

Ref:
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ARGYLL AND BUTE COUNCIL
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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 ~~09/01422/PP~~ 10/00249/PP

(b) Date of Submission

04/02/10

(c) Date of Decision Notice (if applicable)

1st April 2010

(5) Address of Appeal Property

11 Main Street Campbeltown

(6) Description of Proposal

Change of Use from retail to use as Licensed Betting Office (LBO)

(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 Campbeltown 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 LBO 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.

LBOs are legally defined adult only entertainment facilities regulated by the Gambling Commission and catering to a wide range of customers.

The opening hours of a Licensed Betting Office are specified in the premises permit application and agreed by Local Authority Licensing. In this case the opening hours were agreed in August 2009 at a Licensing Board hearing. It was decided that opening hours should be the same as the other Licensed Betting Office located on Main St. The Licensing Board were erroneously under the impression that the other outlet was open only from 09:00 – 17:30 Mon - Sat and so the business hours for 11 Main St were similarly set. In fact the Scotbet outlet some 25m distant trades without nuisance to its surroundings until 21:00. Clyde Leisure is at a loss to see how it can possibly be viewed that an LBO trading in very close proximity to another can be prejudged to constitute a nuisance where the other does not.

Historically Campbeltown has supported up to three Licensed Betting Offices two of which were located in the immediate Main Street area. It ill serves the Campbeltown customers that under the current arrangement no competition with regard to pricing or promotions is available to them.

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 9 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 this premises 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 three 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):

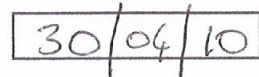
No.	Detail
1	Planning Application as rejected by Local Authority
2	Photo sheet of empty premises
3	
4	
5	
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8	
9	
10	

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

Submitted by
(Please Sign)



Dated



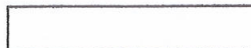
Important Notes for Guidance

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.

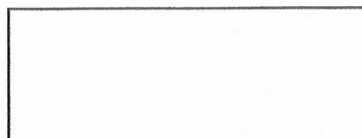
If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email localreviewprocess@argyll-bute.gov.uk

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: 10/00249/PP

Mr Martin Ferrie
Clyde Leisure Ltd
Jackpots Too
67-69 Union Street
Larkhall
ML9 1DZ

I refer to your application dated 4th February 2010 for planning permission under the above mentioned Act and Regulations in respect of the following development:

**Change of use from shop (Class 1) to licenced betting office (Class 2). at Shop 11 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



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 10/00249/PP

1. The proposed change of use of these premises to form a Class 2 betting shop 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 a betting shop 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 10/00249/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 **10/00249/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 a betting shop 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.



ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Relative to Application No. 10/00249/PP
 Date: 4/2/10
 Head of Planning

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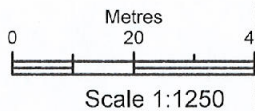
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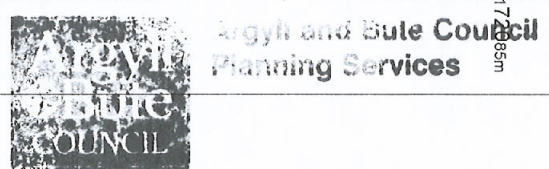
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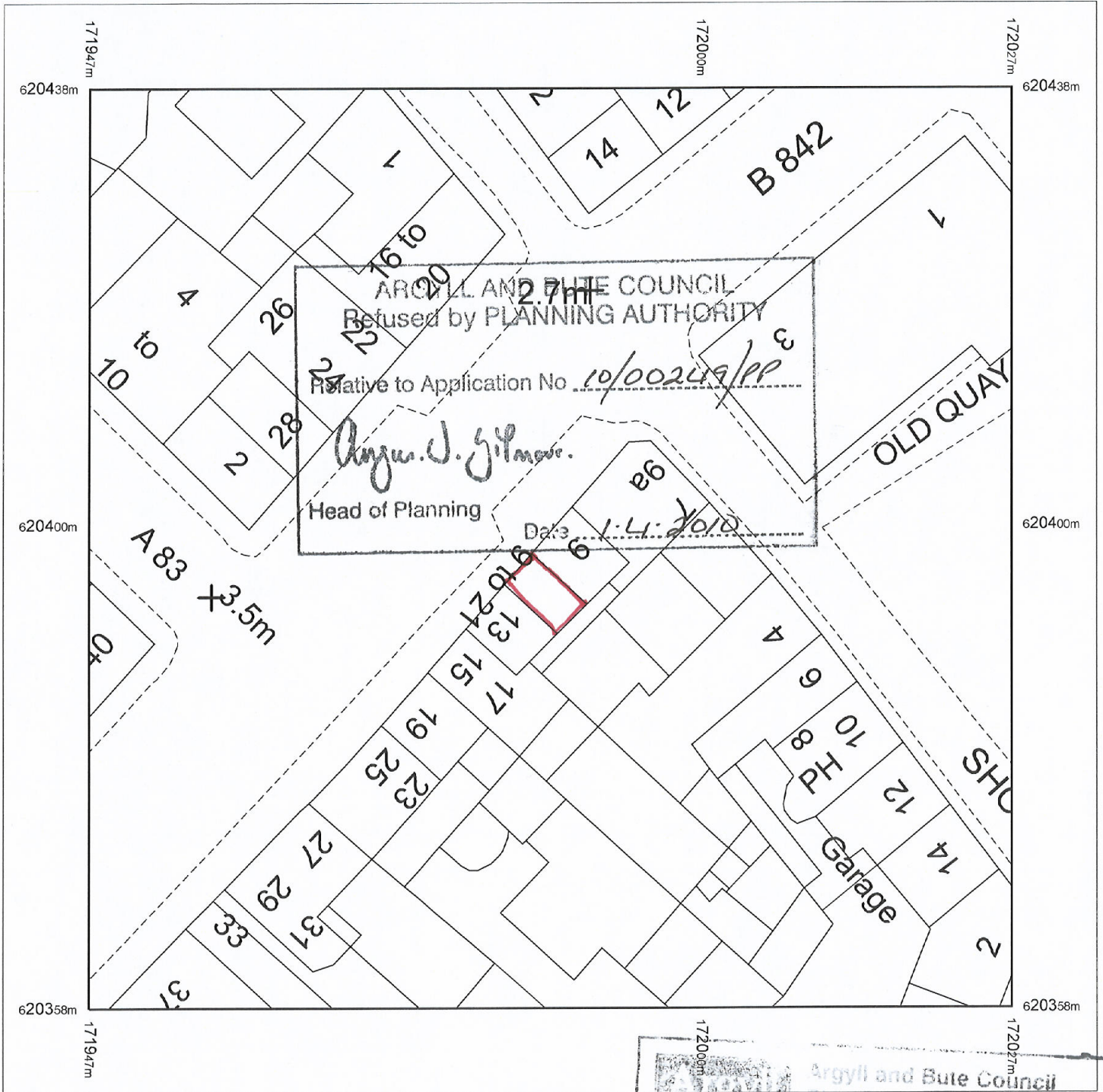
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Application ref no: 10/00249/PP
 Date received: 4/2/10

Plan no: 158
 P.O. Initials: JTPW

Page Size: A4



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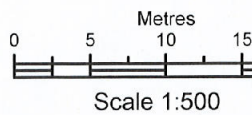
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Argyll and Bute Council
 Planning Services

Application ref no: 10/00249/PP
 Date received: 4/2/10

Plan no: 25/8
 PO Initials: TFW

PAPER SIZE: A4

Paper Size: A4



ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
 Relative to Application No 10/00249/PP
Angus J. Gilmore.
 Head of Planning Date 1.4.2010

Argyll and Bute Council
Planning Services
 Application ref no: 10/00249/PP
 Date received: 4/2/10
 Plan no: 3278
 P.O. Initials: J.P.W.

11 Main St Campbeltown

View of door entry and display window



View looking back into shop from same point



ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY

Relative to Application No 10/00249/PP

Angus J. Gilmore.
 Head of Planning

Date 1.4.2010

View of shop rear



Argyll and Bute Council
 Planning Services

Application ref no: 10/00249/PP
 Date received: 4/11/10

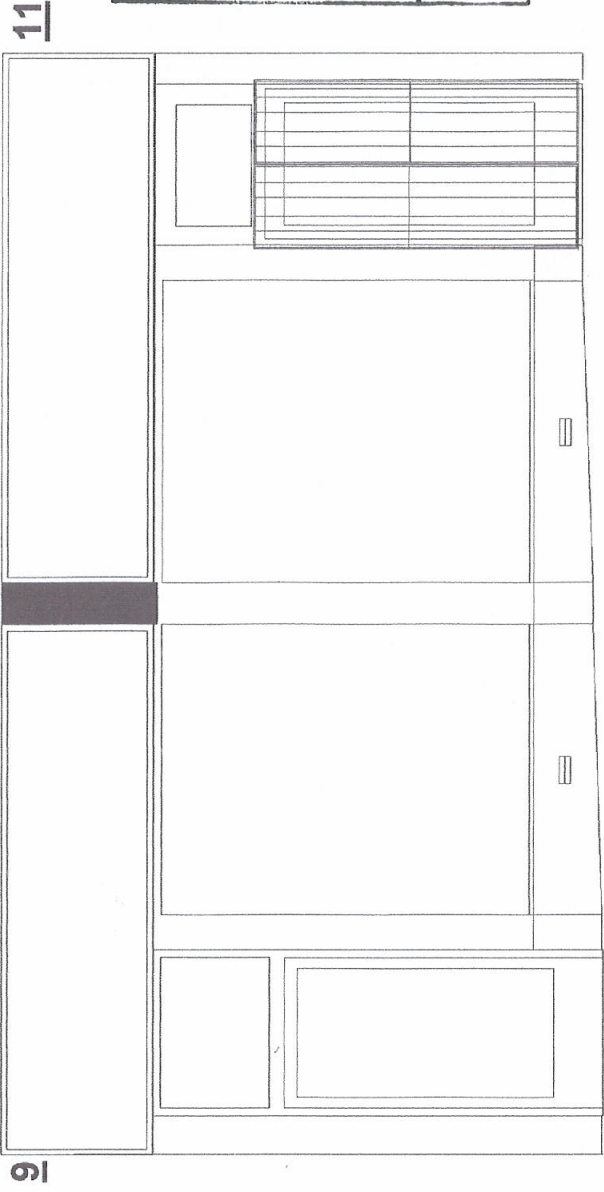
Plan no: 10/00249/PP
 P.O. Initials: AG

Upper level showing services bulkhead



FRONT ELEVATION Nos 9 and 11 MAIN STREET CAMPBELTOWN

Proposed / Existing Elevation Plans - No External Alterations Proposed.



**Argyll and Bute Council
Planning Services**

Application ref no: 10/00249/PP
Date received: 4.2.10

Plan no: 548
PC Initials: JPK

**ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY**

Relative to Application No 10/00249/PP

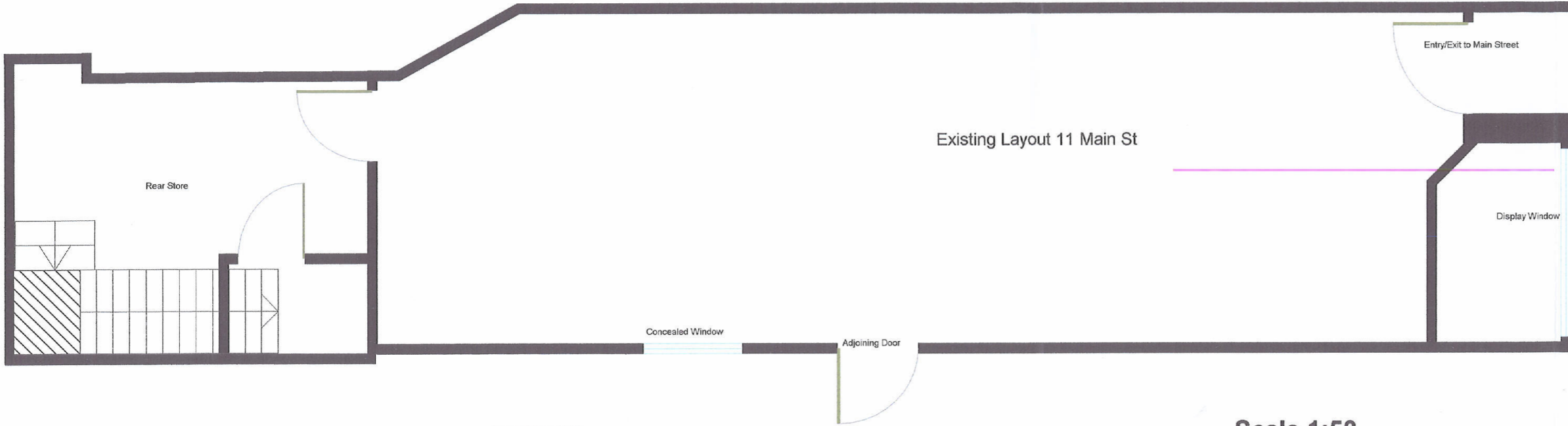
Angus J. Gilmore
Head of Planning

Date: 1.4.2010

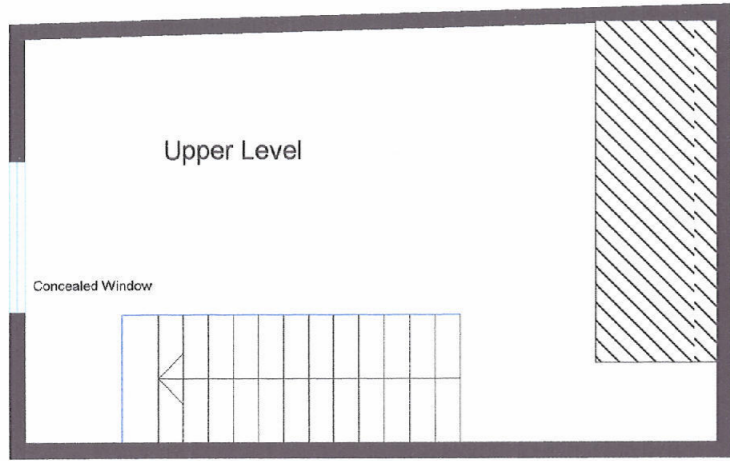
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Existing Floor Plan No 11 Main Street Campbeltown



Scale 1:50




ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY

Relative to Application No 10/00249/DEI

Angus J. Gilmore
Head of Planning

Date 1.4.2010

 Argyll and Bute Council
Planning Services

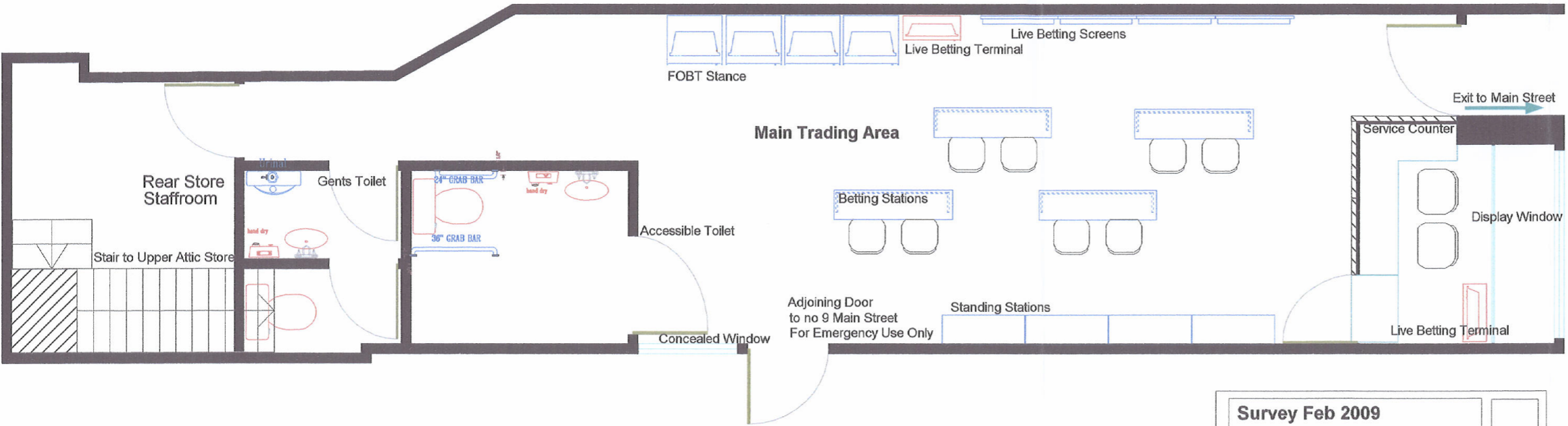
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Date received: 4/2/10

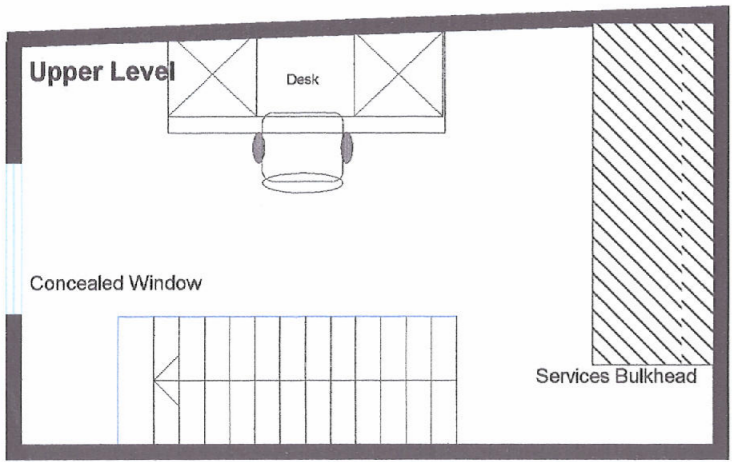
Plan no: 608

P.O. Initials: JPW

Proposed Floor Plan
LBO 11 Main Street Campbeltown

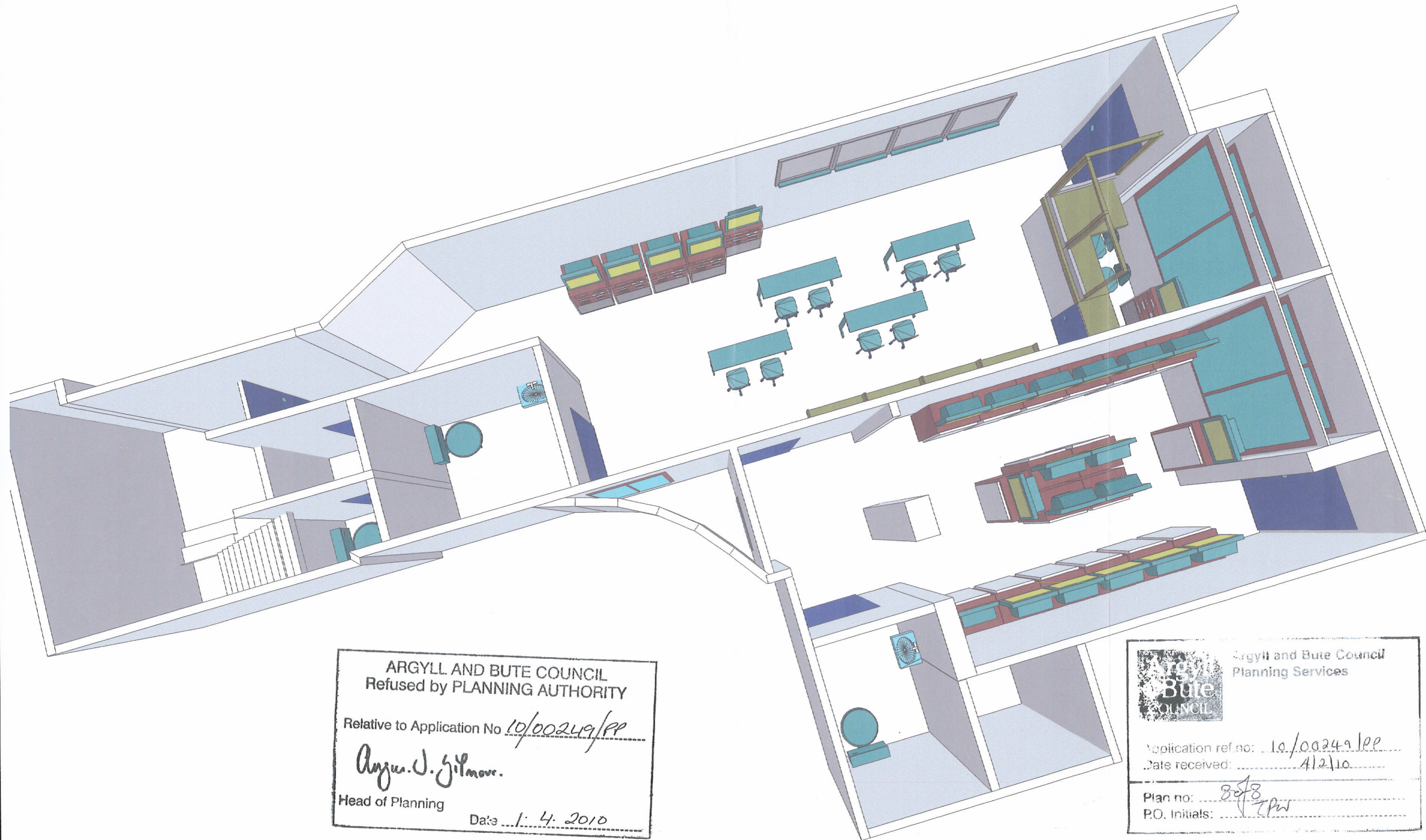


Survey Feb 2009
 Amended Sept 2009
 Scale 1:50

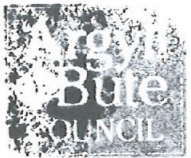


ARGYLL AND BUTE COUNCIL
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Angus J. Gilmore
 Head of Planning Date 1.4.2010

Argyll and Bute Council
 Planning Services
 Application ref no: 10/00249/FP
 Date received: 4.12.10
 Plan no: 7/8
 P.O. Initials: JPW



ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No 10/00249/PP
Angus J. Gilmore.
Head of Planning
Date 1.4.2010

 Argyll and Bute Council
Planning Services
Application ref no: 10/00249/PP
Date received: 4/2/10
Plan no: 80/8
P.O. Initials: CPW