survey were as follows:-

| | |
|--------------|--|
| Date: | 19 th July 2018 to 26 th July 2018 |
| Method: | counter fitted across road to south of access |
| Information: | volume, speed and direction of travel. |

The survey was carried out during school term time and no roadworks were identified in the vicinity during the period of the survey. (see Appendix C).

The data 85%ile speeds the data gave speeds (corrected for Wet Weather Speeds) of 31.9 and 32.2mph.

Traffic/Access Constraints Assessment

4.04 *The land falls quite steeply from north to south across the site and this section of the village, and the site access forms part of a staggered crossroads with Ashcombe Lane and The Avenue opposite. There is good visibility to the right up the hill, with a 2.4 x 40m sightline easily achievable, but the visibility to the left is obscured by vegetation around the driveway to the property adjacent to the site access. It would appear planting has taken place on highway land and technically could be removed to improve the sightline. However, amendments to the junction layout may be required depending on the results of traffic surveys carried out at more detailed assessment stages.*

There is planting obscuring the splay but it is not highway land according to the highway boundary records obtained from East Sussex County Council (Appendix A).

Based on the 85%ile speed measured, a splay of 45m is required to the south (left) and this can clearly not be achieved without crossing third party land as shown on the plan in Appendix D. The highway boundary is shown in black with the visibility splay shown in red. The hatched area shows the area of visibility splay that crosses third-party land and is therefore outside the control of the owner of Castlemer Farm or the Highway Authority.

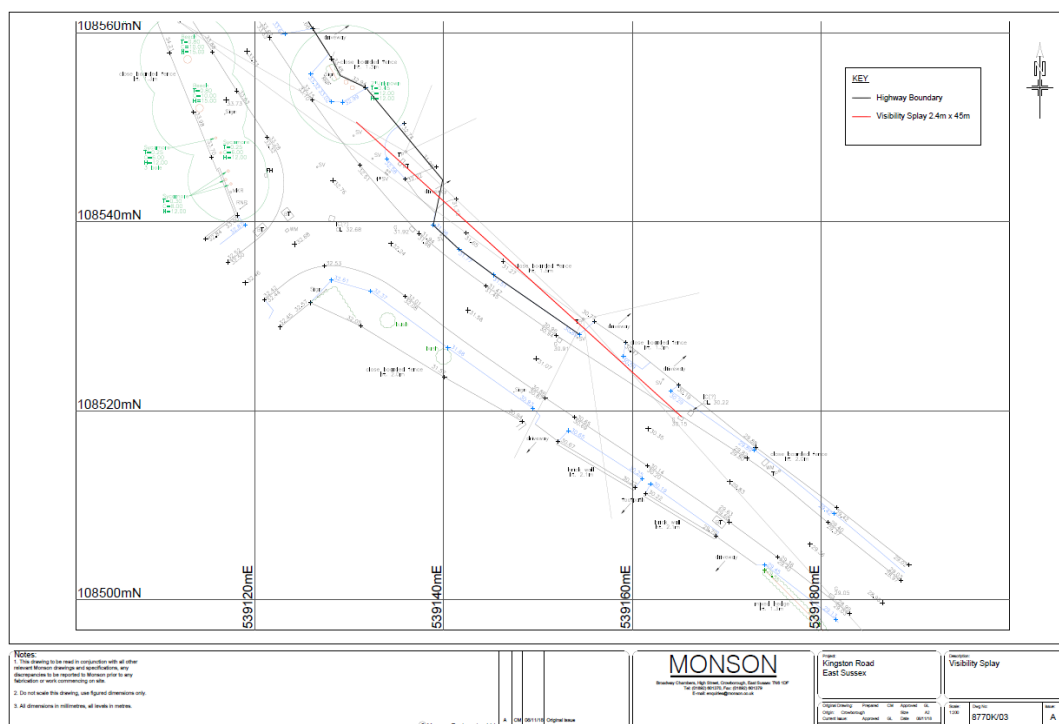


Figure 2. Visibility Splay Plan (Appendix D)

4.05 3.6.1 Existing Access

There is an asphalt drive approximately 5m wide running from the junction with Ashcombe Lane into the main part of the site with an electrical sub station about 12m back from the junction. There is a clear width between the sub station and the site boundary of 7.6m, so a widened access road could be accommodated within this strip of land. There are two properties with accesses off the drive, with the main site property 'Appletrees' located at the end of the drive within the main body of the site. Due to the steep gradient across the site the drive falls away to the south by Appletrees, and terminates at a forecourt surrounded by old farm buildings. The site owner currently runs a small garage workshop from these farm buildings, and there are three private properties with access across the forecourt area to the main drive. The main area of the site stretches eastwards behind the farm buildings and currently contains rows of mature fruit trees.

We are satisfied with this description.

4.06 3.6.2 Proposed Access

There is sufficient width to provide a 6m access into the site with 0.8m safety strips on either side, although due to the level differences substantial earthworks may be required should it be necessary to provide a maximum 15% gradient from the drive into the main site area. It is likely retaining structures will be required as the level of the proposed access decreases past 'Badgers' to protect the existing three private properties, and their current access arrangement may have to be realigned to suit any proposed site road system. Due to access requirements by large commercial vehicles, including refuse wagons and emergency vehicles a bell mouth radius of 10m at the junction with Ashcombe Lane is recommended by DMRB.

The report notes that in order to widen the access to accept the necessary vehicles it is likely that retaining walls will be required. These could be quite substantial given the level differences and safety barriers would also be required. It would also be necessary to remove significant trees which currently bound the access.

The report also suggests that bell mouth radii of 10 m should be provided as recommended in DMRB. Drawing 8770K/01A (see Appendix E), clearly shows that 10m radii cannot be constructed within land under the control of highways or the landowner of Castlemere Farm without resulting in potential hazards. Both radii will result in private crossovers meeting on the radius itself which would result in potential conflicts with entering and emerging traffic.



It should be noted that the access shown in 8770K/01A is a simple vehicle access and the addition of a footway will add further to the difficulties above. It should be further noted that pedestrian using the footway on the eastern side of Ashcombe Lane will face a long crossing of the new access with the footway on the northern radius meeting at a vehicle crossover which presents a further hazard.

5.00 East Sussex County Council Highways

5.01 Pre-application advice was sought from East Sussex County Council as the relevant Highway Authority and their response is included in Appendix F.

5.02 The key point was made in paragraph 2 which read:-

The proposed development would be served via the existing access to Castlemere Fruit Farm. The stretch of road serving the site is subject to a 30mph speed limit and visibility splays measuring 2.4m x 43m are required in both directions. During the site visit it was observed that the required visibility splays could not be achieved to the northwest whether over land within the applicants control or within the highway boundary. Driver visibility is restricted in this direction by the road alignment and neighbouring hedge allowing only 2.4m x 30m. The visibility exhibited on site is therefore not sufficient for vehicle speeds of 30mph.

It should be noted that the officer was actually referring to the visibility splay to the south east and not the northwest and this was confirmed in her e-mail of 20th November (see Appendix F). It does however confirm that the available visibility to the left does not meet standards.

5.03 The applicant also sought pre-application advice was sought from East Sussex County Council as the relevant Highway Authority and their response is included in Appendix G.

5.04 The key point in this instance read:-

The site lies within a local speed limit of 30mph whereby in accordance with Design Manual for Roads and Bridges the required visibility sightline s should be 2.4 metres x 70 metres. The driver sightlines should be secured over land in the applicant's control or highway. The speed surveys indicate that the 85%ile speed of traffic pass the site is up to 33.5mph which is slightly higher than the speed limit. The plan indicates these required visibility splays and although the south eastern splay demonstrates this to the centre of the carriageway, it is noted that 43 metres is achievable to 600mm out in the carriageway. This is in line with Manual for Streets 2 and given the location of the site within the village this is acceptable in this instance.

5.04 It should be noted that the officer clearly states that “The driver sightlines should be secured over land in the applicant's control or highway” which does not appear to be the case.

6.00 Summary

- 6.01 The current access would need to be significantly upgraded to accept traffic including fire and refuse vehicles. Whilst this appears possible within the land available (on the Land Registry Plan) there will be challenges due to the slope of the adjacent land and the presence of mature trees. It may also be necessary to remove Appletrees to gain access to the site.
- 6.02 What cannot be resolved is that the visibility to the left onto Ashcombe Lane is currently sub-standard and as the site would result in intensification, this would not be acceptable to ESCC as the Highway Authority. The visibility is obstructed by a small hedge and crosses third party land as identified from Highway Boundary plans from ESCC and this was confirmed by ESCC themselves in pre-application advice.
- 6.03 The guidance provided by Hampshire County Council also stated that radii at the junction should be 10m in accordance with DMRB guidance. This results in potential safety hazards at the junction for pedestrians and for vehicles accessing the properties immediately to the north and south of the new access.

Appendix A – Highway Boundary



East Sussex County Council
County Hall
St Annes Crescent
Lewes

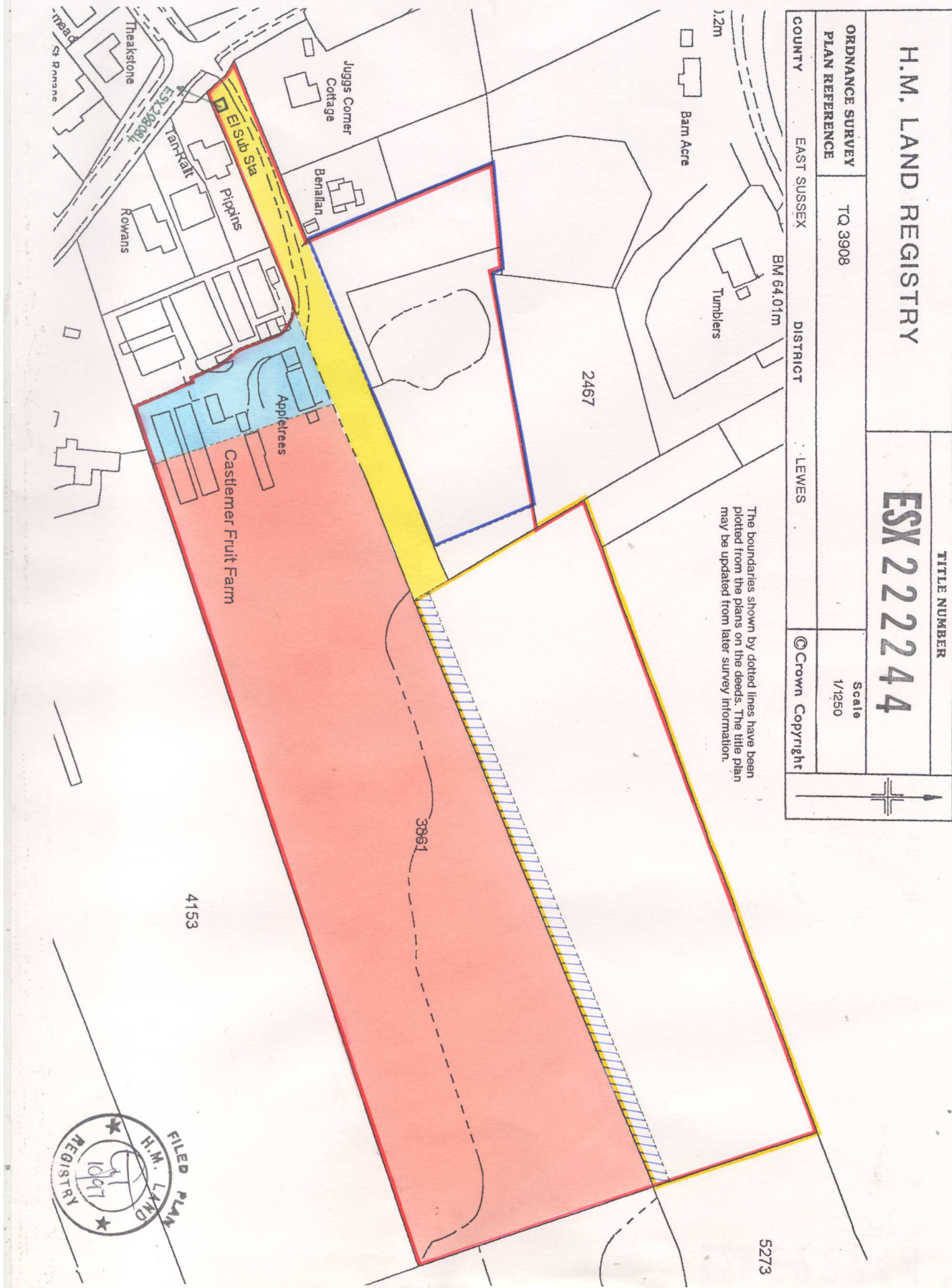
Castlimer Fruit Farm Ashcombe Lane Kingston BN7 3JZ

Date: 30/08/17

Scale: 1:1,000

Land tinted pink is considered to be adopted highway.
The highway boundary, where researched, is shown in red outline.
WHERE NO RED LINE IS SHOWN, THERE MAY BE MORE HIGHWAY THAN IS SHOWN IN PINK.

Appendix B - Land Registry Plans



This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 14 June 2017 at 11:00:28. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Coventry Office.

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THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 14 JUN 2017 AT 11:02:22. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, COVENTRY OFFICE.

TITLE NUMBER: ESX222244

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

EAST SUSSEX : LEWES

- 1 (04.08.1997) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Castlemer Fruit Farm, Ashcombe Lane, Kingston, Lewes.
- 2 (04.08.1997) An Agreement dated 7 November 1921 made between (1) D. McGregor James (2) A.T. Jackson and (3) F.J. Easterbrook relates to the supply of water.

NOTE: Copy filed.

- 3 (04.08.1997) The Conveyance dated 14 April 1976 referred to in the Charges Register contains the following provision:-

"It is hereby agreed and declared that any rights of light or air which would prejudicially affect the user by the Vendor or her successors in title or her or their said adjoining land for any purposes whatsoever are hereby expressly excepted from this conveyance and it is hereby further declared that the Purchaser and his successor in title shall not become entitled to any such rights for the benefit of the property hereby conveyed."

- 4 The land has the benefit of the following rights reserved by the Transfer dated 20 June 1997 referred to in the Charges Register:-

"THERE are reserved out of the Property for the benefit of the Retained Land the rights set out in the Second Schedule.

THE SECOND SCHEDULE

Reserved Rights

1. The right to free and uninterrupted passage and running of water sewage gas electricity telephone and other services or supplies from the Retained Land to in over or under the Property through the pipes drains wires and other conducting media now laid over or under the Property for the use and enjoyment of the Retained Land but not for any other purpose subject to contributing a proper proportion of the cost of their repair and renewal.
2. The right to build or rebuild on any part of the Retained Land in any manner whatsoever and to let the land or any building for any purpose or otherwise deal with it notwithstanding that light or air to the Property is in any way diminished or any other right or advantage appurtenant to the Property is diminished or prejudicially affected."
- 5 (24.01.2000) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.
- 6 (01.09.2006) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (22.08.2007) PROPRIETOR: PETER LLEWELLYN FRANK SHARP of Castlemere Fruit Farm, Ashcombe Lane, Kingston, Lewes, East Sussex.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (04.08.1997) A Conveyance dated 31 December 1920 made between (1) Harry Francis Howell (Vendor) and (2) Frederick James Wiblin Easterbrook (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.

- 2 (04.08.1997) A Conveyance of the land edged blue on the filed plan and other land dated 25 January 1946 made between (1) Harrie Stacey (Vendor) and (2) James Guy Heriot (Purchaser) contains covenants.

By a Deed dated 31 December 1965 made between (1) Peggy Olive Twidle (Mrs Twidle) and (2) James Guy Heriot the said covenants were expressed to be varied. Details of the covenants and of the variation are set out in the schedule of restrictive covenants hereto.

- 3 (04.08.1997) The land edged blue on the filed plan is subject to the following rights reserved by the Conveyance dated 25 January 1946 referred to above:-

"EXCEPTING AND RESERVING unto the Vendor and his successors in title owner or owners for the time being of the whole of the adjoining land of the Vendor on the East and any houses or buildings for the time being erected thereon the right to lay use and from time to time repair any drains under the land hereby conveyed on making good all damage done in so doing.

- 4 (04.08.1997) The land tinted yellow on the filed plan is subject to the following rights reserved by a Conveyance thereof dated 31 October 1962 made between (1) Nora Olive Stacey and others (Vendors) and (2) James Guy Heriot and Peter Llewellyn Frank Sharp (Partners):-

"EXCEPTING AND RESERVING unto the Vendors and their successors in title owner or owners for the time being of the property edged green on the said plan a right of way for all purposes whatsoever including any future development for building over the property hereby conveyed.

SUBJECT to all existing rights of way and drainage as now used and enjoyed over the said piece of land hereby conveyed."

NOTE: The land edged green referred to is edged yellow on the filed plan and adjoins the north eastern and north western boundaries thereof.

- 5 (04.08.1997) A Conveyance of the land tinted blue and tinted pink on the filed plan and other land dated 6 January 1966 made between (1) James Guy Heriot (outgoing partner) and (2) Peter Llewellyn Frank Sharp (continuing partner) contains covenants details of which are set out in the schedule of restrictive covenants hereto.

- 6 (04.08.1997) The land tinted blue and tinted pink on the filed plan is subject to the following rights reserved by the Conveyance dated 6 January 1966 referred to above:-

"EXCEPT AND RESERVING unto the outgoing partner and his successors in title owners and occupiers for the time being of the adjoining or neighbouring property of the outgoing partner more particularly described in the Second and Third parts of the First Schedule hereto

C: Charges Register continued

(hereinafter called "the green and brown land") and all part thereof and his and their undertenants and servants in common with all other persons for the time being having the like rights and easements the rights and easements specified in the Third Schedule hereto.

THE THIRD SCHEDULE above referred to

(a)

(b) All such rights and easements or quasi rights and quasi easements in under or over through or upon the property hereby conveyed as are used with or are appurtenant to the green and brown land as though the property hereby conveyed and the green and brown land had hitherto belonged to different owners and such rights and easements or quasi rights and quasi easements had been acquired by prescription."

- 7 (04.08.1997) The land edged blue on the filed plan is subject to the following rights reserved by a Conveyance thereof dated 6 January 1966 made between (1) James Guy Heriot (Outgoing partner) and (2) Peter Llewellyn Frank Sharp (continuing partner):-

"EXCEPT AND RESERVING into the outgoing partner and his successors in title owners and occupiers of the adjoining or neighbouring property of the outgoing partner shown for the purposes of identification only and not by way of limitation or enlargement on the plan annexed hereto and thereon coloured green and brown and all parts thereof all such rights and easements or quasi rights and quasi easements in under over through or upon the property hereby conveyed as are used with or are appurtenant to the said adjoining or neighbouring property of the outgoing partner as though the property hereby conveyed and the said adjoining or neighbouring property of the outgoing partner had hitherto belonged to different owners and such rights and easements or quasi rights and quasi easements had been acquired by prescription."

NOTE: The properties shown as Pippins, Tan-Raullt and Rowans on the filed plan form the green and brown land referred to.

- 8 (04.08.1997) The land edged yellow on the filed plan is subject to the following rights reserved by a Conveyance thereof dated 14 April 1976 made between (1) Peggy Olive Twidle (Vendor) and (2) Peter Llewellyn Frank Sharp (Purchaser):-

"EXCEPT AND RESERVING unto the Vendor as incident to her adjoining land on the east of the property hereby conveyed full and free right of passage for all purposes in connection with the use and enjoyment of the Vendor's said adjoining land over the strip of land of a width of twenty feet coloured brown on the said plan."

NOTE: The land coloured brown referred to is hatched blue on the filed plan.

- 9 (04.08.1997) The land is subject to the following rights reserved by a Transfer of adjoining land dated 20 June 1997 made between (1) Peter Llewellyn Frank Sharp (Vendor) and (2) Martin Elliott and Michael Rees (Purchaser):-

"THE Property is transferred together with the rights set out in the First Schedule.

THE FIRST SCHEDULE

Appurtenant Rights

1. A right of way over the accessway edged brown on the attached plan for all purposes in connection with the use of the Property as private residential dwellings subject to the owner of the Property contributing a proper proportion of its repair and renewal as may be fairly determined by the surveyor for the owner for the time being of the Retained Land.

2. The right for the Purchaser to dig up and excavate within the said accessway as may be necessary to lay new services or connect to any existing services that are laid beneath it PROVIDED THAT the Purchaser

C: Charges Register continued

must:-

(i) cause no unnecessary damage to the Accessway in the exercise of this right.

(ii) make good any damage caused and reinstate the surface to the reasonable satisfaction of the Vendor.

(iii) maintain access at all times to the Retained Land.

2. The right to free and uninterrupted passage and running of water sewage gas electricity telephone and other services or supplies to and from the Property through the pipes drains wires and other conducting media now laid over or under the Retained Land for the use and enjoyment of the Property but not for any other purpose subject to contributing a proper proportion of the cost of their repair and renewal."

NOTE: Copy plan filed.

- 10 (01.09.2006) The land is subject to the rights granted by a Conveyance of an electricity sub-station dated 12 February 1952 made between (1) Nora Olive Stacey and Others and (2) The South Eastern Electricity Board.

NOTE: Copy filed under ESX298084.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 31 December 1920 referred to in the Charges Register:-

"AND the Purchaser hereby covenants with the Vendor that all houses or buildings erected on the said land shall be erected so that the general line of the frontages shall not approach nearer to the said road than the distance indicated on the said plan by the dotted line thereon marked "building line" which line is feet from the centre of the said road"

NOTE: No copy of the plan referred to was supplied on first registration.

- 2 The following are details of the covenants contained in the Conveyance dated 25 January 1946 referred to in the Charges Register:-

"The Purchaser for himself and the persons deriving title under him covenants with the Vendor and his successors in title and the owners and owner for the time being of all the Vendor's adjoining land on the East (all which persons are hereinafter in this clause referred to as "the Vendor") and so that the burden of this covenant shall run with the said land hereby conveyed and every part thereof and bind the owner or owners occupier or occupiers thereof for the time being and the benefit thereof shall run with the said adjoining property of the Vendor situate as aforesaid but not so as to render the Purchaser personally liable in damages for any breach of this covenant committed after he shall have parted with all interest in the said land that he the Purchaser will at all times hereafter observe and perform the restrictions stipulations and conditions contained in the first Schedule hereto.

THE FIRST SCHEDULE before referred to

(1) No building other than a garage to be built within fourteen feet of the boundary fences.

(2) No dwelling-house shall be built on the said land of a value less than One thousand pounds exclusive of the value of the said land.

(3) Any such private dwellinghouse shall be constructed or made or brick or stone or weather tiled or roughcast and shall be roofed with earthenware tiles unless the Vendor or his Surveyor for the time being shall previously consent in writing to such private dwellinghouse or

Schedule of restrictive covenants continued

any buildings used therewith being constructed with other materials.

(4) No buildings of any kind other than a private dwellinghouse with appropriate offices outbuildings and garage to be appurtenant thereto shall be erected on the said land and no trade or business of any kind shall be carried on upon the land but the proper carrying on upon the land of the business of a professional man or using the premises as a private school or nursing home shall not be considered a breach of this stipulation.

(5) Not to do or suffer to be done upon any part of the land so purchased anything whatever which might be or become a nuisance annoyance injury or damage to the adjoining lands whether belonging to the Vendor or not.

(6) No building shall be erected on the said plot until the plans of same have been approved by the Vendor's Surveyor and written approval obtained.

(7) The Purchaser shall not be entitled to any right of light or air or other easement over any adjoining property of the Vendor and the Vendor reserves the right (a) to lay out the adjoining land as he may think fit (b) to alter the position of roads (except the roads coloured brown on the said plan) building line and other matters and (c) to sell any adjoining land free from the aforesaid stipulations and conditions and to release any land sold from stipulations and conditions or any of them.

NOTE: The roads referred to are not included in this title. No building line was shown on the plan supplied.

- 3 The following are details of the terms of the variation contained in the Deed dated 31 December 1965 referred to in the Charges Register:-

"Mrs. Twidle hereby agreed to vary the covenant so that the erection of any buildings or the use of the pink land in connection with agriculture fruit farming or market gardening or the erection of more than one private dwelling shall not be considered a breach of the covenant."

NOTE: The land edged blue on the filed plan forms part of the pink land referred to. The covenant referred to is set out in item 4 of the First Schedule to the Conveyance dated 25 January 1946 referred to above.

- 4 The following are details of the covenants contained in the Conveyance dated 6 January 1966 referred to in the Charges Register:-

"THE continuing partner for himself and his successors in title owners and occupiers of the land shown coloured blue on the plan marked "A" annexed hereto (hereinafter called "the blue land") being part of the property hereby conveyed hereby covenants with the outgoing partner and his successors in title and owners and occupiers for the time being of the green and brown land and all parts thereof and so that the burden should run with and be binding upon the blue land and every part thereof into whosoever hands the same may come for the benefit and protection of the green and brown land and all parts thereof but not so as to render the continuing partner his successors in title owner or owners occupier or occupiers of the blue land personally liable in damages for any breach of covenant committed after he or they have parted with all interest in the blue land or the part thereof in respect of which such breach has occurred that he the continuing partner will at all times observe and perform the restrictions stipulations and conditions contained in the Fourth Schedule hereto.

THE FOURTH SCHEDULE above referred to

1.....

2. Not to use the blue land or any part thereof or any buildings for the time being erected thereon or on any part or parts thereof in any manner causing a nuisance to the outgoing partner his successors in title owners or occupiers of the green land and in particular not to

Title number ESX222244

Schedule of restrictive covenants continued

use the blue land for the purpose of broiler houses PROVIDED ALWAYS that the use of the blue land for residential purposes fruit farming and market gardening shall not be a breach of this condition."

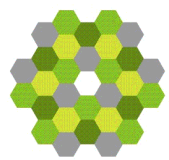
NOTE: The land tinted blue on the filed plan forms part of the blue land referred to. The properties shown as Pippins, Tan-Rallt and Rowans on the filed plan from the green and brown land referred to.

End of register

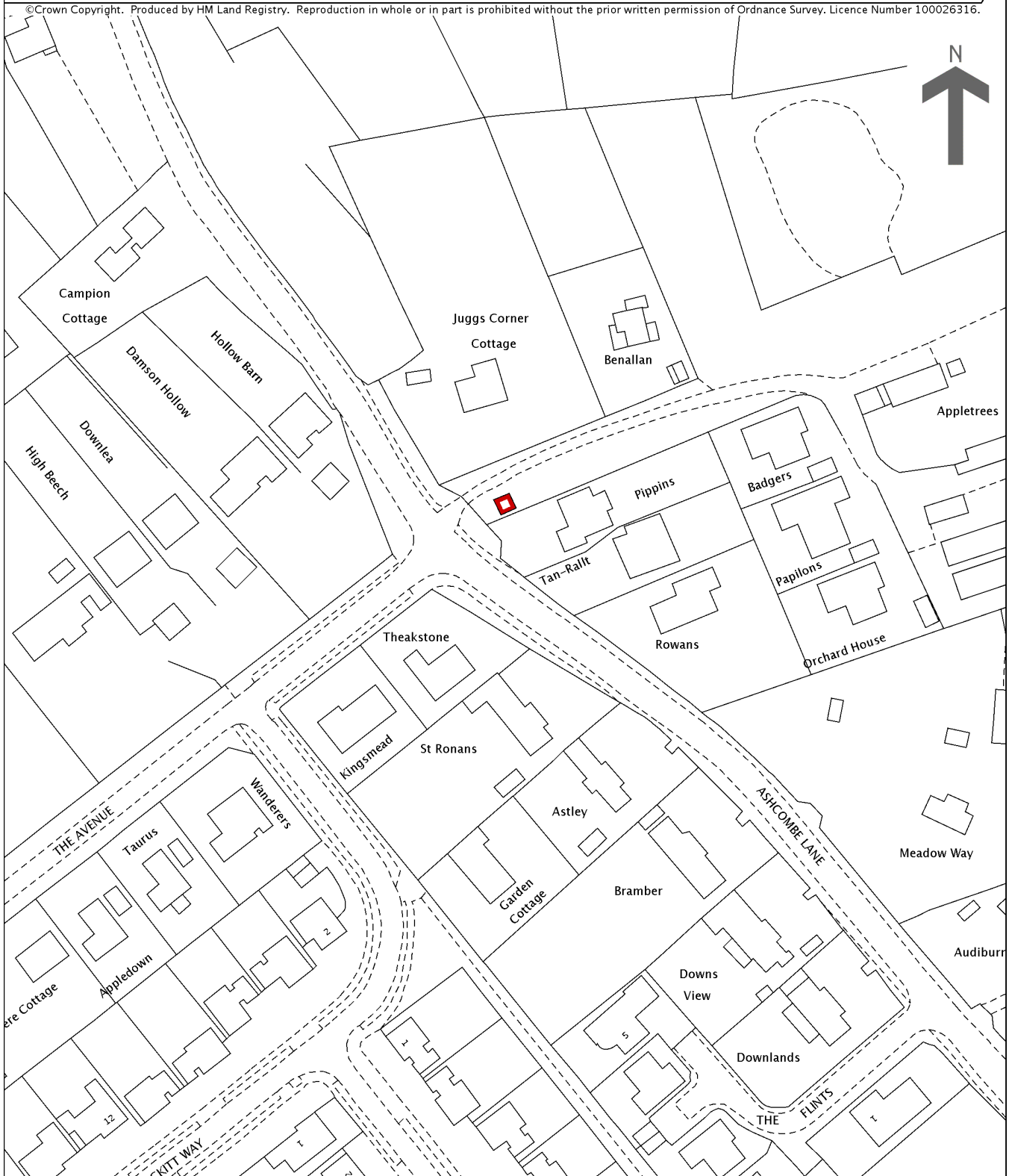
HM Land Registry

Current title plan

Title number **ESX298084**
Ordnance Survey map reference **TQ3908NW**
Scale **1:1250**
Administrative area **East Sussex : Lewes**



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This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 14 June 2017 at 11:11:46. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Coventry Office.

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THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, COVENTRY OFFICE.

TITLE NUMBER: ESX298084

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

EAST SUSSEX : LEWES

- 1 (12.09.2006) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being an Electricity Sub-Station, Ashcombe Lane, Kingston.
- 2 (12.09.2006) The land has the benefit of the rights granted by a Conveyance of the land in this title dated 12 February 1952 made between (1) Nora Olive Stacey And Others and (2) The South Eastern Electricity Board.

NOTE:-Copy filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (12.09.2006) PROPRIETOR: SOUTH EASTERN POWER NETWORKS PLC (Co. Regn. No. 3043097) of Newington House, 237 Southwark Bridge Road, London SE1 6NP.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (12.09.2006) The land is subject to the rights granted by a Conveyance of land lying to the north of the land in this title dated 4 March 1936 made between (1) Francis Howell (2) Kathleen Stacey and Henry John Redman and (3) Henry Thomas Benson.

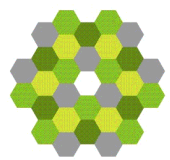
NOTE: Copy abstract filed.

End of register

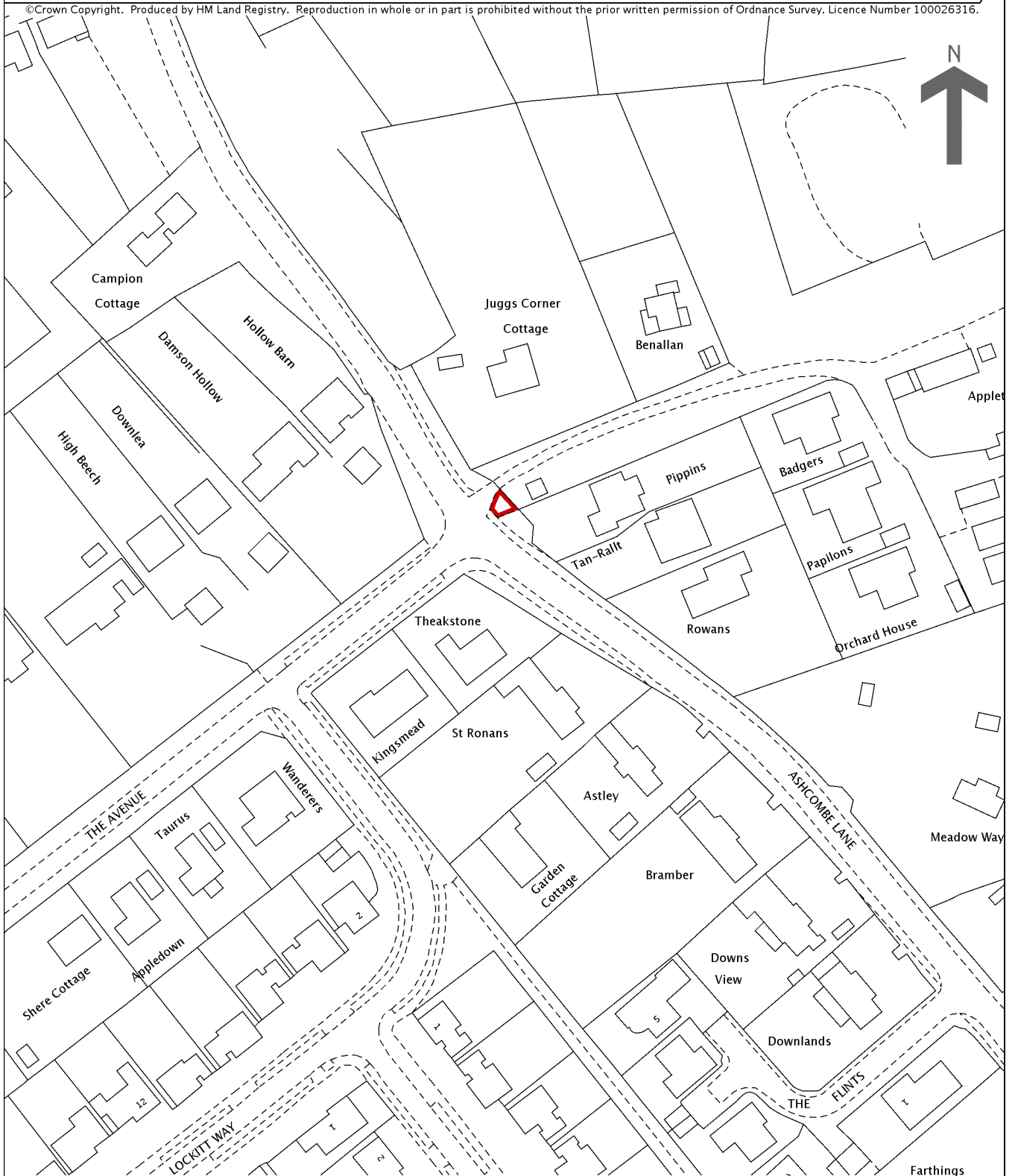
HM Land Registry

Current caution plan

Title number **ESX298085**
Ordnance Survey map reference **TQ3908NW**
Scale **1:1250**
Administrative area **East Sussex : Lewes**



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THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, COVENTRY OFFICE.

TITLE NUMBER: ESX298085

There is no application or official search pending against this title.

Caution register kept under Section 19 of the Land Registration Act 2002

A: Caution Property Register

Containing a description of the legal estate to which the caution relates.

EAST SUSSEX : LEWES

1 (12.09.2006) Caution against first registration of the freehold estate in land relating to the land shown edged with red on the caution plan of the above title filed at the Registry and being land adjoining an Electricity Sub-Station, Ashcombe Lane, Kingston.

2 (12.09.2006) The conveyancer's certificate accompanying the caution states the cautioner claims the following interest in the estate:

Having the benefit of a legal easement over the land coloured brown on the plan to a Conveyance dated 12 February 1952 for the benefit of an electricity sub-station site title to which is registered under ESx298084.

B: Cautioner's Register

Containing the name of the cautioner, address(es) for service and details of any person consenting to the lodging of the caution.

1 (28.02.2011) CAUTIONER: South Eastern Power Networks Limited (Co. Regn. No. 03043097) of Newington House, 237 Southwark Bridge Road, London, SE1 6NP.

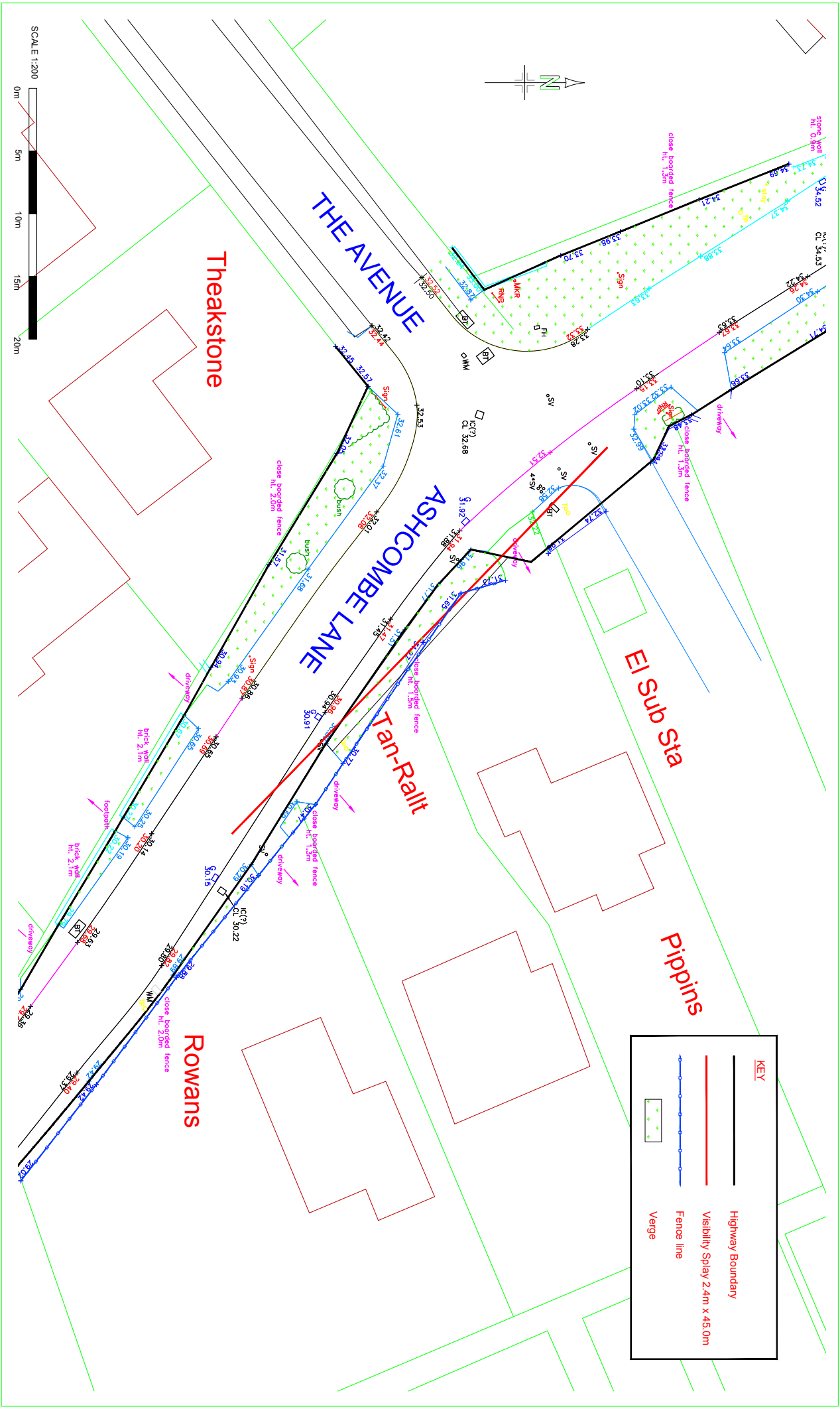
End of caution register

Appendix C - Speed Survey Data

| Report ID | Site | Direction | Start Date | End Date | Posted Speed Limit (PSL) | Total Vehicles | Mean Speed | 85%ile Speed | (24 Hour) 5 Day Ave | (12 Hour) 7 Day Ave | (24 Hour) 7 Day Ave | %age HGVs |
|-----------|---|------------|-----------------|-----------------|--------------------------|----------------|------------|--------------|---------------------|---------------------|---------------------|-----------|
| Site | Ashcome Lane (on sign south of the avenue), Lewes | Northbound | Thu 19 Jul 2018 | Wed 25 Jul 2018 | 40mph | 14014 | 29.2 | 34.7 | 2137 | 1626 | 2002 | 0.28% |
| Site | Ashcome Lane (on sign south of the avenue), Lewes | Southbound | Thu 19 Jul 2018 | Wed 25 Jul 2018 | 40mph | 16546 | 28.8 | 34.4 | 2617 | 2021 | 2364 | 0.25% |

| Schedule |
|-----------------|
| Thu 19 Jul 2018 |
| Fri 20 Jul 2018 |
| Sat 21 Jul 2018 |
| Sun 22 Jul 2018 |
| Mon 23 Jul 2018 |
| Tue 24 Jul 2018 |
| Wed 25 Jul 2018 |

Appendix D - Visibility Splay Plan



Notes:

1. This drawing to be read in conjunction with all other relevant Monson drawings and specifications. Any discrepancies to be reported to Monson prior to any fabrication or work commencing on site.
2. Do not scale the drawing, use figured dimensions only.
3. All dimensions in millimetres, all levels in metres.

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| Issue | By | Date | Amendments |
|-------|----|----------|-----------------------------------|
| C | DT | 20/11/18 | OS Map Added |
| B | CM | 20/11/18 | Boundary fence line & verge added |
| A | CM | 08/11/18 | Original Issue |

MONSON

Boundary Commission, 14th Street, Crawshay, East Sussex TN11 1DF
Tel: (01882) 001770, Fax: (01882) 001779
E-Mail: enquiries@monson.co.uk

Project:
Ashcombe Lane
Kingsdon
East Sussex

| | | | | |
|-------------------|-------------|-------|----------|----------|
| Original Drawing: | Prepared | CM | Approved | DL |
| Origin: | Crawshay | Drawn | DL | 20/11/18 |
| Current Issue: | Approved | DL | Date | 20/11/18 |
| Drawing Status: | PRELIMINARY | | | |

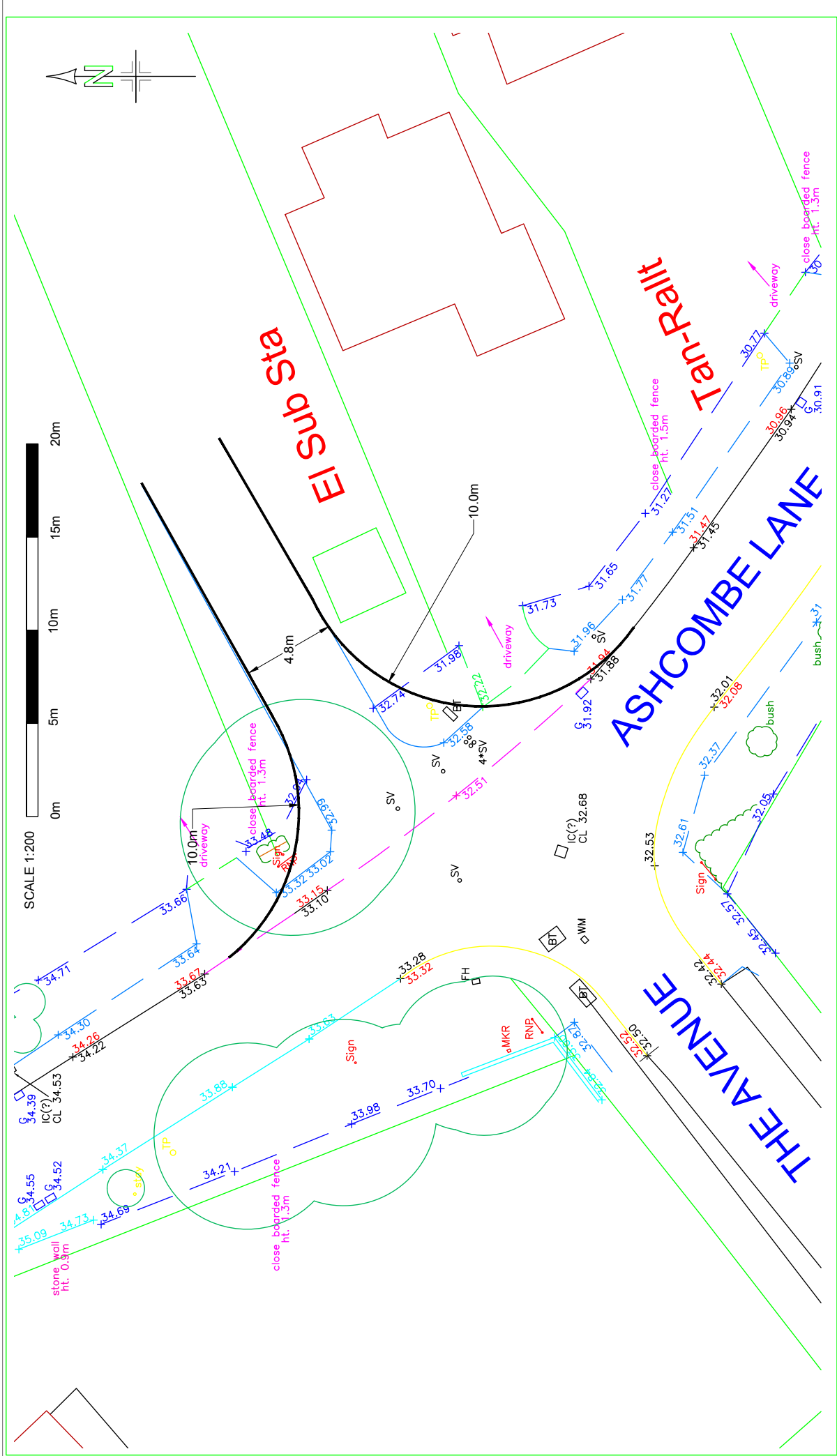
Division:
Visibility Splay

| | |
|----------|----------|
| Scale: | 1:200 |
| Draw No: | 8770K/03 |

Issue:

C

**Appendix E - Access Radii Plan
as HCC Traffic Report recommendations.**



Notes:

- This drawing to be read in conjunction with all other relevant Monson drawings and specifications, any discrepancies to be reported to Monson prior to any fabrication or work commencing on site.
- Do not scale this drawing use figured dimensions only
- All dimensions in millimetres, all levels in metres

MONSON
Broadway Chambers, High Street, Crowborough, East Sussex TN6 1DF
Tel: (01892) 601370, Fax: (01892) 601379
E-mail: enquiries@monson.co.uk

Project:
Ashcombe Lane
Kingston
East Sussex

Description:
New Access as
HCC Guidance

| | | | | |
|-------------------|-------------|----|----------|----------|
| Original Drawing: | Prepared | CM | Approved | GL |
| Origin: | Crowborough | | Size | A3 |
| Current Issue: | Approved | GL | Date | 08/11/18 |
| Drawing Status: | PRELIMINARY | | | |

| | | |
|--------|----------|--------|
| Scale: | Dwg No: | Issue: |
| 1:200 | 8770K/01 | A |

MEL 14 APPROVED OCT0011 ISSUE No. 5

Appendix F - ESCC Pre-app response dated 16th November 2017

To: Grant Leslie



| | |
|-------------------------------|--------------------------|
| APPLICATION NUMBER | PRE/LW/17/1156/HW |
|-------------------------------|--------------------------|

Applicant: Grant Leslie

Location: Land at Castlemer Fruit Farm, Ashcombe Lane, Kingston, Lewes, East Sussex, BN7 3JZ

Development: Site is allocated for 10 new houses and access will be via an existing access road which joins Ashcombe Lane close to its junction with the Avenue.

| | | | | | |
|--|------------------|------------------------------|--------------------------------|----------------------|--|
| Road Name or Number | C324 | Consultation Date | 20 September 2017 | Use Class | |
| National Grid Reference | 539283 108548 | Contact Officer | Kate Bishop 01273 482254 | | |

Highway Authority Position:

Following the request for pre application advice and a site visit to Land at Castlemer Fruit Farm on the 10th November 2017, I would like to make the following observations;

The proposed development would be served via the existing access to Castlemer Fruit Farm. The stretch of road serving the site is subject to a 30mph speed limit and visibility splays measuring 2.4m x 43m are required in both directions. During the site visit it was observed that the required visibility splays could not be achieved to the southeast whether over land within the applicants control or within the highway boundary. Driver visibility is restricted in this direction by the road alignment and neighbouring hedge allowing only 2.4m x 30m. The visibility exhibited on site is therefore not sufficient for vehicle speeds of 30mph.

Any relaxation in the 2.4m x 43m visibility requirement could only be justified by the results of a 7 day 12 hour speed survey indicating that actual vehicle speeds are sufficiently low for a 30m sightline distance. This should be carried out as close to the access as is considered possible and within a neutral period.

It is likely that some trips are currently associated with the Fruit Farm however it is not clear at this stage if the number of trips would be comparable to the 10 units proposed. A breakdown of trips would be required and if there will be intensification in use a speed survey is necessary to support the use of the existing access; however it should be noted that speeds may be higher than the 30mph. If appropriate visibility sightlines can be achieved in accordance with 85th percentile speeds, the access serving the site will need to be of suitable width and junction radii to accommodate emergency service/refuse vehicles. Adequate turning facilities for vehicles should also be provided within the site; whilst some provision for access for larger vehicles (emergency, waste) should be taken into account when designing the internal layout. Tracking drawings should be

provided for the internal road layout. I would recommend consulting with LDC Waste Team to ascertain how they would deal with waste collections from this site.

It is not clear at this stage the size of units proposed and as such specific parking requirements cannot be detailed. Parking should however be provided in accordance with the East Sussex County Council's parking guidelines. It should be noted that any garages included would only count as 0.3 of a parking space and would need to measure 3m x 6m, therefore for new developments it is recommended that car ports or allocated parking bays should be provided as an alternative to garages. Tandem parking should be avoided. Cycle storage should also be included within the design in accordance with the East Sussex County Council's parking guidelines.

If the proposals for this site involve an additional 50 movements per day over what is currently generated, a Stage 1 Road Safety Audit should be submitted in support.

To conclude, in addition to the above the following should be provided as part of any formal planning application:

- Detailed drawings of proposed access should be submitted to include sufficient width, gradient and visibility splays.
- A 'Transport Report/Statement', including location of key services, availability of sustainable modes of transport and existing/future vehicular traffic generation
- Parking strategy, including provision of parking for all modes of transport
- Stage 1 safety audit
- Speed survey

I recommend designs are developed in accordance with Manual for Streets and ESCC local design guide.

To summarise, in principle development at this scale is likely to be acceptable in terms of traffic impact. However, I consider that the current access arrangement is substandard in terms of visibility having confirmed the highway extent I am not confident that visibility splays can be achieved over land within the applicants control or within the highway.

I have included details of the ESCC Transport Monitoring Team below for speed survey requests.

Transport Monitoring Team - Phone: 01273 482248

Email: Transport.Monitoring@eastsussex.gov.uk

The above comments are for guidance only and shall not prejudice any further comments East Sussex County Council wishes to make. They should however be regarded as highway requirements that would need to be satisfactorily met as part of any formal proposal

Signed: Kate Bishop

Date: 16th November 2017

For Director of Communities, Economy and Transport
On behalf of the Highway Authority

HT401

Appendix G - ESCC Pre-app response dated 16th August 2018

From: Teresa Ford [REDACTED]
Sent: 16 August 2018 09:29
To: Nathan Hanks
Cc: 'planning.south@lewes-eastbourne.gov.uk'
Subject: Pre Application Advice for Castlemere Fruit Farm, Ashcombe Lane, Kingston, Lewes



To: Transport Planning Associates
F.A.O: Nathan Hanks

Copy to: Lewes District Council
Southover House, Southover Road, Lewes

| | |
|--------------------------------|----------------------------|
| PRE PLANNING NUMBER | PRE/SDNP/18/1240/HW |
|--------------------------------|----------------------------|

Applicant: Nathan Hanks

Location: Kingston Parish Council Castlemere Fruit Farm/Tim Sharp Motors, Ashcombe Lane, Kingston, Lewes, BN7 3JZ

Development: Demolition of Fruit farm and MOT centre / garage and erection of 12 residential dwellings.

| | | | | | |
|------------------------------------|--------------|------------------------------|--------------|------------------|--|
| Road Name or Number | C324 | Consultation Date | 31 July 2018 | Use Class | |
| National Grid Reference | 539285108544 | Contact Officer | Teresa Ford | | |

Thank you for your email dated 17th July 2018 seeking pre-application highway advice on the above site and development proposal.

I confirm that you have paid our fee on 31st July 2018 for detailed highways and transport pre-application advice.

The existing access onto Ashcombe Lane currently serves Castlemere Fruit Farm with associated dwelling and the Tim Sharp Motors which currently operates from part of the site.

It is understood that you wish to demolish existing buildings and extinguish existing uses on part of the site only and provide for up to 12 new dwellings. The proposal would utilise this existing vehicular access.

You can find further information at the link here to assist you with your development proposal.

<https://www.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/tdc-planning-apps/>

For your proposed redevelopment to provide 12 dwellings utilizing the existing vehicular access point onto Ashcombe Lane [C324], the main issues to consider and requirements that would need to be met are:-

- 1) The current uses and what the proposed use classes are.
- 2) Suitable vehicle, pedestrian and cycle access, to include sufficient width, gradient and visibility splays. Visibility sightlines need to be over land that are either in control of the landowner or public highway.
- 3) Appropriate on site vehicle and cycle parking- the number of spaces should be in accordance with ESCC standards and accord with the proposed use.
- 4) Appropriate on site vehicle turning for vehicles likely to visit the site
- 5) The likely trip generation of the existing and proposed development
- 6) Appropriate improvements to the local network to ensure safe access, and accessibility by all modes of transport.

From the information submitted it seems that this proposal is for only part of the land known as Castlemere Fruit Farm. Therefore there could still be a fruit farm operation on the remaining land. From your survey of the access it would seem that 55 existing trips are currently attributed to the existing uses being carried out on the site. The other trips assessed for the Fruit Farm would need to be justified with the Planning Authority to ensure this use is not considered to be abandoned.

The trips for the existing uses would therefore need further clarification.

I note you have used the TRICS database to assess the trip generation for the proposed 12 dwellings. Whilst this is acceptable only one site for private housing has been selected being a site for 37 units in East Sussex with only 2.78 vehicular trips per dwelling. This is not acceptable as it is normal to have approximately 8 – 10 sites to give a more robust figure. Furthermore, the site selected is on the edge of a town where there are very good bus services with links to railway stations at all times including at peak commuting times. This site is not in such a location. Therefore I would not accept the TRICS analysis or the trip data given in your Technical Note, I would expect the trips to be closer to 5 trips per dwelling in this location.

The existing access would need to be improved to provide for a two way flow of traffic [ideally 5 metres wide for 10 metres into the site] at its junction with Ashcombe Lane [C324] together with appropriate junction radii. The impact of the improvements and close proximity to the road junction opposite known as The Avenue would need to be addressed. The gradient should be 1:40 for the access and crossover section over the highway limits and max 1:9 thereafter.

The site lies within a local speed limit of 30mph whereby in accordance with Design Manual for Roads and Bridges the required visibility sightlines should be 2.4 metres x 70 metres. The driver sightlines should be secured over land in the applicant's control or highway. The speed surveys indicate that the 85%ile speed of traffic pass the site is up to 33.5mph which is slightly higher than the speed limit. The plan indicates these required visibility splays and although the south eastern splay demonstrates this to the centre of the carriageway, it is noted that 43 metres is achievable to 600mm out in the carriageway. This is in line with Manual for Streets 2 and given the location of the site within the village this is acceptable in this instance.

The internal layout should accommodate the storage, parking, turning, accommodation appropriate to the use being proposed, which is not clear at this stage as no layout has been given.

Other ESCC guidance documents relating to highway construction can also be found here.

<https://new.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/adoptionandimprovement>
[s](#)

ESCC will expect the following to be submitted as part of any future application:

- A site location plan scale (1:1250) with site boundary indicated
- Schedule of existing uses including planning history
- Description, including site layout plans, of the proposed development/uses and including any remaining uses on the site
- Reference to supporting national, regional, and local planning documents and policies

- Summary to support the site access/highways works proposals, including plan (scale 1:250 or similar) with achievable visibility splays, access widths and gradients indicated
- A 'Transport Statement', including location of key services, availability of sustainable modes of transport and existing/future vehicular traffic generation
- Parking strategy, including provision of parking for all modes of transport
- Relevant data collected to date
- Proposed trip rates supported with TRICS outputs and site selection methodology

The above comments are for guidance only and shall not prejudice any further comments East Sussex County Council wishes to make at any next stage, recognising that policy and material considerations can change. They should however be regarded as highway requirements that would need to be satisfactorily met as part of any formal proposal. The final decision to grant planning permission is made by elected members of the local planning authority.

Signed: Teresa Ford by email Date: 15th August 2018

For Director of Communities, Economy and Transport
On behalf of the Highway Authority

HT401

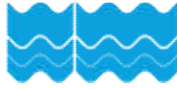
Mrs Teresa Ford MIHE
Senior Transport Development Control Officer
Transport Development Control
Communities, Economy and Transport



East Sussex
County Council



My working days are Mon -Thurs



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