

Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

12/05/10
Hazel Kelly

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW	
Name	Clvde Leisure Ltd
Address	67/69 Union Street
	Larkhall
	Lanarkshire
Postcode	ML9 1DZ
Tel. No.	01698 884 898
Email	martinferrie@btinternet.com

(2) AGENT (if any)	
Name	
Address	
Postcode	
Tel. No.	
Email	

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application
(b) Date of Submission
(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

(6) Description of Proposal

Change of Use from retail to use as Adult Gaming Centre

(7) Please set out the detailed reasons for requesting the review:-

Clyde Leisure Ltd is of the opinion that this application merits review for the following reasons:

In response to the first point regarding the potential detriment to the core shopping area on Main St.

It can be easily demonstrated that this location has been unable to support full occupancy of its retail outlets for a considerable number of years. A recent Tesco survey of the commercial properties in the town identified 26 retail units as being either vacant or unoccupied. (ref Campbelltown Traders Association) At the moment we have identified ten properties in the immediate vicinity of the subject of this application that are available either to let, purchase or are unoccupied. Several other premises are utilised only as promotional window displays, storage facilities for adjacent premises or in one case a charity outlet. The rest of the units in the immediate area are occupied by a mixture of bakers, confectioners, cafes, fast food, factory clearance outlet, low cost general store, newsagent, some prime retailers and one betting shop. This mix does not in our opinion indicate that it is reasonable to expect anything near full occupancy of the Main St area by prime retail uses at any time in the near or foreseeable future. This is one reason that we think it would be of benefit to the area to allow our proposed AGC use.

In response to the second point regarding contravention of LP BAD 1 and LP ENV 1 with respect to alleged noise and disturbance nuisances to residents and the general environment presented by an AGC operation.

AGCs are legally defined adult only entertainment facilities regulated by the Gambling Commission and catering to an almost entirely middle-aged female clientele. This regulation ensures that the operators of such premises are acutely aware of their social responsibilities with regard to protection of minors and vulnerable people, potential criminal activity and identification of problem gambling.

The opening hours of an AGC are specified in the premises permit application and agreed by Local Authority Licensing. They are almost invariably in line with the hours of the other shops or similar outlets in the area. In this case it would be expected that should the application be reviewed favourably the opening hours would be the same as surrounding or similar premises. The Local Authority has the ability to restrict or specify conditions on opening hours should it feel that it is necessary. Clyde Leisure Ltd has premises licenses issued by several different Local Authorities, none of whom have ever had need to enforce any variation on the originally agreed hours of business. Clyde Leisure Ltd would also agree to any probationary condition that the Local Authority may wish to impose regarding opening hours.

With specific regard to noise nuisance we feel that this decision has been made with a misunderstanding concerning how AGCs operate. As previously stated the customers catered to are almost exclusively middle-aged females. AGCs do not attract minors and do not tolerate any form of nuisance or disturbance that would deter the intended customer base from attending. We feel that this decision has been made with consideration given to the effects suffered by residents in close proximity to Video Arcades that used to attract a younger, livelier customer. The development of the home computer and its associated games has meant that such places no longer exist. The nearest modern equivalent is the regulated FEC (Family Entertainment Centre) which tends to be located in seaside resorts and operates with much higher noise levels than the 'leisure lounge' atmosphere created in AGCs. Clyde Leisure Ltd is happy to submit to any noise level test required by the Local Authority and can provide assurance that no operating noise will be audible outside the confines of the premises.

We have also observed that many of the commercial premises in this area are in a serious state of disrepair. The subject of this application and its immediate neighbour 11 Main St are both similarly affected by water ingress through inadequate or missing guttering, general lack of roof maintenance, non maintenance of drainage and long term neglect. This neglect has meant that it is imperative that remedial work be undertaken, even down to foundation level, as soon as is practicable. Having been on the flat roof above No 11 Main St I cannot see from my observations that the surrounding properties are in any way different. There are at least two examples of Main St premises that have been recently refurbished without the necessary remedial work done first. Needless to say the newly applied paintwork is already flaking off in large sections adding to the generally run down appearance of Main Street.

It is our assertion that the revenues being generated by either the commercial letting of Main St premises or by businesses trading there have been insufficient to fund the necessary building maintenance for quite some time. In order to ensure that this decline can be arrested commercially viable uses for these premises will have to be found.

In conclusion we feel that the Local Authority may be missing an opportunity to improve the Main St vicinity. Clyde Leisure Ltd offer the long term occupancy of premises by a sustainable business providing good local employment prospects for at least two full-time staff. We are also able to maintain the fabric, not just the façade, of the buildings we occupy to the necessary high standard.

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

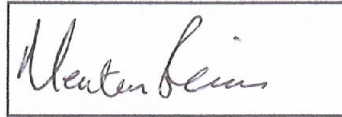
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	Planning Application as rejected by Local Authority
2	Photo sheet of empty premises
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)



Dated 30/04/10

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

Unused commercial properties in the immediate Main St area



The Old Court House 53 Main St
unoccupied more than 10 Years



62 Main St unoccupied
more than 10 years



Victoria Wine 41 Main St
available to lease or rent for
more than six months



52 Main St unoccupied
eighteen months



33 Main St unoccupied



Royal Hotel Main St
unoccupied 4 years



9 Main St unused for retail
more than two years



12 Cross St unoccupied
more than five years



11 Main St unused for retail
eighteen months



12 Longrow South
Unoccupied more than
fifteen years



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 09/01423/PP

**Mr Martin Ferrie
Jackpots Too
67-69 Union Street
Larkhall
ML9 1DZ**

I refer to your application dated 29th September 2009 for planning permission under the above mentioned Act and Regulations in respect of the following development:

Change of use of small retail unit (Class 1) to Adult Gaming Centre providing amusement machines for play to persons 18 years and over (Sui Generis), at 9 Main Street Campbeltown Argyll And Bute PA28 6AD

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reason(s) contained in the attached appendix**

Dated: 1 April 2010

Angus J. Gilmour
Head of Planning

www.argyll-bute.gov.uk



REFUSAL REASONS RELATIVE TO APPLICATION REF. NO. 09/01423/PP

1. The proposed change of use of these premises to form an 'adult gaming centre' amusement arcade would result in the loss of a ground floor shop within the defined Campbeltown core shopping area resulting in material harm to the viability, vitality and economic integrity of the area and is therefore considered contrary to Local Plan Policy LP RET 2, to the Structure Plan strategy PROP SET 2 and to the advice contained within the Scottish Government's SPP. No very special circumstances or supporting justification has been submitted by the Applicant that would outweigh the harm to these interests caused by the proposed development.
2. It is considered that the proposed use of this building as an amusement arcade for non-specified opening hours would be likely to be materially harmful to the amenity of the occupiers of the residential flats above and on the general area by virtue of increased noise and disturbance both from the premises themselves and from increased activity and potential nuisance from the behaviour of persons outside the premises and attracted to that location by the presence of a use of this nature. Such nuisance behaviour, particularly that outwith the application site, cannot be controlled by the imposition of planning conditions.

The proposed development is therefore considered contrary to Local Plan policy LP BAD 1 and to LP ENV 1 which considers development impact on the general environment.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 09/01423/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Corporate Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

APPENDIX TO DECISION APPROVAL NOTICE

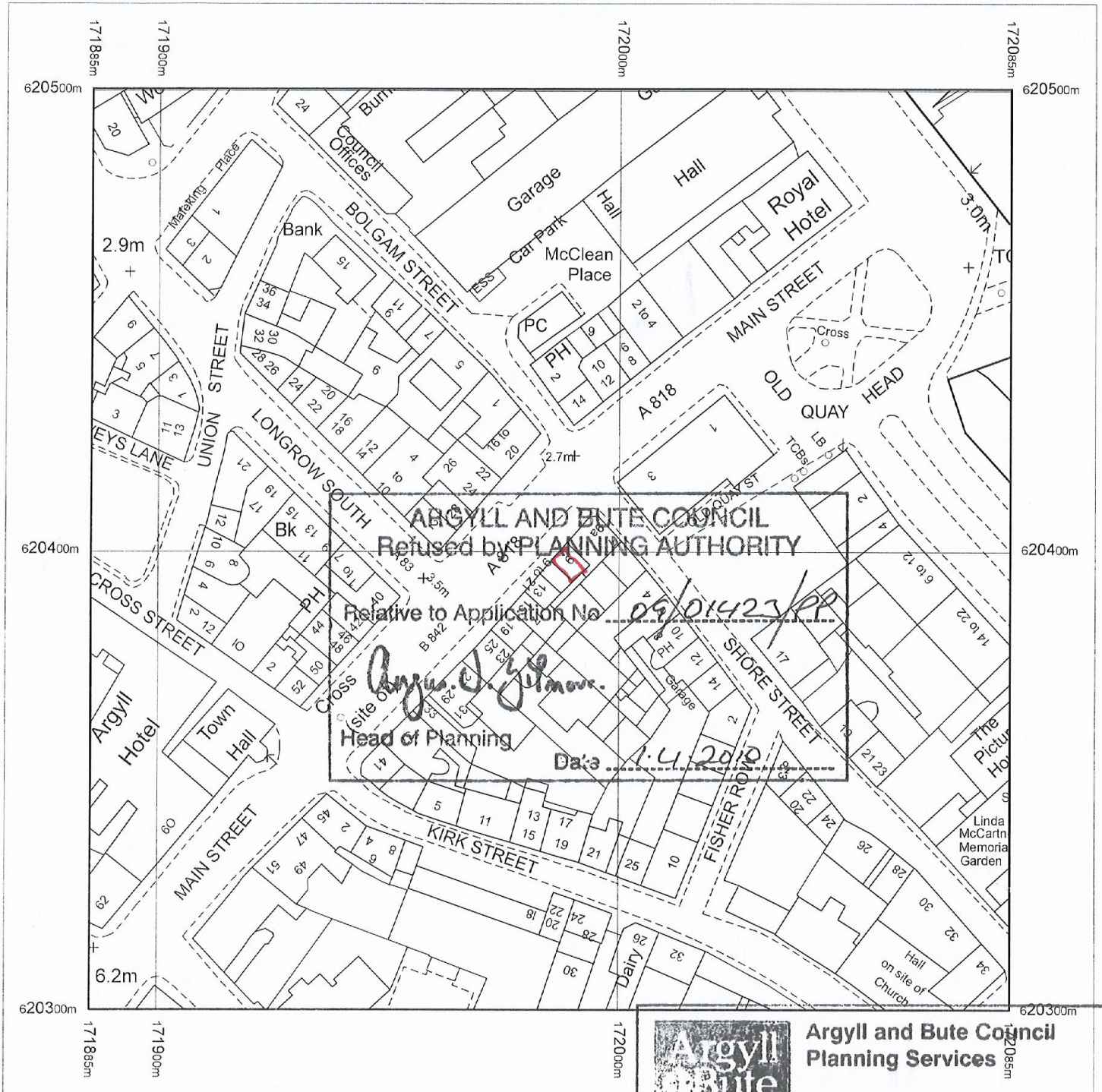
Appendix relative to application **09/01423/PP**

- (A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. **No**
- (B) The reason why planning permission has been refused:

The proposed change of use would result in the loss of a ground floor shop within the core shopping area and is therefore contrary to Policy LP RET 2, to the Structure Plan strategy PROP SET 2 and to the advice contained within the Scottish Government’s SPP.

In addition to the conflicts with the town centre and retailing policies described above, it is also considered that the proposed use of this building as an amusement arcade for non-specified opening hours would be likely to be materially harmful to the amenity of the occupiers of the residential flats above and on the general area by virtue of increased noise and disturbance both from the premises themselves and from increased activity and potential nuisance from the behaviour of persons outside the premises and attracted to that location by the presence of a use of this nature. Such nuisance behaviour, particularly that outwith the application site, cannot be controlled by the imposition of planning conditions.

The proposed development is therefore considered contrary to policy LP BAD 1 and to LP ENV 1 which considers development impact on the general environment.



Produced 29.09.2009 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2009.

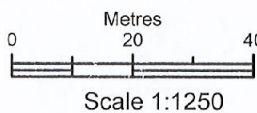
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Part or all of this OS Sitemap is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.



Supplied by: www.ukmapcentre.com
 Serial number: 00577200
 Centre coordinates: 171985.25 620400.5

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site: www.ordnancesurvey.co.uk

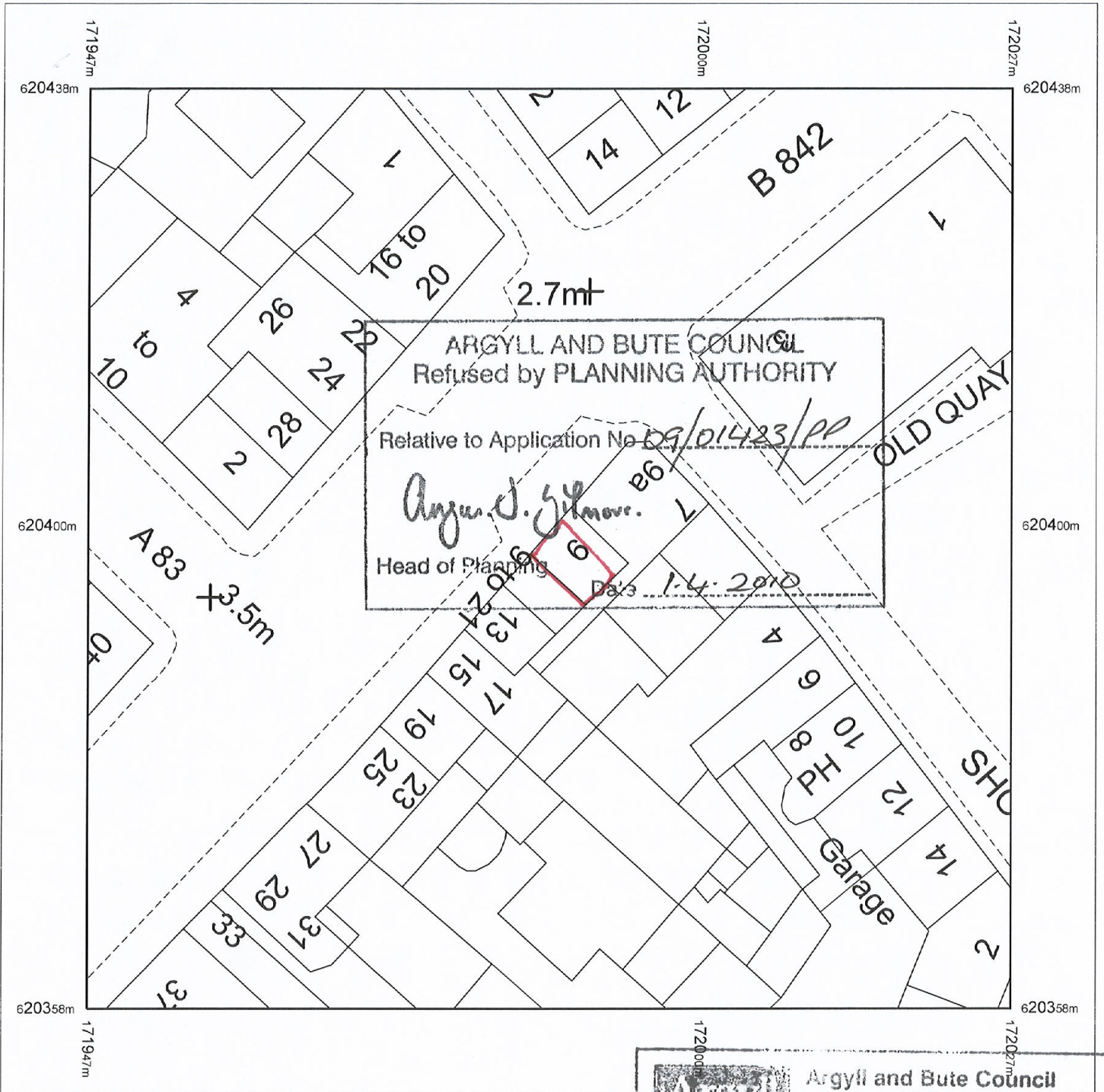


Argyll and Bute Council
Planning Services

Application ref no: 09/01423/PP
 Date received: 4/2/10

Plan no: 1-8
 PO. number: TPW

Paper size: A4



Produced 09.12.2009 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2009.

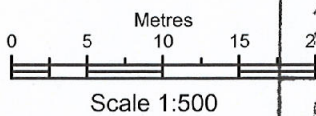
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.


The representation of features as lines is no evidence of a property boundary.

Part or all of this OS Sitemap is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.



Supplied by: www.ukmapcentre.com
 Serial number: 00809500
 Centre coordinates: 171986.75 620398.42

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site: www.ordnancesurvey.co.uk



**Argyll and Bute Council
Planning Services**

Application ref no: 09/01423/PP
 Date received: 4/2/10
 Plan no: 258
 Initials: JPW

Paper Size: A4

3 of 8
TJM

Pages Size: A4



Argyll and Bute Council
Planning Services



Application ref no: 09/01423/PP
Date received: 4/2/10

Plan no: _____
PC Initials: _____

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY

Relative to Application No 09/01423/PP

Angus J. Gilmore

Head of Planning Date 1.4.2010

9 Main St Campbeltown



View of entry and display window

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No 09/01423/PP
Angus J. Gilmore
Head of Planning
Date 1.4.2010

View of rear showing door leading to No 11 and proposed toilet and storage area

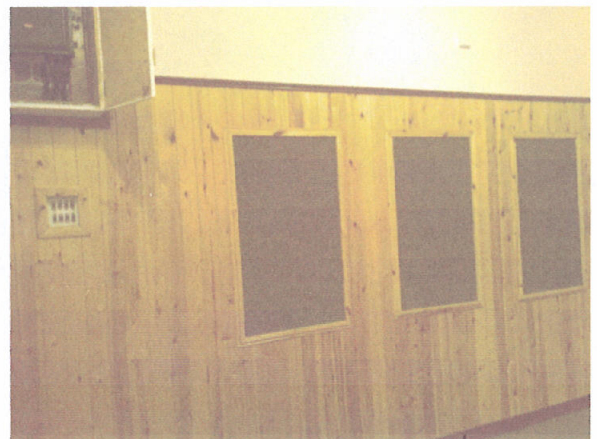


Argyll and Bute Council
Planning Services

Application ref no: 09/01423/PP
Date received: 4/2/10

Plan no: _____
PO. Initials: _____

Views of side walls

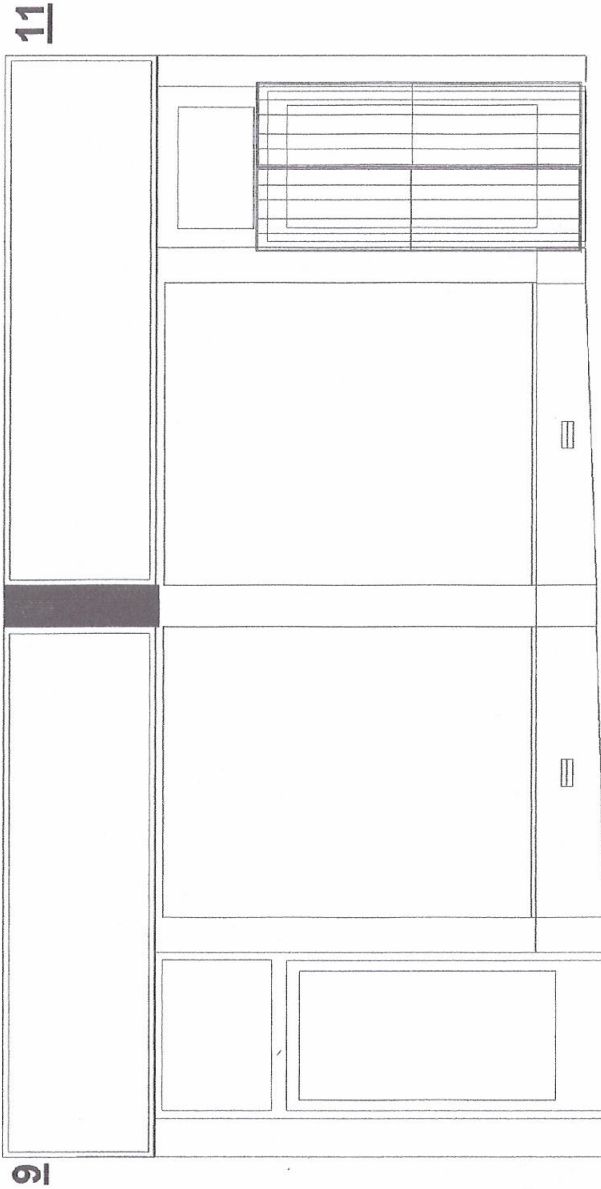


4 of 8
TPW

Paper Size: A4

FRONT ELEVATION Nos 9 and 11 MAIN STREET CAMPBELTOWN

Proposed / Existing Elevation Plans - No external alterations Proposed.



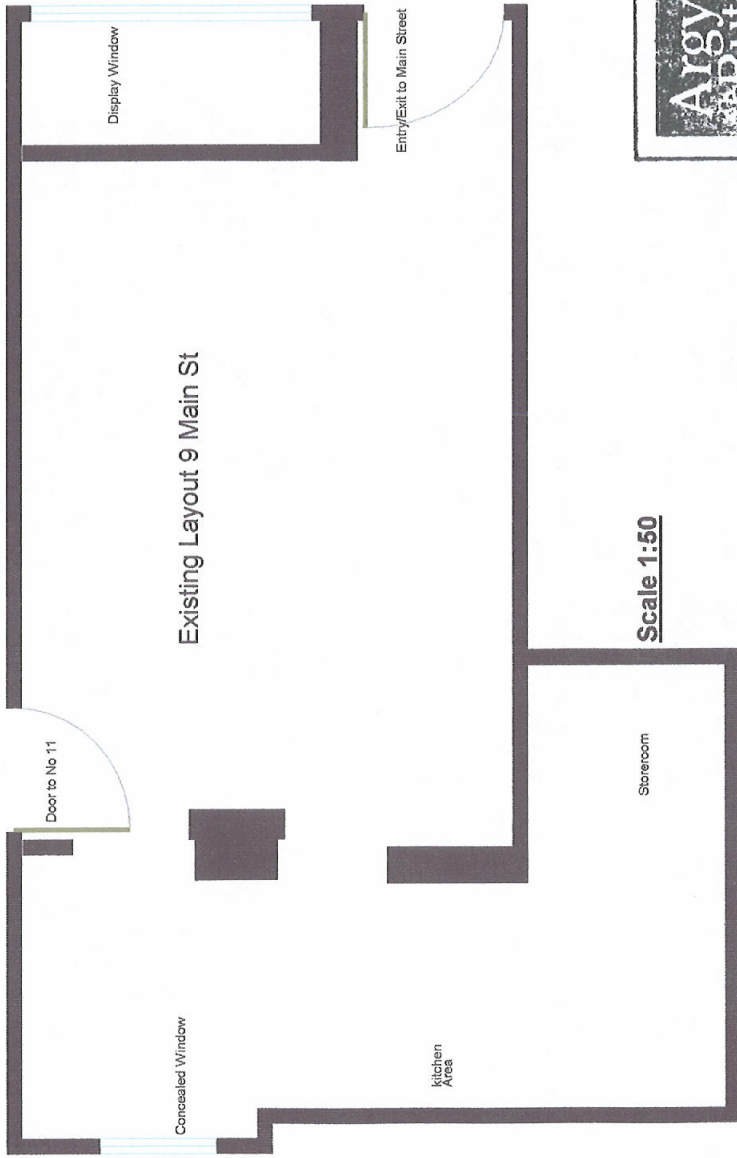
Scale 1:50

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No 09/01423/PP
Angus J. Gilmore
Head of Planning Date 1.4.2010

Argyll and Bute Council
Planning Services
Application ref no: 09/01423/PP
Date received: 4.2.10
Plan no: 501B
P.O. Initials: TPW

Paper Size: A4

Existing Floor Plan No 9 Main Street Campbelltown



Scale 1:50

Storeroom

Kitchen Area

Concealed Window

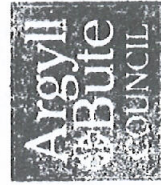
Display Window

Entry/Exit to Main Street

Existing Layout 9 Main St

Door to No 11

Argyll and Bute Council
Planning Services



Application ref no: 09/01423/PP

Date received: 4/2/10

Plan no: 6 of 8

P.O. Initials: J.P.W.

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY

Relative to Application No 09/01423/PP

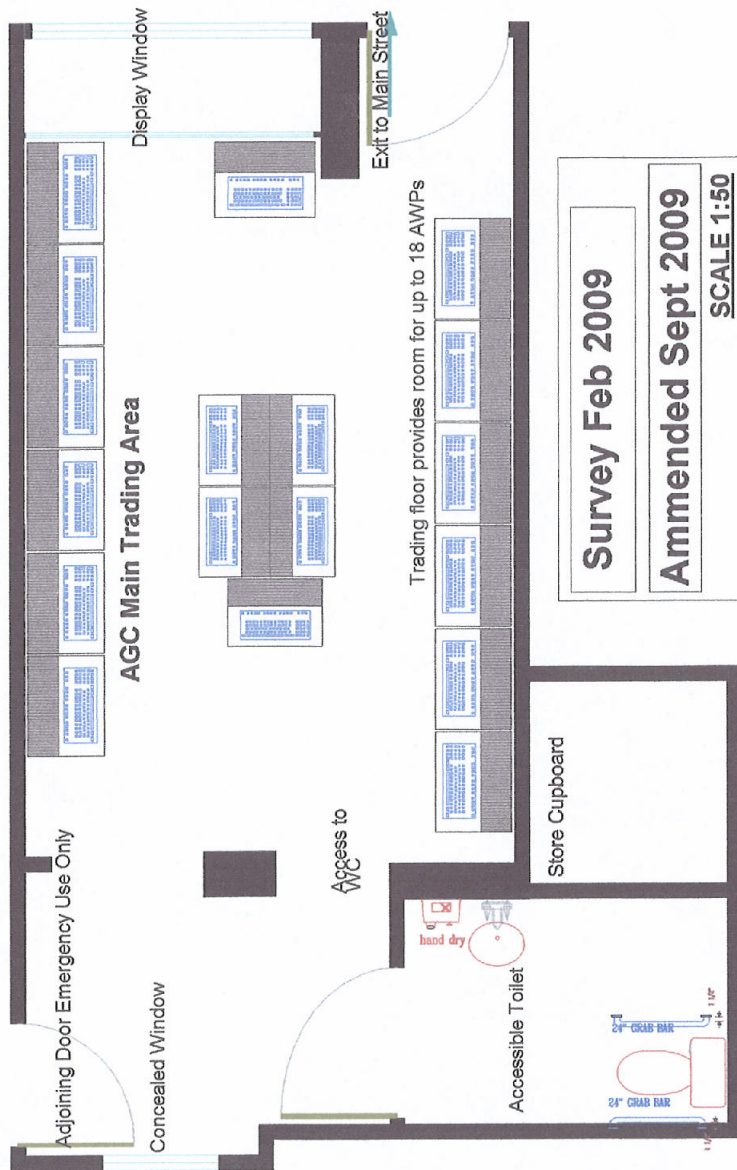
Angus J. Gilmore

Head of Planning

Date 1.4.2010

Page Size: A4

Proposed Floor Plan AGC 9 Main Street Campbeltown



Survey Feb 2009
Ammended Sept 2009
SCALE 1:50

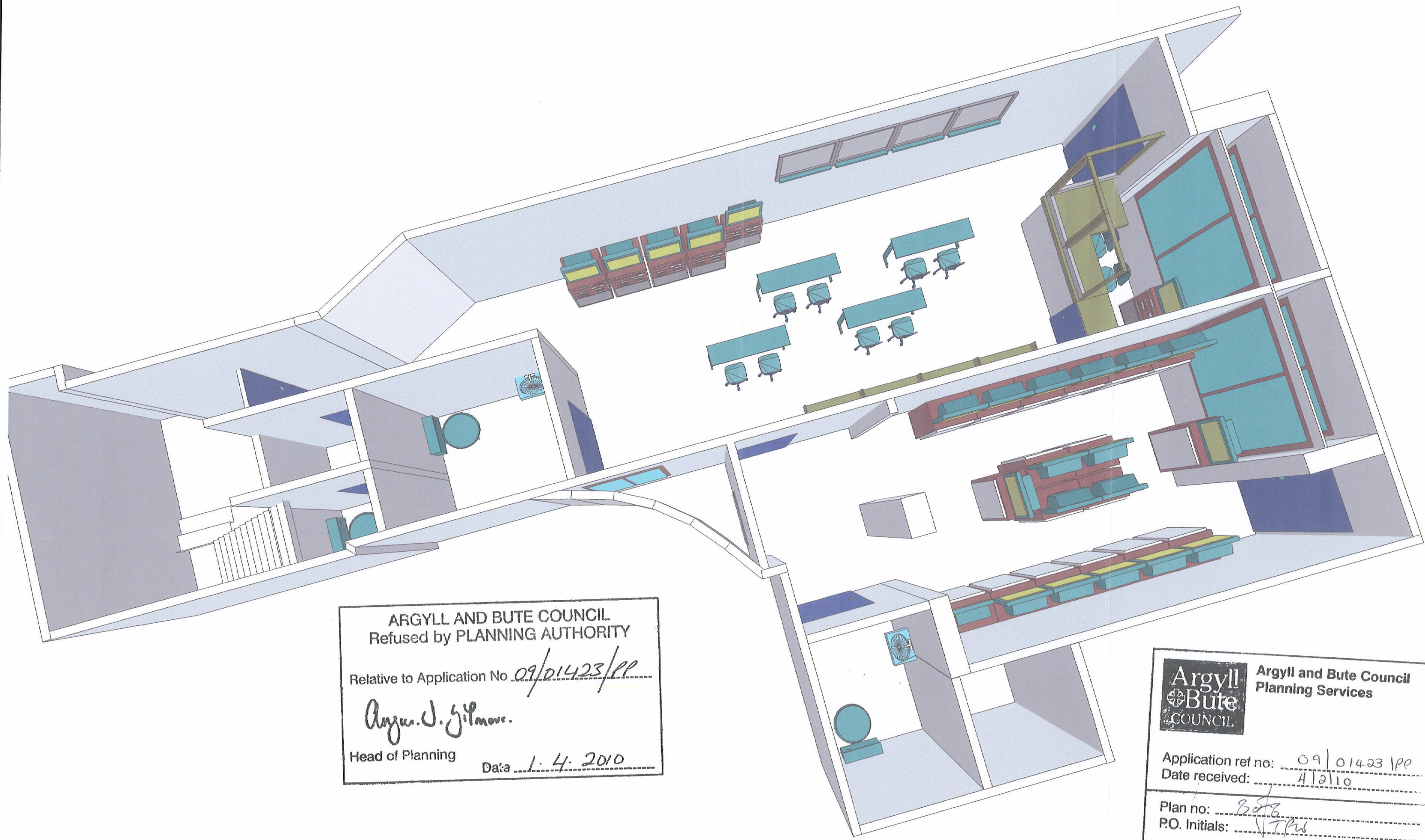
ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Relative to Application No 09/01423/pp
Angus J. Gilmore
 Head of Planning Date 1.4.2010

**Argyll and Bute Council
 Planning Services**

Application ref no: 09/01423/pp
 Date received: 4/2/10

Plan no: 7278
 P.O. Initials: JTW

Paper Size: A4



ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No. 09/01423/PP
Angus J. Gilmore
Head of Planning Date: 1.4.2010

Argyll and Bute Council
Argyll and Bute Council
Planning Services
Application ref no: 09/01423/PP
Date received: 4/2/10
Plan no: B076
P.O. Initials: JTPW

Paper Size: A3