

**FALKIRK COUNCIL**

**Subject:** CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT  
WARRIORS SOCIAL CLUB, TRYST ROAD, STENHOUSEMUIR,  
LARBERT, FK5 4QJ FOR OCHILVIEW BAR (P/09/0769/FUL)

**Meeting:** PLANNING COMMITTEE

**Date:** 24 February 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles MacDonald  
Councillor Craig Martin

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** John Milne, (Senior Planning Officer) Ext 4815

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 27 January 2010 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 15 February 2010.
2. At the meeting of 15 February 2010, the Planning Convener read out one letter of support and one letter of objection to the application, which raised no new issues in respect of the determination of the application. In addition, a member of the public informed the meeting that a further e-mail had been sent to the Planning Authority, clarifying that:-
  - No parking provision for the Warriors Social Club/Ochilview Bar is available through Stenhousemuir Football Club. Access provision exists for goods deliveries only.
3. While various representations were made at the meeting, a summary of the points raised are as follows:-
  - No legal basis has been established to utilize the adjacent open space area for car parking provision,
  - Concern continues to be raised as to the potential anti-social elements associated with the operation of a public house.
  - The applicant has offered to provide stewards to monitor pedestrian/traffic issues during organised events, along with providing written instruction to visitors indicating nearby parking opportunities away from Tryst Road.

4. In light of the discussions about parking requirements, the Roads Development Unit will clarify the details and advise Members at the Committee meeting.
5. It is confirmed that, if the current planning application is refused, the premises could revert to a Social Club without further recourse to the Planning Authority. However, it should be noted that such reversal would also require approval through other bodies, such as the Licensing Board, which the applicant would require to secure.

## **6. RECOMMENDATION**

**It is recommended that the Planning Committee approve planning permission subject to the following condition: -**

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**

**Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01a, 02, 03, 04, 05, 06 & 07.**
- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.**



**Pp**

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**For Director of Development Services**

**Date: 16 February 2010**

### **LIST OF BACKGROUND PAPERS**

1. Larbert and Stenhousemuir Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).

	<b>Name</b>	<b>Address</b>	<b>Received</b>
3.	Letter of Support from Mr and Mrs David Cowan	43 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
4.	Letter of Representation from Mr and Mrs S Butler	56 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
5.	Letter of Support from Lee Stevenson	Ochilview 123 Tryst Road Stenhousemuir Larbert	18 November 2009
6.	Letter of Support from Mr and Mrs B Johnston	52 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
7.	Letter of Representation from Mr and Mrs Richard Young	64 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
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13.	Letter of Support from David Moffat	80 Tryst Road Stenhousemuir Larbert FK5 4QJ	23 December 2009
14.	Letter of Support from M McGregor	72 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
15.	Letter of Support from Jim Sannachan	70 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
16.	Letter of Objection from Mrs Yvonne Weir	Larbert, Stenhousemuir _ Torwood Community Council C/o 92 Stirling Road Larbert FK5 4NF	3 December 2009
17.	Letter of Objection from John and Elizabeth Aitken	82 Tryst Road Stenhousemuir Larbert FK5 4QJ	11 November 2009
18.	Letter of Objection from Larbert, Stenhousemuir & Torwood Community Council	c/o Norvia 92 Stirling Road Larbert FK5 4NF	8 December 2009

19.	Letter of Objection from Mr and Mrs Colin and Julie Kennedy	115 Tryst Road, Stenhousemuir, Larbert FK5 4QJ	13 November 2009
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34.	Letter of Support from Susie Leggate	Flat 1/1 282 Woodlands Road G3 6NE	29 December 2009
35.	Letter of Support from Mr David Anderson	16 Ashley Hall Gardens Linlithgow EH49 7DN	29 December 2009
36.	Letter of Support from Hari Lai	85 Milverton Road Giffnock G46 7LG	29 December 2009
37.	Letter of Support from Chloe O'Beirne	212 90 Great George Street G12 8RY	29 December 2009
38.	Letter of Support from Rosemary Cuning	Flat 1/1 282 Woodlands Road Glasgow G3 6NE	29 December 2009
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43.	Letter of Support from Mr Jim Simpson	1 School Walk Stenhousemuir Larbert FK5 4QN	29 December 2009
44.	Letter of Support from Sucha Dhillon	50-64 Main Street Larbert FK5 3AR	23 December 2009
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56.	Letter of Support from James and Annie Philip	15 Crownest Loan Stenhousemuir Larbert FK5 3BU	23 December 2009
57.	Letter of Support from Charles Ross	50 Braeview Stenhousemuir Larbert FK5 3DT	23 December 2009
58.	Letter of Support from Joan Barnett	52 Rae Street Stenhousemuir Larbert FK5 4QP	23 December 2009
59.	Letter of Support from John McKinlay	315 Main Street Stenhousemuir Larbert FK5 4BL	23 December 2009
60.	Letter of Support from Scott Robertson		23 December 2009
61.	Petition received enclosing 60 names of support	15 Chapel Drive Stenhousemuir Larbert FK5 4JH	23 December 2009
62.	Letter of Support from Mr B Jenkins	50 Tryst Road Stenhousemuir Larbert FK5 4QH	29 December 2009
63.	Letter of Support from Mrs A Whitehead	109 Tryst Road Stenhousemuir Larbert FK5 4QJ	18 November 2009
64.	Email from Terry Bulloch	Stenhousemuir Football Club	15 February 2010

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

**FALKIRK COUNCIL**

**Subject:**        **CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT  
WARRIORS SOCIAL CLUB, TRYST ROAD, STENHOUSEMUIR,  
LARBERT, FK5 4QJ FOR OCHILVIEW BAR (P/09/0769/FUL)**

**Meeting:**       **PLANNING COMMITTEE**

**Date:**           **27 January 2010**

**Author:**        **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:**    **Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles MacDonald  
Councillor Craig Martin**

**Community Council:**    Larbert, Stenhousemuir and Torwood

**Case Officer:**        John Milne, (Senior Planning Officer) Ext 4815

**1.        DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1       The application site comprises an existing single storey structure. The applicant seeks to internally and externally refurbish the property and operate as a public house.
- 1.2       The existing structure forms part of the Stenhousemuir Football Club grouping of buildings, occupying the south west corner of the football ground. Changes in ownership now means that the premises will work partly in partnership with Stenhousemuir Football Club but, for all relevant purposes, will operate largely independently as a public house.
- 1.3       The premises have no dedicated car parking, are served by pedestrian access via Tryst Road and have servicing access from the east.
- 1.4       Previously, it has been the custom for visiting patrons/fans to utilise land to the north for parking provision, but no legal basis exists for this continued practice.

**2.        REASON FOR COMMITTEE CONSIDERATION**

- 2.1       This application has been referred to the Planning Committee due to the potential impact of the lack of car parking provision to the premises.

### **3. SITE HISTORY**

- 3.1 P/09/0580/FUL – Internal alterations to form disabled toilet, formation of disabled access ramp and external metal cladding – approved.
- 3.2 F/2003/0527 – Erection of Social Club – withdrawn 21 August 2003.
- 3.3 F/2001/0620 – Erection of 20 metre telecom mast and associated infrastructure – withdrawn 19 November 2001.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit raises concern that:-
  - The premise appear to only have footpath access from Tryst Road and no access to the adjoining public land;
  - The cellar door facility seems to be in football club property;
  - There seems no definitive access/servicing arrangements;
  - Current requirements would mean provision of a minimum of 82 parking spaces.
- 4.2 Environmental Protection Unit advise that the applicant should have regard to controlling any musical entertainment noise produced by the operation of the premises.

### **5. COMMUNITY COUNCIL**

- 5.1 Larbert, Stenhousemuir and Torwood Community Council objects to the application, on the basis:-
  - There are potential road safety, access and parking issues; and
  - There is an increased risk of anti-social behaviour, noise and public nuisance.

### **6. PUBLIC REPRESENTATION**

- 6.1 A petition with 60 signatories and, 58 letters of support have been received, commenting that:-
  - The proposal will be an asset to the Community;
  - No noise issues have arisen in the past;
  - The property has been extensively refurbished to an acceptable degree.

6.2 7 letters of objection have been received, commenting that:-

- Loud music and noisy disturbance will increase;
- Hours of operation will extend from what is currently experienced;
- No dedicated vehicular access for servicing or parking provision has been identified;
- Clientele may be younger, with no membership control over behaviour;
- Existing parking practices and use of land to the north has not been agreed with the landowner.

## 7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### 7a The Development Plan

#### ***Falkirk Council Structure Plan***

7a.1 The application raises no issues of strategic importance and therefore there are no policies in the Falkirk Council Structure Plan that require to be addressed.

#### ***Larbert and Stenhousemuir Local Plan***

7a.2 Policy LAR 10 - 'Non Housing Uses in Residential Areas' states:

*"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded."*

7a.3 It is considered that, while the application premises are in close proximity to the residential dwellings, the premises form part of the larger Stenhousemuir Football Stadium cluster of buildings. It could, therefore, be considered that the area is of mixed use. In addition, it is recognised that the application premises currently has an existing use of social club and given the existing use, the material consideration is what impact on residents will occur as a consequence of change of use from social club to public house.

7a.4 It is considered that the effective operation of the premises may not significantly alter i.e. visiting members of the public attending social events through which there may be consumption of alcohol.

7a.5 The matter of what hours the premises operate and the issue of addressing anti-social behaviour are matters best controlled by the Licensing Board and Police Authority.



7a.6 Policy LAR 26 - 'Food and Drink Outlets, Public Houses and Hot Food Takeaways' states:

*"Proposals for food and drink outlets (Class 3 as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997), public houses and hot food takeaways will only be permitted where:-*

- (i) there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (ii) the proposal meets the terms of the Stenhousemuir Shopping Frontage Policy, as appropriate (see Policy LAR 28); and*
- (iii) the proposal is satisfactory in terms of parking, access and traffic generation."*

7a.7 It is considered that, by effective control of noise emissions from the premises, there would be no adverse impact on the amenity of adjacent residential properties. This is also in recognition of the current use of the premises as a social club, although the perceived intensification of use (and relaxation of membership constraints) as a public house would rely on appropriate management of the facility.

7a.8 It is recognised that the existing parking strategy employed on site is without legal basis, that the applicant does not own or have access to land adjoining the site which is currently used by visitors to the social club, fans visiting Stenhousemuir Football Club and residents accessing garage provision.

7a.9 However, given that many urban public houses have less than standard parking provision, it is considered that in this instance it is unreasonable to request the applicant to secure such parking provision on what could be considered a relatively small change in operation of the existing premises.

7a.10 However, the proposed development does not accord with the Development Plan in that expected parking provision cannot be achieved.

## **7b Material Considerations**

7b.1 The material considerations are the relevant policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version) and points made by contributors.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 Policy EP9 - 'Food And Drink' states:

*"Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:*

- (1) There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre's retail function; and*
- (3) Parking, access and traffic generation requirements are satisfied."*

- 7b.3 The issues of noise, disturbance, litter and odours are largely outwith the control of the planning authority and depend on the good management of the premises and behaviour of the clientele. However, given the relatively uncontentious nature of the existing social club operation, it is envisaged that the change of classification to public house is unlikely to give rise to any new issues not previously arising.
- 7b.4 The parking provision required by the introduction of a new public house of a similar floor area is acknowledged to be about 82 spaces. However, given that the premises currently operate as a social club with parking contribution from Stenhousemuir Football Club, and pedestrian access from Tryst Road, it is considered that the proposal is acceptable.

### ***Letters of comment***

- 7b.5 It is recognised that the change occurring as a result of change of use from social club to public house would remove any membership controls over visiting members of the public. However, the matter of unsociable licensing hours and potential unsociable behaviour are matters best addressed through the licensing board and police authority and are, in part, dependent on the management of the premises and behaviour of clientele.
- 7b.6 Given that there are opposing opinions to whether the change of use to public house is likely to give rise to increased nuisance, there is no quantifiable evidence to support either statement and the planning authority must consider what material change will occur as a consequence of the application:-
- A change in practice of car parking will arise.
  - Effective control of noise emissions from the premises.

### **7c Conclusion**

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) in that an expected level of car parking provision cannot, at this time, be met.
- 7c.2 Regarding the lack of dedicated car parking provision, it should be noted that the premises currently operate as a social club.
- 7c.3 In terms of protecting the amenity of nearby residents, it is considered that the change from the existing social club to more general public house should not increase nuisance behaviour or noise. However, this is largely dependent on the good management of the facility and behaviour of the patrons which are non planning related matters.

## **8. RECOMMENDATION**

- 8.1 It is recommended that the Planning Committee approve planning permission subject to the following condition: -
- (1) The development to which this permission relates must be begun within three years of the date of this permission.

**Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01a, 02, 03, 04, 05, 06 & 07.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.



.....  
For Director of Development Services

Date: 19 January 2010

### **LIST OF BACKGROUND PAPERS**

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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

# Regulatory Committee

## Planning Application Location Plan

**P/09/0769/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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