

# Queen Elizabeth Park Residents Association

## Minutes of a Residents' Meeting held on the 19<sup>th</sup> July 2005 at Emmanuel Church Hall at 8pm.

### 1. Attendance

Approx. 90 residents attended.

Ms Sarah Coleby represented Anne Milton MP

Cllr. Pauline Searle (part of the meeting)

Darryl Bostock and Leon Hunter represented Trinity Estates

### 2 Trinity Presentation and Questions.

Darryl Bostock outlined the way that management companies work.

Leon Hunter said that Trinity had wanted to employ staff on site but that this hadn't been done due to the delay in constructing the community centre which was to have included the necessary messroom facilities for the staff. They were therefore employing contractors.

*[QEPRAs understood that the developers had offered temporary accommodation]*

Leon spoke about current activity on the estate and the recent arrangement to set up "walkarounds" approx every 6 weeks attended by Laing and Linden, Trinity and QEPRAs. A schedule of defects had been prepared by QEPRAs and had been edited by Ivan Ball representing the developers to indicate whether the responsibility rested with the developers or Trinity. The first walkaround to review the defects list had taken place on the 16<sup>th</sup> June, there would be another on the 2<sup>nd</sup> August.

Leon said that he would normally visit the site once a month but in the short term it may be two weekly. He would make his presence on site known to residents. There were indications that residents felt that monthly was too infrequent.

Darryl and Leon then responded to a number of questions from the floor, these included: Who is responsible for access to car park area behind Railton Road? Divided between Laing and Trinity.

Is grass being allowed to go to wilderness under trees where there is a bank? Appears so. No attention to any of the gardens 1-10 Railton.

Problems with lifts in Annesley House. Trinity dealing.

Damage to roof of transformer building in Henderson Avenue by refuse lorry. Trinity acknowledged that that had not been dealt with expeditiously but was now being progressed. Resident suggested action to stop the refuse lorry cutting the corner.

Inconsiderate parking. Darryl said that Trinity could not enforce any of the covenants residents had accepted but if residents wished to define appropriate parking areas they could look introducing a clamping arrangement to deal with transgressors if that is what residents wanted. *[QEPRAs understood that Trinity role included taking action if covenants are breached]*

Knox Road. Grass not being mowed in areas recently occupied.

Lighting. Lights out, some unsafe wiring and lights that are on during daylight and out at night. Trinity said they were in the process of introducing a new contractor and this would be dealt with. Undertook to make all wiring safe by the end of the month but would not give a date by which the other issues would be dealt with.

Grass is being killed by contractors allowing a build up of grass cuttings that aren't mulching. Apartments in Rivett Drake Close, windows not being cleaned. Trinity are intending to appoint a new contractor but some windows are inaccessible.

Trees in Henderson Ave. (and everywhere else) are dying and need watering. Comments about poor gardening in Henderson ave.

Darryl Bostock stated that Trinity were working to a specification given to them by the developers. *[QEPRAs have been asking for a copy of their service level agreement for months]*. He later stated that Trinity propose to issue a service level statement stating what will be done, who it is done by and when it will be done. Residents expressed views that this should be day by day, area by area. Residents wished to be able to know where to find the workmen if something needed doing. Trinity said residents should go through them if there are any problems as there may be payment issues with the contractors.

Residents were not happy with some of the responses. Darryl Bostock declared that the first sheet of the defects list only identified four issues as being Trinity's responsibility. The rest were the developers' responsibility and Trinity were not paid to deal with the developers. If defects were down to the developers, residents should be chasing them themselves. Trinity only took issues up with the developers as a courtesy. *[The current defects list identifies 76 issues, 38 are down to Trinity]*

A question was asked about residents withholding payment. Trinity made it clear that they will pursue any resident who doesn't pay unless they can clearly show that some part of the service hasn't been provided in which case there will be an apportionment of the charges.

Trinity left the meeting.

### **3 Discussion following Trinity presentation.**

Gavin Critchley advised the meeting that Trinity had been appointed by the developers to manage the estate on their behalf until the Residents Management Company is handed over to the residents and for two years after the last house had been sold. Residents had made it clear that they were not happy with Trinity's performance. QEPRAs had taken the view that the best route was to try to make Trinity aware of the standards and management initiative expected of them. The Residents Management Company had been made aware of the situation and Ivan Ball from Linden but representing both developers had worked with QEPRAs to raise the standards with Trinity, he had initiated the walkarounds and had made a number of very useful suggestions regarding the management of the estate but Trinity would need to carry them forward. QEPRAs had repeatedly asked Trinity for a statement of service levels but it had not been forthcoming.

The overwhelming view of the meeting was that Trinity had failed to respond to the residents concerns regarding their performance and authorised the QEPRAs committee to press the Residents Management Company to terminate Trinity's contract and introduce a replacement with a clear brief in line with residents' expectations.

### **4 Estate Management sub-committee.**

The QEPRAs committee proposed to appoint an estate management sub-committee to make recommendations regarding such issues as the definition of the Service Level Agreement, acceptable garden maintenance guidelines, the covenants on our properties, 'Good Neighbour' issues, satellite dishes, 'For Sale' signs, bad parking etc. The meeting supported this proposal.

### **5 Planning and Legal Issues**

Gavin Critchley made a series of presentations on each of the 'hot topics' and the legal situation which influenced most of these issues. The slides accompanying each presentation are reproduced below for reference.

## **The 5 'Hot Topics'**

- QEPRA was created in December 2004 in response to growing frustration amongst the QEP residents. Its remit is to protect QEP residents' environment, security and investment. Residents concerns broadly cover 5 areas, with Trinity being a whole different story. These hot topics are;
  - Community centre, Bus route, Teenage all weather court/kick about/hard play area, Additional pedestrian access, LEAP provision
- QEPRA has pursued each topic with whom we felt could provide the best response;
  - GBC (DEPS), SCC, Developers, Police, MP, Ward Councillors (here tonight – important you meet and make your views known), Housing Associations
- This has been a complex, time consuming and intensive process. We will not cover all subjects to their lowest level of detail tonight
- A meeting was held with Elizabeth Mitchell (one of 3 GBC Directors) in May to attempt to resolve the issues. Copies of the letter are available for review here tonight.

## **Legal situation**

- Development awarded outline permission with the release of the original S106 in October 2001
- Each developer has a different approach to the conveyance process. Each will have been given the original S106 and the outline master plan for release to buyers;
  - Laing have their own department that performs conveyancing
  - Linden don't have a legal department, but similar arrangements made
- Original agreement for the Community facility was a minimum 150 m2. Sales staff said some kind of hall. Fees would cover maintenance.
- November 2002. Changes to outline planning and S106 to now bring the Community Centre to a 390m2 facility, with residents maintaining the outside of the facility. These updated documents were not provided by the Developers during the conveyance process, nor delivered by the local search.
- In autumn 2002 new information regarding the Bus route and Leap was also available, but again was not released to residents.
- By the end of 2004 the Community Facility had now turned into a 4 storey building
- QEPRA position: Covenants void for misrepresentation (information that obviously affected residents not released to them).
  - We now need a counsels opinion
  - We expect some kind of communication from the Developers/GBC

## **Community Centre**

- Most residents are concerned at the size of the proposed facility, and the affect it will have on the site in terms of congestion/parking and security.
- QEPRA legal representative John Hamilton Williams has been investigating the complex legalities of this situation, liaising closely with Richard Lingard, GBC's Legal Secretary.

- A planning proposal is in process for the Community centre (32 letters of objection have been registered), and we will make representations to the Planning Committee when it comes before them.
- QEPRAs expects that GBC and the Developers may contact QEP residents to seek to impose a capping mechanism for the external maintenance liability

### **Bus route**

- Original intention to provide a dedicated shuttle bus service from QEP to the town centre. This aim proved to be unviable and the alternative which was enhancement of the existing 26 & 27 routes was adopted. The enhancement has taken place.
- GBC Council Officers believe that there is also an S106 requirement for the bus to enter the estate in addition to enhancing . There is no such obligation (Confirmed by Mr.Lingard).
- However, GBC and SCC officers are still working towards a solution that brings a bus onto the site, despite being informed repeatedly by residents and developers that this is not desired.
- There are 4 options on the table;
  - Bus stays where it is (best for QEP)
  - Bus along Railton and out via Henderson (worst for QEP, unlikely to happen)
  - Bus along short numbers Railton, around Commercial area and out along short numbers Railton (the most likely outcome)
  - As above, but with reduced off peak services (to be negotiated)
- QEPRAs has had ongoing, extensive but unproductive, conversations regarding the bus route with all related parties. The inability for any single party to make a decision is immensely frustrating
- Elizabeth Mitchell has offered to support a QEPRAs meeting with GBC, SCC and STAG/SCA to review this situation

### **Teenage all weather court**

- The original QEP masterplan included a hard court 'Kick About' area and 'Teenage Meeting point' to be sited in an area of the site commonly known as the 'Village Green'.
- The exact design of this facility is not clear, so people fear the worst
- QEPRAs is aware that its residents are unequivocally opposed to this proposal. The proposal would take up the only level area on the Green and residents see no benefit in replacing an attractive, already well used grass area with a much less attractive hard court area.
- Of all of the issues that may potentially affect QEP, this one has the largest emotional attachment.
- Comments made by the Ward Councillors during the Election period regarding moving this facility off QEP have no factual basis, and were not supported or challenged during our meeting with Elizabeth Mitchell
- Elizabeth Mitchell confirmed we will be part of the consultation process during the design process
- QEPRAs encourages residents to make their feelings very clear to the Ward Councillors on this topic

- QEPRA will continue to liaise with all parties, and will seek to minimise the impact of any facility that is imposed

### **Additional Pedestrian Access**

- A pedestrian access route is planned by opening up a path/cycle way from Angelica Road onto the site via Goddard Close. There has never been an access point in this location before.
- This area has a history of vandalism before construction, was a source of vandalism on the site during construction, and has continued to be a source of problems for new residents.
- The police opposed its opening during the primary QEP planning stage, describing it as a 'Crime Generator'. This recommendation was overruled during the original QEP planning process.
- Elizabeth Mitchell invited QEPRA to request the Developers to seek temporary planning permission to keep the access closed, although she was basically in support of opening it.
- In progress with the Developers.

### **LEAP – Locally Equipped Area of Play (Playground)**

- Provision of a LEAP for the QEP site is part of the Masterplan.
- QEPRA released a site wide questionnaire to gain an understanding of the residents feelings for the Playground
  - 74 Responses
  - 50% in favour, 43% opposed, 7% didn't mind
  - 81% concerned over vandalism, noise and ASB
- Elizabeth Mitchell confirmed we will be part of the consultation process during the design process
- QEPRA encourages residents to make their feelings very clear to the Ward Councillors on this topic
- QEPRA will continue to liaise with all parties, and will seek to minimise the impact of any facility that is imposed

### **Summary**

- We will seek to explore options with the Residents Management Company to replace Trinity before the end of their contract
- 5 'Hot Topics' all have a planning element as part of their resolution.
- The meeting with Elizabeth Mitchell did not give us much encouragement that GBC DEPS will support residents views in the resolution of the 5 topics. Their view was that decisions made during the planning process cannot be reopened again.
- Ward Councillors have an important role to play in supporting QEP residents in the GBC environment.

- Residents must continue to work independently to make their views known with Ward Councillors, local MP, etc.
- We have escalated the situation to the local MP, Anne Milton, with whom we have good relationships

## **6 Discussion and Decisions**

In the limited time for discussion there was support for and no dissention to the actions that the QEPRAs committee are taking and the arguments being pursued on behalf of the residents.

On the key issue of seeking counsel's opinion on the legal issues, a show of hand indicated strong support and a willingness to contribute financially to the costs. Residents will be circulated with such a request when an estimate of the likely cost is available.

Residents should be wary of any communication from the developers or GBC relating to the maintenance of the community centre.

Residents could add weight to QEPRAs actions by making their views known to our local councillors and MP and to Elizabeth Mitchell.

If residents wished to make their views known to QEPRAs they should contact the Secretary or any committee member.

The current defects list would be posted on the QEP Residents' website.

## **7 Late Summer Fair 3rd September 2005**

Dick Moody outlined an ambitious programme for this first large event for QEP residents and the immediate neighbourhood. Local businesses have given a lot of support and it is hoped that it will be well supported by residents. Dick appealed for help, particularly on the day.

## **7 Contact details.**

Mrs Anne Milton MP

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House of Commons, London SW1A 0AA. Tel: 020 7219 8392. Email: [miltona@parliament.uk](mailto:miltona@parliament.uk)

Cllr Pauline Searle (GBC & SCC) Tel: 01483 825424 Email: [searlep@guildford.gov.uk](mailto:searlep@guildford.gov.uk)

Cllr. Fiona White (GBC) Tel: 01252 332381 Email: [whitef@guildford.gov.uk](mailto:whitef@guildford.gov.uk)

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Meeting closed at 10.00pm.

Signed \_\_\_\_\_  
Chairman