

# Report of the Strategic Director, Regeneration to the meeting of Bradford West Area Committee to be held on 23 March 2016

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## Subject:

Petition for the Adoption and Repair of Thornton View Road, Clayton, Bradford

## Summary statement:

This report considers the above petition for the Adoption of Thornton View Road, and outlines the current formal Private Street Works Procedure and offers two alternatives and one recommendation.

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Strategic Director Regeneration

### Portfolio:

Housing, Planning and Transport

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### Overview & Scrutiny Area:

Environment & Waste Management



## **1.0 SUMMARY**

- 1.1 This report considers a petition for the making up and adoption of Thornton View Road, Clayton as received by Council on Tuesday 8 December 2015 with a resolution that the petition be referred to the Bradford West Area Committee.

## **2.0 BACKGROUND**

- 2.1 There are some 1500 unadopted streets in the Bradford District. Most are a legacy of the Victorian age. They are of varying widths from narrow back streets to some more modern streets that look to the ordinary person to be an ordinary street. Most are generally un-surfaced and can be in a poor state of repair. This often leads to problems for the residents who are liable for the day to day upkeep of the street and the maintenance costs. In many instances they detract from the image of the District. Thornton View Road falls in to the category of unadopted highway that is in reasonable condition in comparison to others around the district.
- 2.2 In 2015 we received a petition from users of Thornton View Road, Clayton seeking adoption of the road; it is unclear whether the residents have given consent to the proposals.
- 2.3 It is noted that of the signatories on the first page, none are resident on or immediately flank Thornton View Road.
- 2.4 The length of unadopted Highway is approximately 312m (Pasture Lane to driveway No. 25 Thornton View Road), and then continues further towards the school as Footpath 'BW105' and 'BW104'.
- 2.5 This unadopted road is relatively narrow, is poorly drained, poorly maintained and whilst it has street lighting over its length this is inadequate and not to modern standards.
- 2.6 Existing construction is bituminous although the construction thickness is unknown, with many structural cracks and potholes.
- 2.7 An estimate based purely on the length of Highway has been calculated to be in the region of £220,000
- 2.8 The road is bounded to the west by residential properties and open land possibly used as farm or pasture land and bounded to the east by residential properties, a small woodland area, overflow car park and Clayton Golf Club.
- 2.9 The Council currently has no policy or budget for making up streets and is unlikely to in the future and that the owners of properties on the street are responsible for paying the full cost of making the road up to adoptable standard. The Council would need to agree that the road is suitable for adoption as the future responsibility for maintenance would pass to the Council if the road were to be adopted
- 2.10 The frontagers would need to arrange the work themselves to an agreed standard and the Council would monitor any work carried out for compliance with the agreed

specification. The Council are able to provide advice on the process, specification and also the selection of suitable contractors.

- 2.11 Construction to adoptable standard is generally quite expensive as it usually includes the provision of road drainage, new street lighting, full construction of road, kerbs and footways, consequently the cost can sometimes be prohibitive and occasionally residents have chosen to carry out a scheme to a lesser non-adoptable standard. The benefit of this is that the cost can be tailored to the amount of money available and so a scheme is more likely to be successful, but obviously in this case the street would not be adopted on completion and so its maintenance would remain the responsibility of the residents. In this instance the street lighting is unlikely to be replaced by the Council at the time

### **3.0 OTHER CONSIDERATIONS**

- 3.1 The Council's Asset Management section is responsible for some land that fronts onto Thornton View Road and therefore will be responsible for a substantial section of the Highway.
- 3.2 Three properties flank onto the Highway and will gain minimum benefit.
- 3.3 The Highway affords vehicular and pedestrian access to an educational establishment and a golf club both of whom would gain most from the adoption of the road.
- 3.4 The Highway forms a link between Pasture Lane and footpaths 'BW105' and 'BW104'.
- 3.5 Only one residential property has a direct frontage and access on to the Highway.
- 3.6 Six residential properties back onto the Highway.
- 3.7 The council would require a resolution to proceed with estimating a more detailed cost for the making up and adoption of Thornton View Road with a view to canvassing the residents and seeking initial confirmation to proceed with the adoption process. The Council would have to find the details of title holders to adjacent plots of land to enable us to conduct an official survey as part of the first step in the Private Street Works code.

### **4.0 OPTIONS**

- 4.1 Option 1 - Assist and advise residents in carrying out the necessary repairs to ensure the Highway is not in a dangerous state.
- 4.2 Option 2 – Advise the lead petitioner that the responsibility for the Highway lies with the adjacent property owners and that any repairs should be considered by them in the first instance and that the council takes no further action..

## **5.0 FINANCIAL & RESOURCE APPRAISAL**

- 5.1 The council has a considerable length of frontage onto the Highway and therefore will attract a substantial financial liability. Approximately 40%
- 5.2 All options will need to be implemented within existing staffing resources; this will have a detrimental effect on current workloads.
- 5.3 There is no Private Street Works budget therefore the cost of the checking any scheme will need to be met initially from an alternative source prior to being recovered from frontagers as allowed in the Private Street Works Code of the Highways Act 1980.

## **6.0 RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 6.1 There are no risks arising from this report.

## **7.0 LEGAL APPRAISAL**

- 7.1 There are no legal issues arising from this report.

## **8.0 OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

Appropriate considerations have been made in respect of Section 149 of the Equality Act 2010, and this report raises no particular matters.

### **8.2 SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications arising from this report.

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There is no impact on the Council's own and the wider District's carbon footprint and emissions from other greenhouse gases arising from this report.

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications of this report.

### **8.5 HUMAN RIGHTS ACT**

None

### **8.6 TRADE UNION**

None

### **8.7 WARD IMPLICATIONS**

None

### **8.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None

## **9.0 NOT FOR PUBLICATION DOCUMENTS**

9.1 None

## **10.0 RECOMMENDATIONS**

10.1 That the option to advise the lead petitioner that the responsibility for the Highway lies with the adjacent property owners and that any repairs should be considered by them in the first instance and that the council acting as Highway Authority takes no further action.

## **11.0 APPENDICES**

11.1 Appendix 1. – front cover of petition (1056 signatures)

11.2 Appendix 2. – Mr Hussain's speech to Council

## **12.0 BACKGROUND DOCUMENTS**

12.1 None

Appendix 1

1056 signatures

**Petition to adopt and repair Thornton View Road, Clayton, Bradford BD14 6JX**

We, the undersigned, urge Bradford City Council to adopt and resurface Thornton View Road, Clayton which has been a threat to the safety of pedestrians and non-pedestrians alike for over 20 years.

	Printed Name	Signature	Address	Postcode	Date
1	STEVE FAIRBROTHER		14 FERNDALE AVE	BD14 6PG	13/10/15
2	MOLLY MALONEY		13. FERNDALE AVE	BD14 6PG	13.10.15
3	SUSAN WINDER		6 ADEPT PARADE	BD2 4NJ	✓
4	GEOFFREY WINDER		"	"	✓
5	JANNY WIGNALL		12, SELBORNE VILLAS CLAYTON	BD14 6JZ	—
6	DAVID G MULLOWE		17 SELBORNE VILLAS CLAYTON	BD14 6SZ	13.10.15
7	ALEC GROVER		54 ROBEY LANE	BD13 2DQ	13.10.15
8	E. DALGETY		17 WESTMINSTER DRIVE	BD14 6SL	13.10.15
9	VINCENT SCULLY		3, PASTURE LANE CLAYTON	BD14 6JR	"
10	A DAVISON		7 GREGORY CRESCENT	BD7 4PG	13.10.15
11	M DAVISON		7 GREGORY CRESCENT	BD7 4PG	13.10.15
12	S COTTERILL		18 CLAREMONT GROVE	BD18 1PT	13/10/15
13	EJ. COTTERILL		—	—	—
14	MARTIN BLENNAN		7 HAZEL WALK	BD9 6AH	13/10/15
15	MARIE BLENNAN		7 HAZEL WALK	BD9 6AH	13/10/15
16	S.H. DOWNEY		2, BARNFORD CRESCENT	BD14 6LR	13.10.15
17	B.E. DOWNEY		7, OXFORD CRESCENT	BD14 6RP	13.10.15
18	DAVID MASSON		18 FERNDALE AVE	BD14 6PG	13-10-15
19	Rinda Masson		18 FERNDALE AVE	BD14 6PG	13 10 15
20	Pam Atkin		20 Cheriton Dr.	BD13 1QS	13.10.15
21	J. ARNETT		5 HILL END GROVE	BD7 4RP	13.10.15
22	D ARNETT		5, HILL END GROVE	BD7 4RP	13/10/15
23	Stuart Atkin		20, Cheriton Dr.	BD13 1QS	13/10/15
24	Ian Loe		19 Rosetta Drive	BD8 9SA	01/10/15
25	A.R. DRAKE		30 CREMILLIE TER.	BD14 6DT	13/10/15

First of all I would like to start by thanking all the respective members of this chamber for giving us this opportunity to present our humble appeal with reference to adopt and repair Thornton View Road. We would also like to express our deepest gratitude towards, Cllr Sinead Engel, Cllr Carol Thirkill and Cllr Michelle Swallow, along with all those who have been at the forefront of supporting our cause.

Jaamiatul Imaam Muhammad Zakaria is an independent secondary boarding school which initiated in 1992. First & foremost, the institute provides good education to local students. Jaamia is proud that the school is recognized as an institute which respects, educates and imparts its students with the Core British Values that binds us all. Students take between 9 and 12 GCSEs. In addition, we also provide a number of A Level subjects. Our GCSE achievements have always been consistently good. Our 2015 GCSE results for students achieving A\* - C in at least five subjects was 82%

In light of the above, as an independent school, we feel we have always made a highly favourable and complimentary contribution to the wider Bradford community.

Today we are presenting this petition to you on behalf of Jaamiatul Imaam Muhammad Zakaria, visitors to Horton Bank Country Park and all pedestrians who use Thornton View Road.

Unfortunately, this road is in a very bad state and needs to be adopted and repaired urgently. We are very grateful to the council for assisting us previously when we were faced with problems of vandalization, but would like to bring to your attention the health and safety of the pupils and residents should emergency vehicles be unable to access the school or other premises on this road.