3.2 Policy ATC2 - Is the policy to limit non-retail uses within the Primary frontages and restriction of Class A5 uses appropriate, soundly based, justified with evidence and consistent with the Core Strategy and national policy in PPS4?

The Council consider that Policy ATC2 which seeks to control the amount of non retail uses to varying degrees in different types of frontages is appropriate. It is a tool in support of one of the key objectives of the AAP, “Strengthening the retail provision in the town centre” (sections 4.10 to 4.28 of the submitted AAP). This is based on evidence from the Hyndburn retail study and the baseline report which showed the need to strengthen retail provision in the town centre.

The submitted AAP identifies primary and secondary retail areas on the submitted proposals map. Appendix 2 adds further detail to policy ATC2 by identifying primary and secondary frontages to which the policy refers. The identification of these areas is in compliance with part EC3.1c of PPS4. The Primary Retail Area comprises the area around the Arndale Centre, Broadway and Union Street and is the area where retail uses are most concentrated, in line with the definition of Primary Shopping Areas in Annex B of PPS4. The primary retail frontages are located in this area. The Secondary retail area is also shown on the Proposals Map and contains the identified secondary frontages. The town centre land use plan at Figure 8 on page 30 of the submitted AAP shows that the Primary retail area is indeed the area where retail development is concentrated. It also shows that the secondary frontages have lower concentrations of retail uses. This is consistent with the definition of the types of frontages in Annex B of PPS4.

The requirement that non A1 uses should not exceed 20% of the length of the primary frontage within any one of the defined sections in the policy for primary retail frontages is both a reflection of the situation in some current frontages and aspirational in respect of others. For example the primary frontage along the north side of Broadway has A1 uses for more than 80% of its length, whilst along Union Street, none A1 uses are in the region of 40% of the length. The policy therefore seeks to both strengthen and protect A1 uses in the primary retail area. This approach is considered appropriate in terms of strengthening the retail offer in the town centre.

In terms of hot food takeaways, policy R.1 of the of the Hyndburn Local Plan excluded the provision of hot food takeaways at ground floor in the Primary Shopping Zone for Accrington Town centre. Elsewhere in the town centre shopping area but outside the Primary Shopping Zone policy R.2 permitted hot food takeaways in principle. Specific criteria for hot food takeaways were set out in policy R6. Policies R.2 and R.6 did not place any limit on the amount of non A1 uses in the shopping areas. The Land Use Plan 2008 at figure 8 of the submitted AAP shows there is a significant number of hot food
takeaways outside the Primary Shopping Zone e.g. in the Church Street, Blackburn Road and Whalley Road areas. Due to the number, nature and time of operation these can adversely impact upon the vitality and viability of the town centre in terms of opening hours, “dead frontage” during daytime and associated signage issues. The Council wishes to continue to protect the Primary Retail Area from the introduction of A5 takeaways in order to protect their vitality and viability. Overall it is also seeking to introduce measures to control the amount of non A1 uses including A5 in the secondary retail frontages through this policy.

Nonetheless the Council consider upon reflection that the policy as drafted does not provide the level of clarity that it should in relation to which non A1 uses are and are not permissible in the shopping frontages and will endeavour to provide clarification.