

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 18 November 2021 at 10.00 am in the Council Chamber

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Warburton Wainwright Lee Shafiq	Ali Brown	Edwards

Alternates:

LABOUR	CONSERVATIVE	GREEN
Godwin Hussain Lal Salam	K Green Sullivan	Love

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- A legal briefing for all Members of the Committee will take place at 0915 in the Council Chamber on the day of the meeting.
- Anyone wishing to speak to any of the business items on the agenda either as a Ward Councillor, applicant/agent, in support of or objecting to an application must register to speak by emailing the Governance Officer farzana.mughal@bradford.gov.uk by midday on Tuesday 16 October 2021. Please provide a telephone contact number, together with the relevant application details and explaining who will be speaking. They will then be advised on how you can participate in the meeting. If you have not registered you may not be able to speak.
- If anyone wishes to submit any accompanying photographs/plans they should not exceed four and must also be submitted in writing by midday on Tuesday 16 October 2021 to the following Governance Officer: farzana.mughal@bradford.gov.uk
- Please note that any representations will be allowed 5 minutes only and this will have to be shared if there is more than a single speaker.
- On the day of the meeting you are encouraged to wear a suitable face covering (unless you are medically exempt) and adhere to social distancing. Staff will be at hand to advise accordingly.

From:

Parveen Akhtar
City Solicitor

Agenda Contact: Farzana Mughal

Phone: 07811 504164

E-Mail: farzana.mughal@bradford.gov.uk

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 21 October 2021, be signed as a correct record.

(Farzana Mughal – 07811 504164)

4. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Farzana Mughal – 07811 504164)

B. BUSINESS ITEMS

5. **MEMBERSHIP OF SUB-COMMITTEES**

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Farzana Mughal – 07811 504164)

6. **THE FOUNTAIN HEATON ROAD, BRADFORD, WEST YORKSHIRE BD9 4DQ - 20/02593/OUT** 1 - 24

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document “N”**) outlining the application for demolition of former Fountain Inn Public House and construction of Mosque and Community Centre requesting consideration of access, layout and scale.

Recommended –

That the application be approved subject to the conditions set out in Appendix 1 to Document “N”.

(Ross Hallam- 01274 431758)

7. **PROPOSED CHANGES OF THE HACKNEY CARRIAGE TABLE OF FARES** 25 - 30

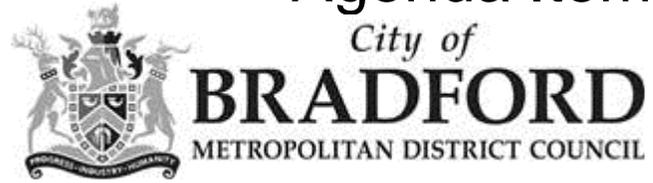
The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document “O”**) for a variation to the Table of Fares requested by the Hackney Carriage Owners and Drivers Association.

Recommended –

That the Council agree to the variation set out in Appendix 2 to Document “O” submitted by the Association and allow the fare to change as of the 1st December 2021.

(Carol Stos- 07582 101569)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 18 November 2021

N

Subject:

An outline application (20/02593/OUT) for the demolition of the former Fountain public house Heaton Road, Bradford, BD9 4DQ and the construction of a new mosque and community centre. The application seeks consideration of access, layout and scale.

Summary statement:

The proposal relates to the redevelopment of the former Fountain Public House and curtilage. The existing property will be demolished and replaced with a purpose built mosque and community centre.

The application has generated a significant amount of public representation with the majority supporting the redevelopment of the site for this purpose citing the value to the community. The application has been fully assessed against all relevant local and national planning policies and all public representations and consultation responses have been fully taken into consideration. The mosque is considered to represent a valuable community facility that does not result in significant harm to the amenity of neighbours, visual amenity or, in conditions prejudicial to highway safety.

The application is recommended for approval subject to the conditions included within this report and the completion of a Section 106 agreement to restrict the use of the existing mosque facility at 394 Heaton Road, Bradford, BD9 4RR to that of a madrassah once the new use commences.

Julian Jackson
Assistant Director (Planning, Transportation
& Highways)

Portfolio:

Change Programme, Housing, Planning and Transport

Report Contact: Ross Hallam
Phone: (01274) 431758
E-mail: ross.hallam@bradford.gov.uk

Overview & Scrutiny Area: Regeneration and Economy

1. SUMMARY

An outline application (20/02593/OUT) for the demolition of the former Fountain public house Heaton Road, Bradford, BD9 4DQ and the construction of a new mosque and community centre. The application seeks consideration of access, layout and scale.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are as set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues raised. The site is located within a very sustainable location in a defined retail centre, close to residential properties and the site is well placed in close proximity to public transport routes.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development is in a sustainable location close to residential properties and well served by public transport. Provision is made within the development for a cycle parking facility and a condition is recommended for a travel plan to encourage more sustainable modes of travel. It is not therefore envisaged to result in significant increase in greenhouse gas emissions.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The mosque will incorporate their own security measures and a condition is included in respect of external lighting of the site.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations.

10. RECOMMENDATIONS

The application is recommended for approval, subject to the conditions included with Appendix 1.

11. APPENDICES

Appendix 1 Technical Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy
Replacement Unitary Development Plan

20/02593/OUT



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**The Fountain
Heaton Road
Bradford BD9 4DQ**

18 November 2021

Ward: HEATON
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
20/02593/OUT

Type of Application/Proposal and Address:

An outline application (20/02593/OUT) for the demolition of the former Fountain public house Heaton Road, Bradford, BD9 4DQ and the construction of a new mosque and community centre. The application seeks consideration of access, layout and scale.

Applicant:
Mr Mohammed Ilyas

Agent:
Mr A Al-Samarraie

Site Description:

The former Fountain public House is set in the South West corner of a large rectangular curtilage to the East of Heaton Road at the junction with Syke Road. The building directly abuts the footway to Heaton Road and Syke Road and is currently derelict and in a state of disrepair, it is stone built and has been stripped of its roof.

To the North and East the site shares boundaries with residential properties, to the South is Syke Road, which also has residential properties on the opposite side. The residential properties on the opposite side of Syke Road (1 – 15 Garden Terrace) are Grade II listed, as are 23 and 25 Syke Road beyond the Eastern boundary. The majority of the large curtilage is the former car park, but there are mature trees notable in the South East corner and midway along the eastern boundary.

Relevant Site History:

04/02481/COU Change of use of upper floors 1st floor and attic from function room/flat to bedsit accommodation GRANT 13.08.2004

08/05844/FUL Construction of 3 dwellings with access and parking GRANT 11.11.2008

09/00823/FUL Construction of 6 dwellings REFUSE 23.04.2009

09/04710/FUL Construction of 4 dwellings GRANT 16.12.2009

09/04985/FUL Change of use of existing public house to dwelling GRANT 16.12.2009

19/00898/FUL Two pairs of semi-detached dwellings GRANT 08.05.2019

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is subject to no specific land allocation, but is within Heaton Estates Conservation Area. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies:

SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
EN3 Historic Environment
EN7 Flood Risk
EN8 Environmental Protection Policy
DS1 Achieving Good Design
DS3 Urban character
DS5 Safe and Inclusive Places

Parish Council:

Not in a Parish

Publicity and Number of Representations:

The application has been publicised in the local press, via a site notice and individual neighbour notification letters. The publicity period expired 16 April 2021. The application has generated 29 Individual representations and a 125 signature petition in support of the proposal. These include including one from a local Ward Councillor. Twelve individual representations have been received in objection.

Summary of Representations Received:

The representations in support cite the following reasons:

The mosque will serve and is for the benefit of all the local community.

Improve facilities.

Heart of community within walking distance.

Poor facilities and access at existing mosque.

Environmental improvements.

Existing building has become a focal point for anti-social behaviour.

Existing building in dangerous condition.

Improved disabled facilities.

Positive visual improvements.

Five of the representations give no reason for their support, and two also touch on concerns about the use of Syke Road and parking.

There have been 12 representations objecting to the proposed development. The reasons for objection can be summarised as follows:

Not in keeping with the conservation area.

Massing and minaret inconsistent with conservation area.

Setting of listed buildings.

Parking issues – already issues with the existing mosque (numbers and indiscriminate parking).

Use of Sykes Road – damage and highway safety.

Loss of heritage building.

Pollution.

Too many mosques in the area.

Two of the 12 representations only state no need for another mosque.

Consultations:

Minerals and Waste

There are no apparent minerals or significant waste legacy issues that would have an adverse impact on the proposed development. No Objections.

Highways Development Control

The proposed development is relatively small scale with a GFA of 1,230sqm and two small prayer halls each with usable space of 200sqm. The Transport Statement (TS) estimates 360 worshippers based on the net usable space and average size prayer mat (between 1.0sqm and 1.25sqm) if the facility is completely full. The highway officer agrees with the TS that the level of usage in practice would be less than this and considers a larger prayer mat (1.7m x 0.95m) is more appropriate for assessment purposes and this equates to a capacity of 246 worshippers for the two prayer halls.

The local car parking standard for place of worship is 1 space per 25sqm which equates to 49 spaces for the proposed 1,230sqm GFA plus 2 disabled spaces. The highway officer considers car parking provision for a mosque based on ground floor area inappropriate and that it should be based on the number of prayer mats. The level of car parking required assuming 1 space per 5 prayer mats subsequently equates to 49 spaces. The proposed level of car parking provision is however 24 spaces including disabled spaces, so a noted shortfall.

The highway officer accepts in this instance that the majority of people using the new mosque will be drawn from the immediate vicinity surrounding the existing facility and would be likely to walk to the site, but highlights concerns that the proposed shortfall in car parking would have the potential to lead to indiscriminate on-street parking particularly on the side streets.

However, it is considered that these concerns and highway safety issues could be addressed by restricting parking on the sides streets to residents only via Residents Only Permit Parking Scheme, a traffic regulation order (TRO) protecting visibility on Heaton Road and traffic calming measures on Heaton Road to reduce vehicle speeds. It is also recommended to restrict the use of the existing mosque – which has currently no off street parking provision as this could also result in demand at similar times.

The highway officer also raised concerns regarding the use of Syke Road for vehicular access, and the lack of swept paths for servicing vehicles. These issues have been addressed by the submission of revised plans, demonstrating acceptable swept paths and removing vehicular access via Syke Road.

Drainage

A condition requiring a scheme for foul and surface water is required. The presence of a public sewer close to the site is identified, and Yorkshire water will subsequently need to be consulted for any constraints this may have on the development. Part of the site is also identified by the Environment Agency as being susceptible to surface water flooding, the incorporation of flood resilient building techniques is suggested.

Environmental Protection Land Contamination

A review of historic OS maps indicates that The Fountain has been present since before 1889. The car park area is shown to have been occupied by terraced housing and various outhouses, it is not possible to ascertain when they were demolished from the mapping data.

Potential sources of contamination on site include, but are not limited to, ash and clinker from coal burning residues, relic foundations, cellar features, services and made ground containing asbestos, associated with the former terraced houses and outbuildings.

In addition, there are two former landfill sites within 250m of the site. Records indicate that both former landfills were infilled with inert material and both have undergone development to some extent.

The submission does not include a Phase 1 report which is necessary to ascertain the history of the site, establish the potential contaminant sources, identify the potential contaminants of concern and provide a risk assessment with a specific end use in mind, to determine whether the site should be subject to a Phase 2 site investigation. A desk study is also necessary to ensure appropriate information is available for health and safety assessments relating to site investigation and construction site workers.

Bio-diversity

This site lies within the bat alert zone and the building is clearly in a state of dis-repair. The West Yorkshire Ecology Service Minimum standards for bat surveys in West Yorkshire (Version (which follows BTC guidance) clearly states that records should be sought from the Local Records Centre and the West Yorkshire Bat Group. The lack of a desk study, which uses this information is an omission in this case. However, the surveys are not yet complete and this can be addressed. There is an outstanding requirement for a further bat survey.

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations.

In line with the NPPF we require a net gain for biodiversity within this planning application. The ecological appraisal provides recommendations for both integrated features within the buildings and habitat creation options. There is ample room available to create wildlife features within the plans submitted. We advise that a suitably worded condition is applied to any future positive determination of this planning application for a Landscape and Ecological Management Plan which can be compiled and submitted as part of any reserved matter application.

An informative for the protection of nesting birds within the building or vegetation on the site during demolition and site clearance is required.

Design and Conservation

The building occupies a corner site defined by Heaton Road and the traditional setted Syke Road. Close by is the listed row of cottages at Garden Terrace and adjacent a pair of listed 18th century cottages on Syke Road. The public house comprises part of the setting of the listed buildings. The public house was identified as making a positive contribution to the character of the conservation area at the time of the adopted character appraisal in 2008, and was substantially intact in 2009. Since that time the building has been neglected and allowed to decline into dereliction, despite approval of conversion to a dwelling.

The statutory duties of the planning authority must be borne in mind. In respect of any buildings or land in a conservation area, the planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72, Listed Buildings and Conservation Areas Act 1990). The weight required to be attached to these duties must not be underestimated. The loss of the Fountain Inn building would result in harm to the character of the area. Section 66 of the Act requires the planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The principle of development must first be determined. The existing building and site requires a resolution, to bring the site back into sustainable and productive use. It needs to be determined if this site is appropriate for the proposed use having regard to all Planning considerations. The impact of a more dynamic and active use on the character of the neighbourhood must be assessed. Syke Road is a traditional stone setted road which contributes strongly to the character of the conservation area, and settings of 2 groups of listed buildings which abut it. The potential of increased use of this road must be fully understood. The road is not adopted and it may be inappropriate to increase the use of the road, causing its further deterioration and placing a burden on those responsible for its maintenance. Increased pressure on the road would also be prejudicial to its contribution to the character of the conservation area and the setting of the listed buildings. This has potential to harm the conservation area.

The character of this part of the conservation area is strongly influenced by the adjacent listed buildings of Syke Road and Garden Terrace, which are of 18th century origin. They display the local vernacular architectural styles, and pre-date the more ordered and elaborate dwellings dating from the Victorian and subsequent growth of Manningham and Heaton. Garden Terrace is a very attractive row, retaining a timeless appearance derived from its high levels of historic authenticity and unaltered setting. The setted road of Syke Road serves to bind together this part of the conservation area and the locality has a strong sense of identity. Whilst the existing pub building is later than the listed buildings, it is an established part of the street scene and is visually cohesive with the listed assets. It stands at the back of the footway, positively addresses the street and employs comparable materials to the listed buildings and street surface. Demolition of the building would result in a void and would remove a feature which positively engages with the listed buildings, enhancing their settings and positively contributing to the conservation area.

The proposed building would be set back from the street, not achieving the same degree of enclosure or intimacy, does not appear to respond to local contextual design and appearance characteristics and not employing locally distinctive or prevailing materials.

It is acknowledged that religious or community buildings often are distinctive in their own right and may possess key or landmark features. However, it is not accepted that such buildings need to contrast with the established character of an area or that contemporary architecture is wholly suited to this specific context. It is regarded that this may not result in a harmonious or necessarily complementary relationship.

Following subsequent discussions and revisions, whilst concerns remain about the appearance - detailing and materials, the scale (proportions) and layout have been demonstrated to the satisfaction of the design and conservation officer as being appropriate for the site. The appearance is not for consideration and is reserved for consideration at a future date.

Summary of Main Issues:

1. Proposal
2. Principle
3. Residential Amenity
4. Visual Amenity
5. Highway Safety
6. Other Issues
7. Section 106 Planning Obligations

Appraisal:

1. Proposal

Outline planning consent is sought for the demolition of the former Fountain Public House and the construction of a new Mosque and Community Centre. The existing building is vacant and over recent years has fallen in a state of disrepair and has been subject to vandalism and much of the roof has been removed.

The application seeks consideration of access, layout and scale with appearance and landscaping reserved for consideration as part of a future reserved matters application.

The proposed Mosque has a floor area of 1230sqm split over three floors. The building is orientated towards the north west where at ground floor a central entrance will lead to 230sqm prayer hall, there are two wings either side providing additional entrances and facilities. At lower ground level the footprint is reduced with no central entrance section, the main hall is also only 175sqm and is to be used as a dining and funeral hall. At first floor the ground floor layout is replicated with a central prayer hall with wings either side, a library will occupy the section above the main front entrance.

The main section of the building is 14.1m wide with a total length (including the front entrance) of approximately 26.7m. The two side wings, which are set back from the front elevation are 5.75m wide and 13.425m in length. The building has a height of 7.95m with an approximately 3m high dome above and a 10.35m high minaret.

The building occupies roughly half the site, the remaining half accessed off Heaton Road provides a 24 space car park, including two disabled spaces and cycle store. Additional pedestrian access is provided directly off both Heaton Road and Syke Road.

2. Principle

The property/site is unallocated in the Replacement Unitary Development Plan (RUDP). This allocation remains applicable until the adoption of Allocations and Area Action Plan development plan documents. Accordingly, there would be no policies that would seek to resist the principle.

The application remains subject to an assessment of the local impact of development and the main issues will now be considered:

3. Residential Amenity

Policy DS5 requires that the design of the development should ensure that amenity of existing or prospective residents is not compromised.

The proposal is a significant change of the site, the building has a large footprint and is a more imposing building than the one it replaces. Efforts have been made with the submission to keep the massing relevant to the location, which has been done both to respect the character of the area, but also the amenity of neighbouring residents. The building sits in the southern section of the site orientated north west, the car park is roughly to the north and beyond the northern boundary 552 Heaton Road. The spacing distance between the building and No 522 ensure this property will not be directly impacted by the new building. To the east of the site there are a row of terrace dwellings 9-23 Spring Garden Road which back on to the site separated by an access road and their rear yards. At the end of this row beyond the south east corner there is No 23 Syke Road a semi-detached property which has a side elevation facing the site. These properties are set slightly lower than the development site. The proposed mosque comes to roughly 10 metres from the side elevation of No 23 and approximately 13m to the rear of the nearest terrace dwelling, but these are the nearest points and given the design and layout the distances gradually increase as the mosque is angled away from these properties. The scale of the mosque is also relevant, whilst it occupies a significant footprint, the height above existing ground level is comparable to a residential dwelling. That said, given the orientation there is likely to still be some overshadowing, but this is likely to be limited to the afternoon and would not be to a level that would justify a planning refusal.

There are also residential properties on the opposite side of Syke Road. These are modest traditional stone built cottage style dwellings, that with the exception of one are set back from the footpath. This allows for a separation distance of approximately 13.5m from the nearest dwelling, but more generally approximately 20m. The mosque again angles away so the distance is generally greater even for the nearest dwelling. Situated to the south the relationship is also favourable in overshadowing terms.

In terms of the layout and scale of the proposed mosque the development is considered to satisfy the requirements of policy DS5 of the Core Strategy DPD in respect of neighbouring amenity.

The presence of a mosque however will potentially have greater implications beyond the physical presence of the proposed building. The mosque is sought to serve the local community and with that will come a level of activity that has been absent from this site previously, even as a public house the nature of the proposed use and level of associated activity will have been notably different.

The mosque is primarily a place of worship and 2 main prayer halls are created to facilitate this, these are 230sqm in size, but likely the useable floor space to be reduced to 200sqm to allow for circulation and to achieve a suitable layout. This would allow for a capacity of potentially over 300 worshippers depending on factors such as the layout and prayer mat size. Prayer times vary throughout the year and it is unrealistic to seek to condition time restrictions as it would impede the primary function of the mosque. Weekly the main prayer time is Friday afternoon, outside this the numbers are generally limited and are indicated at approximately 30 people in the supporting information. Whilst this may fluctuate on occasion, at weekends or as a result of the creation of an improved facility, this level would not be anticipated to be an issue.

Friday prayers do result in a significant level of activity, which is likely to result in some noise and disturbance generated by the comings and goings, but in the main this will occur when there is likely to be some existing activity and background noise within this locality and will only last a short duration (approximately 45minutes). The applicants have stressed that this is a facility for local community, where people are likely to walk to the facility and it has generated a significant level of support from the community to back this view up. It is also important to note that the application is linked to an existing facility within the locality so this level of activity is already taking place. As part of the planning approval the applicant has agreed to enter into a legal agreement to restrict the use of the existing premises so this can no longer be used as a place of worship, and will only be used as a madrassah. The proposed mosque would have in its favour that it is purpose built, with circulation space designed into the layout as well as multiple entrances and exits. A resident only parking scheme to alleviate the threat of indiscriminate parking, which has been identified as an issue within the representations, and forms part of condition 15.

A condition is proposed preventing the external amplified noise which will further serve to preserve the amenity of neighbouring residents.

It is acknowledged that there are also special occasions such as Eid where the Mosque maybe in use late at night or early in the morning, but given the above measures and the fact that this mosque is set away from neighbours and functional in design this should not represent any undue threat.

The proposed use is therefore found to satisfy the requirements of policy DS5 of the Core Strategy DPD.

4. Visual Amenity

The Core Strategy DPD and Revised NPPF require that development proposals make a positive contribution to achieving good design and high quality places. Core Strategy Policy SC9 directs that development proposals should take opportunities to improve areas, create a strong sense of place, and provide a well-connected network of attractive routes and spaces.

The NPPF places great weight on the conservation of heritage assets and at local level this is reflected in policy EN3 which requires development decisions to preserve, protect and enhance the character, appearance, archaeological and historic value of and significance of the districts designated and undesignated heritage assets.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same act states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Whilst the building was once noted as making a positive contribution to the conservation area, at present the building is of little amenity value, and offers little to the character of the area. The building is derelict and in a declining state of repair and the wider site is overgrown and not maintained. There have been previous planning permissions granted on the site, including an extant 2019 permission for 4 dwellings, but these have not been implemented.

The existing Mosque which is in a converted building is now looking to develop the site for a purpose built facility to continue to meet the needs of the local community and improve the facilities available. There has been a high number of representations received to support this objective.

Notwithstanding, the buildings current state of repair the proposal to redevelop the site has raised concerns with the design and conservation officer given the sites position with the Heaton Estates Conservation Area and the proximity to listed buildings. The listed buildings sit beyond the south eastern corner and on the opposite side of Syke Road. Syke Road is a characterful street within the conservation area and the traditional stone setted road is highlighted by the conservation officer.

The NPPF in paragraph 196 says that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. There is no evidence to suggest that the condition of the building is due to the neglect of the current owners of the site, and clearly other attempts to secure the development of the site have not proved fruitful.

The redevelopment of the site will clearly bring some environmental benefits given the state of the site at present. It is however apparent that the proposal will be in contrast with the architectural style of the locality. The listed buildings which are fundamental to this character are modest stone built cottage style dwellings situated off the stone setted Syke Road. The proposed Mosque will be a contrasting architectural style to these and that of the building being replaced. Features such as the dome and minaret are key architectural features of the building integrally linked to the proposed use.

It was initially a desire of the design and conservation officer to have a development that addressed the corner of Heaton Road and Syke Road in a similar fashion to the building being replaced, but this has been conceded in the interests of a more functional site layout. The site layout allows for a greater distinction between the new build Mosque and the listed cottages. The intensification of vehicular activity on Syke Road, which also represented a concern has been resolved with the removal of a vehicular service entrance access from Syke Road, only pedestrian access is facilitated by Syke Road now.

The application has been submitted with supporting information detailing the efforts that have been taken in the design to ensure that, whilst a contrast in design, the building will sit comfortably within this setting. Further to this the design has been revised within the planning process reducing the height and scale of the dome and minaret. Whilst they will both, but in particularly the minaret, remain highly visible aspects they are now more proportionate to the building and the surroundings. The building itself has a sizeable footprint, but the height is respectful of the context comparable to the building being replaced and neighbouring dwellings. This has been done to the satisfaction of the design and conservation officer, who's remaining concerns relate to the detailing and materials. These are reserved for consideration at a later stage, and it will be vital

to ensure that an appropriate and sympathetic level of detailing and palate of materials is used. Sympathetic detailing and materials that reflect the context will help to bridge the gap between the contrasting nature of the development and the surrounding dwellings.

The site occupies a prominent position and it demands a meaningful development that takes advantage of this, the proposed Mosque meets this challenge and if executed well will likely become a landmark within the locality, and alongside the traditional cottage dwellings it will be representative of the evolution of the district. The layout allows for space between the two aspects to not compromise or dominate the setting of the listed buildings, and there is room for a meaningful landscape scheme on the parameters of the site that will further soften the transition.

Notwithstanding, it is apparent that this proposal could be viewed to result in some harm to the setting of the listed buildings as the form and layout is to a degree at odds with what has gone before it. This harm though would only be considered to be less than substantial and in which case it is outweighed by the benefits to the local community and the positive implications of bringing the site back into a meaningful use.

The scale and layout are as such seen as being in accordance with the requirements of the NPPF and policies SC9, DS1, DS3 and EN3 of the Core Strategy DPD.

5. Highway Safety

The NPPF requires that in assessing planning applications it should be ensured that opportunities to promote sustainable transport modes can be - or have been - taken up, safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network are effectively mitigated.

The NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability, whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes meet the needs of disabled and other groups whilst improving quality of place.

It cannot be ignored that based on the proposed floor space or, a calculation based on the number of prayer mats that can be accommodated within the two prayer halls the 24 parking spaces which includes 2 disabled space represents a shortfall in parking requirements. The highway officer notes that by either method of calculation 49 spaces would be required.

The lack of parking has the potential to result in indiscriminate parking and associated highway safety concerns. The primary concern relates to Friday prayer when there is a requirement for prayer to take place at a mosque, outside these times this is not a strict requirement. The limited numbers indicated at other times would suggest this mosque will not significantly outweigh the available on and off street parking provision, especially given its primary function is to serve the local community where worshippers are likely to walk. Public transport too represents a viable transport option as the premises are close to public transport links. A traffic Statement has been put in support

of the application, which includes the proposition of a transport plan, and a cycle stand is included in the site layout which both should serve to encourage more sustainable travel methods than the private car.

Nevertheless, it is highlighted in the representations that indiscriminate parking is a concern for residents and already occurs in this locality due to the existing Mosque which is approximately 100m away from the site. It should be noted however that the existing Mosque has no parking provision.

The highway officer is therefore satisfied that the implications for highway safety can be mitigated by a number of measures. These require; the restriction on the use of the existing Mosque so it can no longer be used as a place of worship, measures on Heaton Road to preserve sight lines, an extension of existing traffic calming measures on Heaton Road to link to Highgate to reduce vehicle speeds and a resident only parking scheme for the side streets. The applicant has confirmed a willingness to meet these requirements and subject to these being satisfied the proposal is considered acceptable when measured against the requirements of the NPPF and policies TR1 and TR2 of the Core Strategy DPD. The need for the traffic calming measures, resident only parking scheme and other measures on the highway can be required by a Grampian style planning condition set out in the report as condition number 15.

6. Section 106 Planning Obligations

Planning permission would be subject to a Section 106 agreement for the delivery of:

A restriction that the use of the existing mosque facility at 394 Heaton Road, Bradford, BD9 4RR is to that of a madrassah once the new use commences.

7. Other issues

Bio-diversity

Policy EN2 seeks to protect biodiversity within the District and to identify principles for enhancing the overall biodiversity resource and stemming losses.

The site is not specifically locally designated for its biodiversity value and in such areas policy EN2(d) requires that proposals that may have an adverse impact on important habitats and species outside designated sites need to be assessed according to the following criteria

1. The potential for adverse impact on important/priority habitats that occur outside designated sites.
2. The potential for adverse impact on species of international, national and local importance.
3. The extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.
4. As a last resort, the extent to which appropriate measures to compensate any potentially harmful impacts can be identified and carried out.

The site is currently comprised of hard surfacing from the previous car park with some overgrown areas and mature trees. The development of the site is therefore not considered to have any adverse impacts on important or priority habitats.

The site is within a bat alert zone and whilst the Preliminary Ecological Appraisal has identified the building as being of low suitability for bats, both this document and the council's bio diversity officer note the need for a minimum of a further survey. This survey can only occur at a certain time of year, as this is an outline application it is considered that this can be effectively addressed by condition, requiring further surveys and any mitigation measures as required. The surveys will be required before any demolition works.

The Framework requires that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity. At the local level policy EN2 of the Core Strategy requires development proposals to contribute positively towards the overall enhancement of the District's biodiversity resource. It is considered that this can be effectively delivered by a planning condition requiring the submission of a Landscape and Ecological Management Plan (LEMP) guided by the recommendations in the Preliminary Ecological Appraisal submitted in support of the application.

Land contamination

Paragraph 178 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

At the local level the requirements of the NPPF are set out in Environment policy EN8 (B) which requires that proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment.

The Environmental Health Department have reviewed the submitted information and have advised that they the submission of a Phase 1 Desk Study and Preliminary Assessment Report is required. Subject to a condition requiring this to be submitted as part a future reserved matters application the proposal is considered to accord with policy EN8 of the Core Strategy and paragraph 178 of the NPPF.

Drainage

Paragraph 163 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. At the local level the objectives of the NPPF are reflected in Environment policy EN7 of the Core Strategy which states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account.

The Councils Drainage officer has raised no objections to the proposed development subject to the imposition of a planning condition requiring the submission of full details and calculations relating to the proposed means of foul and surface water drainage.

There is a public sewer within proximity of the site and the Environment Agency have identified the risk of surface water flooding within the vicinity. The developer will be required to consult the sewerage undertaker in respect of the public sewer and the use of flood resilient building materials & flood resistant construction techniques in the development where appropriate are suggested, but there is no unsurmountable drainage or flooding risks as a result of this proposal. The proposal is therefore considered to accord with the requirements of policy EN7 of the Core Strategy and those of the NPPF.

Community Safety Implications:

The proposal would not be considered to represent a threat to community safety.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics.

Reason for Granting Planning Permission:

The mosque subject of this application is considered to represent a valuable community facility that does not result in significant harm to the amenity of neighbours, visual amenity or, setting of listed buildings. The impact on the local highway network has been assessed and the development is not deemed to result in conditions prejudicial to highway safety. The requirements of the National Planning Policy Framework, and policies DS1, DS3, DS4, DS5, TR1, TR2 EN3, EN7 and EN8 are duly satisfied.

Conditions of Approval:

1. Application for approval of the matters reserved by this permission shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended)

2. The development hereby permitted shall begin not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping,

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby approved shall only be carried out in accordance with the approved plans and information listed below:-

Location Plan – 01 July 2020

01 – Existing Site Plan, Plans and Elevations - 01 July 2020

05 – Proposed Plans – 01 July 2020

SK-01 Site Plan and Swept Paths – 30 Sept 2020

04A – Proposed Elevations concept – 18 June 2021

06A – Scale Parameters – 18 June 2021

07A – Site Sections – 18 June 2021

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

5. Before the development is brought into use, details of the position and luminance of all external lighting to the building and car park areas shall be submitted to, and approved in writing by the Council. Thereafter, the external lighting shall be installed and maintained solely in accordance with the approved scheme.

Reason: To safeguard the amenity of occupiers of adjacent properties and highway safety in accordance with Policies DS5 and EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

6. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced with a porous material, marked out into bays and drained within the curtilage of the site in accordance with the approved site plan and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

7. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved site plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

8. No drainage works shall begin until details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The details and scheme so approved shall thereafter be implemented in full before the first occupation of the development.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Core Strategy Development Plan Document.

9. There shall be no amplified external noise at the application premises.

Reason: For the avoidance of doubt and in the interests of the amenities of neighbouring properties and noise prevention and to accord with policies DS5 and EN8 of the Core Strategy Development Plan Document.

10. Any subsequent reserved matters application shall be accompanied by a Phase 1 Desk Study and Preliminary Risk Assessment Report. Where potential for contamination is identified within the Phase 1 report then recommendations for a Phase 2 site investigation and risk assessment must be included.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy EN8 of the Core Strategy Development Plan Document.

11. Before the use commences a travel plan detailing measures to encourage use of more sustainable modes of travel than the private car shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be provided in full and kept available for use throughout the lifetime of the development

Reason: To encourage and facilitate the use of sustainable travel modes, limit traffic growth and reduce congestion in accordance with the requirements of policy TR1 of the Core Strategy.

12. The reserved matters application/s shall be accompanied by a scaled plan showing the positions, design and materials of boundary treatments, that once agreed shall be provided in full prior to the first use and shall thereafter be retained.

Reason: In the interests of highway safety and in the interest of amenity and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

13. Before the demolition of the former public house
- (i) a further bat survey shall be carried out as recommended in section 9 of the Preliminary Ecological Appraisal dated April 2020 carried out by Verity Webster. The findings of which shall be submitted to the Local Planning Authority.
 - (ii) if bats are found to be present, then a programme of additional survey work and a bat mitigation plan shall be submitted to the Council for its approval the
 - (iii) the measures in the approved bat mitigation plan shall be implemented.

Reason: All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010 in order to satisfy the requirements of the National Planning Policy Framework and policy EN2 of the Core Strategy Development Plan Document additional surveys are required to ensure appropriate protection and mitigation measures are included in the development.

14. The reserved matters application/s shall be accompanied by a Landscape and ecological management plan (LEMP) submitted for the Councils approval. The content of the LEMP shall be guided by the recommendations in the Preliminary Ecological Appraisal provided by Verity Webster dated April 2020 and shall be fully implemented with the development.

Reason: To ensure protection and enhancement of biodiversity and to accord with the National Planning Policy Framework and policy EN2 of the Core Strategy Development Plan Document.

15. The development shall not be commenced until a scheme of highway measures is submitted to and approved by the Council. The measures shall include;
- (i) Residents only parking scheme,
 - (ii) traffic calming measures
 - (iii) parking restrictions on Heaton Road

The development shall not be occupied until the highway measures have been fully implemented in accordance with the scheme approved by the Council

Reason: Reason: In the interests of highway safety and to accord with the requirements of the National Planning Policy Framework

Informatives

Informative: In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Local Plan for Bradford policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other

representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Informative: The developer is advised to contact the Sewerage Undertaker (Yorkshire Water) to check if a public sewer crosses the site in the area of the proposed development. The Sewerage Undertaker (Yorkshire Water) should be consulted in respect of any layout constraints and for its view of the impact of the development on the sewerage system. The granting of planning permission does not override the requirement for the developer to obtain any necessary consents from Yorkshire Water in respect of the sewerage system.

Informative: Part of this development is within land identified by the Environment Agency as having the potential to be affected by surface water flooding. The developer should therefore consider raising floor levels & using flood resilient building materials & flood resistant construction techniques in the development where appropriate. For more information please visit the Communities and Local Government website: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

Informative: All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, no vegetation should be removed and no buildings likely to house nests should be demolished during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal or demolition to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation should be removed and the buildings not demolished until the fledglings have left the nest.

Informative: In relation to condition 13 it may be necessary to obtain a European Protected Species Mitigation (EPSM) licence prior to the start of works.

Informative: The offsite highway works to be approved and implemented in accordance with condition 15 will require agreement or consent under relevant highway legislation with all costs borne by the applicant. You should contact the Highways Department to discuss the procedure as failure to implement the measures could prevent the use of the proposed mosque.

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Report of the Strategic Director, Place to the meeting of the Regulations & Appeals Committee to be held on 18 November 2021

O

Subject:

Proposed changes of the Hackney Carriage Table of Fares

Summary statement:

A request has been submitted by the Hackney Carriage Owners and Drivers Association for a variation to the Table of Fares.

EQUALITY & DIVERSITY:

The Licensing Service has carried out an Equality Impact Assessment and is satisfied that there is no impact or conflict.

Jason Longhurst
Strategic Director, Place

Portfolio:

Healthy People & Places

Report Contact: Carol Stos, Licensing
Services Manager
Phone: 07582 101569
E-mail: carol.stos@bradford.gov.uk

Overview & Scrutiny Area: Environment &
Regeneration

1. SUMMARY

Unlike the Private Hire Trade who can set or change their fares without Council approval, the Council is responsible for setting fares for Hackney Carriage Vehicles. This is a requirement of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Hackney Carriage Drivers must not charge more than the fare as displayed on their Taxi meter.

Hackney Carriage Proprietors and Drivers may submit a request to the Licensing Service for a variation to the Table of Fares, as a way to increase the fare charged to the customer.

2. BACKGROUND

A Request has been submitted by the Hackney Carriage Owners and Drivers Trade Association to increase the fare charged to the customer by reducing the distance travelled per amount charged.

The Hackney Carriage Associations have not requested any fare increase for over a decade (circa 2008), in a bid to remain competitive with the Private Hire trade. This rate of fare is no longer sustainable or profitable in today's market.

3. OTHER CONSIDERATIONS

The cost of living has increased significantly since the last increase, as has the cost of running and maintaining a Hackney Carriage Vehicle. Hackney Carriage vehicles work predominately from the Ranks in the City Centre or Towns within the Bradford District. Many of these Ranks are within the Clean Air Zone (CAZ) boundary and subsequently Hackney Carriage Proprietors are having to upgrade their vehicles to meet the requirements of the CAZ or be charged daily for crossing into the zone.

Other increases impacting the key overheads to the running cost of a hackney carriage vehicle are Insurance and fuel price increases.

The proposed variation is a reasonable increase to coincide with the inflated costs of living and maintaining a safe and suitable Hackney Carriage Vehicle.

4. FINANCIAL & RESOURCE APPRAISAL

None

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None

6. LEGAL APPRAISAL

In accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the variant to the Table of Fares has been advertised in the local paper for a minimum of 14 days. This is a requirement to allow public comment or challenge to the proposed increase.

There has been no such challenge or comment submitted that have not been responded to satisfactorily.

7. OTHER IMPLICATIONS

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

Agree to the variation

Or

Refuse the variation and keep the current Table of Fares

Or

An amendment to the above as decided by the Regulations and Appeals Committee.

10. RECOMMENDATIONS

It is recommended that the Council agree to the variation submitted by the Association and allow the fare to change as of the 1st December 2021.

11. APPENDICES

1. Current Table of Fares
2. Proposed variation

12. BACKGROUND DOCUMENTS

[Local Government \(Miscellaneous Provisions\) Act 1976](#)

Appendix 1 – Current Table of Fares

TABLE OF MAXIMUM HACKNEY CARRIAGE FARES			
TARIFF 1 07:00 – 23:00HRS Monday - Saturday		TARIFF 2 Monday – Saturday 23:00 – 07:00HRS All day Sunday/Bank Holidays/Public Holidays 24 th and 31 st December 07:00 – 18:00HRS Also to apply for journeys over the District Boundary Except for (refer to extra charges chart)*	
MILEAGE	TARIFF 1	MILEAGE	TARIFF 2
If the distance does not exceed 97 metres (106 yrd)	£2	If the distance does not exceed 87 metres (95 yrd)	£2
For each subsequent 97 metres (or part thereof)	£0.10	For each subsequent 87 metres (or part thereof)	£0.10
Waiting Time (For each completed 60 seconds or part thereof)	£0.10	Waiting Time (For each completed 60 seconds or part thereof)	£0.20
TARIFF 3			
* 24 th December at 18:00 – 27 th December 07:00 *31 st December 18:00 – 2nd January 07:00			1½ times Tariff 2
EXTRA CHARGES			
Contracts or purported contracts for private hire. When the hirer arranges by radio telephone or otherwise with the proprietor or driver, prior to the commencement of the hiring, for hire of the carriage to commence from a stated place other than a taxi stand or booking office			£1.00
For Fouling Cab			£50.00

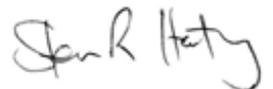
**Hackney Carriage
Licence No.**

COMPLAINTS SHOULD BE ADDRESSED TO:

HC/PH ENFORCEMENT TEAM
 SHEARBRIDGE DEPOT
 GREAT HORTON ROAD
 BRADFORD BD7 1PU

Website:

<https://www.bradford.gov.uk/taxiandprivatehire>

Steve Hartley
 Strategic Director, Department of Place
 27/11/2018

Appendix 2 – Proposed Variation

TARIFF 1

07.00 TO 23.00 Monday to Saturday

If the distance does not exceed 88 Metres (96 Yards)	£2.00
each subsequent 88 Metres (or part thereof)	£0.10
Waiting time (for each completed 60 Seconds or part thereof)	£0.10

TARIFF 2

23.00 TO 07.00 Monday to Saturday

All day Sunday, Bank & Public holidays, (Except Christmas Day & New Years Day)

07.00to 18.00 24 December, 26 December & 31 December

All journeys outside of the district boundary at any time

If the distance does not exceed 80 metres (88 Yards)	£2.00
For each subsequent 80 Metres (or part there of)	£0.10
Waiting time (for each completed 60 seconds or part thereof)	£0.10

TARIFF 3

24 December at 18.00 to 07.00 26 December

26 December at 18.00 to 07.00 27 December (includes Christmas Day)

31 December at 18.00 to 07.00 1 January

If the distance does not exceed 80 Meters (88 Yards)	£3.00
For each subsequent 80 Meters (88 Yard) or part there of	£0.15
Waiting time for each complete 60 second or part there of	£0.60

EXTRA CHARGES

Contracts or purported contracts for private hire. When the hirer arranges by radio, telephone or otherwise with the proprietor or driver, prior to the commencement of the hiring, for hire of the carriage to commence from a stated place other than a taxi stand or booking office £1.00

For Fouling of the vehicle including vomit or excessive dirt, to pay for a full valet of the vehicle. £50.00

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