

The Highland Licensing Board

Meeting – 6 August 2019

Agenda Item	8.7
Report No	HLB/077/19

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Rokey Manor (formerly Craigard Guest House), Invergarry

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Mars Highlands Development Limited, 9 Thornton Place, London, W1H 1FG.

1.0 Description of premises

1.1 Rokeby Manor (formerly Craigard House) is an old Victorian house which stands in its own grounds on the western outskirts of Invergarry, set back from the A82 by 35 metres with a private guest car park to the front of the building.

Following substantial refurbishment of the premises, the ground floor of the premises will comprise of a main lounge, restaurant, bar area, kitchen, toilets, staff accommodation and eight letting bedrooms. The outdoor garden area will comprise of a grass lawn.

The premises will operate as a hotel. The sale of alcohol to non-residents will only be made when ancillary to a meal.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1700 hours to 2300 hours

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

1. Change name of premises from Craigard Guest House to Rokeby Manor.
2. Update description of the premises to reflect change in operation of the premises from a guest house to a hotel.

3. Remove local condition currently restricting the sale of alcohol to residents only.
4. Permit the sale of alcohol for consumption off the premises (off-sales) - Monday to Sunday 1000 hours to 2200 hours.
5. Increase core on-sale hours to 1100 hours to 0100 hours, Monday to Sunday (currently 1700 hours to 2300 hours).
6. Add seasonal variation at section 4 to afford ability to operate extended festive hours in line with board policy.
7. Additional activities to be included in operating plan both within and outwith core hours to include: conference facilities, bar meals, receptions, club or group meetings, music, live performances, dance facilities, gaming, indoor/outdoor sports, televised sport and outdoor drinking facilities.
8. Update children and young person's policy to reflect new operation of premises.
9. Increase overall capacity of the premises from 14 persons to 75 persons.
10. Amend ground floor layout plan following an extensive refurbishment of the premises to incorporate a new reception/lobby area, kitchen and additional guest bedrooms.
11. Extend footprint of premises to include new ground floor extension, first floor of premises and outdoor drinking area.
12. Substitution of premises manager.

4.0 Background

- 4.1 On 8 May 2019 the Licensing Board received an application for a major variation of a premises licence from Mars Highland Development Limited.
- 4.2 The application was publicised during the period 22 May 2019 until 12 June 2019 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

Building Standards have indicated that they have no objection to the application and at the date of writing, temporary occupancy of the premises had been granted.

- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, the following timeous notices of objection/representation have been received and are appended:

1. Representation from the Council's Planning Service dated 12 June 2019
2. Representation received on 11 June 2019 from Glengarry Community Council
3. Representation received on 11 June 2019 from Glengarry & District Community Association

4. Letter received on 31 May 2019 from Lindsay Rogers
5. Letter received on 31 May 2019 from Hector M Rogers
6. Letter dated 6 June 2019 from Neil Stewart
7. Letter dated 6 June 2019 from Rodina J Stewart
8. Letter received on 12 June 2019 from Mrs Elizabeth Rowe and Mr Peter Halsey

4.6 Late objection

A late objection was received on 24 June 2019. As such it cannot be considered automatically and has not been circulated. The Board may, having heard from the late objector and the applicant, consider the late objection if satisfied that:

- (a) the failure is due to mistake, oversight or other excusable cause, and
- (b) the Board considers it appropriate in all the circumstances to relieve the failure to meet the deadline.

The late objection will be circulated if the Board agrees to consider it.

4.7 Amendment to Major Application

In view of the objections/representations received above, the applicant's agent has requested by way of letter dated 20 June 2019 that the following amendments to the major variation application be considered by the Board:

1. Withdraw request to remove local condition restricting the sale of alcohol to residents only (para 3 above refers).
2. No longer seek provision of off-sales (para. 4 above refers).
3. Additional proviso that between the hours of 2200 hours and 0100 hours, alcohol will only be sold to residents of the hotel (para 5 above refers).
4. Change reference to outdoor "drinking" area to outdoor "garden" area. (para. 7 refers).
5. Remove request to substitute the premises manager (para. 12 above refers). This matter has been dealt with by way of a separate application.
6. At question 7 of the operating plan in terms of capacity and in view of request to remove provision of off-sales, delete reference to off-sales being sourced from stock.

- 4.8 The applicant and the above mentioned parties have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

http://highland.gov.uk/hlb_hearings

5.0 Legislation

5.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises, the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

5.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- A major variation application has been received in respect of the above premises which formerly were a large detached Victorian dwelling situated within the village of Invergarry. Formerly the premises were licensed as a category 1 venue, solely selling to residents. Recently the premises have been transferred to new owners who have substantially upgraded and extended the premises to a commercial hotel and are applying to vary the licence in order to reflect this change in business style and facilities.

- The Licensing Standards Officer has liaised closely with the applicant's agent during the compilation and submission of the application and in the view of the Licensing Standards Officer, the revised operating plan is compliant with the 5 licensing objectives.
- The hotel has changed its name and has amended its description to reflect it is now a hotel as opposed to a guest house.
- The core hours of the premises have been requested to be amended to allow on-sales trading from 1100 hours - 0100 hours - Monday to Sunday. These hours are entirely compliant with current board policy hours. From the type and quality of the establishment the Licensing Standards Officer is comfortable that there will be no adverse impact in respect of the licensing objectives.
- Seasonal variations are requested to allow the premises to host functions with extended licensed hours approved by the board over the festive season. The list of facilities and activities at section 5 of the operating plan has been amended to accurately reflect the services that will be offered within the hotel. Similarly the children and young person's policy has been amended and in the view of the Licensing Standards Officer is compliant with the fifth objective in that it adequately protects such persons from harm. The overall capacity of the premises has been increased through creation of extra bedroom capacity and the commercial use of bars and dining areas for residential and non residential guests.
- Amended layout plans have been submitted detailing the structural changes to the premises. Included within these plans is an outside garden area for guests to enjoy beverages within the landscaped grounds of the hotel. It has been recommended by the Licensing Standards Officer that the outside area be capped for usage to 2200 hours as there are nearby residential properties. Similarly a condition prohibiting the playing of live or recorded music within the outdoor area is also recommended.
- Reference has been made raising an issue in respect of the proper planning consent for the outside area and the conversion from a guest house to a hotel; this is not a matter which forms a ground for objection under the Licensing (Scotland) Act 2005.
- Following the statutory consultation period objections have been submitted by 6 near neighbours. In addition, observations have been received from two local community bodies, Glengarry Community Council and the local Community Association. These submissions have been duly considered by the applicants and their agent who are keen that the hotel integrates well into the local community and adds benefit to the local area and its range of amenities. Accordingly instruction has been received from the applicant's agent, as referred to at para. 4.7 above, requesting that the local condition relating to alcohol being sold solely to

residents or those non residents taking table meals be reinstated on the licence. Indeed it is also requested that after 2200 hours, alcohol sales will be made solely to residents. The provision of off sales is also requested to be removed from the application.

- In its revised format the Licensing Standards Officer is content that the application is compliant with the five licensing objectives

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

The Board may wish to consider attaching the following local condition(s):

- a. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- b. Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- c. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- k. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

- m. After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor garden area.
- n. There should be no playing of live or recorded music in any outdoor garden area.

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para. 8.2 above.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/RSL/0129
Date: 22 July 2019
Author: Ian Cox/Julie Traynor

Appendices:

1. Representation from the Council's Planning Service dated 12 June 2019
2. Representation received on 11 June 2019 from Glengarry Community Council
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7. Letter dated 6 June 2019 from Rodina J Stewart
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From: Susan Macmillan
Sent: 12 June 2019 09:00
To: Julie Traynor
Cc: Christine Millard
Subject: RE: Application for Major Variation : Rokey Manor, Invergarry

Planning permission (reference 18/03685/FUL) was granted for the alterations and extension to hotel (the proposal was amended during the course of the planning application to remove the bakehouse/café and upper floor bar).

The report of handing on this application makes it clear that the premises fall within Class 7 of the Town and Country Planning (Use Classes)(Scotland) Order 1997. Premises licensed for the sale of alcoholic liquor to persons other than residents or persons other than those consuming meals on the premises fall outwith this class.

The proposed Variation of the Premises Licence does not accord with the planning permission, as removal of the condition restricting sale of alcohol to residents only and limiting sale of alcohol to persons taking meals would introduce a 'public house' use which is not covered by the Planning permission.

Please let me know if you require anything further.

Regards

Susan Macmillan
Planning Team Leader – Lochaber

Please note I work Monday to Thursday

This advice is given without prejudice to the future consideration of and decision on any application received by The Highland Council

Thathar a' toirt seachad na comhairle seo gun chlaon-bhreith do bheachdachadh air agus co-dhùnadh a thaobh tagradh sam bith a tha Comhairle na Gàidhealtachd a' faighinn san àm ri teachd

Follow up documentation for existing planning applications

Follow up documentation should no longer be submitted directly to Planning Officers or to Area Planning Offices. If you would like to submit revised plans or any other follow up/additional documentation in relation to an existing application, please do so by using the Post Submission Additional Document online form available on the ePlanning.scot Portal. Further guidance on how to do this can be found here on our Planning Web Pages. Please remember to quote the correct application reference number on the online form before submitting. Thank you for your co-operation.

Major Variation Application Rokeby Manor

Glengarry Community Council wish to highlight some misgivings about the breadth and scope of the proposed alterations at Rokeby Manor, specifically where they relate to licensing objectives and could cause a public nuisance, or compromise public safety. In particular, the community council ask that when assessing the application, the licensing board consider asking the applicant to make the following assurances:

- The outside drinking area does not become a haven for guests to congregate in large numbers, and appropriate limits will be applied so that guests' activities outside the premises do not cause undue nuisance to neighbouring properties
- Use of the outside drinking area during evenings will be curtailed appropriately, and it will not be available for drinking up until 0100
- There will not be live or loud music anywhere outside the premises
- Safeguards will be put in place to ensure that there will be no undue noise and nuisance caused to neighbouring properties, including illegal parking of guests' vehicles on private property
- Safeguards will be put in place to ensure that access to neighbouring properties will not be obstructed in any way or at any time, either by commercial or guests' vehicles

Glengarry Community Council recognise that significant investment has been made in the hotel, and that these changes will provide some benefits to the community by increasing choice for visitors and residents. The community council request that the new owners of Rokeby Manor recognise the responsibility and sensitivities of running a hotel an area where families live.

RECEIVED

11 JUN 2019

**CHIEF EXECUTIVE'S SERVICE
LOCHABER**

Julie Traynor

From: lmacn.65
Sent: 11 June 2019 12:17
To: Julie Traynor
Cc: Allan Henderson - Member; Ben Thompson - Member
Subject: Major Variation Application Rokeby Manor

Good morning,

I wish to make representation to the Highland Licensing Board on behalf of Glengarry & District Community Association.

We do not object to the application but have some misgivings regarding the scope of the proposals.

.The proposed increase in on-sale hours: out of respect for the local community the GDCA has always ceased operating a licence at 23.45 at weekends.

.Additional activities mirror the facilities provided by the Hall which is an important and vibrant part of the community.

.Update children and young persons policy: again the Hall has provided facilities for children and young persons for over twelve years.

We also have concerns regarding the proximity of residential properties adjacent to Rokeby Manor and the potential for noise and nuisance to these homes from illegal parking of guests vehicles. We are also concerned regarding guests walking on an unlit part of the A87 with no pavement.

We realise that a considerable investment has gone into into this venture which will have a some benefits for the local community. We hope to embrace these benefits to the community with our Highland community spirit.

Regards,

Lea MacNally, Chairman GDCA

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11 JUN 2019
CHIEF EXECUTIVE'S SERVICE
LOCHABER

Sent from Samsung Mobile on O2

RECEIVED

31 MAY 2019

Highland Council Licensing Department.
Ref: HC/RSL/0129:CMCA/JT
Julie Traynor.

**CHIEF EXECUTIVE'S SERVICE
LOCHABER**

Dear Ms Traynor,

It was only due to the goodwill of a friend that we heard about this application. Surely, as immediate neighbours sharing boundaries that have been very much abused over the last seven months, we should be on your mailing list?

Please note that I am very much against the possible granting of any variation to the present premises licence on the grounds as stated below.

1. The proposed name, Rokeby Manor, is totally English and inappropriate.
Creag an Sagart stands on the hill behind the house where the itinerant priest would preach to the people. Craigard – High Rock has been an important feature in Invergarry for many years. First, from 1874, as the factor's house, then well known around Europe and beyond as a guest house for the last 50 years.
2. Craigard Guest House came into being to satisfy the much needed accommodation required by the middle mass market. Invergarry, a relatively small village already has two hotels. We do not need another.
3. Extended hours for the sale of alcohol are totally inappropriate for this location and safety concerns are important for those who would like to walk from the village, perhaps with family, for a meal.
4. Off-sales are already catered for elsewhere in the village.
- 5, 6. Added disturbance is not necessary or required in this vicinity.
7. For 50 years the comfortable lounge provided the perfect venue for Traditional Highland conviviality. This room, conveniently placed next to the front door, is now a bedroom and guests have only the reception area in which to mingle. Where is it proposed that all these additional activities take place?
Invergarry Community Hall is very well equipped and does an

excellent job close by, next to the sports field.

8. There is nowhere for young people to amuse themselves whilst waiting for older family members at the bar?
9. No comment
10. Bed, restaurant and a bar alone are not sufficient to provide Traditional Highland Hospitality which is what people visit Invergarry to experience.
11. An extension has been built in the yard to the rear of the house for the use of the new manager.
The outdoor drinking area comprises a grass lawn close to the A87 main road to Skye. Fast moving traffic of all kinds.
12. The new 'Scottish' manager will presumably be given a crash course in Glengarry history and place name pronunciation to satisfy the curiosity of guests?

An extra ordinary lack of research and planning has gone into this whole enterprise from the start.

Coming from a totally different culture they have no understanding of our Highland way of life which is what visitors come here to experience.

Once again I most strongly request that this application be refused.

Very Sincerely,
Lindsay Rogers.
Faichemiosal.

Ref: HC/RSL/0129:CMCA/JT Craigard House, Invergarry.

Regarding the applicants proposal to change the name of the property and vary the terms of the licence. The choice of Rokeby Manor as a new name is totally inappropriate for this house in this location, it is the sort of name to be found along the North Sea coast of England where place names ending in 'by' abound, e.g. Grimsby, and 'Manor' is, I believe, of Saxon origin who had little or no presence in Scotland. This choice of name demonstrates a disregard for local sensibilities and history, this building having been known and recorded as Craigard since 1871. For over 50 years it was the estate factor's home and office, and has become a local landmark giving its name to the nearby sports field known throughout the Shinty and Highland games community as Craigard Park.

If the new owners wish to modify the identity and use of the building from guest house to hotel, which is understandable, a suggestion is to add the word 'Lodge' after Craigard so that it could be 'Craigard Lodge Hotel'. Sporting lodges were quite common place throughout the Highlands during the Victorian and Edwardian periods, although this house was not a 'Lodge' as such its size and style of structure suggest it could have been.

The extension of the availability of alcohol to 1a.m. (01.00) seven days per week is excessive and pays scant regard to the privacy and comfort of the occupants of the five neighbouring properties, three of which – The Villa, Diamond Cottage and Faichemiosal – have a boundary with Craigard, and for the two latter properties it is an 'open' (unfenced) boundary for practical reasons and should remain so. As a joint owner of both Faichemiosal and Diamond Cottage (currently occupied by Mr. James Macrae) I have a number of concerns:-

proper supervision of drinkers behaviour outdoors towards neighbouring properties and the disposal of litter;

respect of the trust given in the granting of a servitude right of way to Craigard in 1982 over the lane at the rear of Craigard which is the **sole** vehicular access to Faichemiosal and Diamond Cottage. This R o W was comprehensively abused by the applicants during the alterations to Craigard and, although a verbal undertaking to repair the damage has been given, the request for written confirmation has yet to be honoured. The three previous owners before Mr. Narang respected this trust. The R o W was primarily for personal transport and small service vehicles. The principal access to Craigard is off the A87 but I fear that, if this application were to be granted in full, our private access lane at the rear could become in practice an alternative public access to Craigard both for pedestrians and motorists; another concern is that the small area of woodland could be used by some as an impromptu toilet as some of the workmen on site have done;

how will hosting events and celebrations at Craigard affect the Community Hall the viability of which is, I suggest, vital to a vibrant community life, lose the hall and we lose that vibrancy;

does this community really need three high-end hotels? From the start (1969) Craigard guest house was aimed at the middle market and succeeded.

The licence applied for here is too broad in its scope and is to run on too late thereby having the potential to have a deleterious effect on the quality of life of the occupants of the neighbouring properties and should be restricted in application (e.g.hours of operating, numbers of people involved, type of events, functions, frequency) to mitigate against such effects.

Yours Sincerely,
Hector Mackenzie Rogers,
Faichemiosal.

RECEIVED

31 MAY 2019

**CHIEF EXECUTIVE'S SERVICE
LOCHABER**



6th June 2019

RECEIVED

/ 7 JUN 2019

**CHIEF EXECUTIVE'S SERVICE
LOCHABER**

Ms J Traynor
Highland Council
Charles Kennedy Building
Achintore Road
Fort William
PH33 6RQ

Your ref: HC/RSL/0129:CMCA/JT

Dear Ms Traynor

APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE, ROKEBY MANOR (FORMERLY CRAIGARD GUEST HOUSE), INVERGARRY

I refer to the above application and write to object to the following :-

Removal of the local condition currently restricting the sale of alcohol to residents only.

Permit the sale of alcohol for consumption off the premises (off-sales) – Monday to Sunday 1000 hours to 2200 hours.

Increase core on-sale hours to 1100 hours to 0100 hours, Monday to Sunday (currently 1700 hours to 2300 hours).

Additional activities to be included in operating plan both within and outwith core house to include club or group meetings, music, live performances, dance facilities, indoor/outdoor sports.

Invergarry is a small village, and already offers all the services, therefore granting the above would be over provision.

Yours sincerely

NEIL STEWART

cc Councillor A Henderson.

Ms J Traynor
Highland Council
Charles Kennedy Building
Achintore Road
Fort William
PH33 6RQ

RECEIVED

/ 7 JUN 2019

**CHIEF EXECUTIVE'S SERVICE
LOCHABER**

Your ref: HC/RSL/0129:CMCA/JT

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Invergarry is a small village, and already offers all the services, therefore granting the above would be over provision.

Yours sincerely

RODINA J STEWART

cc Councillor A Henderson.

Mrs Elizabeth Rowe and Mr Peter Halsey

RECEIVED

12 JUN 2019

**CHIEF EXECUTIVE'S SERVICE
LOCHABER**

To the Clerk to the Licensing Board

Your reference: **HC/RSL/0129:CMCA/JT**

Licensing (Scotland) Act 2005

Application for Major Variation of Premises Licence – ROKEBY MANOR, INVERGARRY

OBJECTIONS

The applicant's premises are situated easterly out of the village of Invergarry on the main A87 trunk road to the Isle of Skye. The road is D-restricted road of 60mph with no lighting and with one pavement on the furthest side. The applicants premises is accessed off the main road onto a small track and then into the premises itself. Further along the track, running parallel with the main road are a further three residential properties.

I have lived at one of the properties, [REDACTED] for the past 14 years and have on many occasions avoided potential road traffic incidents in relation to turning in and out of the track onto the main A87. The main road is particularly straight in front of Craigard. When approaching the turn off to the right, I have narrowly avoided a collision from behind when a vehicle a few cars further behind cannot see my right hand indication and decides to overtake a line of cars with me at the front attempting to turn right. There have been too many other 'near misses' to mention. The proposal to increase the capacity of the applicants premises from 14 persons to 75 persons will be reflected in an increase in vehicles turning in and out of the A87.

Change name of premises from Craigard Guest House to Rokeby Manor.

The area that I have been referring to as Craigard with regards to the applicants premises is a local area to the village of Invergarry incorporating the Millennium Village Hall, Glengarry Shinty Pitch and Pavilion, Glengarry Community Woodland, the cemetery and the three residential properties previously mentioned. It has always been known as long as I have lived here as Craigard. In fact, when [REDACTED] was built in 2005, the address was known by Royal Mail as [REDACTED] by Craigard.

At the time of construction in the 1840's, the applicant's premises was known as Craigard House. The first tenants of Craigard House were carpenters that worked on the construction of the Caledonian Canal. After the completion and opening of the canal, Craigard House became the Factor's offices and the owner retained the name of Craigard. The Factor was highly regarded with great respect from the local community and Craigard House has had an integral part of the local heritage. It became a guest house in the 1960's and in keeping, was named Craigard Guest House.

I am disappointed that the current owners feel the need to completely change the name of the property to that of 'Rokeby Manor'. I am unable to discover the relevance of Rokeby in regards to the local heritage or to The Highlands for that matter. As far as I am aware, a Manor is a residence forming part of an administrative centre for an English Lord of a Feudal system during the Middle Ages. Rather ironically, an ancestor to one of the original purchasers of Craigard published a book titled, 'Place Names of Glengarry and Glenquoich' and in it they mention Craigard. The book is regarded as having an importance in preserving Gaelic place names.

Remove local condition currently restricting the sale of alcohol to residents only.

The applicants are wishing to update the description of the premises to reflect change in operation of the premises from a Guest House to a Hotel. In removing the local condition currently restricting the sale of alcohol to residents only, contradicts the premises description of that of a hotel.

Incorporating the SUMMARY OF GROUNDS FOR REFUSAL, section 4. **Activities / Conditions of Premises / Customers:** – It appears that the applicants are extending their description of a hotel to that of a public bar. It would be difficult to know the identities of customers and with such a close proximity to private residential properties, the applicants cannot assure the security of residents and property.

Permit the sale of alcohol for consumption off the premises (off-sales) – Monday to Sunday 1000 hours to 2200 hours.

Invergarry currently has a local garage known as Glengarry Filling Station. Not only does it act as a retail outlet for petrol and DERV but for groceries and an off-licence.

The convenient locality for this supply of fuel is extremely important for the local community of Glengarry, with many local businesses holding accounts at Glengarry Filling Station. The next nearest filling stations to Invergarry are eight miles north in Fort Augustus and twenty two miles south in Fort William. Basic day to day provisions are sold at Glengarry Filling Station including daily newspapers, milk, bread, tea, coffee and eggs together with various other groceries. Cigarettes, snacks and soft drinks are also available but it also has an off-licence. It is very important for many local residents of Invergarry who do not drive or are unable to make a longer journey by public transport for basic daily necessities. During the winter months, when the weather can make even a relatively short journey to the next grocery store eight miles away in Fort August, the Filling Station is a life line.

Glengarry Filling Station cannot sustain itself just from the sales of fuel and relies on the sales from groceries but even more so from the off-licence sales. There is a good range of wines, beers and spirits on sale. The Invergarry Hotel also has a bar and the Millennium Hall can accommodate an occasional licence for functions.

At this current time, I feel that there is adequate provision for the sale of alcohol in the area and the implementation of a further off-licence facility could have a long term detrimental effect for Glengarry Filling Station. Should there be a decrease in alcohol sales at the filling station, the consequences could be that the filling station would have to close altogether.

Increase core on-sale hours to 1100 hours to 0100 hours, Monday to Sunday (currently 1700 hours to 2300hrs)

Incorporating the SUMMARY OF GROUNDS FOR REFUSAL, section 4. **Activities / Conditions of Premises / Customers** – Again, this seems to contradict the applicant's description of a hotel.

The [REDACTED] has two occupied upstairs bedrooms that have front facing windows only. My daughter is 15 years old and transitioning into her senior years at high school. She is currently studying for her

National 5 level exams. [REDACTED] bedroom is the upstairs room closest to the applicants premises and overlooks the front of the property with the proposed car park running along the boundary fence. The car park will be approximately 10 metres away from the front of [REDACTED]. It is possible to see into [REDACTED] bedroom from within the confines of the applicant's premises. Extending the core on-sale hours will proactively encourage residents to remain active until at least 0100 hours. This cannot guarantee that residents will remain within the premises particularly during the summer months when the weather is warm.

During the summer nights, it is often necessary to have the upstairs bedroom windows open but late night / early morning noise would definitely cause disturbance to a decent period of sleep. I feel that this would be **3. Inconsistent with Licensing Objectives: -**

- preventing public nuisance
- protecting and improving public health
- protecting children from harm

Add seasonal variation at section 4 to afford ability to operate extended festive hours in line with board policy.

Situated diagonally across from the area of the applicant's premises is Glengarry Millennium Hall. This is regularly used by local residents of Invergarry for functions such as wedding receptions, Burn's Night Supper, Hogmanay and Christmas Parties etc. Although it is to an absolute minimum, it is possible at times to hear the activities.

Additional activities to be included in operating plan both within and outwith core hours to include: conferences facilities, bar meals, receptions, club or group meetings, music, live performances, dance facilities, gaming, indoor/outdoor sports, televised sport and outdoor drinking facilities.

Incorporating the SUMMARY OF GROUNDS FOR REFUSAL, section 4. **Activities / Conditions of Premises / Customers** – Again, this seems to contradict the applicant's description of a hotel.

As previously stated: -

[REDACTED] has two occupied upstairs bedrooms that have front facing windows only. [REDACTED]
[REDACTED]
[REDACTED] bedroom is the upstairs room closest to the applicants premises and overlooks the front of the property with the proposed car park running along the

boundary fence. The car park will be approximately 10 metres away from the front of [REDACTED] It is possible to see into [REDACTED] bedroom from within the confines of the applicant's premises.

During the summer nights, it is often necessary to have the upstairs bedroom windows open but late night / early morning noise would definitely cause disturbance to a decent period of sleep. I feel that this would be **3. Inconsistent with Licensing Objectives: -**

- preventing public nuisance
- protecting and improving public health
- protecting children from harm

Although not relevant to the licensing objections, I just want to add that from the very start of refurbishment in September 2018, the applicants have shown absolutely no regard to the welfare of local residents.

Building work has been undertaken 7 days a week including Sundays, from 0700 hours until 1900 – 2000 hours. The rules regarding building sites has been flouted consistently.

During the dark winter months, we were subjected to high intensity flood lighting. It would be turned on at 0700 hours until daylight and again from 1500 – 1600 hours until 1900 hours. The flood lights were directed from the track at the front to the applicant's premises. The turning on of the flood lighting at 0700 hours would cause us to wake up. We have also had to endure 12 hours a day of heavy plant machinery moving around. It would seem to be that this was driven backwards most of the time as we have had to listen to high pitched beeping from the reversing alarm.

The entrance to and from the main road has regularly been blocked by lorries and heavy plant causing inconvenience for ourselves in trying to get to and from the house in the car.

I have had to request that operatives curbed their offensive language on numerous occasions.

This evening (Tuesday 11th June 2019, 1745 hours), I arrived home to find my neighbour trying to access the track to her house. The applicant's had dug a trench across the track obstructing access to the 3 residential properties. They had not had the common courtesy to inform us that they had planned to do this. I had to park behind my neighbour completely blocking the entrance to my other neighbour who arrived home a couple of minutes later. He had to remain stationary on the main A87 trunk road. That section, as previously stated is a D-restricted 60mph stretch of road. Road traffic law states that vehicles cannot remain stationary with a single white kerb side line.

The applicants have on no occasion shown any courtesy to their neighbours and I feel that this attitude will extend beyond any license granted.