

The (Unmade) Avenue (BR3) Road Association Limited

Company Number 11959831

Resident Update for January – June 2022

1. Review – January – June 2022

In our last update for the year ending 2021 we confirmed that due to the unbound surface, lack of drainage and fragility of the road there would be a requirement for ongoing maintenance.

As you are aware The Association has carried out regular maintenance during 2021 the last maintenance being in April 2022. The specification for the repairs is restricted by funds available. (Please see funding update below)

We have seen an increase in traffic using the road; particularly delivery vans all having an adverse impact on the road which has been reflected in increased maintenance costs.

With the comprehensive repair in late 2020 plus 2021 maintenance programme the Association to date has spent in excess of £45k on road repairs. We continue to explore the best options/material for the pothole repairs.

What we are trying to avoid is not to slip back to pre-2020 when the road had become dangerous through years of neglect. We know the extent of the current road erosion which has resulted in the service pipes not being at the required depth hence contributing to the water leaks we have experienced.

As highlighted in our last update the level of resident's contribution requested for 2021 remained at the same level as 2020. We anticipated this would fund regular pothole maintenance, more comprehensive treatment as appropriate to stop further erosions of the road, strengthen the road surface to give longer periods between the need for pothole repairs. This can only be achieved through the level of funds received from residents.

2. Road Funding Levels

In our previous correspondence we confirmed the financial model that we used to calculate the yearly road contribution from residents based on frontage and a factor taking account of the number of flats/houses on that frontage. On average this worked out to around £100 per flat per annum, and for houses/flats with larger frontages more. This model was accepted by the residents. The calculations to raise the funds required were based on 2019 material, hire and labour costs. Since 2019 we have seen increases in those costs, but we have kept the level of contributions at the 2019 level, and will continue at that level for 2022.

The Association does not intend to hold large sums of money, and will keep funding levels and repair costs under review at all times.

2019/2020 we received 90 % residents support; funds were received to carry out the much needed repair to improve safety. We thanked all those residents who contributed.

The 2021 resident's contributions requested sent out in December 2021, unfortunately we have not received the same level of financial support. As mentioned in our last update we have not requested road contributions for 2022 in the hope that those residents who have not contributed would reconsider making payments. We also invited comments but to date none have been received.

For those who have made part contribution it is appreciated. We would however ask if you are considering sending the balance outstanding from the 2021 road contributions requested.

We thank all those residents who are the majority and who have continued to support the Association and have continued making their yearly payment, which has enabled us to continue with the pothole repairs. Not only are those residents supporting the Association, they are supporting the residents who have not paid who are benefitting from a safer road. There is also a question of deliveries which we see delivery drivers stopping every part of The Avenue making deliveries and whose vans are often speeding all of which have an adverse impact on the road.

As at June the balance in the Association accounts is £4.6k which will not cover the next maintenance costs. Therefore, it is imperative that those listed below as non-payment received reconsiders their position.

2021 No Payments

Carey Court *

Forsythe Shades *

Kingfisher Court *

Olyffe Drive

Sandringham Court

Tern Court *

The Cottage

West Oak Flats

West Oak Houses

52 The Avenue

54b The Avenue

54a The Avenue

61/63 The Avenue *

2021 Part Contributions

Balmoral Court - 45%

Olyffe Drive - 9%

Sandiford Close - 12.5%

Springbourne - 59%

Waveney Court - 45%

- * No payment for 2020 and 2021

The Directors have reviewed the funding position and discussed the long term future of the Association; particularly if there is no improvement in support/funding levels to continue the maintenance programme.

The Directors concluded that we will request the 2022 road contributions and monitor the situation, and if there is no improvement in support the Association will be wound up, and there will be no coordinated approach for the maintenance of the road.

We reiterate what we asked in our last update:

We welcome any comments that the residents may have with regard to the overall objectives of the Association and how we might continue to keep the road in reasonable shape.

We would like to emphasise The Directors, are working on this maintenance programme in the interests of the community, on a voluntary basis with no financial reward. Please see Directorship below

3. Road Adoption - Facts

We understand LBB continues to receive enquires from residents about adoption of the unmade part of The Avenue.

We thought it worthwhile to set out our understanding.

- LBB has no long term plans to adopt the road. Particularly in this economic environment
- LBB process should such adoption be considered is to canvass the Freeholders of the property (not Leaseholders). From previous surveys LBB has not received support from the Freeholders to adopt the road.
- The cost of such adoption would be charged back to the Freeholders based on the Freeholders frontage. In 2010 LBB estimate was £1.5 million, today likely to be double.
- Although LBB would give Freeholders time to pay, we believe LBB would take a charge on your property.

Council Powers under the Highway Act

We have covered this in previous updates, but as a reminder should the road fall into disrepair through lack of funds/coordinated repairs, then the Council have powers under the Highways Act to repair the road and charge back to the frontagers.

Extracts from Highways Act Section X1 203 - 237) -

“ the frontage of a building or proposed building on a street shall be deemed to be the frontage that the building itself and any land occupied or, as the case may be, proposed to be occupied, with the building and for the purposes of it has or will have on the street”.

“Where repairs are needed to obviate danger to traffic Urgent repairs in a private street. The street works authority may by notice to private owners of the premises fronting the street to execute, within such time as may be specified in the notice, such repairs as may be so specified.”

“In a provisional apportionment of expenses of street works under the private street works code, the apportionment of expenses between the premises liable to be charged with them

shall, subject to the provisions of this section, be made according to the frontage of the respective premises

3. Accounts

As you are hopefully aware the Association is a non-profit making company. Accounts have been submitted and accepted by Companies House for the year ending April 2022. The next accounts will be prepared to cover the year to April 2023.

The Link Below is Companies House details for the Association where you can view the accounts.

<https://find-and-update.company-information.service.gov.uk/search?q=11959831>

4. The Association - Directorship

There has always been the facility for interested residents to be nominated to become Directors providing they meet the Association Articles where Directors have to be resident in the unmade part of The Avenue.

In our last two updates we highlighted that due to other work priorities two Directors of the four Directors had given notice of their intention to resign. One Director Resignation's has been actioned at Companies House; the other Director resignation is pending upon appointment of a replacement.

The Directorship is on a voluntary basis with no remuneration.

It will be very challenging for two Directors to continue, so this is another reminder that we would welcome residents who would like to become Directors to make contact with the Association by sending an email to; info@theunmadeavenueassociationbr3.co.uk

5. Other Issues

Developments - 76a/b The Avenue

The development of a 5 storey 18 flat development, with car parking for 18 cars was presented to the Planning Committee on the 31st March.

The planning officer was recommending approval. With representation made in person at the Planning Meeting objecting to the development including Councillor Tickner on behalf of the residents most affected by the development the Planning Committee rejected the proposal.

We understand the Developer has lodged an appeal document, but is still talking to LBB planners and Councillors.

We also understand the developer and his team are considering calling a residents meeting to present his development proposals.

61 The Avenue

The issues detailed in our last update still remain.

Since our update the Association, Councillor Ticknor, Clive Lees of RVP met on site with Mr Dean Laws and Mr Matt Morris of LBB enforcement group. They understood the problems and confirmed that they would investigate particularly the road encroachment. Mr Laws indicated that this would take some time. To date we have not received an update.

Mr Lees RVP has also chased LBB planning pointing out the freehold boundary issues that is contravening the planning approval has not been addressed by the freeholder. This issue is still in the hands of LBB planning group.

Reminder

To communicate with the Association the email address is:

info@theunmadeavenueassociationbr3.co.uk

To view the website is:

<http://www.theunmadeavenueassociationbr3.co.uk/>

