



# 2014 WURA WINTER NEWSLETTER

WELCOMES AND UPLANDS ROAD ASSOCIATION

[WWW.WURA.ORG.UK](http://WWW.WURA.ORG.UK)

## Message from the Chairman

In the Summer Newsletter I mentioned that having exhausted all avenues for obtaining an Out of Court settlement with Arnold Tarmac Ltd., including (reluctantly) giving the Company opportunities to return to the site to carry out remedial work, a claim was being lodged with the Technology and Construction Court (TCC) in London. In that Newsletter I mentioned that our solicitors had served our claim directly on the Defendant as it was understood at the time that they had withdrawn instructions from their solicitors, Gullands of Maidstone, to act for them. However on receiving notice of our claim the Defendant issued fresh instructions to Gullands to act for them and to file a defence and counter claim which was duly lodged with the TCC. In early December we received a letter from Gullands stating that the Defendant could not afford to continue defending the case and an offer was made to return to the site and carry out remedial work in May or June 2015. Our solicitors were instructed to respond to this proposal by offering to halt proceedings on payment of £35,000 which sum takes into account the defence and counterclaim lodged by the defendant. Mr Arnold Snr, now acting for the Defendant, ATL, as litigant in person responded to our proposed cash settlement by once more offering to come back to Welcomes Road to carry out remedial work but this time only on payment of £20,000 being in his view the value of the contract still not paid for by WURA. This left us no choice but to continue the legal action we had instigated. Mr Arnold Senior, as litigant in person, has ignored all Court imposed deadlines for submission of documentation so the outcome is far from clear and further delays are possible. Any out of Court settlement achieved will be recorded with the TCC and the case can be resumed if the Defendant defaults.

Members will be kept informed of progress by private email and can be provided with a more detailed report on request by email or phone to the Secretary or myself.

**Drainage:** In my last report to you I mentioned the drainage issue which formed part of the ATL defence. As you know this was refuted by our expert Andrew Munro, as being the reason for the failure of the top dressing.

You may or may not be aware that Welcomes Road has been specifically mentioned in a report issued by the London Borough that states as follows:-

*Funding has also been provisionally approved for a Department for Environment, Food & Rural Affairs (DEFRA) funded project to alleviate the problem of surface water flooding in the area of **Welcomes Road** and **Kenley Lane**. It is anticipated that the first stage investigation into feasibility and costs of measures will be commissioned within this financial year 2014/15 pending confirmation of the grant application number from the Environment Agency. Managing surface water in Kenley should help to alleviate water entering the Caterham Bourne catchment during heavy rainfall events.*

*We have received approval from the Environment Agency for £45k to develop a detailed investigation and business case for surface water alleviation in **Welcomes Road** area of **Kenley** with the remaining sum of around £300k to be held until the first stage is complete and can demonstrate cost benefit from construction of new management measures.*

(continued top right)

## Chairman's remarks continued.

*Businesses and residents affected by the flooding across the borough are being encouraged to apply for the government's repair & renew grant scheme, which offers up to £5000, to install flood resilience measures within their properties.*

This implies that we do not need to spend any more money on trying to improve the drainage which is good news.

Credit for this is in some measure due to Hartmut Klein and Erik Haar for instigating and attending meetings with the authorities concerning the flood water issue.

Obviously it will take time for any action to be taken beyond the feasibility study so in the meantime it is up to us to continue to keep the road swept and the drains that do exist clear. I am conscious of the need for another such sweep now and one should have taken place by the time you read this.

**Planning and building sites:** Recently we contacted the owner of the site at the bottom of Welcomes Road ( **sub division of 22 Kenley Lane**) regarding the dumping of building equipment on the site pending a planning decision on what will be built there. The developer wants to put 2 dwellings on the site rather than the single dwelling already approved, which residents quite rightly consider sufficient for the size and shape of the plot. A new planning application for 2 x 2 bed houses has been submitted to replace the refused application for 2 x 3 bed houses. The parking implications of overcrowding the site do not seem to have changed significantly by reducing the number of bedrooms. An objection has been lodged based on our parking concerns. Barnfield Homes say they are not interested in building one house only so it is not clear what will happen to the site if they do not get their way.

You may have noticed that **No 6 Welcomes Road** has been sold and in due course the site will be developed presumably on the lines of 8 and 8a Welcomes Road but hopefully with more sensible parking arrangements.

The site on the corner of **Simone Drive** has been cleared of trees as the owner was concerned that they were damaging the garage on the site.

## Uplands Road

**Morven House:** The work on the extensions is now complete bar the construction of a conservatory to the rear which the owners are putting in for the residents benefit. The only outstanding issue is the sloping part of Uplands Road from Welcomes Road which needs surface dressing. This issue will be taken up with Morven House with a view to doing some work on the road in 2015.

The damage to the edge of the road opposite the Morven House drive has been put right and kerbing installed.

I should like to record that the Directors of Morven Healthcare Ltd have been very helpful in trying to meet the demands of their neighbours and this Association for which we thank them. The property has improved the street scene considerably from its previous appearance and the bin site is now screened off, something we had requested.

### From the Secretary's desk

As legal action against ATL over the defective road works (see the Chairman's remarks) will now continue it has become necessary to submit individual statements from each claimant (all Committee Members in 2012) to the Court in early February 2015. After this has been done there will be a hearing on the 6<sup>th</sup> March 2015. This is an administrative hearing, where the Court will be informed about how the case is progressing in terms of the Court directions (the Defendant has already defaulted on submission of documentary evidence) and will set further directions in anticipation of the eventual hearing. The meeting in March is not a final hearing and the claim will not be resolved until the case is considered by a judge much later in 2015.

We remain hopeful that Mr Arnold Snr will agree to an out of Court settlement in order to safeguard the good reputation ATL has built up, at least in Kent, over the past 35 years.

**A detailed summary of the case can be provided on application to the Secretary which should be treated as confidential.**

### Usual reminder regarding email addresses!!!!

Giving me your email address (if you have not already done so) is more important than ever with so much change going on and bearing in mind that the WURA web site is not updated as fully as used to be the case because Arnold Tarmac's solicitors have used it in the past to build their defence against our claim. In addition their solicitors contended that the adverse comments on the website about their client's work was undermining ATL's ability to get new work. Pending conclusion of the case it was agreed not put anything further concerning ATL on the WURA web site and we continue this policy today.

The then and now photos on the next page perhaps do not illustrate the very worst areas where nearly all the stone applied by ATL has disappeared. Interestingly after the initial loss of dressing much of the 'new' surface is still in place suggesting that correctly applied at the appropriate time of year the process might well have been successful.

### From the Treasurer's desk

There were 19 (8 in 2013) residences overdue with payment of road levies at the time of the AGM totalling £1765.00 (£519) excluding Kearton Close. At the 2014 AGM it was resolved to pursue unpaid arrears through the Small Claims Court, a process which we carried out with considerable success as all significant arrears have been paid. Levies amounting to £12,409 have been received in the current year with £2938 being spent on road maintenance plus £1,000 being an ex gratia payment to the Secretary approved at the last AGM. The last expense recorded was £320 on a sweep. The surplus for the period is £8300 bringing cash reserves up to £50,000. Budgetted repairs for 2014/5 amount to £15,000 but the roads are holding up well with only a few small holes to be mended which we are attending to in due course. An underspend is therefore expected.

Road levy invoices for 2015/6 will be sent out to reflect the 50% increase in the road levy approved at the 2014 AGM. This will increase levy income to about £17,250 per annum and is the first increase for more than 25 years. **See next page re new road levy rates and how to pay them.**

**Rate of Road levy:** The last AGM resolved to increase the road levy by 50% with effect from 2015/16. At pre 2015/16 levy rates annual income averaged £11,500 with outgoings on honoraria, sweeps, drain clearing, pothole mending, insurance and verge cleaning costing about the same amount. The new rate of levy will mean we can rebuild reserves in the coming years.

### Policy Guidelines for developments in the area

#### This issue is still on hold but will be addressed.

Whilst the draft document was approved at the 2012 AGM further feed back from residents afterwards suggested it might be wise to review the document again before putting it up on the web site.

At the AGM it was suggested by one resident that the issue of the Guidelines might have some legal implications for residents as well as people thinking of purchasing in the area but it is emphasised that the document will **not** be legally binding on any resident who can, within the planning laws, do what they wish with their property.

The intention of such a document was to try to maintain a wooded semi rural look to the area by minimising hard landscaping especially along the roadside.

**Further reminder:** Residents are asked also **not** to blow leaves or other debris onto the road as this interferes with the flow of water down the road and blocks drains. The Committee would appreciate it also if residents could keep the channels along their frontages clear to allow surface water to drain along the edges of the road rather than across it. The flooding of some residences in December 2013 might have been avoided or at least lessened had the edges of the road been kept clean.

### Murder on Welcomes Road

Recently the Secretary received an email with this rather lurid heading. A resident was in fact describing the number of near misses suffered when walking along Welcomes Road and some of the incidents did seem rather alarming. The common thread was that the motorists concerned, apart from going too fast in some instances, clearly were unable to see the pedestrian in good time.

With the long hours of winter darkness those of you reading this and who commute to work daily leaving and returning home in the dark, if you have not already done so, please buy yourself some reflective arm bands or carry a torch to make sure you are visible particularly as the commuter 'uniform' still seems to require the wearing of dark clothes.

Dog walkers also need to be seen and LED dog collars are available for their pets. Our Chairman has a selection of these and they do seem to show him up well.

If you are cutting your hedge along your frontage on Welcomes Road put out some cones or ladder to make sure drivers keep away from you. The Committee will be discussing some extra signage for Welcomes Road at their meeting next month.

So let's keep safe in 2015 and drive considerately along our roads as most of you thankfully do!

### Note for Winter

#### GRIT BINS

**So far this year we have been let off lightly and the grit bins remain full.**

**Please apply grit in sparing quantities as it is very costly and one shovel full per 3 yards of road is quite enough to do the job. Moreover excess salt is damaging to the environment as well as the bottom of your car.**

**Actual gritting rates are:-**

**Before snowfall 14 gms per m2. To clear ice 60-70 gms per m2.**

**1 litre will clear 12-15 m2.**



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### IMPORTANT NOTICE

#### New rates of road levy

Band D **£54**

Band E **£66**

Band F **£78**

Band G **£90**

Band H **£108**

### ROAD LEVY RATES EFFECTIVE FROM AUGUST 2015.

#### Old rate

£36

£44

£52

£60

£72

Please set up a standing order with your bank payable to  
 Welcomes and Uplands Road Association  
 Sort code 30-91-72  
 Account No. 02400865

It is easy these days to set up or amend a standing order on line with your bank so please do so as soon as possible. If you cannot pay by standing order, a cheque or cash is acceptable and if you want to send the levy via BACS transfer the account details above can be used.



Welcomes Road September 23rd 2012



Welcomes Road January 28th 2015



# KENLEY

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### Your committee

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Uplands Representative Michael Lott

Other useful contacts:

Councillor Steve O'Connell Mobile 07760 310686.

Email: [steve.o'connell@croydon.gov.uk](mailto:steve.o'connell@croydon.gov.uk)

**Another Committee member with engineering or construction experience PLUS a Treasurer is urgently required!!!!**

VISIT OUR WEB SITE: [www.wura.org.uk](http://www.wura.org.uk):

**NEWS FLASHES** appear on the web site from time to time so please visit it occasionally

**WURA RESIDENTS DATA BASE:** Please email your phone number and email address, if you have not given it to us, to [weluplandsroads@aol.com](mailto:weluplandsroads@aol.com). This helps us to keep you informed of developments including road works via group emails.

**OFFICIAL DOCUMENTS:** If you cannot access these on the web site please leave your name and address with the Secretary at 12 Zig Zag Road Kenley CR8 5EL and he will make sure you get hard copies delivered to your house.

Web site currently not being fully updated for legal reasons.

**NEW RESIDENTS:** A welcome pack will be supplied. Ask the Secretary for one if you have not received one.

**CHANGES OF HOUSE OWNERSHIP AND ROAD LEVY:** If you are selling or have just moved in please remember to advise the Secretary

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