

Chairman's Report 2024

To say that the last year has been frustrating and time consuming would be a huge understatement with us trying to keep control of developers/builders and utilities whilst at the same time trying to appease disgruntled residents!

An example of this is the current gas leak at the lower end of WR that SGN uncovered-not just one fracture to the Edwardian/Victorian metal gas pipe but several resulting in the road being closed in that area for some considerable time. The good news is that the pipe installation should be completed by Friday and the reinstatement of the road by Wednesday 5th June 2024 (since completed and road reinstated with the correct material) Coupled with this is the imminent connection of 42WR to the main sewer necessitating a further closure for 4 days in the not too distant future as well as a water connection.

SGN has warned us that if these fractures to the gas pipes continue to any extent the only lasting answer is to replace the entire network with plastic piping-causing further disruption. This is in fact a nationwide project.

SGN staff we spoke to on site also agreed that excessive usage by huge HGVs associated with the many developments in the road has exacerbated the problem and is set to continue in the future-WR wasn't built to take such heavy traffic!!

On the matter of 42WR, which has been a disaster from the start with its cramped appearance leaving little room for any attractive garden areas, the new site manager assured us at a recent on-site meeting that disruption will be kept to a minimum with completion of the project by the end of October. At a recent meeting nearby embattled residents were able to vent their feelings on the manager and also the owner's representative who promised to compensate for any damage to neighbouring properties-WURA have claimed additional compensation from the developers for the extra HGV movements related to the unexpected extent of the excavation carried out in due course.

Further frustrations have been with the current crop of developers reluctant to engage with WURA to discuss HGV movements etc. and signing our binding legal agreement to pay compensation for construction traffic. It appears that they are cautious about beginning building work partially because of the present economic climate and possibly the over-supply of flats in Kenley and Purley. Nos 46 and 78WR are an example of this with 13WR awaiting a long overdue bid from a developer. No 73WR is being totally refurbished to re-sell as a family property-the developer originally had other ideas involving developing the tennis court to the side of the house until he found out that it is on green belt land and therefore was thwarted. Again these developers are not co-operating with us over the HGV levy

An extreme case of not engaging with us is the developer of 1KC, a company called Bellview, who from the outset stonewalled not only us but near neighbours plus failing to attend an arranged meeting with the relevant Council department.

Complaints from local residents were ignored as were our several offers to discuss mediation with us as the officially recognised Road Managers. This has left us no choice but to sue them for the required £30K through the small claims court process- we now await a date to appear in front of a judge at Croydon County Court. Here I must pause to applaud Richard's time spent putting together the required file for the Court-a magnificent effort requiring uncountable hours bent over his computer.

Bellview base their defence on a covenant in the deeds to 1 Kearton Close granting 'right of way (over our roads) at all times and for all purposes'. Croydon Council's planning department in granting planning permission also mentioned Bellview had right of way, a right we have never disputed. The levy relates to the extra wear and tear caused by multiple HGV movements during demolition and construction plus the extra traffic generated from the 9 dwellings replacing one bungalow. Our insurers refused to cover us in this dispute as no formal agreement (i.e contract entered into) had been signed despite several attempts to get Bellview to meet us. It can be argued that by using our roads for construction traffic without contacting us, a constructive contract (acceptance by conduct) has been formed.

Another potential problem is the proposed replacement in Pine Close of one bungalow with 3 dwellings overlooking properties below in WR and accessed by a very narrow driveway. This will require numerous HGV movements to access the construction site using WR, which is less than 5 metres wide. Most of the HGVs to be used are about 9 metres in length so it is not hard to imagine the damage that will be caused to the area. The disruption and distress to the once tranquil lives of the remaining residents in Pine Close as well as neighbours in Welcomes Road will be an absolute nightmare!! At least WURA will be closely involved in any discussions with the developer along with the Council dictating routes and required working practices.

We have recently spent £6k on patching Uplands Road, almost certainly exacerbated by HGV movements generated from the two construction sites in Kearton Close (Nos 1 and 8). In addition £45K was spent in the year on rebuilding and resurfacing WR from No 12 down to Kenley Lane. This now leaves the stretch between 42 down to 12 WR which would bring the entire road up to a high standard hopefully lasting many years with minimal maintenance required. The cost quoted to resurface this last stretch of road is currently £75K with minor repairs currently being carried out to stabilise damaged surface in that area at a cost of £3,000.

With the current downturn in development activity and the spiralling cost of tarmac etc. the Committee feel justified in raising the road levy by 10% for 2025/26. Uplands Road will need resurfacing sometime in the future although it is anticipated that a properly carried out spray and chip process will seal the road and give it many more years of relatively trouble free service. This process is less costly than the 25mm depth of Stone Mastic Asphalt (SMA) applied to Welcomes Road.

Arrears of road levy currently stand at £4,721 (or £6321 with current levy included) and we will continue to pressurise these debtors for settlement.

Just a thought - your road levy is the equivalent to the average price of half a pint of beer a week or a cup of coffee. Surely good value for money!!?

The Chairman then turned to the matter of succession. As emphasised at last year's AGM we are a depleted committee of 5 with one member wishing to step down and 2 octogenarians who are well past their sell by date!!

Here I must thank them all for their time, advice and accessibility for without them nothing would get done.

With the lack of volunteers the only solution appears to be engaging a management company to oversee the day to day running of WURA which would be costly-also there'd be no knowledge base of matters historic, possibly necessitating expensive research. It is reasonable to assume that once the developers have departed the area the work load will return to pre-development times when Committee meetings mostly consisted of arranging road sweeps, mending potholes and dealing with residents' concerns accompanied by the odd alcoholic beverage, coffee and biscuits and general chit chat. Happy days!!

Having re-read my summary of the year I hope I haven't left you feeling too despondent-ours is still a very desirable and much sort after area to live in with easy access to pleasant walks and open spaces plus it's you, the residents, who make it what it is and long may it last!!

Secretary report

Having attempted to resign as Secretary last year but continuing in the post using the titles Admin Officer and Acting Secretary without finding a replacement Mr Russell is re-adopting the title of Secretary. There were no objections from the floor to this proposal. However as pointed out already by the Chairman, it must now be faced that at some point the office of Secretary (or indeed Chairman) will fall vacant from either natural causes or because they have moved away. In the circumstances it would be prudent for someone to volunteer to join the Committee now to gain an understanding of the workings of the Association with a view to taking over as Secretary with effect from April or September 2025. The position carries an honorarium reflecting to a modest degree the responsibility and workload.

Statistics web site visits

WURA web site was created and run by Marion McKelvie from 20th September 2019 and now continues to be run by Linda Davies who lives in Uplands Road. Many thanks to Linda for stepping into the breach.

Visitor data to the web site is no longer available but was information of only marginal interest as the main point of the web is as an archive and depository of information for members.

The Agenda includes a motion to amend the Constitution to make it clear that if ever the Council deemed it necessary to repair either Welcomes or Uplands Road due to neglect the cost will be apportioned to the frontagers to these roads based on the linear measurement of their relative frontages or as decided by the Council Highways Department from time to time.

After some discussion about the actual wording, adoption of the amendment to the Constitution was proposed by Adrian Harrington and seconded by Mike Mulvey

The additional paragraph is largely there to remind frontagers that neglecting our roads is not in anyone's long term interests and will have a negative impact on house values if the roads are allowed to disintegrate.

In regard to the possible collapse of the Association, last year a member undertook to get details of the management contract entered into by the Webb Estate. However this enquiry did not really assist in determining in any meaningful way what it would cost to use a management/service company to run the Association. However using a solicitor might cost at least £250 an hour and bookkeeper doing the job our current Treasurer carries out, about £90 per hour.

The Committee will be meeting Geoff James, Planning Officer for Kendra, for a rundown of the new system being used by Kendra for levy connection with a view to possibly adopting this system which handles both emails and collection of road levies by credit/debit card over the Kendra web site. The annual cost is about £800. Members will receive more information about this later in the year.

Treasurers Report for 2023/2024

The 2023/24 accounts have been audited by Gary Lowe and were 'tabled' with these minutes along with the budget for 2024 to 2025.

The Treasurer who could not be present for health reasons left some notes with the Secretary which were read out to members present.

The total cash reserves (the road fund) held on 31st March 2024 amounted to £39,904 (£137,650). This is after spending approximately £45,000 on the resurfacing of Welcomes Road from Kenley Lane to 12 Welcomes Road. During the year income from developers dwindled to about £8k and currently we have a claim for £28,500 plus Court fee in front of the Croydon County Court. This is being defended by Bellview Kearton Close Ltd who seem to have sold all the houses (9) they built at 1 Kearton Close (Pinecoat Drive). The Chairman and Secretary will be litigants in person at the hearing. Our insurers refused to assist on the basis that there is no binding contract in place to pay our HGV levy. Recently welcome letters were given to each owner/occupier however we have had no response from any of them. Presumably the developer has told them to ignore WURA. The policy by developers of ignoring WURA also seems to have spread to other developers including 8 KC where 4 houses are being built.

Similarly as mentioned by the Chairman we are not getting much co-operation from Whelan Homes (46WR), or the people who have cleared the site at 78WR including the developers updating the house at 73WR. The developers at 42 WR have signed a binding agreement with us so hopefully they will meet their obligations once house sales start sometime before the end of the year.

There are also advanced construction sites at 42 Welcomes Road and 35 Uplands Road (all HGV levies paid up front by the developers) with a number of other possible developments, some with planning permission, for which WURA hopes to obtain compensation for the extra wear and tear caused by the HGV traffic the relative construction sites generate. No 60 was recently refused planning permission though may go to appeal.

All overdue road levy debt is chased regularly and any accumulated arrears usually collected on sale of the relative property in terms of form TA6 which requires owners to declare neighbourhood disputes including debts attaching to the property. Many of the non payers are covenanted to pay a road levy in their title deeds. A useful addition to the Road Committee would be someone willing to chase up road levy arrears in need by use of the Money Claim on IIne System

Adoption of the audited accounts for 2023/24 was proposed by Peter Knight and seconded by Mike Mulvey and unanimously adopted by the meeting.

Cash flow projection from 31st March 2022 to March 2026

This document has not been updated because of the lack of co-operation of the current crop of developers notably, Bellview Group (1 KC), who adopted from the outset a policy based on the non existence of WURA or indeed anyone else. Making any assumptions on future income from developers is felt to be pointless.

The Chairman thanked Gary Lowe for once again auditing the accounts on a pro bono basis and the meeting voted expenditure of approximately £90 to purchase wine for Mr and Mrs Lowe's wine cellar.

Mr Lowe was re-elected unanimously as our auditor

The Chairman proposed that the road levy is raised by 10% wef April 2025 and that this proposal be adopted by the meeting. Proposed by Adrian Harrington Seconded by Mike Mulvey and unanimously adopted.

Re- election of Committee 2024/25

If any members reading this are unhappy with the current arrangements for the Committee, wish to join the Committee or have any other comments please let the Chairman know.

Election of Committee. 2024/25

The following offered themselves for re-election and were unanimously elected by the meeting :-

Chairman: Colin Brown

Secretary: Richard Russell (needs to stand down in 2025 in April or September)

Executive Committee member: Robin McCallum offered himself for election but would like to stand down if a replacement comes forward.

Treasurer: Janice Scully

Committee members:

Uplands Road member vacant

Stuart Prior Welcomes Road member

No one from the floor offered themselves for election to the Road Committee and the existing Committee was re-elected without dissent.

AOB

Court case against Bellview Kearton Close Ltd. There was some time spent on discussing the need or otherwise for appointing a solicitor to examine the validity of our case against Bellview given the cost of hiring professional help.

The Secretary had already briefed a solicitor (Elizabeth Corcoran) from Knights in Derbyshire—finding anyone interested in taking on our claim has been difficult—and she can assist if we formalise a client relationship with her firm. Her rate is £450 per hour plus VAT.

Mr Harrington felt it vital that we took every precaution to make sure we did not lose this case given the potential negative impact on HGV charging generally or indeed Kearton Close paying any road levy. Mr Mulvey asked about legal costs now we seem to be uninsured and it was pointed out that in the case of claims made using the On line Court each side pays its own costs.

Mr Harrington also considered that we should get professional help though the high cost has to be borne in mind. The other side has yet to fully disclose their defence. Our case has been fully disclosed to the other side and acknowledged by their solicitors.

So far the other side (Kate Rigby and Simon Bains <https://www.rkllp.com/people/key-partners/kate-rigby/>) have made no approach to us offering to settle this matter out of court. We have made it clear that we are willing to take this route but the developers, who seem to have considerable funds at their disposal, do not seem interested. Clearly it is concerning that they seem to feel that winning their case will not be a problem.

Our Particulars of Claim were lodged with the Croydon County Court on 28th April 2024 as instructed by the Court but there has not been any acknowledgement by the Court Clerk or any notice of a breach so it is assumed our Particulars of Claim have reached the presiding Judge.

It is now proposed to seek full disclosure from the other side and then make a decision on employing a solicitor, probably (Elizabeth Corcoran) <https://www.knightsplc.com/company/our-professionals/elizabeth-corcoran/> to examine our case for any flaws in it including procedural matters. She may also be able to help settle the matter out of Court but again probably at considerable cost. Since the AGM the required approaches have been made to both parties (June 11th 2024)

Fibre to the property: Peter Knight and Adrian Harrington raised the issue of installing fibre optic cable possibly at the same time as any update of the gas pipe to plastic, both current nationwide projects. Mr Harrington is having his property connected to fibre at some cost but a full roll out of fibre to the property (FTTP) is likely to take to beyond 2025/6 to complete. Note this web site <https://www.ispreview.co.uk/index.php/2022/05/communityfibre-bring-london-fttp-broadband-to-500000-homes.html>. The Secretary mentioned the work done by a previous member on funding a community project with Openreach through WURA but it was discovered that this would involve people outside the WURA area who are connected to nodes also used by our members, so the idea was dropped. We would have had to collect £25,000 to get Openreach to do the work. Also a lot of people are happy with the speeds they have already.

HGV Drivers: There was mentioned of HGV drivers ignoring the Council instructions to construction traffic not enter Welcomes Road from Hayes Lane. Jenny Davies wondered if a weight limit for HGVs could be enforced but this would require considerable work to find out how to do this let alone enforce it.

The meeting ended at 21.46 hours with a thank you from the Chairman for everyone's input.

Richard Russell
Secretary WURA

Colin Brown
Chairman WURA

Notes re Q and A session with Cllr Gander

Councillor Gayle Gander; Kenley Ward.

<https://democracy.croydon.gov.uk/mgUserInfo.aspx?UID=1165>

The Chairman introduced Gayle, who is now well known to many members for her hard work for the Kenley community and thanked her for taking the time now to come and talk to us

A Question and Answer session took place before WURA business was attended to at about 20.05 hours

Peter Knight asked about the number of mature trees coming down to clear sites for flats etc in Welcomes Road in particular. The mature beech tree on 78 WR was mentioned which was granted permission came up for discussion. Cllr Gayle maintained that a tree surgeon had condemned the tree on the basis of a measure of disease found in it but Ray Eccles said the report he received maintained that the tree could have survived many more years in spite of the area of disease present.

The question of the upcoming consultation (workshop) with neighbours (Connecting Kenley Group) on traffic calming in the area was raised with reference to the choke point on Park Road caused by parked cars.

This issue and others such as the inconsistent speed limits on Hayes Lane round the Airfield and traffic calming in general will be discussed. Previous traffic surveys have highlighted problems particularly in respect of pedestrians walking in the road, but no decisions were ever made. It is believed speed humps were not favoured for Hayes Lane by residents living there.

Loss of parking at Fairfield Hall was mentioned and Cllr Brewer is dealing with this.

The issue of drainage clearing along the roads in general was raised as this is not being carried out regularly exacerbating flash flooding and making walking up Welcomes Road in the rain quite unpleasant. Cllr Gayle mentioned the Council app 'Love Clean Streets' to report blocked storm drains/gulleys.

Mike Mulvey mentioned that a child had been knocked down at the Hayes Lane junction with the A22 and that a proper crossing maybe installed early next year (TfL)

Cllr Gayle will send us a copy of the new local plan which deals with the protection of the environment. Gayle pledged to work with us to help protect the environment in Kenley

The Secretary asked about the use of Community Infrastructure levy and the element raised from developments in Welcomes and Uplands Roads and why we cannot have some investment in the roads, albeit unadopted, to improve conditions under foot for pedestrians especially during rain storms. It appears that CIL is not directly related to the area the levy is raised in. Gayle said that in fact Kenley's CIL was not particularly high.