

Todmorden Development Board - FAQs

ASDA

- What is happening with the ASDA site?

The site that is owned by ASDA comprises the Abraham Ormerod Hospital and former cinema on Burnley Road and has planning permission for retail development. Council officers are continuing to work with ASDA's agents; however, the Council cannot enforce development. According to the terms of the planning permission granted for the site, ASDA have until 2nd May 2017 to commence development otherwise the planning permission will lapse and ASDA would need to reapply.

- Has ASDA agreed to tidy the site? When is this expected to happen? Can the Council influence / enforce this?

Following a request from the Todmorden Development Board, ASDA have carried out various works to improve the appearance of the site and keep the buildings secure, including cutting back overgrown landscaping, removing graffiti from the buildings and generally tidying up the site. These works were completed in early February. Planning officers are satisfied with the tidying up works and are currently in dialogue with ASDA's agents about how the site is best managed in the short-term.

- Is the Council in continued contact with ASDA?

Council officers have maintained contact with ASDA's agents; however, responsibility for bringing development forward rests with ASDA.

- What is the Council's role after a planning application has been approved, especially when the approved work doesn't happen?

Council officers deal with any amendments and discharge of planning conditions. On occasions officers also have to investigate allegations that the planning permission has been breached. The Council cannot force developers to implement planning permissions.

- ASDA has mentioned that there are "conservation issues" that they are discussing with the Council – what is the situation with this?

The site is within a Conservation Area. This means that the character of the Conservation Area has to be taken into account in relation to any proposed development on the site, including acceptable landscaping measures.

General

What powers does the Council have to make landowners improve the appearance of their sites?

Section 215 of the Town & Country Planning Act 1990 provides a local planning authority with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out. Councils also have powers under

Section 215 of the Town & Country Planning Act 1990 to undertake the clean-up works themselves and to recover the costs from the landowner.

- What is the Council doing to improve the appearance of the derelict sites in Todmorden such as the Abraham Ormerod / Olympia Cinema, Halifax Road and Cinderhill Mill sites?

Rose Street

A developer procurement process was undertaken in 2012, but due to the lack of interested parties the procurement was unable to be taken forward. The Todmorden Development Board has recently considered two separate offers made for the site and has made a recommendation for Cabinet approval.

Halifax Road site

Planning officers have served a Section 215 Notice on the site owners. The Section 215 Notice requires the solid fencing of the site, along with various other works such as the levelling of the mounds and demolition of a building (not the sub-station building). The notice was served w/c 2nd February 2015 and comes into effect 28 days later. Planning officers have allowed up to 2 months for the works to be undertaken so the total period is 3 months.

Cinderhill Mill site

Planning officers are re-investigating the condition of Cinderhill Mill and considering options, including the serving of a Section 215 notice as outlined above.

- Can the Council force landowners to tidy up and landscape empty sites where no development is planned, similar to Burnley Council's approach?

One of the grounds of appeal against a Section 215 Notice is that its requirements are excessive, however the reasonableness of the steps set out in the notice would depend on the condition of land and so each site has to be considered individually. The purpose of Section 215 is to address an adverse effect on amenity, rather than to create new amenities.

- Could empty sites be opened up to the public for temporary car parking, or Incredible Edible?

If the land is in private ownership this would be a matter for the landowners in the first instance.

- Can the Council impose shorter timescales on planning permissions, to make landowners develop the sites quicker?

This is likely to be counterproductive and probably unreasonable in planning law. If there are other impediments preventing development coming forward, a shorter planning permission would either result in a notional start being made (e.g. digging a foundation trench) to keep the permission alive or the permission expiring unimplemented.

- What is the Council doing to ensure the security of the site?

As the owner of the site, ASDA are responsible for ensuring that the site is safe and secure but as this is ASDA's private land anyone found entering onto the site without authorisation or permission may be liable to legal action. We would therefore ask all members of the public NOT to enter onto the site.