

LRB-2021-03

Review of decision to impose Condition 5 with the specific wording given on planning permission 20/01516/FLL – Formation of raised decking at Craigvrack Hotel, 38 West Moulin Road, Pitlochry

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LRB-2021-03

**Review of decision to impose Condition 5 with the
specific wording given on planning permission
20/01516/FLL – Formation of raised decking at Craigvrack
Hotel, 38 West Moulin Road, Pitlochry**

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100356784-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Gray Planning & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	AYE House
Last Name: *	Gray	Building Number:	
Telephone Number: *	07514278498	Address 1 (Street): *	Admiralty Park
Extension Number:		Address 2:	Rosyth
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	UK
		Postcode: *	KY11 2YW
Email Address: *	neil@grayplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Craigvrack Hotel"/>
First Name: *	<input type="text" value="Amisha"/>	Building Number: <input type="text" value="38"/>
Last Name: *	<input type="text" value="Kaushik"/>	Address 1 (Street): * <input type="text" value="West Moulin Road"/>
Company/Organisation	<input type="text" value="Craigvrack Hotel"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Pitlochry"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH16 5EQ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="neil@grayplanning.co.uk"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="CRAIGVRACK HOTEL"/>
Address 2:	<input type="text" value="38 WEST MOULIN ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5EQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="758752"/>	Easting	<input type="text" value="294265"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

REVIEW TO VARY CONDITION 5 OF PLANNING PERMISSION 20/01516/FLL - FORMATION OF RAISED DECKING

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
☐ Application for planning permission in principle.
☐ Further application.
☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☐ Refusal Notice.
☒ Grant of permission with Conditions imposed.
☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached Grounds of Review Statement. The appellant is seeking variation to Condition 5, to allow operation of the raised decking area from 1100-2300hrs

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

A Noise Management Plan (Appeal Document 10) (NMP) has been submitted to PKC planning in compliance with Condition 4 of the planning approval. The NMP was prepared after the planning officer decision, and in response to compliance with Condition 4 of the approval so it was not before the authority before the application was determined. However it is a key information document to evidence and support the management of residential amenity which was raised during determination and is relevant

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Please refer to attached Appeal Documents List

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/01516/FLL

What date was the application submitted to the planning authority? *

07/11/2020

What date was the decision issued by the planning authority? *

18/12/2020

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

As the issue is about an outdoor decking area and the Condition 5 applied is concerned with protecting residential amenity then a site inspection is essential to enable the Review Body to view the context of the proposal. It is not enough to just view Google Street View as the identification of nearest residential properties, the layout of the existing beer garden and the approved decking area need to be seen on site in detail. This can only confirm the proposal to vary condition is acceptable

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Neil Gray

Declaration Date: 02/02/2021

PLANNING APPEAL

REVIEW TO VARY CONDITION 5 OF PLANNING PERMISSION 20/01516/FLL

FORMATION OF RAISED DECKING AT

CRAIGVRACK HOTEL, 38 WEST MOULIN ROAD, PITLOCHRY, PH16 5EQ

List of Appeal Documents

Appeal Document 01 – Decision Notice 20/01516/FLL Dated 18th December 2020

Appeal Document 02 – PKC Environmental Health and Planning Officer correspondence about Noise Management Plan (Condition 4 compliance) dated 25th January 2021 and Confirm agreement to condition compliance on 1st February 2021

Appeal Document 03 – Google StreetView Image of Approved Decking Area and Existing Outdoor Beer Garden – from south

Appeal Document 04 – Google StreetView Image of Approved Decking Area and Existing Outdoor Beer Garden – from east

Appeal Document 05 – Approved PKC Licencing Board hours of operation permitted for on sales at Craigvrack Hotel

Appeal Document 06 – Approved PKC Licencing Board map of outdoor seating area relating to the Licence approval at Craigvrack Hotel

Appeal Document 07 – PKC Environmental Health Officer consultation response to planning application 20/01516/FLL Dated 2nd December 2020.

Appeal Document 08 – Google Aerial Photograph image of the site in its context

Appeal Document 09 – PKC Licencing Board approved Premises Licence for Old Mill Pitlochry (with outdoor seating area)

Appeal Document 10 – Noise Management Plan for Craigvrack Hotel, January 2021 in compliance with Planning Condition 4 of approval 20/01516/FLL

Appeal Document 11 – Planning Officer Report of Handling for application 20/01516/FLL

List dated 02.02.21

2020-93

2nd February 2021

The Secretary
Local Review Body
Perth and Kinross Council Committee Services
Council Building
2 High Street
Perth PH1 5PH

Emailed to: planninglrpkc.gov.uk

Dear Sir/Madam

APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

ONLINE REFERENCE 100356784-001

**REVIEW TO VARY CONDITION 5 OF PLANNING PERMISSION 20/01516/FLL
FORMATION OF RAISED DECKING AT
CRAIGVRACK HOTEL, 38 WEST MOULIN ROAD, PITLOCHRY, PH16 5EQ**

We are instructed by Amisha Kaushik of Craigvrack Hotel, Pitlochry to request that Perth and Kinross Local Review Body reviews the decision by the planning authority to impose planning Condition 5 with the specific wording given, with respect to the above approved development. Planning permission 20/01516/FLL was granted 18th December 2020 for 'Formation of raised decking' at the hotel. Planning Condition 5 as presently worded is unreasonable and should be varied.

As will be explained in this Supporting Statement, the Local Review Body is respectfully asked to vary the wording of Condition 5 and to replace it with the appellants' suggested wording for Condition 5 which can still achieve appropriate noise and residential amenity management of the approved development.

The Review has been electronically submitted with reference 100356784-001.

The Review Documents comprise the following:

- Completed Notice of Review forms
- Statement of Grounds for Review (continues overleaf)
- List of Documents intended to be relied upon in the Review at 02.02.21



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Member of the Royal Town Planning Institute No. 42566

STATEMENT OF GROUNDS FOR REVIEW

Background

Planning permission for the proposed formation of raised decking at Craigvrack Hotel, 38 West Moulin Road Pitlochry was granted by the Appointed Officer on 18th December 2020, subject to the conditions outlined in the Decision Notice (**appeal document 01**) for planning approval ref: 20/01516/FLL.

The applicant has submitted a Notice of Review requesting that the decision of the Appointed Officer, specifically in respect of Condition 5 attached to the approval, referred to above, be reviewed.

Condition 5 states:

5 The hours of operation of the outdoor seating area shall be restricted to between 1100 and 2000 hours daily.

Reason - In order to safeguard the residential amenity of the area.

Under the Planning etc (Scotland) Act 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body. The review process covers any conditions imposed on a planning permission.

Planning Condition 5 is one of six conditions attached to the planning approval 20/01516/FLL for the formation of raised decking. Four of these conditions relate, including Condition 5. They are designed to safeguard the residential amenity of the area, thus giving the planning authority control over the development, as it so desires. Only three of these related conditions were imposed based upon advice from Environmental Health, who were consulted at the time of the planning application. The fourth, and subject of this appeal, was not recommended by the Environmental Health Officer and instead has appeared in the Decision Notice for no evidenced reason.

As will be evidenced in this Review, the appellant has submitted details relating to compliance with the related Condition 4 of the approval which requires *"a Noise Management Plan shall be submitted for the written agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area. It should also include a procedure for complaints. Thereafter, the agreed plan shall be implemented for the life of the development, to the satisfaction of the Council as Planning Authority"*. A Noise Management Plan (NMP), being the information relating to this compliance, was submitted to the Planning Authority in January 2021, and we are advised the authority is scheduled to discharge this condition (if acceptable) on or before 13th March 2021 see **Appeal Document 02** and updated on 1st February 2021 to confirm the authority agrees with the Noise Management Plan and that it satisfies Condition 4 of the consent.

The approved development involves the installation of raised decking on the west elevation of Craigvrack Hotel, West Moulin Road, Pitlochry. A new door opening will be formed from the bar lounge onto the new proposed decking area. The west elevation is the front of the Hotel facing West Moulin Road. There is an **existing outdoor seating area** which is a grassed area with some picnic tables and there is also a paved terrace, both on the west elevation. This approval grants permission for an additional outdoor seating area formed on the decking on the west elevation, please refer to **Appeal Documents 03 and 04** being Google Street View images showing these locations in context.

The appellant is questioning condition 5, about the hours of operation of the new decking being restricted to close at 2000hrs. The existing outdoor seating area (beer garden) is not restricted to this time constraint. The appellant considers 2000hrs is too early for guests who may be dining outside to complete food and drink. The appellant would prefer this timescale to be increased to 2300hrs for the approved decking project to be viable.

The appellant is requesting Condition 5 is varied, and reworded as follows:

“The hours of operation of the outdoor seating area shall be restricted to between 1100 and 2300 hours daily” Reason – In order to safeguard the residential amenity of the area.

Existing Operational Circumstances

The Craigvreck Hotel serves food and drinks and has a PKC Licenced permit to do so as evidenced in **Appeal Document 05**, which below is an extract from the Council Licence Agreement.

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11.00am	11.00pm
Tuesday	11.00am	11.00pm
Wednesday	11.00am	11.00pm
Thursday	11.00am	12.30am
Friday	11.00am	12.30am
Saturday	11.00am	12.30am
Sunday	11.00am	12.00am

The **existing outdoor seating** arrangements are:

- Beer garden located west of the hotel in open grassy grounds at the corner of West Moulin Road and Knockard Road as indicated on **Appeal Documents 03 and 04**.
- This beer garden is on a corner site, with a high hedge on its boundary and is sunk lower than the hotel building and the approved decking area itself.
- The nearest residential property to the existing beer garden lies 29m distant, at 40 West Moulin Road.
- This existing outdoor seating area has covers for up to 28 persons. The Hotel is licenced to serve food and drinks to guests here until 2300hrs.
- The Environmental Health Officer consultation response on the planning case dated 2nd December 2020 states *“There is already an existing outdoor seating area which is a grassed area with some picnic tables and there is also a paved terrace, both on the west elevation”*; and *“To my knowledge this Service has not received any complaints with regards to noise from the operations of the existing outdoor area”*. See **Appeal Document 07**.
- Two Google StreetView Images and one aerial photo support these facts, See **Appeal Document 03 and 04 and 08**. These images do not however replace merit in the Local Review Body to visit the site as is respectfully requested.

- The Google StreetView Images clearly show the existing beer garden area located to the west of the site (in view), and the approved decking area in context. They are two separate areas of the outdoor space available to the hotel. This is evidenced by the change in levels as shown and the need for the approved decking structure itself to compensate for the steep sloping area as existing at the location of the approved decking. So, there is no risk of “merging” the two outdoor areas for example.

Existing Operational Circumstances Elsewhere Locally

There are several other hotels, bars and restaurants located in this edge of town centre location which contribute to a vibrant tourism and visitor economy in Pitlochry.

The appellants wish to highlight these premises’ existing circumstances for comparison purposes, to highlight the proposed variation to Condition 5 can be supported, as follows:

- The Old Mill Inn (Premises Licence 0269), at Mill Lane, about 110m south of the appeal site has outdoor seating, with a licence approval to 2300hrs. it serves food 1200-2100. The nearest residential properties to this premises is about 30m away, in the upper floors of existing premises.
- The Moulin Hotel (Premises Licence 0502), lying west of Pitlochry has residential properties within 50m of the outdoor beer garden (Auld Smiddy Cottage) and serves food 1200-2130.

Details about the Old Mill Inn Licence is found in the **appeal document 09**. At the time of research of the PKC Licencing Board applications database online there was no document access for the Moulin Hotel.

Planning Condition 4 – Compliance

Appeal Document 10 the premises Noise Management Plan, was submitted to PKC planning early January 2021, in response to the pre-commencement condition 4 of the planning approval.

We understand this is under consideration by Lynne Reid, Environmental Health Technical Officer –AQ & Planning and a target date of 13th March 2021 is indicated, See **Appeal Document 02**.

The Noise Management Plan required to satisfy condition 4, is also relevant and supports the evidence in this appeal about condition 5.

It is relevant to note the following in the Noise Management Plan which supports this appeal:

- Guest hotel accommodation is situated just above the approved decking area. Therefore it is paramount for good neighbour relations and for self-respect that the hotel guests staying over and customers visiting the hotel can co-exist. The owners also live on site, so to run a business alongside residential neighbours in harmony is one of their key management approaches. There have been no complaints of noise disturbance any time before.
- The Licenced Facility opening hours are Monday to Wednesday 1100-2300hrs and Thursday to Saturday 1100-0030hrs Sunday 1100-0000hrs. The 2300hrs closing time for outdoors is therefore manageable and enforceable being a clearly understood time every day without variation.

- The proposed Management Plan methodology is clearly stepped out in the document which is easy to understand and clear for staff and customers alike to understand what is required and how it will be done.
- The Management Plan shows intension is to close outdoors 30mins before closure indoors, this would allow movement of customers inside before full closure and containment of noises at closing time
- Monitoring smoking outdoors to limit of 4 per group, would significantly reduce crowding outdoors to the benefit of amenity
- The use of CCTV will allow staff to monitor build up of groups outdoors and take evasive action if necessary or dispersal without affecting residential amenity
- The Plan specifically categorises “outdoor” use and suggests these activities could be limited anyway
- No music outside
- The Plan shows details of the segregated closing times under the MEASURES TO MITIGATE topic (page 6).
- The Plan details the last order and closing times for the outside area for both excluding the Decking area and for the Decking area (page 7).
- The Plan details the loudspeakers, the music players and volume control measure under the INSIDE MUSIC topic (page 7).
- The Plan includes excerpts from the employee handbook which details the noise management measures the bar staff need to follow, in Appendix C (page 13).
- The Plan also includes a Review log sheet to facilitate and record the regular review of the plan in Appendix E (page 15).
- With regard to the inside noise out break from the lounge area to the outdoor decking seating, the Plan makes this clear to manage in topic Inside Music, page 7.
- The applicants confirm music played inside is always played as a background music so the guest at the same table can communicate normally without the need of raising their voices. This practice has already helped in reducing the chance of inside music disturbing outside.

The Plan confirms how these measures will be implemented, including staff training, being proactive management and taking responsibility, placing Notices and offering a complaints procedure.

The proprietors are therefore committed to working to its approved Bar Licence as the measure of its operational requirements. This will be carefully managed per the Noise Management Plan.

It represents a significant evidence base to show the approved decking development can be carefully controlled and that it will not have a detrimental impact on residential amenity.

It is also noted that the approved decking area will serve food and drink. This part of the hotel is already covered by the alcohol licence per PKC Licencing Board (see **Appeal Document 05 and 06**).

Consultation Responses relating to Residential Amenity

It should be noted the Hotel offers bedrooms which are situated directly above the existing bar lounge and the approved outdoor decking area. So the hotel takes very seriously the amenity of its guests, as well as nearby residents.

Only one representation was received by the planning officer during determination of the planning application, which was concerned with residential amenity, the Council's Environmental Health Officer (See **Appeal Document 07**). There were no objections or no further representations about any other matter.

It is noted that the Environmental Health Officer did not recommend any planning condition wording restricting operating hours, which bears the terms of Condition 5. The Environmental Health Officer did advise about suitable planning conditions concerned with restrictions to no amplified music outdoors, (planning approval Condition 2) and requirement for a Noise Management Plan to *"include all procedures and controls to mitigate noise from the operations of the area [approved decking]. It should also include a procedure for complaints. Thereafter, the agreed plan shall be implemented for the life of the development"* (planning approval Condition 4). The Noise Management Plan having been submitted for compliance.

It is therefore unclear why the planning officer came to realise any alleged need for the restriction to operating hours, not least why the hours of operation is restricted to 1100-2000hrs in the planning approval Condition 5.

In the Officer's Report of Handling (**appeal document 11**), within the Section titled "Noise and Residential Amenity" there is no mention of hours of operation other than in the officer's summing up of the case and intension for the conditions, in the concluding paragraph of this section. The officer does cover lighting and no amplified music and the Noise Management Plan. However, the section concludes stating *"Overall, the recommended conditions in terms of hours of operation and music and lighting will allow for adequate control in order to protect the residential amenity of neighbouring properties"* mysteriously includes reference to hours of operation without any mention of the matter before nor with any evidence from the Environmental Health Officer's consultation response (**appeal document 07**) nor any other basis.

PKC Local Development Plan (Adopted 2019)

As this appeal must be assessed against the provisions of the development plan, then the relevant Local Development Plan 2 policy relating to the challenge of Condition 5 is residential amenity. Policy 17 of LDP2 Residential Areas and Placemaking Policies 1A and 1B which seek to ensure that all new developments do not have an adverse impact on the amenity or character of existing areas.

As such full consideration must be given to the proposal in relation to design and layout, noise pollution, residential amenity and scale and density. Relevant parts of Policy 17 say: *"The Plan identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected.."* and Policy 1A and 1B relevant parts say *"Development must contribute positively to the quality of the surrounding built and natural environment. ... The design, density and siting of development should respect the character and amenity of the place, "* (Policy 1A) and *"All proposals should meet all the following placemaking criteria (a to j) of Policy 1B"*. These include:

- a) creating a sense of identity (which this is a very small scale structure it is not relevant),
- b) to consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area (which this is a very small scale structure it is not relevant),

- c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. The planning officer supports the approved height, scale, massing, and subject to compliance with Condition 6 which requires details of the specification and colour of the proposed external finishing materials (underbuild of decking)

All other criteria of Policy 1B do not apply given the very small-scale nature of the structure itself. None of the remaining criteria are relevant.

There is little relevance of Policy 1B of a need to consider residential amenity. For Policy 1A the relevant factor is whether the proposed decking contributes 'positively to the quality of the surrounding built and natural environment' and whether the 'design, density and siting of development should respect the character and amenity of the place'.

No Site Visit was Undertaken to assess the planning application

In the Report of Handling, **Appeal Document 11**, the planning officer explains she did not undertake a site visit. Whilst it is understood site visits are not encouraged owing to Covid-19 restrictions nationally, the fact the approved development is an outdoor structure, will provide for outdoor seating, is to be positioned near to an existing outdoor beer garden and is located in a residential area on the edge of the town near to other food and drink establishments would mean it essential for a site visit to have been undertaken to confirm context and position of residential amenity receptors and to get a first-hand feel for the existing situation. The fact also is this approved development will be an essential component of the Hotel's customer experience for the forthcoming visitor season (March to October), when it is expected national covid-19 restrictions may be eased and some activity will be permitted within food and drink establishments benefitting key economic and visitor locations including Pitlochry. This is another reason why the appellants have asked the Local Review Body to carefully reconsider the terms of the Condition 5 to provide as much opportunity as is reasonable to allow the sector to respond to the restrictions for both social and economic reasons for the business and for its customers.

We strongly request the Local Review Body undertakes a site visit (unaccompanied if necessary, during this covid-19 restricted time).

Varying the Planning Condition 5

Condition 5 states:

5 The hours of operation of the outdoor seating area shall be restricted to between 1100 and 2000 hours daily.

Reason - In order to safeguard the residential amenity of the area.

The appellant is requesting Condition 5 is varied, and reworded as follows:

"The hours of operation of the outdoor seating area shall be restricted to between 1100 and 2300 hours daily" Reason – In order to safeguard the residential amenity of the area.

Reference is made to Scottish Government Planning Circular 4/1998: 'The use of conditions in planning permissions' whereby the Government advises planning authorities that "*while the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable*" and various tests are recommended to ensure that development proposals can still proceed

with the application or in this case, reasonable variation of planning conditions where it would otherwise have been necessary to refuse planning permission.

We have set out the applicant's case that planning permission can still be granted for the original proposal without full compliance with the terms of Condition 5 as worded in the permission 20/01516/FLL. The restriction of hours 1100 to 2000 is unreasonable – instead it should be extended to 1100-2300hrs. Therefore, in its present word form Condition 5 does not meet tests laid out in Circular 4/1998.

The applicant contends the revised wording to include 1100-2300hrs is acceptable and meets the tests found within Circular 4/1998, thereby enabling the development to proceed under the proposed varied terms of Condition 5.

Planning Condition Tests

One test in Circular 4/1998 advises about the 'need for conditions' - how any conditions may be "*tailored to tackle specific problems*". The applicant does not dispute the need for restriction on hours of operation as it is consistent with other food and drink establishments. However, it would be more reasonable for the timing to be coincidental to the Licencing hours already in place, and this is also in keeping with the other hotel food and drink premises mentioned in this case.

Another test in Circular 4/1998 advises about the 'ability to enforce', stating "*A condition should not be imposed if it cannot be enforced. It is often useful to consider what means are available to secure compliance with a proposed condition*". The re-worded planning condition 5 is still enforceable as it would be aligned to the proprietors' Licence which is reviewed and agreed with the Council and is assessed against any complaints or other amenity matters relevant on a case-by-case basis. The content of the submitted Noise Management Plan also evidences the business is geared to operate to the law of its Licence.

Another test in Circular 4/1998 advises on the 'reasonableness of compliance' with the condition. Paragraph 27 states "*A condition may raise doubt about whether the person carrying out the development to which it relates can reasonably be expected to comply with it. If not, subsequent enforcement action is likely to fail on the ground that what is required cannot reasonably be enforced*". One type of case where we think this might happen is when a condition is imposed requiring the hours of operation to be adhered to, would confuse customers. As the food and drinks are served at the Hotel through to 2300hrs as normally the case, then it would be confusing to ask customers to finish up and move inside at 2000hrs when other eating and drinking hotels have outdoor service to 2300hrs during summer. This could threaten loss of customers (regulars who respect the operating hours currently per Licence). So, adding an additional restriction time can only confuse management and operation of the hotel. The Noise Management Plan demonstrates that the hotel staff will be trained to advise customers and to encourage them to finish up at the regulated Licence time. Therefore, it is reasonable to bring the operating hour of the approved outdoor decking area to 2300hrs in line with the full management requirements of the hotel premises Licence.

Tackling the Problem with a Varied Condition as a Solution

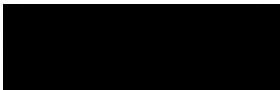
The applicant proposes a modified Condition 5 to make the hours of operation run 1100-2300hrs. With the Noise Management Plan (per Condition 4) and the Council's own Bar Licencing regime, along with responsible management by the hotel and its customers and visitors we consider this will continue to be effective to control the development and allow it to proceed satisfactorily.

Circular 4/1998 sets out tests of 'precision' to ensure that any re-worded condition is enforceable. The clear definition of the wording for operating hours 1100-2300hrs is precise.

As it stands therefore, we consider Condition 5 to be unreasonable for the reasons set out earlier. It is not reasonable to require the hotel proprietors to close its outdoor area at 2000hrs when the rest of the hotel would continue to serve food and drink per its Bar Licence terms (to 2300hrs for food and drink), and when there are several comparable cases elsewhere in town located near to residential areas where the restrictions are more favourable and manageable for all in fairness.

We trust the information enclosed is enough to validate the planning appeal. If you require any further assistance, please contact me.

Yours sincerely,



Neil Gray

MA (Hons), MSc, Dip TP, MRTPI

Director

GRAY PLANNING & DEVELOPMENT Ltd

E: neil@grayplanning.co.uk

M: 07514 278498



Ms A Kaushik
c/o David Philip
Highland Plans
Charis
Guay
Ballinluig
PH9 0NT

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **18th December 2020**

Town and Country Planning (Scotland) Acts.

Application Number **20/01516/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 7th November 2020 for planning permission for Formation of raised decking at Craigvrack Hotel 38 West Moulin Road Pitlochry PH16 5EQ subject to the undernoted conditions.

David Littlejohn
Head of Planning and Development

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

Reason - In order to safeguard the residential amenity of the area.

- 3 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In order to safeguard the residential amenity of the area.

- 4 Prior to the commencement of the development hereby approved, a Noise Management Plan shall be submitted for the written agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area. It should also include a procedure for complaints. Thereafter, the agreed plan shall be implemented for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

- 5 The hours of operation of the outdoor seating area shall be restricted to between 1100 and 2000 hours daily.

Reason - In order to safeguard the residential amenity of the area.

- 6 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials (underbuild of decking) to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.

- 5 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan and Document Reference

01

02

03

04

05

06

07

Neil Gray

From: Lynne Reid [REDACTED]
Sent: 01 February 2021 13:09
To: 'Craigvrack Hotel'
Cc: Gillian Peebles; 'Neil Gray'
Subject: RE: 20-01516-FLL Craigvrack NMP v5

All

Sorry that should have read NOW and not no.

So just to clarify I am satisfied that the NMP v5 meets the requirements of condition 4 of approved application 20/01516/FLL.

Regards
 Lynne

Lynne Reid
 Environmental Health Technical Officer –AQ & Planning
 Communities
 Pullar House
 35 Kinnoull Street
 Perth
 PH1 5GD

Website: www.pkc.gov.uk



From: Lynne Reid
Sent: 01 February 2021 12:58
To: 'Craigvrack Hotel' <info@craigvrack.com>
Cc: Gillian Peebles [REDACTED]; Neil Gray <neil@grayplanning.co.uk>
Subject: RE: 20-01516-FLL Craigvrack NMP v5

All

I am no satisfied that the NMP V5 meets the requirements of condition 4 of approved application 20/01516/FLL

Kind Regards

Lynne

Lynne Reid
Environmental Health Technical Officer –AQ & Planning
Communities
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Website: www.pkc.gov.uk



From: Craigvrack Hotel <info@craigvrack.com>

Sent: 26 January 2021 23:01

To: Lynne Reid <[REDACTED]>

Cc: Gillian Peebles <[REDACTED]>; Neil Gray <neil@grayplanning.co.uk>

Subject: Re: Craigvrack NMP

Hello Lynne,

Thank you so much for your feedback and your help.

I have now updated the NMP (Attached) on the following areas:

- Have added the details of the segregated closing times under the **MEASURES TO MITIGATE** topic (page 6).
- Have detailed the last order and closing times for the outside area for both excluding the Decking area and for the Decking area (page 7).
- Have added the details of the speakers, the music players and volume control measure under the **INSIDE MUSIC** topic (page 7).
- Have included the pictures of the speakers used on the premises in **Appendix D** (page 14)
- Have added excerpts from the employee handbook which details the noise management measures the bar staff need to follow, in **Appendix C** (page 13).
- Have now added a Review log sheet to facilitate and record the regular review of the plan in **Appendix E** (page 15).

Regarding your concern about the inside noise out break from the lounge are to the outdoor decking seating, we have updated in topic **Inside Music, page 7**.

"Music played inside is always played as a background music so the guest at the same table can communicate normally without the need of raising their voices. This practice has already helped in reducing the chance of inside music disturbing outside.

Business model don't allow to promote the bar as music bar. Bar is operated and promoted as a lounge bar.

Information added for Bar staff in Employee handbook to guide on the kind of music, volume and speakers in use in the bar.

*Details in **Appendix C.***

I would request if you could have another last look and advise if the NMP looks sturdier and will suffice the condition 4 of our planning permission.

Kind Regards
Chetan Sharma

Craigvrack Hotel, Restaurant and Lounge bar
West Moulin Road, Pitlochry,
Perthshire, PH16 5EQ
Tel: +44 (0) 1796 472399
Visit: www.craigvrack.com



From: Lynne Reid <[REDACTED]>
Date: Monday, 25 January 2021 at 16:10
To: "info@craigvrack.com" <info@craigvrack.com>
Cc: Gillian Peebles <[REDACTED]>
Subject: Craigvrack NMP

Chetan

I can advise that there is no template for NMPs and the general guidance is that the purpose of a noise management plan document is a statement of intent which details the procedures/measures to reduce the noise impact of sources associated with the premises and an instruction manual for management and employees to how to deal with noise complaints and recording issues.

The following table lists some of the issues which may have to be considered when preparing a noise management plan (NMP) for a premises licence and should be used as an aide memoir for preparing the NMP under the headings in the table below. It should be borne in mind that each plan will be premises specific and the table is not exhaustive. Not all issues will apply to all premises and the practicality of implementing some measures will depend on individual circumstances.

The following table lists some of the issues which may have to be considered when preparing a noise management plan (NMP) for a premises and should be used as an aide for preparing the NMP under the headings in the table below. It should be borne in mind that each plan will be premises specific and the table is not exhaustive. Not all issues will apply to all premises and the practicality of implementing some measures will depend on the circumstances .

Source	Possible effects on impact	Mitigation to consider
Inside Music Noise, music , films etc.	Hours and Number of events Volume	Specify hours and consider how often Control e.g. limiters

	Doors and Windows (noise Escape) including vents Location of speakers Location of source Bass Control	Keep closed at all or certain times/self-closers, acoustic baffles. Away from door/windows Avoiding near external patron access /exit doors or near single glazed units Limit level
Deliveries and Collections	Time of day Days of week	Controlling times
Smoking areas and outside eating areas	Location Times of use Tables and chairs	Site away from noise sensitive location, no music, limit the hours of use, don't collect table/chairs or clean area late at night Signage or supervisor checks
Refuse and Recycling bins, bottles and barrels	General noise	Follow good working practices. State time process will be carried out. refuse stores sited away from residential if possible
Chiller, air con, extractor or other plant equipment	Mature of noise including hums, rumbles and whines	Locate source away from residents, use quieter plant, silencers and acoustic housing, equipment serviced regularly and well maintained
Complaints	Response and attitude	Record complaints, make contact with resident and deal with reasonable issues swiftly where possible, liaise with neighbours and give contact details of responsible staff contact if noise is a problem

Inside Music Noise

Often the bass elements are noticeable outside, close to the premises and inside nearby premises especially if they are attached. Good management control to keep doors and windows closed and control hours and volumes with a cooling-down period (reduced volume) for the last 15 minutes is achievable by the supervisor. Consideration of location of loudspeakers, limiting Juke Boxes and structural works may require someone with specialist experience bearing in mind that structural works may not be fully effective in reducing bass. Live music is very difficult to manage, since many musicians bring their own equipment and it cannot be effectively controlled by the supervisor unless there is a good working relationship. It may be prudent to favour events which minimise impact. Warn neighbours in advance of special events which might have a greater potential for disturbance. Carry out regular checks at the boundary of the nearest noise sensitive properties, but remember if you have been subject to loud music for an hour or so your hearing

will not be as sensitive and the music level outside can easily be underestimated when you carry out your check. This effect is known as temporary threshold shift.

Deliveries, recycling and refuse collections, and stores

Deliveries and collections are noisy e.g. the refrigeration units on delivery vehicles and the clanging of barrels, the rattle of bottles, and the noise from refuse collection vehicles. The most effective way of minimising impact is to ensure that they take place at reasonable times on a weekday. Wherever possible locate stores away from noise sensitive premises and consider the use of purpose built or sound-proofed stores.

Smoking shelters, external seating/eating areas.

Smoking shelters and the use of external parts for customers to smoke may give rise to disturbance to occupiers of neighbouring premises especially later at night. Carefully consider their location. A smoking shelter may also need planning permission. Similarly external seating and eating areas, either on the premises or on the adjacent street

Customers and Car Parks

Customer noise is a difficult matter, people leaving a noisy venue often carry on talking outside at the same volume, and this can be disturbing. Customers congregating outside to smoke, use mobiles or try to hold a conversation across the window façade with friends in the venue can cause problems. Particularly disruptive customers should be warned and a '3 strikes' exclusion policy introduced. Car parks are another area where occasional supervision and checks especially late at night may help to prevent loitering, chatting or inconsiderate and noisy driving. Signs which emphasise the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour should be considered. A good relationship should be fostered with responsible taxi operators and customers encouraged to contact these operators from inside. Taxi drivers should be encouraged to come to the door to collect passengers.

Staff Training

Increase and maintain staff awareness relating to noise management issues by inclusion in their regular training and update of any additions to the noise management plan

A noise management plan is a living document and should be reviewed regularly and updated when introducing new noise sources such as equipment and plant, prior to the launch of any new entertainment, changes of any operations, on existing un-assessed noise sources, alterations to building, following a complaint and when monitoring procedures identify that control are inadequate. (these should be stated within the document).

I have reviewed the NMP that you have submitted and would advise that there are a couple of comments the hours of operation for the outdoor area should be included and how is noise outbreak from lounge area to the outdoor decking seating area to be controlled.

The speakers are mentioned but just states "minimum number of speakers" what does this actually mean and where are they located is there a specific maximum dB level set for lounge area music?

I hope the above helps, please contact me if you require any further assistance or clarification on any points above

Kind Regards
Lynne

Lynne Reid
Environmental Health Technical Officer –AQ & Planning

Communities
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Website: www.pkc.gov.uk



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Licensed hours

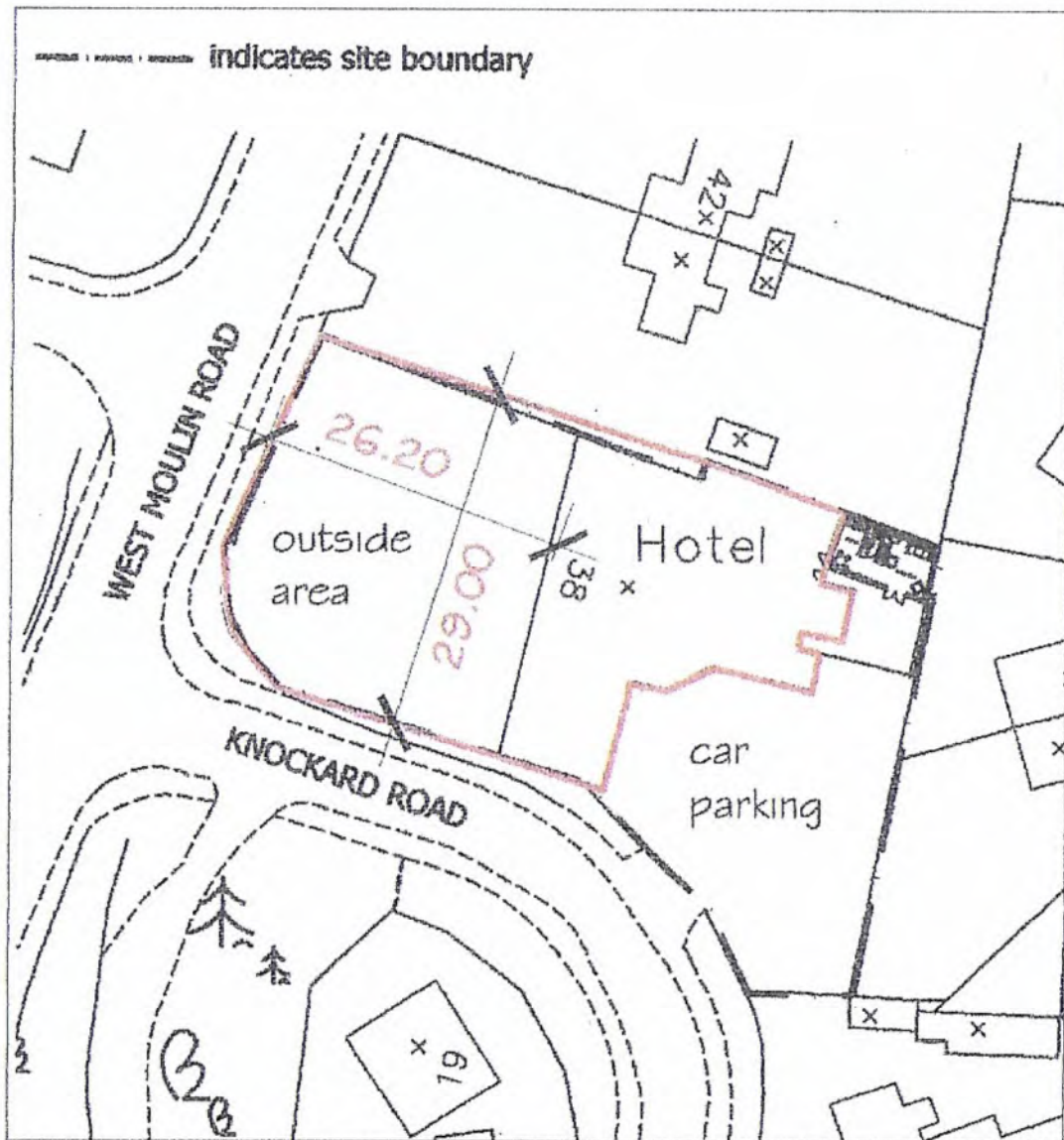
ON SALES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11.00am	11.00pm
Tuesday	11.00am	11.00pm
Wednesday	11.00am	11.00pm
Thursday	11.00am	12.30am
Friday	11.00am	12.30am
Saturday	11.00am	12.30am
Sunday	11.00am	12.00am

OFF SALES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11.00am	10.00pm
Tuesday	11.00am	10.00pm
Wednesday	11.00am	10.00pm
Thursday	11.00am	10.00pm
Friday	11.00am	10.00pm
Saturday	11.00am	10.00pm
Sunday	11.00am	10.00pm

NOTES:



SITE PLAN 1/1250

Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 20/01516/FLL

Our ref LRE

Date 2 December 2020

Tel No [REDACTED]

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

20/01516/FLLRE: Formation of raised decking Craigvrack Hotel 38 West Moulin Road Pitlochry PH16 5EQ for Ms. A Kaushik

I refer to your letter dated 11 November 2020 in connection with the above application and have the following comments to make.

Environmental Health Recommendation

I have no objection in principle to the application but recommend the under noted condition be included on any given consent.

Comments

This application is for the formation of a raised decking area on the west elevation of the hotel. A new door opening will be formed from the bar lounge onto the new proposed decking area .

There are several noise sensitive residential properties within close proximity to the proposed decking area, the closest is 19 Knockard Road which is approximately 20 metres away from the proposed decking.

There are no letters of representation at the time of writing this memorandum.

Noise

There is already an existing outdoor seating area which is a grassed area with some picnic tables and there is also a paved terrace, both on the west elevation.

There is the potential for noise from the operations of the decking area, especially from patron, to adversely effect residential amenity of neighbouring residential properties.

However this can be controlled with good management and the hours of operation, therefore due to the close proximity to residential properties I recommend that the undernoted conditions are included on any given consent.

To my knowledge this Service has not received any complaints with regards to noise from the operations of the existing outdoor area.

However, this new outdoor decking area means an intensification on the number of patrons that could use the outside area therefore, I recommend that the undernoted conditions are

included on any given consent to protect the residential amenity of neighbouring residential properties.

Conditions

EH14 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

EH31 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

- A Noise Management Plan shall be submitted for the agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area, it should also include a procedure for complaints.





PREMISES LICENCE

Issued by – Perth and Kinross Licensing Board – under the terms and conditions of
the Licensing (Scotland) Act 2005

Premises licence number 0269
--

Date of commencement of licence 1 September 2009
--

Postal address of premises The Old Mill Inn Mill Lane Pitlochry Perthshire

Postcode PH16 5BH	Telephone number
--------------------------	-------------------------

Description of premises The Old Mill Inn is a converted corn mill situated in the centre of Pitlochry. Premises are detached and comprise 6 letting bedrooms, 2 restaurants and lounge bar on the ground floor with restaurant area on second floor. There is a Beer Garden. There is residential property immediately adjacent and retail property opposite.
--

Licensed hours**ON SALES**

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	11.00pm
<i>Tuesday</i>	11.00am	11.00pm
<i>Wednesday</i>	11.00am	11.00pm
<i>Thursday</i>	11.00am	12.30am
<i>Friday</i>	11.00am	12.30am
<i>Saturday</i>	11.00am	12.30am
<i>Sunday</i>	11.00am	12.00am

OFF SALES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	10.00pm
<i>Tuesday</i>	11.00am	10.00pm
<i>Wednesday</i>	11.00am	10.00pm
<i>Thursday</i>	11.00am	10.00pm
<i>Friday</i>	11.00am	10.00pm
<i>Saturday</i>	11.00am	10.00pm
<i>Sunday</i>	11.00am	10.00pm

NOTES:

Name and postal address (or registered address if a company), telephone number

and email (where relevant) of holder of premises licence

**MacLellans (Think on) Ltd
6 Atholl Crescent
Perth
PH1 5JN**

Registered number of premises licence holder, e.g. company number, charity number (where applicable)

SC421882

Name, postal address and telephone number of premises manager named in the operating plan

**Nicola Clare McAdam
6 Well Brae
Pitlochry
PH16 5HH
01796 474020**

Number of the personal licence held by the premises manager named in the operating plan and the name of the issuing Licensing Board

PK1735

Licence Conditions

Mandatory Conditions

INTERPRETATION

- 1 In this schedule, “the premises” means, in relation to any premises licence, the premises specified in the licence.

COMPLIANCE WITH THE OPERATING PLAN

- 2 (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
- (2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
- 3 Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

THE PREMISES MANAGER

- 4 (1) Alcohol is not to be sold on the premises at any time when—
- (a) there is no premises manager in respect of the premises,
 - (b) the premises manager does not hold a personal licence,
 - (c) the personal licence held by the premises manager is suspended, or
 - (d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
- (2) In sub-paragraph (1), “appropriate licensing qualification” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).
- (3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

AUTHORISATION OF SALES OF ALCOHOL

- 5 Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by—
- (a) the premises manager, or
 - (b) another person who holds a personal licence.

TRAINING OF STAFF

- 6 (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has

complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person—

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

(2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.

(2B) A record kept on the premises under sub paragraph (2A) must be produced to a Licensing Standards Officer on request.

(3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular—

(a) provide for the accreditation by the Scottish Ministers of—

(i) courses of training, and

(ii) persons providing such courses,
for the purposes of the regulations,

(b) prescribe different training requirements in relation to different descriptions of persons,

(c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and

(d) require training to be undergone again at such intervals as may be prescribed in the regulations.

PRICING OF ALCOHOL

6B (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.

(2) Sub-paragraph (a) applies—

(a) only where each of the alcoholic products is for sale on the premises separately, and

(b) regardless of whether or not the package also contains any item which is not an alcoholic product.

(3) In this paragraph, “alcoholic product” means a product containing alcohol and includes the container in which alcohol is for sale.

7 Where the price at which any alcohol sold on the premises for consumption on the premises is varied—

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

7A Where the price at which any alcohol sold on the premises for consumption off the premises is varied—

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and

- (b) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

IRRESPONSIBLE DRINKS PROMOTIONS

- 8** (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.

(2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—

- (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
- (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
- (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
- (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- (f) is based on the strength of any alcohol,
- (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

(3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.

(4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—

- (a) add further descriptions of drinks promotions,
- (b) modify any of the descriptions of drinks promotions for the time being listed in it, or
- (c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

PROVISION OF NON-ALCOHOLIC DRINKS

- 9** (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.

(2) Tap water fit for drinking must be provided free of charge on request.

(3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

AGE VERIFICATION POLICY

- 9A** (1) There must be an age verification policy in relation to the sale of alcohol on the premises.

(2) An “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

(3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

PAYMENT OF ANNUAL OR RECURRING FEES

- 10** (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).
(2) The fee must be paid as required by the regulations.

NOTICES — ADMISSION OF PERSONS UNDER 18

- 11.—** (1) The condition specified in this paragraph applies only in the case of premises on which alcohol is sold for consumption on the premises.

(2) There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which—
(a) states that persons under the age of 18 are not permitted on the premises; or
(b) states that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

BABY CHANGING FACILITIES

- 12.—** (1) The condition specified in this paragraph applies only in the case of premises—
(a) which are not—
(i) a vehicle;
(ii) a vessel;
(iii) a moveable structure; or
(iv) used wholly or mainly for the purposes referred to in section 125(1);
(b) on which alcohol is sold for consumption on the premises; and
(c) to which children under the age of 5 are to be admitted.

(2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

DISPLAY OR PROMOTION OF THE SALE

- 13.—** (1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following—
(a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
(b) a single area of the premises which is inaccessible to the public.

1(A) Sub paragraphs 1(B) to 1(D) apply where the premises, in so far as they are used for the sale of alcohol, are so used only or primarily for the sale of alcohol for consumption off the premises.
1(B) Any drinks promotion on the premises may take place only in any one or more of the following—

(a) an area referred to in sub-paragraph 1(a) and (b).

(b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting and is separate from those areas.
1(C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.
1(D) For the purposes of sub-paragraph (1C), the “vicinity” means the area extending 200 metres from the boundary of the premises (as shown on the layout plan).

(2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is—
(a) a non-alcoholic drink;

- (b) packaged with, and may be purchased only along with, alcohol.
- (c) a branded non-alcoholic drink.
- (d) a newspaper, magazine or other publication.

2(A) Sub-paragraph (2) is without prejudice to sub-paragraph (1A).

- (3) This paragraph does not apply in respect of premises-
 - (a) whose main function is to provide a visitor attraction, and
 - (b) where-
 - (i) the premises form part of a larger site which is used principally for the production of alcoholic drinks, or
 - (ii) the visitor attraction is used to principally provide information about and promote the history and attributes of a particular alcoholic drink or a particular category of alcoholic drink.

(4) In this paragraph—

“branded non-alcoholic product” means a product which does not consist of or contact alcohol and which—

(a) bears a name or image of, or

(b) is an image of,

an alcoholic product (namely, a product consisting of or containing alcohol),

“drinks promotion” means any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for consumption off the premises but does not include the display of any product which is —

(a) a branded non-alcoholic product for sale on the premises, or

(b) a newspaper, magazine or other publication—

(i) for sale on the premises, or

(ii) if not for sale on the premises, which does not relate only or primarily to alcohol”.

Late Opening Conditions

- (1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of-
 - (a) the time at which the premises next close; and
 - (b) 5:00 am.

Late Opening Conditions

- 1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of-
 - (a) the time at which the premises next close; and

- (b) 5:00 am.
- 2. A designated person who is the holder of a personal licence must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of–
 - (a) the time at which the premises next close; and
 - (b) 5:00 am or such other time as the Licensing Board may specify.
- 3. There must be written policies in existence concerning–
 - (a) the evacuation of the premises; and
 - (b) the prevention of the misuse of drugs on the premises.
- 4. A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order.
- 5. There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.
- 6. A person who holds a licence granted under section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of–
 - (a) the time at which the premises next close; and
 - (b) 5:00 am or such other time as the Licensing Board may specify.

Local Conditions

- 1. When functions take place the provision of alcohol is ancillary to the entertainment provided. No general public entry is permissible and entry is limited and controlled. The ground floor area will be cleared of non-resident patrons at least one hour beforehand for the purposes of the entertainment/function.

SUMMARY OF PREMISES LICENCE

Issued by – Perth and Kinross Licensing Board – under the terms and conditions of
the Licensing (Scotland) Act 2005

Premises licence number 0269

Postal address of premises

<p>The Old Mill Inn Mill Lane Pitlochry Perthshire</p>
--

Postcode PH16 5BH

Telephone number

Description of premises

<p>The Old Mill Inn is a converted corn mill situated in the centre of Pitlochry.</p>

<p>Premises are detached and comprise 6 letting bedrooms, 2 restaurants and lounge bar on the ground floor with restaurant area on second floor. There is a Beer Garden.</p>
--

<p>There is residential property immediately adjacent and retail property opposite.</p>

Name and postal address (or registered address if a company) of premises licence holder
--

MacLellans (Think on) Ltd
6 Atholl Crescent
Perth
PH1 5JN

Registered number of premises licence holder, e.g. company number, charity number (where applicable)

SC421882

Name of premises manager named in the operating plan

Nicola Clare McAdam

Licence Conditions

Mandatory Conditions

INTERPRETATION

- 1** In this schedule, “the premises” means, in relation to any premises licence, the premises specified in the licence.

COMPLIANCE WITH THE OPERATING PLAN

- 2** (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
- (2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
- 3** Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

THE PREMISES MANAGER

- 4 (1) Alcohol is not to be sold on the premises at any time when—
(a) there is no premises manager in respect of the premises,
(b) the premises manager does not hold a personal licence,
(c) the personal licence held by the premises manager is suspended, or
(d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.

(2) In sub-paragraph (1), “appropriate licensing qualification” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).

(3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

AUTHORISATION OF SALES OF ALCOHOL

- 5 Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by—
(a) the premises manager, or
(b) another person who holds a personal licence.

TRAINING OF STAFF

- 6 (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.
- (2) That is a capacity (whether paid or unpaid) which involves the person—
(a) making sales of alcohol, or
(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.
- (2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.
- (2B) A record kept on the premises under sub paragraph (2A) must be produced to a Licensing Standards Officer on request.
- (3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular—
(a) provide for the accreditation by the Scottish Ministers of—
(i) courses of training, and
(ii) persons providing such courses,
for the purposes of the regulations,
(b) prescribe different training requirements in relation to different descriptions of persons,
(c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and
(d) require training to be undergone again at such intervals as may be prescribed in the regulations.

PRICING OF ALCOHOL

- 6B** (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.
- (2) Sub-paragraph (a) applies—
- (a) only where each of the alcoholic products is for sale on the premises separately, and
 - (b) regardless of whether or not the package also contains any item which is not an alcoholic product.
- (3) In this paragraph, “alcoholic product” means a product containing alcohol and includes the container in which alcohol is for sale.
- 7** Where the price at which any alcohol sold on the premises for consumption on the premises is varied—
- (a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and
 - (b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.
- 7A** Where the price at which any alcohol sold on the premises for consumption off the premises is varied—
- (c) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and
 - (d) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

IRRESPONSIBLE DRINKS PROMOTIONS

- 8** (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.
- (2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—
- (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
 - (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
 - (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
 - (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
 - (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
 - (f) is based on the strength of any alcohol,
 - (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
 - (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.
- (3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.
- (4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—
- (a) add further descriptions of drinks promotions,
 - (b) modify any of the descriptions of drinks promotions for the time being listed in it, or

(c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

PROVISION OF NON-ALCOHOLIC DRINKS

- 9** (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.
- (2) Tap water fit for drinking must be provided free of charge on request.
- (3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

AGE VERIFICATION POLICY

- 9A** (1) There must be an age verification policy in relation to the sale of alcohol on the premises.
- (2) An “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).
- (3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

PAYMENT OF ANNUAL OR RECURRING FEES

- 10** (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).
- (2) The fee must be paid as required by the regulations.

NOTICES — ADMISSION OF PERSONS UNDER 18

- 11.—** (1) The condition specified in this paragraph applies only in the case of premises on which alcohol is sold for consumption on the premises.
- (2) There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which—
- (a) states that persons under the age of 18 are not permitted on the premises; or
- (b) states that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

BABY CHANGING FACILITIES

- 12.—** (1) The condition specified in this paragraph applies only in the case of premises—
- (a) which are not—
- (i) a vehicle;
- (ii) a vessel;
- (iii) a moveable structure; or
- (iv) used wholly or mainly for the purposes referred to in section 125(1);
- (b) on which alcohol is sold for consumption on the premises; and
- (c) to which children under the age of 5 are to be admitted.
- (2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

DISPLAY OR PROMOTION OF THE SALE

- 13.— (1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following—
- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
 - (b) a single area of the premises which is inaccessible to the public.

1(A) Sub paragraphs 1(B) to 1(D) apply where the premises, in so far as they are used for the sale of alcohol, are so used only or primarily for the sale of alcohol for consumption off the premises.

1(B) Any drinks promotion on the premises may take place only in any one or more of the following—

- (a) an area referred to in sub-paragraph 1(a) and (b).

- (b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting and is separate from those areas.

1(C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.

1(D) For the purposes of sub-paragraph (1C), the “vicinity” means the area extending 200 metres from the boundary of the premises (as shown on the layout plan).”

(2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is—

- (a) a non-alcoholic drink;
- (b) packaged with, and may be purchased only along with, alcohol.
- (c) a branded non-alcoholic drink.
- (d) a newspaper, magazine or other publication.

2(A) Sub-paragraph (2) is without prejudice to sub-paragraph (1A).

(3) This paragraph does not apply in respect of premises—

- (a) whose main function is to provide a visitor attraction, and
- (b) where—
 - (i) the premises form part of a larger site which is used principally for the production of alcoholic drinks, or
 - (ii) the visitor attraction is used to principally provide information about and promote the history and attributes of a particular alcoholic drink or a particular category of alcoholic drink.

(4) In this paragraph—

“branded non-alcoholic product” means a product which does not consist of or contact alcohol and which—

- (c) bears a name or image of, or

- (d) is an image of,

an alcoholic product (namely, a product consisting of or containing alcohol),

“drinks promotion” means any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for consumption off the premises but does not include the display of any product which is —

- (c) a branded non-alcoholic product for sale on the premises, or

(d) a newspaper, magazine or other publication—

(i) for sale on the premises, or

(ii) if not for sale on the premises, which does not relate only or primarily to alcohol”.

Late Opening Conditions

- (1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
- (a) the time at which the premises next close; and
 - (b) 5:00 am.

Late Opening Conditions

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
 - (a) the time at which the premises next close; and
 - (b) 5:00 am.
2. A designated person who is the holder of a personal licence must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
 - (a) the time at which the premises next close; and
 - (b) 5:00 am or such other time as the Licensing Board may specify.
3. There must be written policies in existence concerning—
 - (a) the evacuation of the premises; and
 - (b) the prevention of the misuse of drugs on the premises.
4. A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order.
5. There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.
6. A person who holds a licence granted under section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
 - (a) the time at which the premises next close; and
 - (b) 5:00 am or such other time as the Licensing Board may specify.

Local Conditions

1. When functions take place the provision of alcohol is ancillary to the entertainment provided. No general public entry is permissible and entry is limited and controlled. The ground floor area will be cleared of non-resident patrons at least one hour beforehand for the purposes of the entertainment/function.

OPERATING PLAN *Licensing (Scotland) Act 2005, section 20(2)(b)(i)*

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises	NO
1(b) Will alcohol be sold for consumption solely OFF the premises	NO
1(c) Will alcohol be sold for consumption both ON and OFF the premises	YES
*Delete as appropriate	

Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
<i>Monday</i>	11.00am	11.00pm
<i>Tuesday</i>	11.00am	11.00pm
<i>Wednesday</i>	11.00am	11.00pm
<i>Thursday</i>	11.00am	12.30am
<i>Friday</i>	11.00am	12.30am
<i>Saturday</i>	11.00am	12.30am
<i>Sunday</i>	11.00am	12.00am

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION
OFF PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	10.00pm
<i>Tuesday</i>	11.00am	10.00pm
<i>Wednesday</i>	11.00am	10.00pm
<i>Thursday</i>	11.00am	10.00pm
<i>Friday</i>	11.00am	10.00pm
<i>Saturday</i>	11.00am	10.00pm
<i>Sunday</i>	11.00am	10.00pm

NOTES:

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	
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**If YES – provide details*

THE APPLICANT WOULD WISH TO BENEFIT FROM ANY FESTIVE, SEASONAL AND OTHER EXTENSIONS AS ALLOWED BY THE BOARD FROM TIME TO TIME. FESTIVE PERIOD CORE AND FUNCTION HOUR EXTENSIONS.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

5(a) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	Y	N/A	N/A
<i>Conference facilities</i>	Y	Y	Y
<i>Restaurant facilities</i>	Y	Y	Y
<i>Bar meals</i>	Y	Y	N
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions</i> <i>including</i> <i>(Weddings</i> <i>funerals,, birthdays,</i> <i>retirements etc)</i>	Y	Y	Y
<i>Club or other group</i> <i>meetings etc</i>	Y	Y	Y
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded Music –</i> <i>see 5(g)</i>	Y	Y	Y
<i>Live performances –</i> <i>see 5(g)</i>	Y	Y	Y
<i>Dance facilities –</i> <i>see 5(g)</i>	N	N	N
<i>Theatre</i>	N	N	N

<i>Films</i>	N	N	N
<i>Gaming</i>	Y	Y	Y
<i>Indoor/outdoor sports</i>	Y	Y	Y
<i>Televised sport</i>	Y	Y	Y
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	Y	Y	Y
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment – see 5(g)</i>	Y	Y	Y

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

HOTEL FACILITIES, INCLUDING ACCOMMODATION, TELEVISION, CONFERENCE FACILITIES AND RESTAURANT FACILITIES WILL BE AVAILABLE FOR THE CONVENIENCE OF GUESTS AND VISITORS OUTWITH THE CORE LICENSED HOURS.

FOOD MAY BE SERVED OUTWITH THE CORE LICENSED HOURS FOR GUESTS AND FOR EARLY CONFERENCES/RECEPTIONS. OTHER FUNCTIONS SUCH AS FUNERAL GATHERINGS OR CLUB MEETINGS MAY START PRIOR TO THE CORE LICENSED HOURS.

BACKGROUND MUSIC MAY BE PLAYED THROUGHOUT THE PUBLIC AREAS OF THE PREMISES OUTWITH CORE LICENSED HOURS.

THE OUTDOOR DRINKING AREA WILL BE AVAILABLE TO RESIDENTS OUTWITH THE CORE LICENSED HOURS.

BY WAY OF EXPLANATION, ADULT ENTERTAINMENT IS NOT A REGULAR

FEATURE OF THE PREMISES AND THE PREMISES DO NOT ORGANISE OR ENCOURAGE SUCH EVENTS; HOWEVER, THEY DO CATER FOR PRIVATE FUNCTIONS AND THIS IS TO ALLOW THEM TO ACCOMMODATE ANY ADULT ENTERTAINMENT ORGANISED BY PRIVATE PARTIES USING THE PREMISES.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

ALCOHOL WILL BE AVAILABLE FOR SALE TO RESIDENTS OUTWITH THE CORE LICENSED HOURS AT THE DISCRETION OF THE APPLICANT IN ACCORDANCE WITH SECTION 63 OF THE LICENSING (SCOTLAND) ACT 2005.

THE TERMINAL HOUR FOR SERVICE OF ALCOHOL WHEN THE PREMISES HAS ENTERTAINMENT OR FUNCTIONS ON WILL BE 01:00 ON A THURSDAY AND 01:30 ON FRIDAYS AND SATURDAYS.

LIVE PERFORMANCES MAY TAKE PLACE DURING FESTIVE FUNCTION HOUR EXTENSIONS AND GENERAL FUNCTION HOURS.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing either live or recorded music, dancing or adult entertainment, any combination of these or all please provide the following details

Will the music level exceed 85dB?	
When fully occupied, are there likely to be more customers standing than seated?	
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	Y
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

RESIDENT CHILDREN AND YONG PERSONS ANY TIME AT THE DISCRETION OF THE APPLICANT.

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

0-17 NO RESTRICTION. BABY CHANGING FACILITIES WILL BE AVAILABLE AND ACCESSIBLE TO EITHER GENDER.

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

NO RESTRICTION IFOR RESIDENTS.

CHILDREN AND YOUNG PERSONS WILL BE ALLOWED ENTRY AT ANY TIME AT THE APPLICANT'S DISCRETION.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

ALL PUBLIC AREAS

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

ON SALES - 248

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) *Name*

NICOLA CLARE MCADAM

8(b) *Date of birth*

12 JUNE 1979

8(c) *Contact address*

**6 WELL BRAE
PITLOCHRY
PH16 5HH**

8(d) *Email address*

--

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
17 JULY 2013	PERTH AND KINROSS LICENSING BOARD	PK1735

NOISE MANAGEMENT PLAN (NMP)

Global Hotels Ltd. T/A Craigvrack Hotel
38 West Moulin Road
Pitlochry, Perthshire PH16 5EQ
Telephone: 01796 472399



Report date: 26/01/2021

Ref: NMP21-V-1.5

Plan prepared by: Chetan Sharma

(Chartered management accountant - CIMA)
(MSc, Business management)
(PRINCE II)

Plan Approved by: Amisha Kaushik (Director / Premises Manager)

1. INTRODUCTION

The venue is committed to develop and maintain good relations with Hotel Guest, local residents, neighbours and local authority. The objective of this policy is to minimise disturbance to Craigvrack hotel guests, local residents and to ensure that any licensing objectives or other controls at the venue are being upheld. This document sets out the measures which have been considered and will be adopted.

Key Elements of this plan are:

- Robust policies and procedures for noise management at Craigvrack Hotel
- Minimise noise impact to Hotel Guests, Staff and local Residents
- To satisfy the Licensing Authority
- Identification of the range of potential noise sources relating to the premises
- A detailed list of steps taken to manage noise pollution
- A detailed complaint monitoring system

2. SCOPE*

The primary purpose of this NMP is to describe the noise management methodology that will be implemented in order to minimise the effects of noise from bar operations and assist with compliance of the premise licence conditions as-well-as as any applicable planning conditions related to noise.

***NOTE:** Management considered there would be no value addition by doing an acoustic assessment of noise due to the size and type of the business. Perth and Kinross council also never requested to submit an acoustic assessment of noise from the premises.

3. PREMISES DESCRIPTION*

The original villa-style building is a traditional stone-built structure with a timber mixed pitched and flat roof covered with a traditional slate finish on the pitched areas. This part of the building consists of 8 bedrooms sleeping accommodation over two storeys and attic space. There is a stone block extension been added consisting of a part two storey/part single storey section consisting of 7 upper floor bedrooms and 1 ground floor bedroom with a bar, lounge and dining room in the single storey part of the building.

The remaining section of the original villa is a part kitchen and ancillary store/preparation rooms, two ground floor staff sleeping accommodation rooms and a private domestic residence used as owner's accommodation. The hotel sits in its own ground, and this space is used as private car parking for guests. This space is also used for outside sitting.

Owner's accommodation is at the premises hence it is of paramount importance to have a good, healthy relationship with neighbours.

***NOTE:** A Site plan has been attached. Appendix B

4. INTENDED USE OF THE PREMISES

Premises is used for accommodation, restaurant and bar purposes.

Capacity of the premises (Excluding staff accommodation):

Rooms: 39

Restaurant: 50

Bar: 30

Outside Sitting: 28

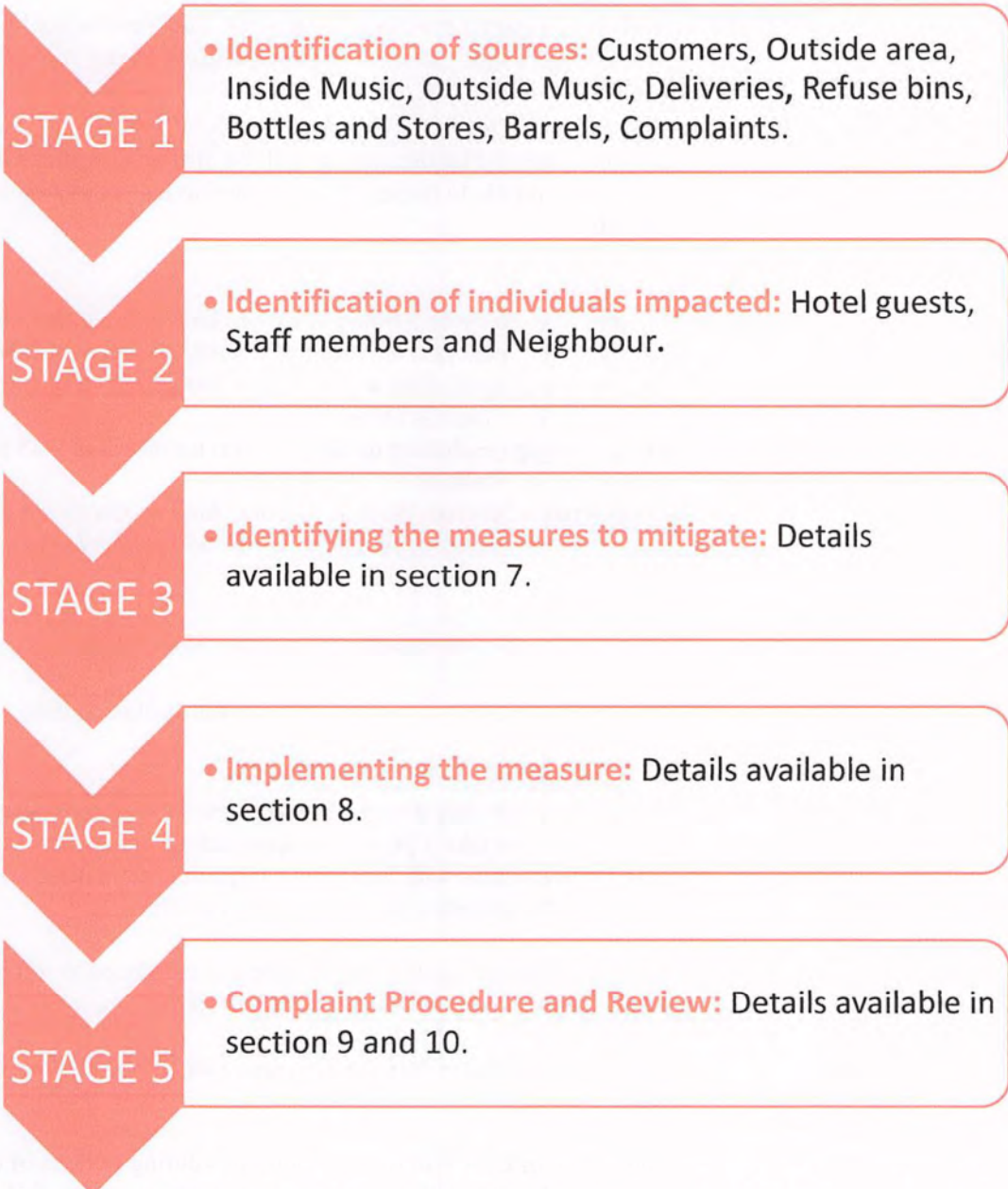
Total: 147

5. LICENSED FACILITIES OPENING TIMES*:

Day	On Consumption	
	Opening Time	Terminal Hour
Monday	11.00am	11.00pm
Tuesday	11.00am	11.00pm
Wednesday	11.00am	11.00pm
Thursday	11.00am	12.30am
Friday	11.00am	12.30am
Saturday	11.00am	12.30am
Sunday	11.00am	12.00am

***NOTE:** Above mentioned times are permitted times as per Premises License. However, Actual operational hours may differ but cannot be outside the permitted hours.

6. METHODOLOGY



7. MEASURES TO MITIGATE:

Sources	Noise Management policy – Measures in place
Customers	<p>Communication: We will ensure guests are made aware that the Premise is a hotel, and any noise disturbance can have negative impact on the stay of the guests.</p> <p>Prominent, clear and legible notices will be displayed at the exits requesting the public to respect residents and to leave the premises and the area quietly.</p> <p>Closing time: 30 minutes prior to closing time guests will be reminded that the premises will be closing in next half an hour and another reminder will be given 15 minutes before closing. This will segregate the departure of the guests from the premises. Details below: Outdoor seating (excluding decking) – Service closes at 9:45 pm. Area closes for access 10:00pm Decking Area – Service closes at 7:45pm, Area access closes at 8:00 pm <i>(this is subject to change if planning permission granted to open later than 8:00pm)</i></p> <p>Music volume to be decreased closer to the closing time</p> <p>Playing calmer music at a lower volume towards closing time.</p> <p>Leaving Customers: Bar team will make sure dispersal takes place in an orderly and proper manner. Team will take a pro-active approach for noise management. We have relationships with local taxi companies and will call a taxi for any guests or hand them a taxi card as appropriate.</p> <p>We have emphasised to all our taxi companies the need to refrain from shouting, slamming car doors, sounding horns.</p> <p>There shall be no re-admission to the premises 15 minutes before closing.</p> <p>Car Parks: The provision of CCTV to monitor activities during periods of use would allow for quick intervention to prevent incidents occurring that could lead to a noise disturbance.</p> <p>Smoking Area: By monitoring the smoking area outside we ensure that there are a maximum of 4 guests at any one-time smoking. Guests are encouraged to leave their drinks inside the pub.</p> <p>Anti-social behaviour / Nuisance: Customers responsible for Nuisance will be asked to leave the premises.</p>

Sources	Noise Management policy – Measures in place
Outside area (excluding decking area)	<p>Controlled access to the outdoor area particularly at night.</p> <p>The use of the parts of external area where noise may lead to noise disturbance should be limited, and consideration should be given to the hours in which these areas can be used.</p> <p>Service closes at 9:45 pm, Area closes for access 10:00pm</p>
Decking Area	<p>Controlled access to the outdoor area particularly at night.</p> <p>The use of the parts of external area where noise may lead to noise disturbance should be limited, and consideration should be given to the hours in which these areas can be used.</p> <p>Service closes at 7:45pm, Area access closes at 8:00 pm (this is subject to change if planning permission granted to open later than 8:00pm)</p>
Inside Music	<p>Volume of music decreased closer to the closing time.</p> <p>We do not have any Hi-fi music system / speakers on the premises. The music is played either via I-pad or Google mini using Spotify or Amazon Prime. There are 3 speakers fixed on the walls and these are without any amplifiers (Monacor sa-50). The 3 speakers are segregated around to cover the whole Bar area.</p> <p>There is a standalone Behringer C200 speaker which is used via attaching the phone or via Bluetooth from I-pad or Google mini.</p> <p>Only one of the above two speakers is used at one time. (pictures of the speakers attached for reference in Appendix D)</p> <p>There is no Juke box available at the premises.</p> <p>Music played inside is always played as a background music so the guest at the same table can communicate normally without the need of raising their voices. This practice has already helped in reducing the chance of inside music disturbing outside.</p> <p>Business model don't allow to promote the bar as music bar. Bar is operated and promoted as a lounge bar.</p> <p>Information added for Bar staff in Employee handbook to guide on the kind of music, volume and speakers in use in the bar. Details in Appendix C.</p>
Outside Music	No outside music
Deliveries	We have a designated delivery place & suppliers are being instructed to get the deliveries between 7.00am to 9.00pm.

**Refuse bins, bottles
and stores, barrels**

The movement of bins and rubbish outside the premises will be kept to a minimum after 9.00pm. The removal of empty kegs or bottles to external areas shall not be permitted between 9.00pm to 7.00am.

8. IMPLEMENTATION OF THE MEASURES

- **Roles & Responsibilities:** The maintenance and update of this NMP is the responsibility of the Management.
- **Staff Training:** Staff will be provided with general advice and training on noise control and made aware of internal procedures for assessing and controlling noise and dealing with complaints.
- **Proactive Approach:** Management is committed to take a proactive approach about controlling noise from the premises to maintain good relationship with the neighbours.
- **Putting up of Notices:** Prominent, clear and legible notices will be displayed at the exits requesting the public to respect residents and to leave the premises and the area quietly.

9. COMPLAINT PROCEDURE:

Any noise complaints will be recorded on Noise complaints log*. We will investigate the issue and take appropriate action to locate and remove the source and will then monitor the outcome. We will record the actions taken. We will communicate with the complainant where possible.

We will take any complaints from neighbours seriously and let them know what has been done to control noise.

A contact telephone number will be available to all to neighbours.

***NOTE:** Noise complaint log and handling sheet attached. Appendix A

Complaint received (Verbal or Written)

Complaint Logged Management Informed About Complaint

Investigation + Action Taken for Solutions

Outcome Logged + Complainant informed

Review NMP + Amend if required

10. REVIEW PROCESS:

The noise management plan will be regularly reviewed (at least every 6 months) and updated as necessary to ensure that it is streamlined and effective. New and innovative approaches to problem-solving or incidents and any lessons learnt will be incorporated accordingly. We should consider this a live document which evolves by experience in agreement with the Authority.
(example of review log sheet attached)

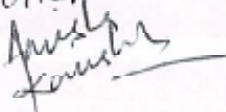
COMMITMENT

We (The Management) commit to ensuring this noise management plan is implemented and maintained at all times for the duration of operation of our premises. Management stays at the premises and have a very good relationship with the neighbours, which they always want to maintain. We understand that it forms a key part of our Licence to operate, and that departure from it could lead to curtailment or loss of said operating Licence:

Name: Amisha Kaushik (Director)

Date: 26.01.21

Signature:



*APPENDIX A: NOISE COMPLAINTS LOG

Details of complaint to be logged into the Noise Complaint Log Sheet and then must be transferred to the complaint handling sheet with an appropriate solution.

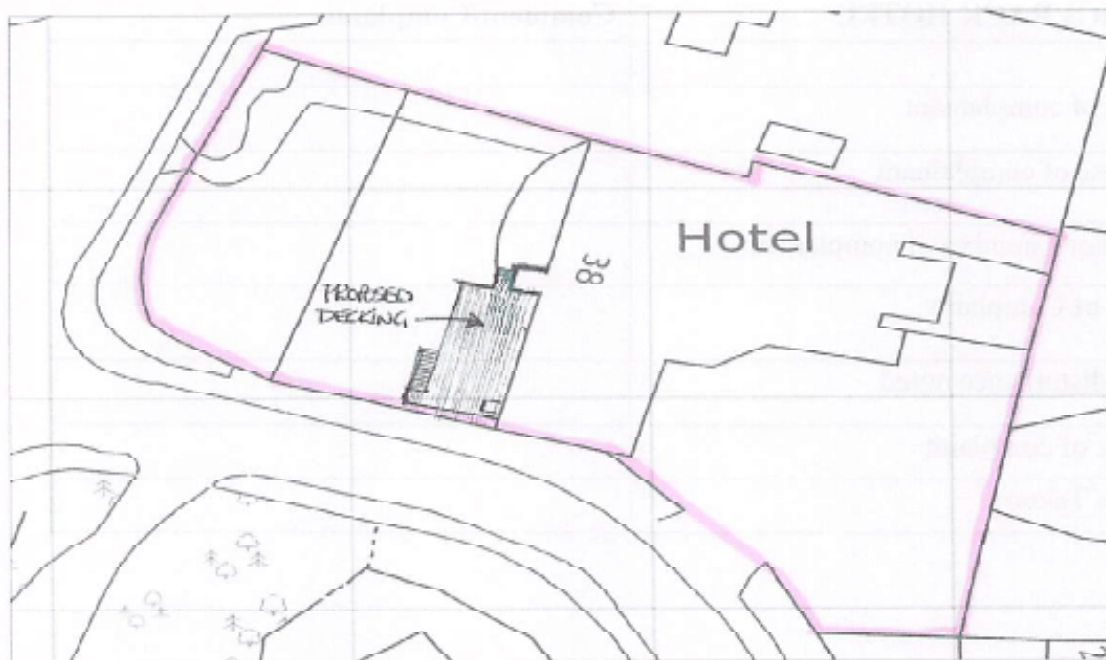
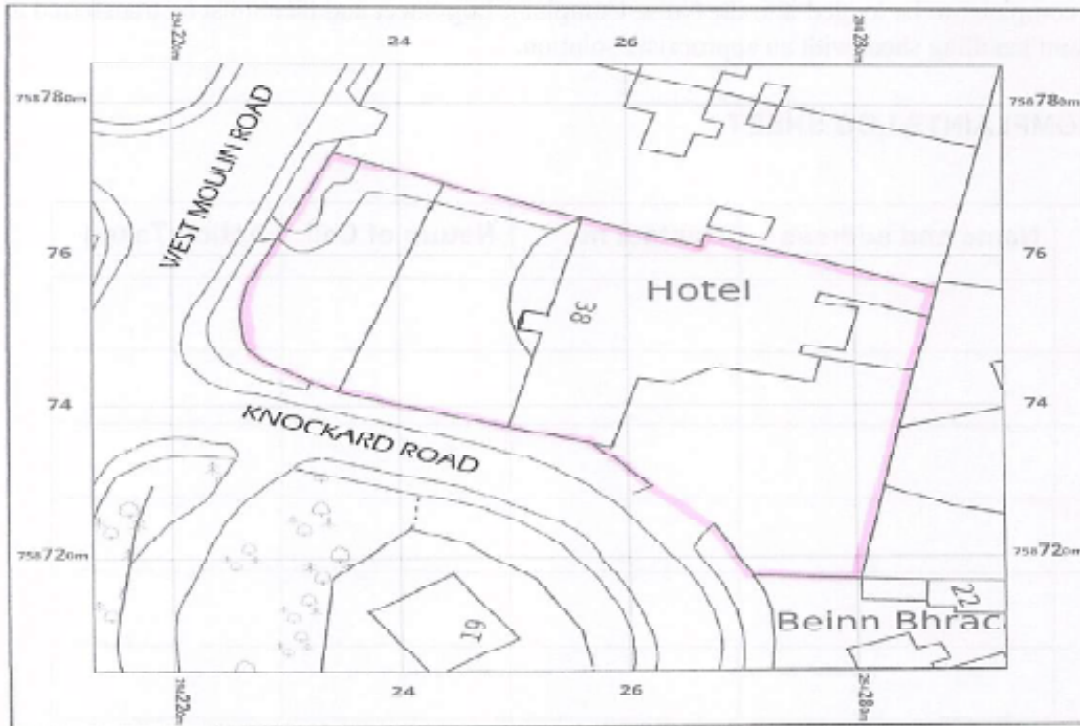
NOISE COMPLAINTS LOG SHEET:

Date	Name and address	Contact no.	Nature of Call	Action Taken

COMPLAINT HANDLING SHEET:

CRAIGVRACK HOTEL	Comment/Complaint
Date	
Name of complainant	
Address of complainant	
Telephone number of complainant	
Mode of Complaint	
Time disturbance noted	
Nature of complaint	
Action Taken	

APPENDIX B: SITE PLAN



APPENDIX C: ADDED INFORMATION FOR BAR STAFF IN EMPLOYEE HANDBOOK

Bar Closing Times

The bar closing times have been segregated as per different areas to minimise the disturbance caused by all the guests leaving at the same time.

Closing Times and Last order to be announced 15 mins prior.

Outside Area (excluding Decking) - Last order 9:45 pm, Area Closed 10:00 pm

Decking Area – Last order 7:45pm, Area closed 8:00 pm (Subject to change as per the planning appeal outcome)

Bar – Last order – 10:45 pm (Mon – Wed), 12:15am (Thu – Sat), 11:45pm (Sun)

Bar Closed – 11:00 pm (Mon – Wed), 12:30 am (Thus – Sat), 12:00 am (Sun)

On quieter days the Bar can be closed earlier but never beyond the closing times.

Music – Music to be played either using I-pad or Google mini via Spotify or Amazon Prime.

Only calm lounge music or country music to be played.

Volume levels to be always followed as per below and changed to quiet levels closer to closing times.

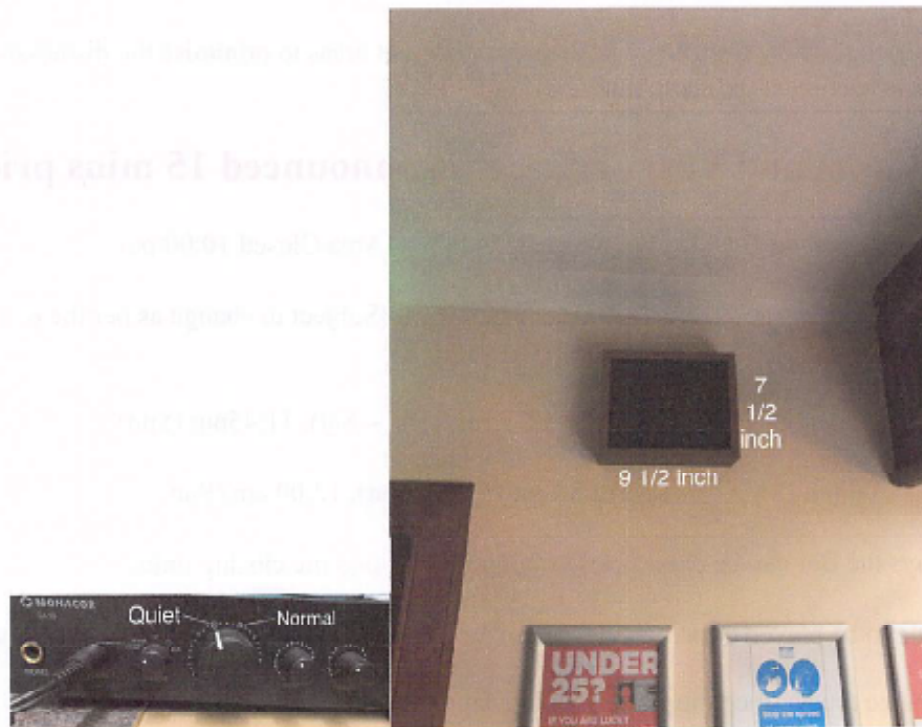
MONACOR, this is attached through a aux cable coming from a Bluetooth receiver which is attached to phone, I-pad or Google mini.



BEHRINGER C200 - this is attached through Bluetooth using phone, I-pad or google mini.



APPENDIX D: PICTURES OF SPEAKERS FOR REFERENCE



MONACOR SA 50



BEHRINGER C200

APPENDIX E - NMP REVIEW LOG SHEET

The NMP is to be reviewed regularly or on the occurrence of any of the following events:

- Changes to premises building / operations
- New equipment brought in affecting the noise management
- Any entertainment events
- Following a complaint
- On identification of any inadequate measures during regular reviews

Reason for Review	Date Reviewed	Next Review Date
Reviewed as per feedback from PKC council	26.01.21	26.07.21

*REFERENCES

Perth and Kinross Licensing Board's Policy with Regards to Noise

Effective Management of Noise from Licensed Premises: Produced by the British Beer & Pub Association

Antisocial Behaviour etc. (Scotland) Act 2004: noise nuisance guidance

Environmental Noise (Scotland) Regulations 2006.

European Union's Environmental Noise Directive (END)

<https://www.gov.scot/policies/pollution/noise-nuisance/#neighbourhood>

<https://www.gov.scot/policies/pollution/noise-nuisance/#Environmental>

<https://www.gov.scot/policies/pollution/noise-nuisance>

REPORT OF HANDLING

DELEGATED REPORT

Ref No	20/01516/FLL	
Ward No	P4- Highland	
Due Determination Date	6th January 2021	
Report Drafted Date	4th December 2020	
Report Issued by	GMP	Date 18th December 2020

PROPOSAL: Formation of raised decking

LOCATION: Craigvrack Hotel 38 West Moulin Road Pitlochry PH16 5EQ

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The proposal involves the installation of raised decking on the west elevation of Craigvrack Hotel, West Moulin Road, Pitlochry. A new door opening will be formed from the bar lounge onto the new proposed decking area. The west elevation is the front of the Hotel facing West Moulin Road. There is an existing outdoor seating area which is a grassed area with some picnic tables and there is also a paved terrace, both on the west elevation.

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by photographs submitted by the agent and also viewed on google streetview. This information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE HISTORY

02/00711/FUL	Change part of garden into 10 additional car parking spaces (Application Approved)
91/01788/FUL	Alterations/replacement beer cellar (Application Approved)
92/00717/FUL	Erection of canopies on west elevation (Application Approved)
97/00768/FU	Renewal of consent to erect canopies on west elevation of Craigvrack (Application Approved)
04/00351/FU	Erection of replacement one and a half storey extension for owners' accommodation (Application Approved)
05/00695/FUL	Extension to property (Application Approved)

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking
Policy 17: Residential Areas

OTHER POLICIES

None.

INTERNAL CONSULTATION RESPONSES

Environmental Health (Noise Odour) – no objections subject to conditions.

REPRESENTATIONS

None at time of report.

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The most relevant policies of the Local development Plan 2 (2019) are policies 17: Residential Areas and 1A and 1B which seek to ensure that all new developments do not have an adverse impact on the amenity or character of existing areas.

As such full consideration must be given to the proposal in relation to design and layout, noise pollution, residential amenity and scale and density. For reasons mentioned throughout this report, the proposal is considered to comply with all relevant policies of the aforementioned Local Development Plan.

Design, Layout and Visual Amenity

This application is for the formation of an outdoor decking area within an existing grassed area at the front of the Hotel. It is proposed at the southern end of the west elevation which would adjoin the existing paved terrace. Due to the sloping topography of the site and elevated position of the Hotel above the road, the decking will reach a maximum height of approximately 2.1m above ground level. The outdoor seating area would have a footprint measuring approximately 65sqm. A balustrade would surround the deck to an approximate height of 1100mm. The surface will be grooved decking boards 5mm apart with non-slip inserts. The proposed material for the underbuild of the deck has not been specified, however, would appear to be horizontal timber boarding. This, however, can be controlled by condition.

The design of the Hotel is of simplistic box design and as such adding decking to its frontage would not detract significantly from its appearance. As such the proposal does not raise any concerns in respect of its design and use. As a result of the scale of the development and the existing setting of the site, it is considered that the development will result in little impact on the visual amenity of the area.

Noise and Residential Amenity

There are several existing residential properties within close proximity to the decking area, the closest is 19 Knockard Road which is approximately 20 metres away from the decking area. Environmental Health have been consulted and recommended the hours of operation for the outdoor seating area be restricted.

The proposal is also to be conditioned insofar as no music is to be played on the outdoor seating area and all external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.. Additionally, Environmental Health have requested a noise management plan be submitted, all of which can be controlled by condition.

Overall, the recommended conditions in terms of hours of operation and music and lighting will allow for adequate control in order to protect the residential amenity of neighbouring properties.

Roads and Access

There are no concerns with roads or access matters.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding matters.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period, however, the processing of this application may have been affected by the coronavirus (COVID-19) pandemic restrictions which may cause a delay to its output.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

Reason - In order to safeguard the residential amenity of the area.

- 3 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage

beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In order to safeguard the residential amenity of the area.

- 4 Prior to the commencement of the development hereby approved, a Noise Management Plan shall be submitted for the written agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area. It should also include a procedure for complaints. Thereafter, the agreed plan shall be implemented for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

- 5 The hours of operation of the outdoor seating area shall be restricted to between 1100 and 2000 hours daily.

Reason - In order to safeguard the residential amenity of the area.

- 6 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials (under build of decking) to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and

Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

- 4 An application for Building Warrant may be required.
- 5 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04
05
06
07



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100318699-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Construction of raised decking

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Highland Plans		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	Charis
Last Name: *	Philip	Building Number:	
Telephone Number: *	07773 123555	Address 1 (Street): *	Guay
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Ballinluig
Fax Number:		Country: *	Scotland
		Postcode: *	PH9 0NT
Email Address: *	dave@highlandplans.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	A	Building Number:	
Last Name: *	Kaushik	Address 1 (Street): *	
Company/Organisation	Craigvrack Hotel	Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

CRAIGVRACK HOTEL

Address 2:

38 WEST MOULIN ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PITLOCHRY

Post Code:

PH16 5EQ

Please identify/describe the location of the site or sites

Northing

758752

Easting

294265

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1800.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Hotel

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">25</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">25</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

Existing waste collection arrangements remain as is

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: David Philip

On behalf of: Craigvrack Hotel

Date: 20/10/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

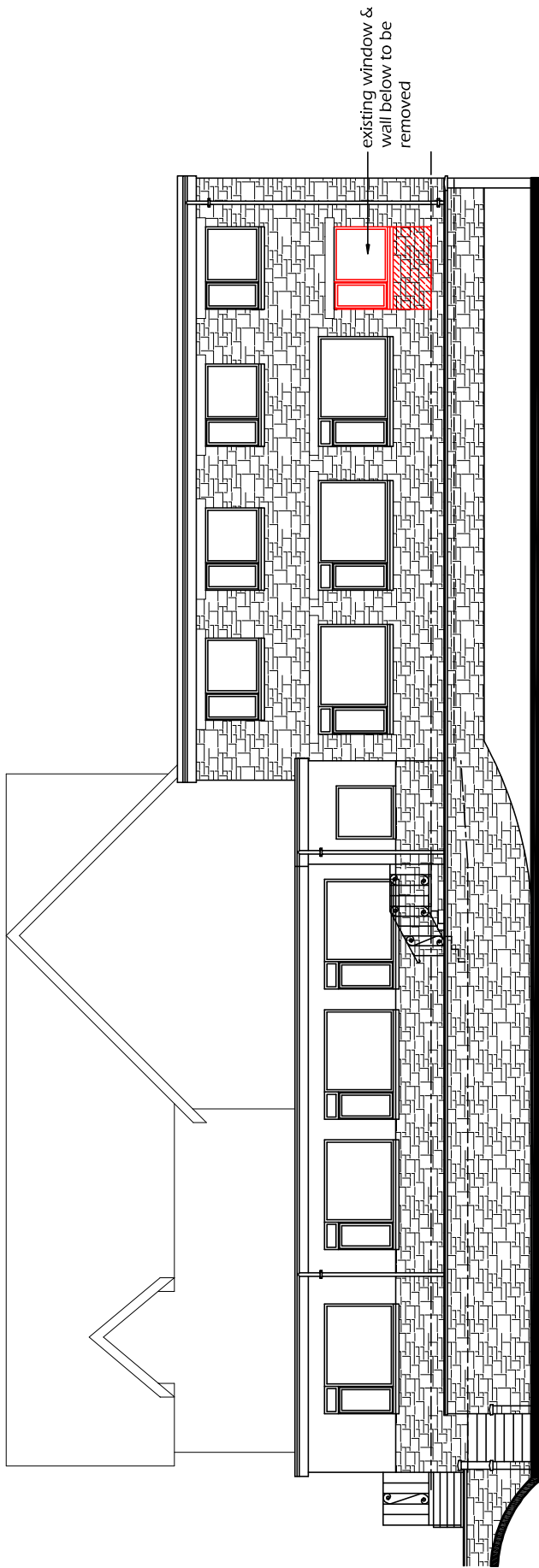
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

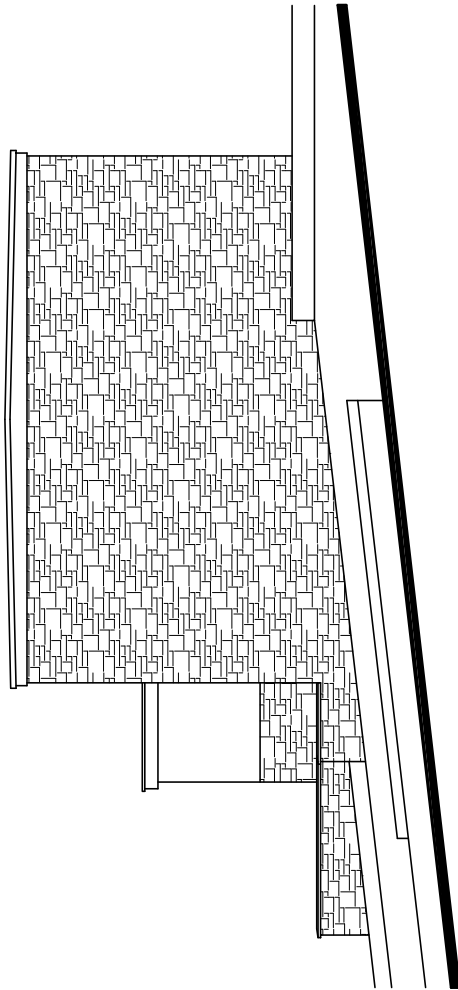
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr David Philip

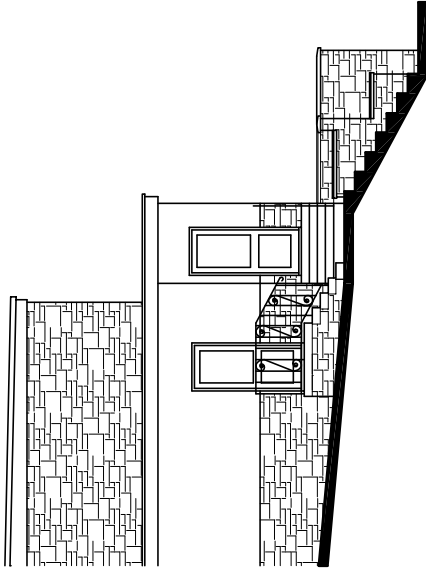
Declaration Date: 20/10/2020



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

Contractor to check all dimensions on site prior to starting work.
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REVISION NOTES

A	PLANNING AMENDMENTS 4:1:20



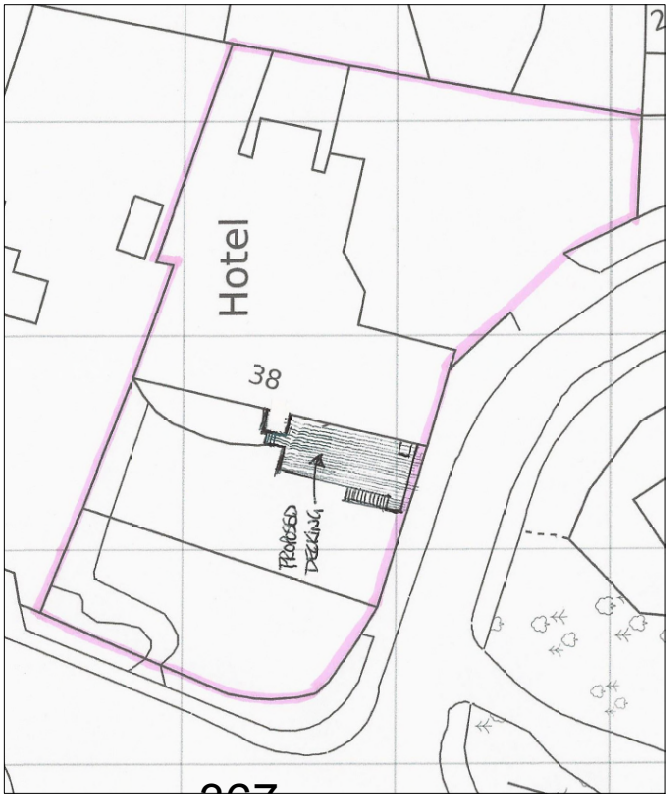
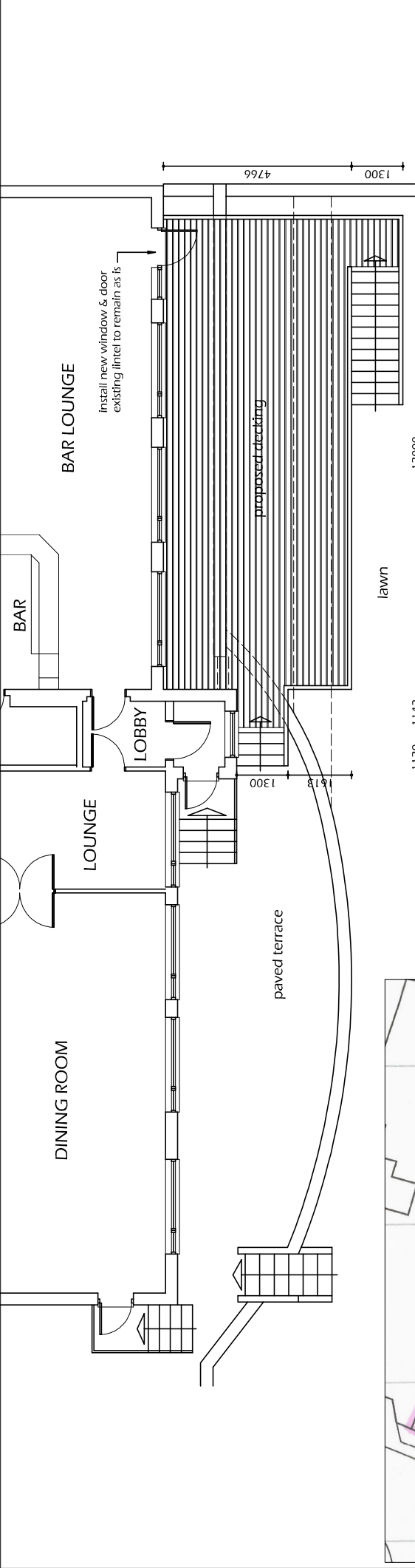
CRAIGRACK HOTEL
WEST MOULIN ROAD
PITLOCHRY PH16 5EQ
HIGHLAND PLANS

Charis, Guay, Nr. Ballinluig, Perthshire PH9 0NT
 T : 01796 482764 M : 07773 125555
 E : dave@highlandplans.com W : www.highlandplans.com

EXISTING ELEVATIONS

SCALE 1:100 @ A3 DATE 16:10:20 DRAWN

DRAWING No.	2027-03
REVISION	A

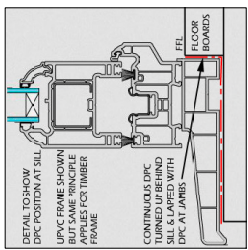


PROPOSED SITE PLAN

Contractor to check all dimensions on site prior to starting work.
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REVISION NOTES

A	PLANNING AMENDMENTS 4:1:20



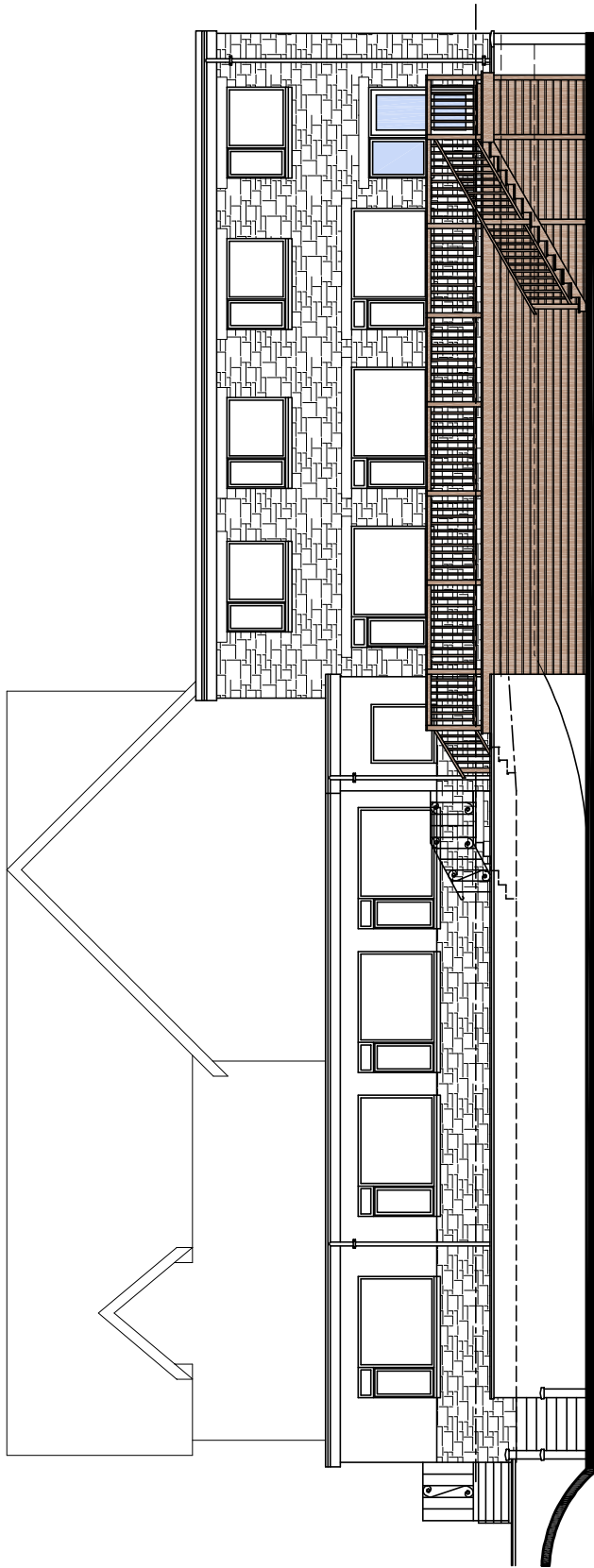
DPC DETAIL AT SILL

DECKING
Grooved decking boards 5mm apart (with non slip inserts) on joists supported off existing building & posts with handrail as detail opposite, all to structural engineer's details.
Handrail to be 1100mm high at decking and 900mm above nosings at steps.
All gaps in handrail and steps to be less than 100mm.
Step at new door to be 1.2m x 1.2m level with underside of door sill.
All steps to have 270mm min goings & 170mm max risers - use full width decking boards only.
All timber to be treated.

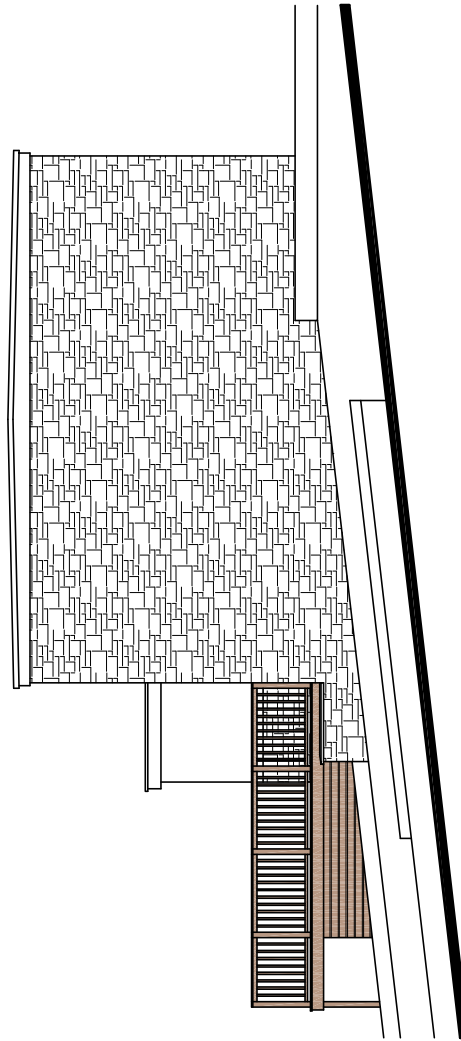
CRAIGVRACK HOTEL
WEST MOULIN ROAD
PITLOCHRY PH16 5EQ
HIGHLAND PLANS

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T : 01796 482764 M : 07773 125555
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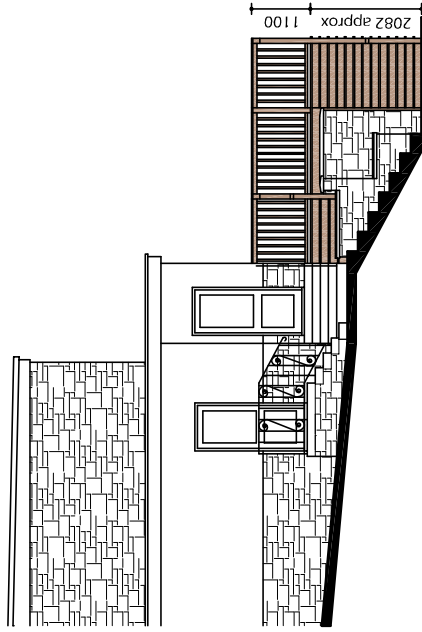
PROPOSED PLAN			
SCALE 1:500 1:100 @ A3	DATE 16:10:20	DRAWN	
DRAWING No	2027-04		
REVISION	A		



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

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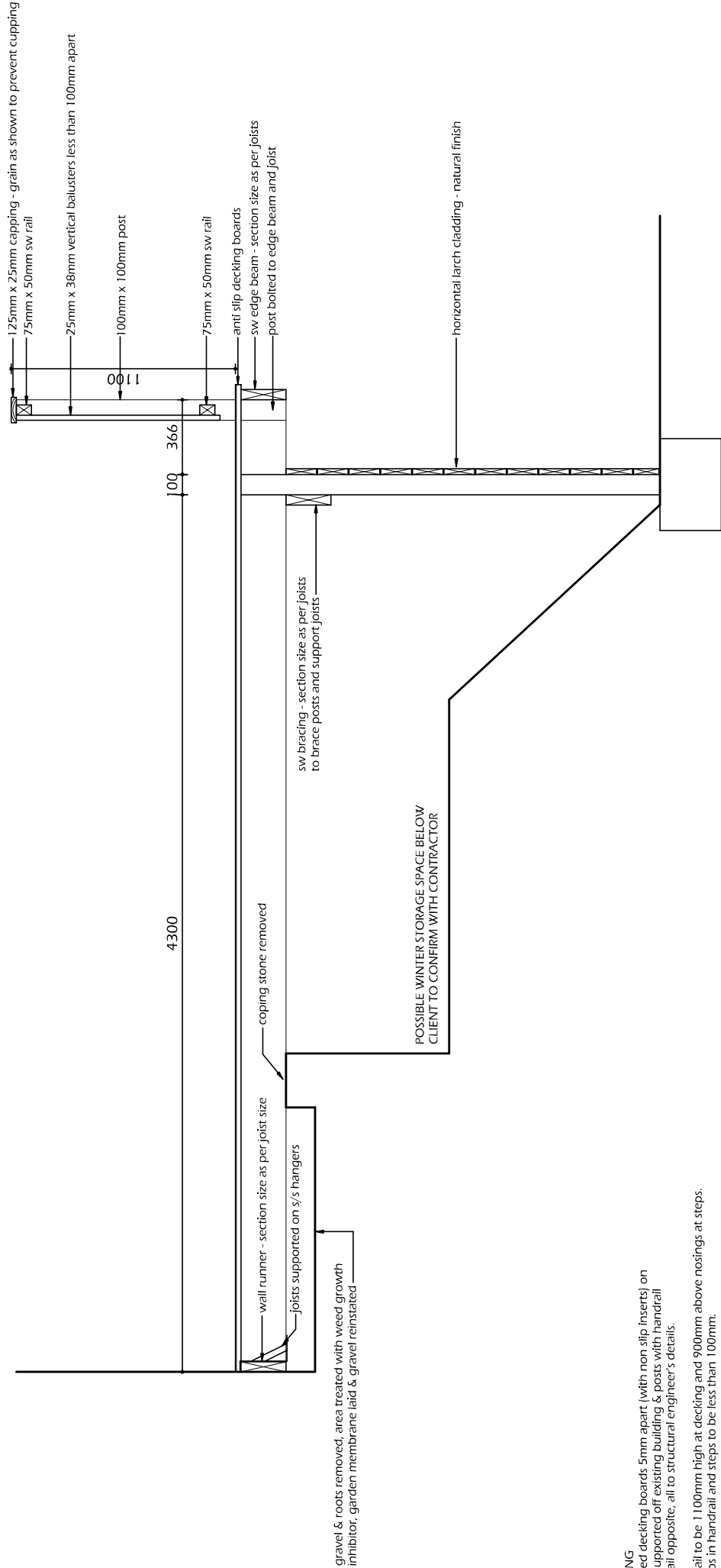
REVISION NOTES



CRAIGVRACK HOTEL
WEST MOULIN ROAD
PITLOCHRY PH16 5EQ
HIGHLAND PLANS
 Charis, Guay, Nr. Ballinluig, Perthshire PH9 0NT
 T : 01796 482764 M : 07773 123555
 E : dave@highlandplans.com W : www.highlandplans.com

PROPOSED ELEVATIONS				
SCALE 1:100 @ A3	DATE 16:10:20	DRAWN		
DRAWING No.	2027-05			
REVISION				

THIS SECTION IS INDICATIVE - STRUCTURAL ENGINEER TO CONFIRM DETAILS



DECKING
Grooved decking boards 5mm apart (with non slip inserts) on joists supported off existing building & posts with handrail as detail opposite, all to structural engineer's details.

Handrail to be 1100mm high at decking and 900mm above nosings at steps.
All gaps in handrail and steps to be less than 100mm.

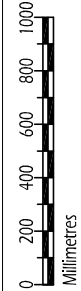
Step at new door to be 1.2m x 1.2m level with underside of door sill.

All steps to have 270mm min goings & 170mm max risers - use full width decking boards only.

All timber to be treated.

Contractor to check all dimensions on site prior to starting work.
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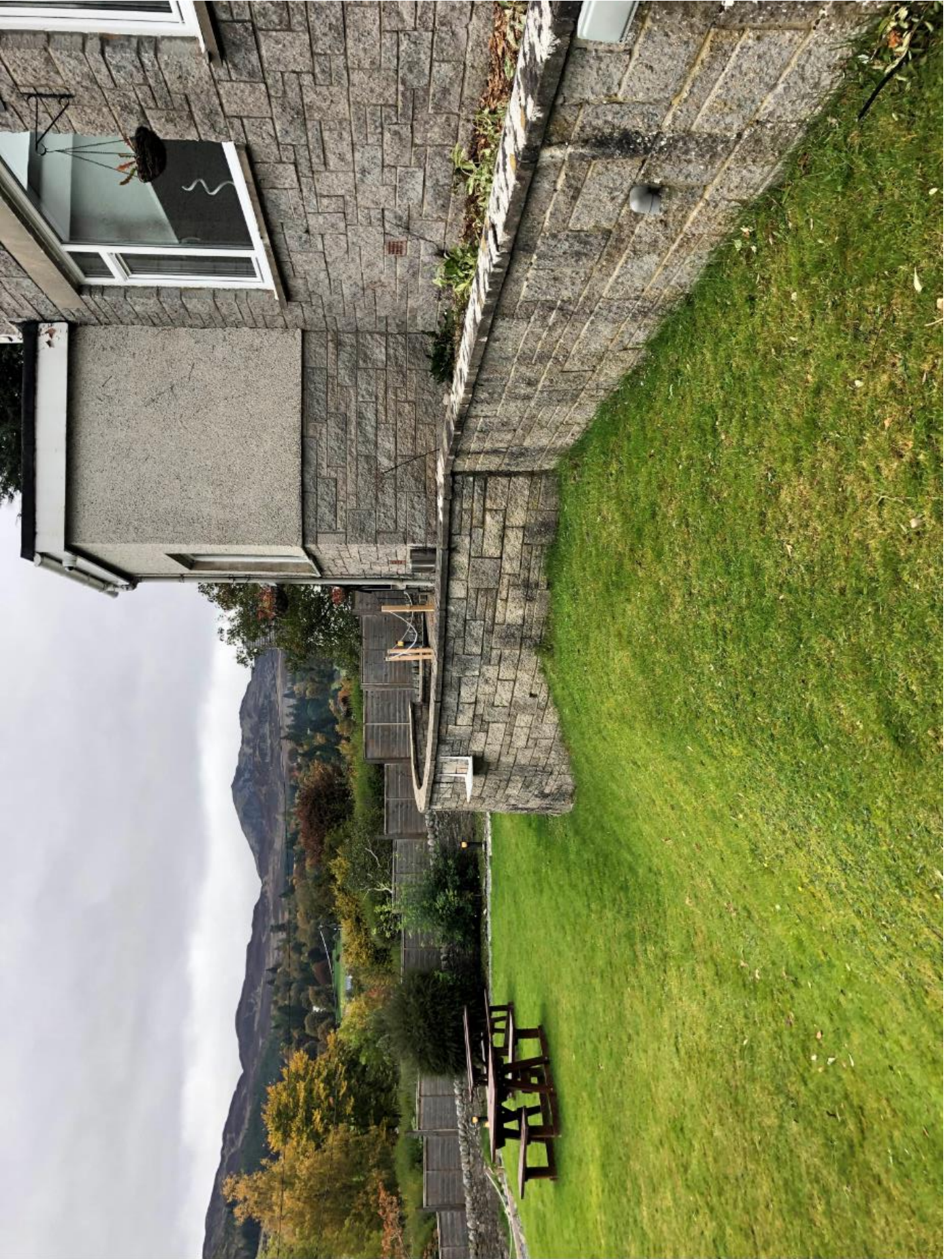
REVISION NOTES



CRAIGRACK HOTEL
WEST MOULIN ROAD
PITLOCHRY PH16 5EQ
HIGHLAND PLANS
Charis, Guay, Nr. Ballinluig, Perthshire PH9 0NT
T : 01796 482764 M : 07773 125555
E : dave@highlandplans.com W : www.highlandplans.com

PROPOSED SECTION

SCALE 1:20 @ A3	DATE 16:10:20	DRAWN
DRAWING No.	2027-06	
REVISION		





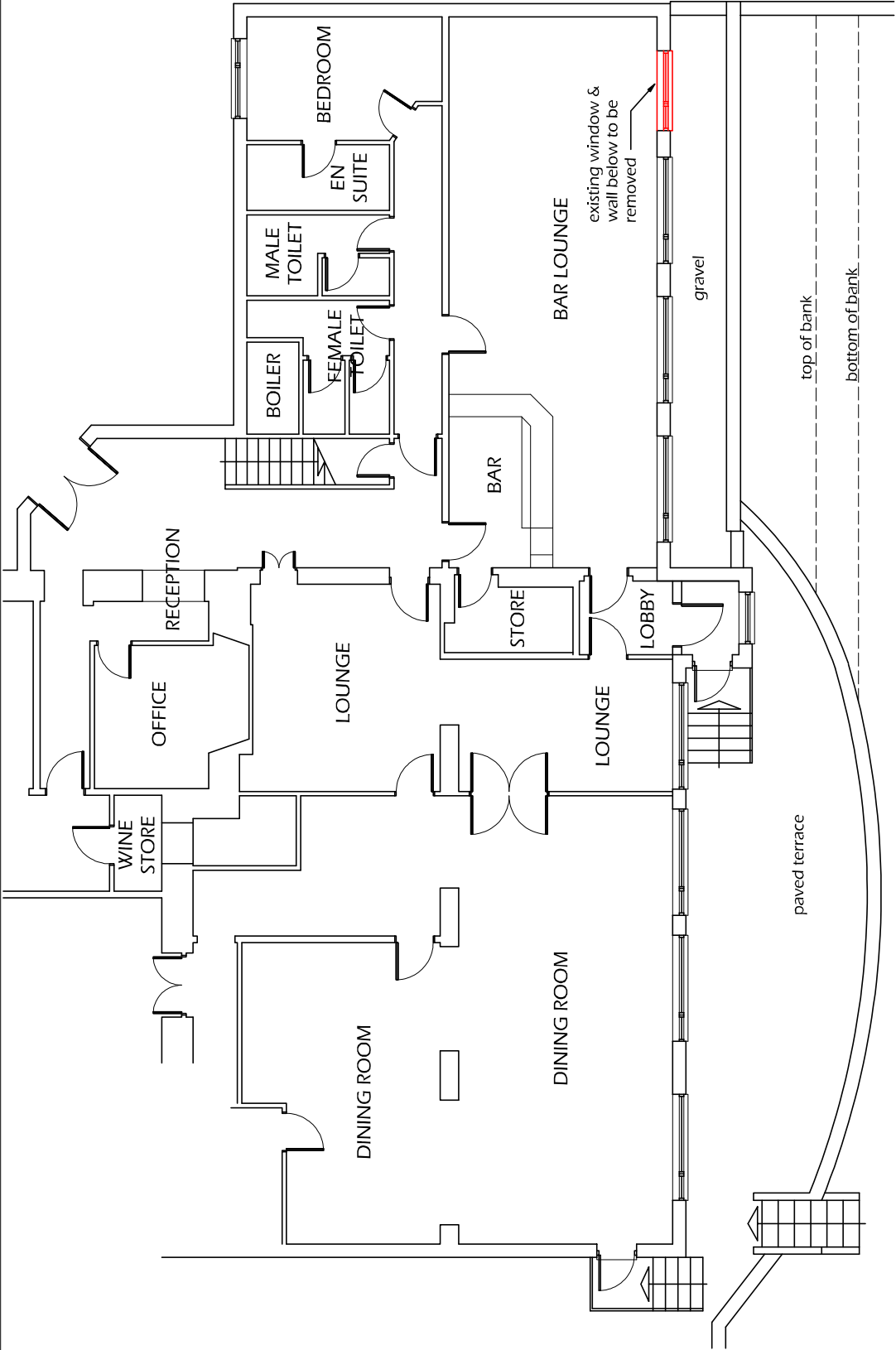
LRB-2021-03

Review of decision to impose Condition 5 with the specific wording given on planning permission 20/01516/FLL – Formation of raised decking at Craigvrack Hotel, 38 West Moulin Road, Pitlochry

PLANNING DECISION NOTICE *(included in applicant's submission, pages 291-293)*

REPORT OF HANDLING *(included in applicant's submission, pages 349-355)*

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 365-371)*



Contractor to check all dimensions on site prior to starting work.
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REVISION NOTES	
A	PLANNING AMENDMENTS 4:1:20



CRAIGVRACK HOTEL
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Charis, Guay, Nr. Ballinluig, Perthshire PH9 0NT
T : 01796 482764 M : 07773 125555
E : dave@highlandplans.com W : www.highlandplans.com

EXISTING PLAN	
SCALE 1:100 @ A3	DATE 16:10:20
DRAWING No.	2027-02
REVISION	A

LRB-2021-03

**Review of decision to impose Condition 5 with the
specific wording given on planning permission**

**20/01516/FLL – Formation of raised decking at Craigvrack
Hotel, 38 West Moulin Road, Pitlochry**

REPRESENTATIONS

Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 20/01516/FLL

Our ref LRE

Date 2 December 2020

Tel No

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

20/01516/FLLRE: Formation of raised decking Craigvrack Hotel 38 West Moulin Road Pitlochry PH16 5EQ for Ms. A Kaushik

I refer to your letter dated 11 November 2020 in connection with the above application and have the following comments to make.

Environmental Health Recommendation

I have no objection in principle to the application but recommend the under noted condition be included on any given consent.

Comments

This application is for the formation of a raised decking area on the west elevation of the hotel. A new door opening will be formed from the bar lounge onto the new proposed decking area .

There are several noise sensitive residential properties within close proximity to the proposed decking area, the closest is 19 Knockard Road which is approximately 20 metres away from the proposed decking.

There are no letters of representation at the time of writing this memorandum.

Noise

There is already an existing outdoor seating area which is a grassed area with some picnic tables and there is also a paved terrace, both on the west elevation.

There is the potential for noise from the operations of the decking area, especially from patron, to adversely effect residential amenity of neighbouring residential properties.

However this can be controlled with good management and the hours of operation, therefore due to the close proximity to residential properties I recommend that the undernoted conditions are included on any given consent.

To my knowledge this Service has not received any complaints with regards to noise from the operations of the existing outdoor area.

However, this new outdoor decking area means an intensification on the number of patrons that could use the outside area therefore, I recommend that the undernoted conditions are

included on any given consent to protect the residential amenity of neighbouring residential properties.

Conditions

EH14 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

EH31 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

- A Noise Management Plan shall be submitted for the agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area, it should also include a procedure for complaints.

LRB-2021-03

Review of decision to impose Condition 5 with the specific wording given on planning permission 20/01516/FLL – Formation of raised decking at Craigvrack Hotel, 38 West Moulin Road, Pitlochry

FURTHER INFORMATION

- Further information from Planning, as requested by the LRB on 27 April 2021
- Further information from Licensing, as requested by the LRB on 27 April 2021
- Agent's response to further information

I am not aware of any recent decisions within close proximity of the application site. As a starting point, amongst other applications, the Errol Committee decision was reviewed to ensure parity across our area. Planning Reference 20/01040/FLL and the relevant condition reads “The hours of operation of the outdoor seating area shall be restricted to between 1100 to 2000hours daily”.

Other relevant applications reviewed were:

18/01094/FLL The Caledonian Bar, 35 James Square, Crieff - “The hours of use for the outside seating area are 1000 to 1800 hours daily. Outside those hours, the rear door between the outdoor seating area and the indoor area of the pub shall not be used as a means of entering or leaving the indoor area of the pub, except in case of emergency. This one was an appeal decision (DPEA).

19/01598/FLL The Angus Hotel, Blairgowrie – “The hours of operation of the outdoor seating area shall be restricted to between 0900 to 2200 hours Monday to Sunday”

20/01053/FLL Commercial Hotel, 11 Drummond Street, Muthill – “The hours of operation of the outdoor seating area shall be restricted to between 0800 to 1900 hours Monday to Saturday and 0900 to 1800 hours on Sunday”.

The character of such activity has changed over the years, particularly with COVID which has seen many more people find it acceptable to eat/drink outdoors and this may be a trend which continues, especially with patio heaters and the like. So looking back at a historic situation, like most of the established uses in Pitlochry, may not be the most appropriate way to view this – the public’s perception of ‘acceptability’ may also have changed over time.

Whilst all applications are assessed on their own merit, in order to provide a level of consistency across the P&K area and in light of recent decisions for similar proposals associated to such facilities, the relatively standard condition was applied.

In terms of (b) – there is no planning history which controls any aspect of the outdoor area and it was not appreciated at the time of the application being determined that the existing licence covers all external areas beyond the restricted times of Condition 5. Like any application, we cannot use conditions to control an existing situation, which may or may not be acceptable, we can only control the elements put forward in the current proposal, which may include an intensification of an existing use or a greater area given over to the proposed use. The amenity we were seeking to protect was that of 19 Knockard Rd (south).

I trust this answers your queries, however, if you require any further information please do not hesitate to contact me.

Kind Regards

Gillian Peebles
Planning Officer
Development Management
Planning and Development
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Hi Gillian,

As Danny is on annual leave this week I've had a look at your response for the LRB.

While I note you've said you're not aware of any recent decisions within close proximity of the application site, can you please advise of any conditions on premises in the vicinity even though not recent as members are keen to know of the position for other premises nearby ?

Thanks,
Charlotte

Charlotte Irons
Committee Officer
Legal & Governance Services
Perth & Kinross Council
2 High Street, Perth PH1 5PH

Hi Charlotte

I am not aware of any conditions on premises in the vicinity. I have asked around the wider team also and nobody recalls any. The general consensus is that the majority of existing premises have been there for many years.

I trust that answer your enquiry.

Kind Regards

Gillian Peebles
Planning Officer
Development Management
Planning and Development
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

**Delayed Office Opening
for Employee Training**

*This office will be closed from
8.45 am - 11.00 am on the first
Thursday of each month.*



LEGAL & GOVERNANCE SERVICES

Head of Service **Lisa Simpson**

2 High Street, PERTH, PH1 5PH

DX PE126

Tel 01738 475115 Fax 01738 475545

Local Review Body

Contact **Louise Cormack**

www.pkc.gov.uk

Our ref DG/LC

Your ref

Date 24 May 2021

Dear Sir,

Licensing (Scotland) Act 2005.

Premises Licence – Craigvrack Hotel, 38 West Moulin Road, Pitlochry

I refer to the above subject and note that further clarification is sought regarding the operation of “standard” hours of operation for a Premises Licence within the Pitlochry area.

On receiving the request for information, a response to the questions was provided to Committee Services by myself, dated 5th May 2020, however for clarity, I can confirm: -

- a) the premises licence for the Craigvrack Hotel permits the on sale and consumption of alcohol for the public from 11am and until 11pm Monday to Wednesday; Thursday to Saturday 12:30am; and Sunday 12 midnight. That applies indoors and outdoors. In comparison to other licensed premises in the area, the hours of operation are currently the same. The licensee may, at any time, apply to vary the terms of their licence.
- b) the hours stipulated above apply to all areas of the hotel, except for the car park. There are currently no local conditions applied to the premises licence that would restrict the operation of the premises licence.

Yours faithfully

Licensing Officer

CDS Planning Local Review Body

From: Neil Gray <neil@grayplanning.co.uk>
Sent: 03 June 2021 20:12
To: CDS Planning Local Review Body
Subject: LRB-2021-03

Good evening

Further to your letter of 28th May 2021 advising of the decision of the LRB to continue the case and take evidence from Planning and Licencing concerning the matters minuted.

We have no specific comment to make on the two submissions made by Planning and Licencing as you had attached. However to supplement their position, the appellant has asked me to forward you the email chain of communication below. This is more or less confirming the same position, of PKC Planning Service Manager (Kristian Smith), in his 3rd paragraph stating *"So it does seem that we [PKC Planning] would be supportive of the condition being removed, given the new information"*

In relation to the two options for procedure outlined in Mr Kristian Smith's email, my client wishes that no enforcement action is taken pending the LRB decision. And respectfully ask the LRB to agree to remove Condition 5. We anticipate the LRB's next meeting on 22nd June will follow this line of plea, and support the hospitality business and also take the helpful advice of the Service Manager of Planning into consideration when coming to its conclusion on this appeal case.

Please let me know this response will be taken into consideration and is recorded as the appellant's response to the two recent representations.

Kind regards
Neil

Neil Gray MRTPI | Director

M: 07514 278 498

e: neil@grayplanning.co.uk

www.grayplanning.co.uk

AYE House, Admiralty Park, Rosyth, Dunfermline KY11 2YW



Gray Planning & Development Limited. Town Planning Consultants. Company No. SC568143
Member of the Royal Town Planning Institute No. 42566

Begin forwarded message:

From: Kristian Smith <[REDACTED]>
Subject: FW: Request of help with Business. SRU 823047
Date: 30 April 2021 at 14:05:41 BST
To: ["info@craigvrack.com"](mailto:info@craigvrack.com) <info@craigvrack.com>

Chetan,

As discussed, please find below my response to Cllr Williamson.

Regards

Kristian Smith

From: Kristian Smith

Sent: 28 April 2021 17:24

To: Councillor Michael Williamson <MWilliamson@pkc.gov.uk>

Cc: Sharon Reid - DBS [REDACTED] Linda Simpson - Democratic Services
<[REDACTED]>; Communities DST <CommunitiesDST@pkc.gov.uk>; Gillian Peebles
[REDACTED]

Subject: RE: Request of help with Business. SRU 823047

Dear Cllr Williamson,

I have not until this point had any involvement in the proposals and the decision taken under delegated powers. However, having read the background papers available and spoken to both the case officer and Environmental Health officer, it would appear that there was concern from Environmental Health that the increase in patron numbers resulting from the more intensive and elevated use of the decking would adversely impact on the residential amenity of residential properties very close by. As such they formally recommended a number of conditions to control use of the deck, and indicated that this could include hours of operation. Subsequent consideration of the case officer and relevant Team Leader looked at how operational hours associated to such facilities were generally controlled, so as to avoid introduction of a new impact on neighbouring property. This saw the relatively standard condition applied.

However, it subsequently came to light that there was the existing possibility, through the licence, that in theory the area where the decking would be provided and indeed other external areas – including the patio and wider grounds – could be used for outside activity beyond this time. This was not evident from the planning history and not appreciated at the time of the application being processed – it was in effect new information. But by that point the condition had been applied.

So it does seem that we would be supportive of the condition being removed, given the new information, and there are a number of options to deal with that in both the short term and more permanently:

1. Given the above context, using our discretion and in line with the approach set out in our Enforcement Charter, we would most likely not take any action to enforce compliance with the condition – unless it was subsequently agreed by the LRB that it should remain in place. It is for the applicant to decide if they wish to continue with the LRB process, which they seem to indicate may take some time, or;
2. Continuing with a position where we would not enforce the condition until a final and reconsidered position had been taken, and if the Request for Review was withdrawn, we would be happy to receive an application which sought to delete the condition. I would guess that this could be processed within around 4 weeks, however there would be a fee associated. Our website explains the application process, although if there is any help required we can assist. The process should not require any particular professional help – although the current approved Noise Management Plan would (on any deletion of the condition) need updating to recognise the change in hours of use associated to the raised deck.

I have spoken to Mr Sharma today, relaying this, but said that I would write through you.

Any questions give me a call.

Regards

Kristian Smith MRTPI

Service Manager: Development Management & Building Standards | Planning & Development | Communities | Perth & Kinross Council

Pullar House | 35 Kinnoull Street | Perth PH1 5GD

www.pkc.gov.uk



From: Councillor Michael Williamson <MWilliamson@pkc.gov.uk>

Sent: 27 April 2021 16:47

To: Linda Simpson - Democratic Services [REDACTED]

Subject: Fwd: Request of help with are Business

Could you please pass on the e mail below on to planning?

Mike

Get [Outlook for Android](#)

From: Craigvrack Hotel <info@craigvrack.com>

Sent: Tuesday, April 27, 2021 4:44:25 PM

To: Councillor Michael Williamson <MWilliamson@pkc.gov.uk>

Subject: Request of help with are Business

Dear Councillor Williamson,

Thank you for considering below request.

We have planning consent for the formation of a raised decking at Craigvrack Hotel, 38 West Moulin Road, Pitlochry. We have met all of the stipulations of the formation of the decking, and appealed Condition 5 of our planning consent. Condition 5 refers to the need to stop all operations on the decking by 8 PM. Which is not reasonable from our point of view. Our other licensed outdoor areas are licensed until Mon-Wed 11 PM, Thu-Sat 12.30 AM and Sun 12 AM. So this effectively means a customer can go down a set of steps to our garden or patio area and continue to enjoy their time at our establishment.

In today's LRB meeting the Councillors were perplexed by Condition 5 as it is not in line with the rest of our licensed outdoor areas, or indeed with other licensed outdoor areas in Pitlochry itself. The Councillors asked the advisors for the information regarding both our alcohol licence and other licensed premises in the vicinity. The advisor was unable to provide the information to the councillors and was asked to provide this at the earliest convenient time. We contacted the clerk and we were informed that the information would be unlikely to be ready for May LRB and would be pushed back to June at the earliest.

Considering the pressure we operate under as a hospitality business this setback will place undue pressure on our business in these uncertain times. We would only ask that the planning department looks into a possibility to grant as an exception to Condition 5 until it can be considered by the Councillors in due time or expedite the information needed to the Councillors make their decision before the next meeting. I'm sure a solution can be found to help us to operate our business during this peak season for a rural enterprise.

Thank you again for taking time out of your busy schedule to help us on this crucial matter!

Kind Regards
Chetan Sharma
(Chartered Management Accountant, CIMA)
(MSc Business Management)

Craigvrack Hotel, Restaurant and Lounge bar
West Moulin Road, Pitlochry,
Perthshire, PH16 5EQ
Tel: +44 (0) 1796 472399
Visit: www.craigvrack.com



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