



Dorset
Council

Licensing Sub-Committee

Date: Thursday, 21 September 2023
Time: 1.00 pm
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)

Les Fry, Andrew Starr and Sarah Williams

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services
Meeting Contact 01305 224202 elaine.tibble@dorsetcouncil.gov.uk

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Development Management
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Dorchester, Dorset, DT1 1UZ
) 01305 838336
8 www.dorsetcouncil.gov.uk

Mr Pitman
Engine Room
Athelhampton House
Athelhampton
Dorchester
DT2 7LG

Date: 28 May 2021
Ref: WD/D/20/002080
Case Officer: Cass Worman
) 01258 484229
* cass.worman@dorsetcouncil.gov.uk

Town and Country Planning Act 1990
Town and Country Planning
(Development Management Procedure) (England) Order 2015

Planning Decision Notice

Full Planning Application

Application Number: WD/D/20/002080
Applicant: Sherborne House Trust 2018
Location: SHERBORNE HOUSE, NEULAND, SHERBORNE, DT9 3JG
Description: Re-use of Sherborne House as exhibition, events, function, restaurant and office space, with associated repair and extension
Decision Date: 28 May 2021

Dorset Council **grants** planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This planning permission does not cover Building Regulations Approval or any other Byelaw, Order or Regulation. Please see our website www.dorsetcouncil.gov.uk/planning-buildings-land/building-control/contacts/building-control-contacts for more details about making a building regulation application and contacting our Building Control Team.

This planning permission is subject to conditions set out over the page.

The applicant's attention is drawn to the need to comply with all conditions imposed on this permission. There may be conditions that require additional details to be submitted and this may be needed before work can start on the development. Failure to comply with all conditions may result in the Council serving a breach of condition notice, of which, there is no right of appeal. Note that legislation requires the payment of a fee in respect of requests to discharge conditions.

Signed

A handwritten signature in black ink, appearing to read "Mike Garrity".

Mike Garrity
Head of Planning
Economic Growth and Infrastructure

This planning permission is subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan S-1282-01A
Existing Site Plan (Topo) S-1282-02
Existing Site Section AA S-1282-04
Existing Basement Plan S-1282-05B
Existing Ground Floor Plan S-1282-06B
Existing First Floor Plan S-1282-07B
Existing Second Floor Plan S-1282-08B
Existing Roof Plan S-1282-09A
Elevation and Section Key S_1282-10
Existing South and North 2 Elev S-1282-11
Existing South 2 and West Elev S-1282-12
Existing East Elev S-1282-13A
Existing West 2, North, East 2 Elev S-1282-14
Existing Wall Elevation 1 & 2 S-1282-15
Existing Newland Boundary Wall Elev S-1282-16A
Existing Section A-A & B-B S-1282-17
Existing Section C-C, D-D & E-E S-1282-18
Proposed Masterplan PL-1282-101B
Proposed New & Existing Extents PL-1282-102
Previous Planning Approvals PL-1282-103
Proposed Site Plan PL-1282-104B
Proposed Basement Plan PL-1282-105
Proposed Ground Floor Plan PL-1282-106B
Proposed First Floor Plan PL-1282-107E
Proposed Second Floor Plan PL-1282-108F
Proposed Roof Plan PL-1282-109
Proposed South Elevation PL-1282-201A
Proposed West Elevation PL-1282-202A
Proposed East Elevation PL-1282-203A
Proposed North Elevation PL-1282-204A
Proposed North Weathered Elevation PL-1282-205A
Proposed West Wall Elevation PL-1282-206
Proposed Site Sections PL-1282-301A
Proposed Arts Entrance & West Sections PL-1282-302A
Proposed North Section PL-1282-303A
Proposed Courtyard & East Sections PL-1282-304A
Proposed Green Roof Details PL-1282-401A
Proposed Glazing Details PL-1282-402A
Proposed Copper Roof Details PL-1282-403A
Proposed Basement Stair Wall Detail PL-1282-404

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby approved shall proceed in strict accordance with the details set out in the Arboricultural Impact Assessment & Method Statement ref GH1921 dated 08/09/2020 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

4. Before the development hereby approved is first occupied or utilised, the turning and parking shown on the approved plan PL-1282-101B must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

5. Prior to first use or occupation of the development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority, thereafter the approved scheme shall be fully implemented and available for use prior to first use or occupation of the development, and the cycle provision shall be maintained, kept free from obstruction and available for the purposes specified in perpetuity.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

6. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details, and no other external lighting shall be installed

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

7. Prior to first use or occupation of the development, and prior to the installation of any extraction plant and associated ductwork, a written Noise & Odour Report(s) regarding the operating odour risk management and noise levels of specific equipment to be installed shall be submitted to the Local Planning Authority, along with the calculated effect upon nearby properties. The Report(s) should predict the likely external noise impact on sensitive receptors in the area and provide mitigation to prevent loss of amenity from noise and odours, and measures to prevent creeping noise & odour impacts following completion of the development (for example installation of timers to control hours of plant operation, and maintenance of baffles and filters)

The noise report should contain details of background sound measurements of when the plant is likely to be in operation, against the operational plant sound level as it would impact upon local receptors. The ventilation system should be designed to minimise emissions using Guidance on the Control of Odour and the document titled Noise from Commercial Kitchen Exhaust Systems, produced by DEFRA. The required Report(s) shall be submitted to, and agreed in writing by, the Local Planning Authority, prior to the commencement of any work on the installation of the equipment; and shall then be installed fully in accordance with the agreed details prior to the development hereby approved being first occupied or brought into use, and subject thereafter to routine maintenance and cleansing in accordance with manufacturers' instructions.

Reason: In order to protect the living conditions of surrounding residential properties.

8. The works shall proceed in strict accordance with the Biodiversity Plan prepared by KP Ecology Ltd, dated 27 August 2020, and the biodiversity mitigation and enhancement measures described therein shall be implemented in full in accordance with the specified timetable(s) in the approved Biodiversity Plans, and maintained in the condition described in perpetuity.

Reason: To minimise impacts on biodiversity.

9. Prior to commencement of the works to the Main Georgian House and Tudor and Digby Wings, the Council's Conservation Officer and the Applicant shall agree a Schedule of dates/points of progress, for the inspection of the progress of the works, by the Council's Conservation Officer. This Schedule shall include an agreed set of repair phases at which point the progress of the works shall be inspected. Thereafter, works must proceed in accordance with agreed Inspection Schedule, and the Council's Conservation Officer shall be made aware of progress when works at each of these agreed phases is reached, to allow inspection by the Council's Conservation Officer. The works must be completed, prior to first use or occupation of any part of the site.

Reason: To ensure the restoration of the historic core of the building proceeds in conjunction with the new build elements, to allow progress by the Council's Conservation Officer to be monitored, in the interests of safeguarding the historic building at risk.

10. Works to the Main Georgian House and Tudor and Digby Wings, are to commence no later than the commencement of the development above damp course level, of the extensions shown in beige on the approved plan PL-1282-101B (masterplan).

All works to the Main Georgian House and Tudor and Digby Wings shall proceed in strict accordance with a Room by Room Schedule of Works and Phasing Plan, which must be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of any works above damp course level. Thereafter, the works must be completed in accordance with the details as agreed for each room in the Room by Room Schedule of Works and Phasing Plan, and each room must be completed, prior to first use or occupation of any part of the site. The Room by Room Schedule and Phasing Plan shall include a detailed schedule and drawings of all of the works that are proposed for each room, and a phasing plan which shall detail when the identified works to each room will be carried out in full.

Reason: To ensure the restoration of the historic core of the building proceeds in conjunction with the new build elements, in the interests of safeguarding the historic building at risk.

11. Prior to the erection of new walls as shown on approved plans PL-1282-203A and, PL-1282-202, sample panels measuring at least 1 metre by 1 metre, demonstrating the proposed materials, showing colour, texture, coursing, mortar mix and pointing detail, shall be constructed on site for the inspection and approval in writing of the Local Planning Authority. Prior to installation of the new superstructure roof, samples of materials for the roof coverings, shall be made available on site for the inspection and approval in writing of the Local Planning Authority. Construction of the new walls and roofs shall not commence until the samples have been approved in writing by the Local Planning Authority, and thereafter development shall proceed in accordance with the approved details.

Reason: To safeguard the character of the locality in the interests of the appearance of the development, and in the interests of the heritage asset.

12. The soft landscaping shall proceed in accordance with the agreed details as shown on approved plans Tree and Shrub Planting Front Garden SH0978, Tree and Shrub Planting Rear Garden SH0979, and in accordance with the Plants list and Maintenance Programme prepared by Marshall James Garden Development Ltd. The approved landscaping scheme shall be implemented in the first planting season November – March immediately following the substantial completion of the development.

If within a period of 15 years from the date of substantial completion of the development, any tree/plant, or any tree/plant planted in replacement for it, is removed, uprooted, destroyed, dies, becomes seriously damaged or defective, another tree/plant of the same species and size as that originally planted shall be replanted.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality and in the interests of the setting of the heritage asset.

13. Prior to commencement of the development hereby approved, excluding the sewer diversion and tree felling works, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include vehicular routes, anticipated deliveries, timings of deliveries & delivery hours, contractors' arrangements (compound, storage, parking, turning, surfacing, drainage facilities), a scheme of appropriate signing of vehicle routes to the site, route plan for contractors and suppliers, temporary traffic management arrangements.

The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

14. Prior to the installation or construction of any 'artists pods', a scheme accompanied by scale drawings showing the design, construction details, materials, colour, finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these structures shall be installed in accordance with the agreed details.

Reason: In the interests of the appearance of the development and the setting of the heritage asset

15. Prior to the construction of the compounds for the refuse and recycling store, and substation, as shown on approved plan PL - 1282 – 101B a scheme accompanied by scale drawings showing the design, construction details, materials, colour, finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these structures shall be installed in accordance with the agreed details prior to first use or occupation of the development hereby approved.

Reason: In the interests of the appearance of the development and the setting of the heritage asset.

16. No development above damp proof course shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the Local Planning Authority.

The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding & associated nuisance, to improve and protect water quality, and to improve habitat and amenity.

17. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason To ensure risks from contamination are minimised.

18. Prior to the installation or erection of all new and replacement gates, a scheme accompanied by scale drawings showing the design, construction details, materials, colour, finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these structures shall be installed in accordance with the agreed details prior to first use or occupation of the development hereby approved.

Reason: In the interests of the appearance of the development and the setting of the heritage asset.

Informatives:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

Planning Decision Notes

Power to grant planning permission

This permission is issued by Dorset Council as the local planning authority set out by the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015.

Removal of application site notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

How to comply with the conditions of your planning permission

You should not start work until you have agreed with the Council the information requested by the conditions. If you fail to do this the works on site could be unauthorised and the Council may consider enforcement action.

The information must be submitted in writing. There is a standard form which you can download from the website www.dorsetcouncil.gov.uk/planning. A fee is required each and every time you apply to discharge any or all of the conditions (£34 per request for householder applications, £116 per request for all other classes). We will make a decision about any simple conditions (e.g. building materials) within 5 working days. Complex conditions, such as tree reports and drainage schemes may require consultation with the Council's specialist officers. This may take up to 28 days.

Appeals to the Secretary of State

If you disagree with our decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **SIX MONTHS** of the date of this notice.

If this decision is on a planning application relating to the same or substantially the same land and development that is already subject to an **enforcement notice**, if you want to appeal against our decision on your application, then you must do so within 28 days of the date of this decision notice.

If an **enforcement notice** is served relating to the same or substantially the same land and development as in your application and you want to appeal against our decision, then you must do so within **28 days of the date of service of the enforcement notice**, or within **SIX MONTHS** of the date of the decision notice, whichever date expires first.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

An appeal must be made by the applicant. You must use a form that you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or an appeal can be made on-line at this website www.planningportal.gov.uk/pcs

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

Purchase Notices

If either the Council or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim, in exceptional circumstances, that neither the land can be put to a reasonably beneficial use in its existing state, nor can the land be rendered capable of

a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

If this happens, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Street Naming and Numbering

The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. If this permission results in the creation, deletion or change to an address, you must let us know. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk



A visual arts centre, called The Sherborne, of regional significance, showcasing the best of artists and makers from the South West, holding a number of major (principally selling) art exhibitions throughout the year, attracting regular returning visitors from around the region and beyond. Alongside this there will be an interactive and engaging arts and cultural programme that is inclusive and accessible to everyone. Broadening people's understanding and appreciation of the arts will be at its heart, as will a professional development programme for regional artists and makers, including those at the beginning of their professional careers

DVA have been appointed as The Sherborne's principal arts partner to devise and manage the arts programme. Initially exhibiting artists and makers will draw from the DVA membership but as soon as possible it should be extended to include national touring exhibitions and works from non-DVA members and artists and makers from the wider region

The arts programme will engage with all the schools in the town, state and private, together with other educational establishments across the region

The founder was very keen on sculpture and has given several large pieces to be exhibited at The Sherborne, with the intention that a sculpture trail will be developed in due course in the garden at the rear of the main house

SHT will manage an annual prize, the Cannon Prize - similar to the Turner Prize - to be funded by the Cannon Foundation, for the best artist and maker in the South West together with a prize for the best young or emerging artist or maker from the region

A governing principle for SHT is that it will be financially sustainable and self-sufficient, without relying on public sector grants or being dependent on regular fund raising. The various commercial activities (80 seat bistro/restaurant, cocktail bar, functions - in particular weddings - and other events, the second-floor offices, general room hire, the shop and art sales) will act as the "engine" to generate sufficient surplus to support and subsidise the arts programme, as well as pay for the general running costs of The Sherborne. The Cannon Foundation has agreed to support the arts programme (££ to be agreed) for the initial 2 years, to allow the commercial activities, particularly the wedding and other functions business, to become established

Working with volunteers wherever possible, SHT will be responsible for the maintenance and conservation of the building, the Thornhill Mural and the grounds

The intention is that The Sherborne will be an integral part of the local community in Sherborne and will contribute significantly, economically, culturally and socially, to the prosperity of the town

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The Sherborne

**THIS IS A LIVING DOCUMENT AND WILL BE SUBJECT TO ON GOING
REVIEW AS SET OUT BELOW**

Dispersal Policy (“DP”)

The purpose of this DP is to detail the measures which will be implemented at The Sherborne with the consideration of the Premises Licence.

The DP exists, and should be read, in conjunction with the Operating Management Plan

This is a working document that will continue to be updated. This document will initially be reviewed at regular intervals as events develop. It will then be reviewed quarterly, or more regularly as and when circumstance dictates

The Plan will be in writing and a copy will be available for inspection by the licensing officer, police officer or environmental protection officer on request.

Many factors that feed into our Premises Licence are addressed in detail in the Operating Management Plan. The areas covered in this Dispersal Policy provide relevant context, referring specifically to the proposed safe dispersal methods of our patrons, addressing potential impact on local residents and the surrounding areas.

We will continue to collaborate and communicate with all parties, taking on board relevant feedback, complaints or incidents, should they arise

Whilst these measures do not constitute additional conditions on the Premises Licence they are implemented as standard procedures, in conjunction with relevant licence conditions, to ensure that effective controls are in place at the premises.

The measures that we will take will depend on the nature of the event being held at the Premises and the terminal hour for the provision of any licensable activities.

We want to ensure that whilst our guests enjoy their visit, that they leave the Sherborne as quickly, quietly, safely and efficiently as possible

Hours of Operation

TBC

Hours for the provision of licensable activities

TBC

Dispersal Policy

1. This policy is to be used at the end of trading at the premises to ensure that customers leave the area quickly and quietly.
2. It is important to recognise that customers can cause a disturbance to residents in the local vicinity and that it is the responsibility of the management to minimise this.
3. The later the premises closes, the more care needs to be taken to prevent disturbance- in particular when people may be asleep.

Management (and staff) will:

4. Ensure that notices are displayed requesting customers to leave quietly

5. Ensure that there is sufficient staffing in place to assist with a quick and quiet dispersal of customers at the end of trading
6. Provide a local taxi number to customers and ensure that the taxi company is briefed by management not to honk horns or wait outside of residential properties.
7. A pick up point will be agreed between the taxi company and management of the premises to ensure that a minimum of disruption is caused to local residents
8. Politely ask customers who congregate outside to move on quickly and quietly

It will be the manager's responsibility to:

9. Ensure all staff have read and understand this policy
10. Make sufficient staffing provision to ensure that it is complied with
11. Ensure that any residential complaints are acted upon and recorded in a complaints book
12. Work with the police and council licensing team to ensure that best practise is used in dispersing customers
13. Periodically revisit this policy and update it as necessary

Review

14. This is a working document that will continue to be updated. This document will initially be reviewed at regular intervals, as operations develop. Following this, it will then be reviewed quarterly, or more regularly as and when circumstance dictates.

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Noise Management Plan



The Sherborne

**THIS IS A LIVING DOCUMENT AND WILL BE SUBJECT TO ON GOING
REVIEW AS SET OUT BELOW**

Noise Management Plan (“NMP”)

The purpose of this NMP is to detail the measures which will be implemented at The Sherborne with the consideration of the Premises Licence.

The NMP exists, and should be read, in conjunction with the Operating Management Plan

The Plan will be in writing and a copy will be available for inspection by the licensing officer, police officer or environmental protection officer on request.

We will continue to collaborate and communicate with all parties, taking on board relevant feedback, complaints or incidents, should they arise

We acknowledge that we have a responsibility to ensure that our premises do not generate unreasonable noise disturbance.

We are conscious that the possibility for noise disturbance can arise from a number of sources. The purpose of this plan is to detail the procedures that we will take to ensure, as far as possible, the minimisation of disturbance to local residents by activities in and around music playing at the premises.

Whilst these measures do not constitute additional conditions on the Premises Licence they are implemented as standard procedures, in conjunction with relevant licence conditions, to ensure that effective controls are in place at the premises.

The measures that we will take will dependent the nature of the event being held at the Premises and the terminal hour for the provision of any licensable activities.

We want to ensure that whilst our guests enjoy their visit, any entertainment provided does not cause any noise disturbance that is inconsistent with our statutory obligations.

Hours of Operation

TBC

Hours for the provision of licensable activities

TBC

Outside Area

1. The Designated Premises Supervisor (DPS), or another responsible member of staff acting on behalf of the DPS, will carry out physical checks within the area immediately outside the premises, and at the periphery of the site, at the following intervals
 - Every half an hour from 21:00 until the premises closes to the public on Friday and Saturday nights.
 - Every half an hour from 21:00 until the premises closes to the public on any evening when event entertainment is being provided.
 - At any other time that the DPS considers it necessary.
2. During external physical checks the DPS, or other responsible member of staff acting on behalf of the DPS, will;
 - Monitor the behaviour of the customers and, where they consider it appropriate ask them to regulate it, re-enter the premises, or leave the area quietly.

- Encourage those who are not smoking to re-enter the premises or leave the area quietly.
 - Check for empty glasses or litter and, if those items are present, remove them.
 - Re-enforce messages about the sensitivities of residents and others and encourage smokers to reduce any adverse impact of their own activities.
 - Ensure there are no unnecessary delays in closing the doors as patrons leave or enter the premises.
3. Management will by all practical means encourage people who smoke to do so having regard for the sensitivities of local residents, and others in the area, and with a view to reducing any adverse impact on them. Such methods will include, but not necessarily be limited to;
- Verbal messages by staff to customers inside and outside the premises and written notices.

Live/Streamed performances

4. Staff will ensure that windows and doors are closed except for access to the venue during performances to minimise the impact of noise caused.
5. A sound checks to be done before any performance starts to ensure a consistent level of sound.

6. Prior to any performance/event and at the end an announcement will be made asking guests to leave the premises in a quiet and orderly fashion to show respect to the local neighbours.
7. Acoustic doors and automatic door closes shall be in place as required by the premises licence conditions.

Transport

8. We will ensure that suggested parking locations, pick up/ drop off locations and estimated Event. Timings are provided and communicated to our guests where possible for each event.
9. Details of local licensed taxis and private hire vehicles will be kept at the premises and provided to customers upon request.
10. Taxi drivers will be asked not to sound their vehicles horn, or otherwise cause a nuisance.

Notices

11. Signage and other information to be used to remind guests on leaving to do so in a way which will not cause a public nuisance to nearby residents.

Customer Behaviour

12. Staff will patrol the area immediately outside the premises as described above to discourage patrons from causing disturbance and minimise the risk of patrons' anti-social behaviour.
13. Appropriate and proportionate action will be taken by management against any patrons who display a blatant disregard for any measure designed to minimise disturbance, noise or nuisance arising from smoking outside.
14. Complaints record book will be collated and a record will be kept at all times.

Customer Dispersal

15. Notices requesting customers to leave the premises, and the area, quietly will be brought to the attention of customers when staff feel it is appropriate and proportionate to do so.
16. If appropriate and proportionate an announcement will be made by staff asking customers to leave the premises quietly.

Training

17. It will be the manager's responsibility to:
 - Ensure all staff have read and understand this policy
 - Make sufficient staffing provision to ensure that it is complied with

- Ensure that any residential complaints are acted upon and recorded in a complaints book
- Work with the police and council licensing team to ensure that best practise is used in dispersing customers
- Revisit this policy and update it as necessary

Review

18. This is a working document that will continue to be updated. This document will initially be reviewed at regular intervals, as operations develop. Following this, it will then be reviewed quarterly, or more regularly as and when circumstance dictates.

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Sherborne House

Newland

Sherborne

DT9 3JG

Application for premises licence

Applicants Submissions

1. These submissions are provided by the applicant to assist the Licensing Sub Committee in their determination of an application for a new premises licence at Sherborne House.

2. The following documents have been provided in support of the application
 - The Sherborne – Presentation
 - The Sherborne – Mission Statement
 - Planning Permission reference WD/D/20/002080 dated 28 May 2021
 - Draft Noise Management Plan
 - Draft Dispersal Plan

3. These submissions are structured as follows
 - The Applicant
 - The Premises
 - The Proposal
 - Planning
 - Pre-Application Consultation
 - Submission of the application
 - The Responsible Authorities
 - Interested Persons
 - Summary

The Applicant

4. The applicant is Sherborne House Trust Limited, the commercial arm of Sherborne House Trust 2018, a charity registered in 2018, number 1179440.
5. The objectives of the charity are:
 - Promoting and advancing the education of the public in, the arts, in particular, but not exclusively, by:
 - Promoting and providing facilities for participation in the arts, and
 - Fostering and promoting the improvement and development of artistic knowledge, understanding and appreciation of the arts; and
 - Restoring, preserving and maintaining, for the public benefit, Sherborne House, Sherborne, Dorset, including the Thornhill Mural, situated within Sherborne House.

The Premises

6. Sherborne House is one of Sherborne's most notable historic buildings. is a Grade I Listed Building with separately listed Grade II coach house, and separately listed Grade II Garden walls. The property is on the Historic England Buildings at Risk Register
7. Sherborne House has been largely vacant since the closure of the Lord Digby's School for Girls in 1992. Despite numerous proposals put forward by both developers and local charities, the building remains on the Heritage at Risk register, without a use for 28 years.
8. Previous efforts have been made to secure the future of the building as an arts/heritage centre with studio workshops, 3 flats and an outdoor exhibition centre and permission for this use was granted in 1998. This included a considerable extension to the north. However, after over 10 years of effort, including 2 unsuccessful applications to the Heritage Lottery Fund, this had to be abandoned for lack of funding.
9. Since Autumn 2018, the property is owned by the Sherborne House Trust 2018, At the time the Trust acquired the premises for circa £1.8million, it was derelict, unfit and unsafe for use and on the Heritage at risk register. The substantial investment into making it fit for purpose will be circa 10 times that amount and has all been done with the full blessing of the planning and various heritage bodies.

The Proposal

- 10.** We have included with these submissions a presentation in relation to the Sherborne and a Mission Statement.
- 11.** The intention is to create a visual arts centre, called The Sherborne, of regional significance, showcasing the best of artists and makers from the South West, holding a number of major (principally selling) art exhibitions throughout the year, attracting regular returning visitors from around the region and beyond. Alongside this there will be an interactive and engaging arts and cultural programme that is inclusive and accessible to everyone. Broadening people's understanding and appreciation of the arts will be at its heart, as will a professional development programme for regional artists and makers, including those at the beginning of their professional careers
- 12.** These exhibitions will be mostly free at the point of entry and indeed it needs to be an inclusive space for the residents of the town and other visitors.
- 13.** Dorset Visual Arts (**DVA**) have been appointed as The Sherborne's principal arts partner to devise and manage the arts programme. Initially exhibiting artists and makers will draw from the DVA membership but as soon as possible it should be extended to include national touring exhibitions and works from non-DVA members and artists and makers from the wider region
- 14.** The arts programme will engage with all the schools in the town, state and private, together with other educational establishments across the region
- 15.** The founder, Michael Cannon, was very keen on sculpture and has given several large pieces to be exhibited at The Sherborne, with the intention that a sculpture trail will be developed in due course in the garden at the rear of the main house.
- 16.** As an arts centre, the Premises will also embrace the performing arts in such mediums as live streaming ballet, Opera, theatre as well as live performances of the same mediums.
- 17.** A governing principle for the Trust is that it will be financially sustainable and self-sufficient, without relying on public sector grants or being dependent on regular fund raising.
- 18.** The various commercial activities (80 seat bistro/restaurant, cocktail bar, functions - in particular weddings - and other events, the second-floor offices, general room hire, the shop and art sales) will act as the "engine" to generate sufficient surplus to support and subsidise the arts programme, as well as pay for the general running costs of The Sherborne. The Cannon

Foundation has agreed to support the arts programme for the initial 2 years, to allow the commercial activities, particularly the wedding and other functions business, to become established.

19. Whilst not part of the current application, in due course, application will be submitted for a Marriage Licence to enable the premises to host civil ceremonies.
20. The management team at The Sherborne will be led by Jeremy Lee who has in excess of 30 years experience in the hospitality sector. He has held premises licences and is the holder of a Personal Licence. Jeremy will lead a team of 30 full and part time employees.
21. The premises aim to open in April 2024.

Planning

22. A planning application for the “Re-use of Sherborne House as exhibition, events, function, restaurant and office space, with associated repair and extension” was submitted to the planning department of Dorset Council on the 16 September 2020.
23. Planning permission was granted on the 28 May 2021.
24. A copy of the planning permission is attached to these submissions.

Wider Council Strategic Policies

25. The Dorset Council Licensing Policy, at para. 3.1, seeks to integrate the licensing policy with, amongst others, the following:

Dorset Council Plan

26. The proposal is consistent with the Council Plan in that it is “*a catalyst for prosperity, growth, working with and supporting local businesses and partners*” (Dorset Council Plan – Driving Economic Prosperity).
27. Critically the proposal is in line with the Council Plan which states that

“Government funding to local councils has reduced every year for over a decade now and the reality is that (the Council) cannot continue to provide everything residents, businesses and

visitors want and need, so it is more important than ever that that (the Council) find the best way of working together. We will do more to support and enable voluntary and charitable organisations who are providing valuable help and support and making a positive difference to our communities” (Dorset Council Plan – Creating stronger, healthier communities)

Dorset Council Economic Growth Strategy

28. Three of the priorities of the Economic Growth Strategy are to:

- *Enhance Dorset as a place to do business and attract inward investment*
- *Support creation and growth of new sustainable business. This will support high quality job creation*
- *Enhance aspirations and skills to improve social mobility*

29. The proposal also supports one of the key sector projects – tourism and leisure – with *“investment to improve the Dorset “offer” improving visitor experience, productivity and quality of employment opportunity*

Pre-Application Consultation

30. The development of the premises has been the subject of significant scrutiny and engagement not only from the relevant stakeholders within the Council as part of the planning process but with the local community.

31. In advance of submitting the application for the premises licence the applicant engaged in pre application consultation with the licensing authority on the 26 April 2023 and a site meeting was held on the 18 May 2023.

32. The pre application consultation was supported by a draft operating schedule, with proposed operating hours until 0200.

33. As a consequence of this and following further consultation with the local community the application was refined further. The Operating Schedule was further enhanced and revised with additional conditions being added and a reduction of hours (in line with those now being presented to the Committee)

The Application

34. The application was submitted to the Licensing Authority on the 31 July 2023 and advertised in the Western Gazette on the 3 August 2023, with 2 sets of notices being displayed at each entrance to the site on Newlands.
35. The application is supported by a comprehensive schedule of conditions centred round a living Operational Management Plan (**OMP**) which will be the subject of on going revision and scrutiny by the licensing and responsible authorities.
36. The OMP will include sections on, but be limited to the following:
- Fire Risk Assessment,
 - Security Management Plan
 - Capacity control
 - Special effects
 - Alcohol Management Plan
 - Medical Management Plan
 - Noise Management Plan
 - Access, egress and dispersal Plan
 - Child Welfare Policy
37. There are also specific conditions that address the following
- CCTV
 - The provision of door supervisors on a risk assessed basis
 - The reporting of incidents
 - Management of external areas
 - Dispersal
 - Staff training
38. The day-to-day provision of licensable activities (internally and externally) will cease at 2300.
39. The provision of any external licensable activities will cease at 2300, at the latest.
40. The application includes a request to extend licensable activities through until 0100 for pre-arranged functions and events (weddings, celebrations, awards ceremonies for example) to provide the Premises with the flexibility that they require to enable them to deliver on the stated aim to become financially sustainable and self-sufficient, without relying on public sector grants or being dependent on regular fund raising.

The Responsible Authorities

41. During the course of the statutory consultation process the EHO made contact with the applicants' solicitors and raised three issues, with the applicant's response in red:

- *Light Pollution – Light from outdoor live events which may create a public nuisance of not controlled during and after live events are held outdoors (Use shielded and directed lighting fixtures to minimize light pollution in the surrounding area.)*

The issue for light pollution is dealt with at condition 6 of the Planning Permission which states as follows

No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details, and no other external lighting shall be installed

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

This condition has been discharged.

- *Noise Control– Both external and internal sound levels, how they may be measured and who will be responsible for adjusting them so as not to cause public nuisance?*

The following words are to be added to the OMP condition on the operating schedule:

“Noise Management Plan” - “this will include monitoring of noise levels at the nearest residential premises and noise levels adjusted accordingly”

- *Waste disposal (Bottles) – will this be carried out after 8am and before 9pm?*

The site is designed with a service yard.

Any waste (including bottles) can be tidied away for deliveries & collections which will take place in normal business hours, Monday to Friday

42. As a consequence of this engagement, the EHO has not made a representation to the Application.

43. None of the other responsible authorities have made any comments on the application. It is fair to say that none of these bodies has sought to either restrict the proposed hours of operation nor have they requested that additional conditions being added to the operating schedule (save the minor amend requested by the EHO as state above

44. The s.182 Revised Guidance to Licensing Authorities states at para. 9.12 the following

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing

45. The Applicant says that it is of significance that none of the responsible authorities has made a representation to the application, or even sought to make any change to the proposed hours of operation or seek substantive changes to the operating schedule.

Interested Persons

46. The application has attracted representations from three local residents.

47. On receipt of their representations the Applicant, through the licensing office at the Council has sought to engage in a mediation process, setting out the full nature of the application.

48. Whilst the development of the Sherborne has not only been visible within Sherborne itself, and the subject of local and community engagement and consultation, the Applicant apologises to these residents who have made representations to the application that they have not been part of this consultation.

49. The concerns of those who have made representations to the application are primarily associated with the licensing objective of the prevention of public nuisance.

50. Attached to these submissions are draft policies which will form part of the OMP that deal with

- Noise Management
- Dispersal

51. It should be noted that these policies are in draft format at the moment and will be developed as the Premises moves towards opening with the assistance of the Applicants consultants. The concerns raised by the local residents will help and assist with the development of these policies.

52. The OMP is of course subject to on-going scrutiny by the council and responsible authorities and where changes are required to be to ensure that the licensing objectives are promoted then these policies will be amended and adapted as necessary.

53. Whilst the Applicant is sensitive to the concerns raised by the local residents it is key to the on-going success of the Sherborne that the local community is fully engaged in the project. If requested a contact number of the Premises will be provided by the Applicant to those local residents who request it so that their concerns can be immediately addressed to the on-site management. Notwithstanding this, is it worthy of comment that the responsible (and enforcing) authorities have not made any representations to this application

54. The Applicant has offered to add the names of the representors to any future communication on the on-going development of the Sherborne and will welcome the local community to the Premises in advance of opening

Conclusions

55. There is only one question of significance here - is this application, by this Applicant, at these premises, likely to undermine the licensing objectives?

56. Licensing is all about proportionality and in developing the application as presented to the Committee the Applicant has adopted a proportionate and reasonable approach. This approach will continue up to, and beyond, the opening of the Premises

57. The National Guidance issued under s.182 of the Licensing Act 2003 states as follows

The Authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve

58. The National Guidance goes on to state:

"14.36 ... If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved."

59. The Licensing Sub-Committee can only really make such a finding based on admissible material submitted to it. What the authority cannot be asked to do is speculate, as the High Court make clear in R (Daniel Thwaites) v Wirral Borough Magistrates Court [2008] EWHC 838 (Admin). It can, however, draw fair inferences from the material it does have.

60. It is submitted that, on the evidence presented, the Committee should grant the application because:

- (i) The Application seeks to bring back in to use a significant and important at-risk historic building in Sherborne
- (ii) Previous attempts to bring the premises back in to use failed due to lack of public funding
- (iii) To enable the premises to become self-sufficient an element of commercial enterprise is required
- (iv) The Application is consistent with the Councils own Licensing Policy
- (v) The Application is consistent with the wider Dorset Council strategic plans, specifically referenced in the Councils Licensing Policy
- (vi) The site will be managed by an experienced personal licence holder supported by suitably trained members of staff
- (vii) In advance of submitting the application, the Applicant carried out pre-application consultation at which stage no concerns were identified
- (viii) Notwithstanding this, following the pre application consultation the hours of operation were reduced, and the operating schedule enhanced.

- (ix) The application is supported by a comprehensive schedule of conditions
- (x) Following the submission of the application, save for one small addition requested by the EHO, no party has sought to alter, amend or add to the schedule of conditions proposed with the application
- (xi) There are no representations to the application from any of the responsible authorities
- (xii) There is a secondary lock step to the application given that the OMP will be the subject of on-going scrutiny by the Licensing Authority and Responsible Authorities
- (xiii) Whilst the Applicant is sensitive to the concerns of the residential objectors, these concerns are unsupported by any evidence.
- (xiv) In the event that the Applicant does not deliver on their promise to the Trust, the Licensing Authority and the wider Community there is the opportunity for the licence to be brought back before the Licensing Committee by way of a review

61. We invite the committee to conclude that a fair proportionate and balanced means of protecting those concerns and promoting the licensing objectives has been proposed and agreed between the officers and the applicant through a robust schedule of conditions and the various management plans

Ewen Macgregor

Partner

TLT

13 September 2023

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Sherborne House

Newland

Sherborne

DT9 3JG

OPERATING SCHEDULE

Opening hours

- On each day of the week 07.00 to 0130

Hours for the provision of licensable activities

- **Sale of Alcohol (on and off sales)**

On each day of the week 1000 to 0100

- **Regulated Entertainment (indoors and outdoors)**

On each day of the week – 1000 to 0100

There shall be no regulated entertainment provided outdoors after 2300

- **Late Night Refreshment (indoors only)**

On each day of the week – 2300 to 0100

- **New Year's Eve**

Opening hours and the provision for all licensable activities - from the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day

Schedule of proposed conditions

GENERAL – ALL FOUR LICENSING OBJECTIVES

1. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
2. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
3. A 30-minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.
4. Save for pre- arranged events and private functions, the sale of alcohol and the provision of licensable activities will cease at 2300
5. The OMP will include details on subjects such as, (but not limited to)
 - Site plan
 - Layout plans
 - Risk Assessments
 - Fire Risk Assessment,
 - Security Management Plan
 - Capacity control
 - Special effects
 - Alcohol Management Plan
 - Medical Management Plan
 - Noise Management Plan - *this will include monitoring of noise levels at the nearest residential premises and noise levels adjusted accordingly*
 - Access, egress and dispersal Plan
 - Child Welfare Policy
6. The OMP (and appendices) will be 'living' documents which will be reviewed and revised as necessary
7. The OMP will be shared with the Licensing Authority, and responsible authorities on request
8. The Premises Licence Holder must comply with the OMP

9. The position of points of sale for alcohol/external bars in the external areas of the premises shall not impede access or egress to and from the premises
10. Service and sales from any external bars/points of sale shall cease no later than 2300
11. Any external bar/point of sale will be supervised at all times when in use
12. Any external bar/point of sale will be inaccessible to customers when not in use

THE PREVENTION OF CRIME AND DISORDER

13. CCTV shall be in use at the premises.
 - (i) The installed CCTV system and any extension to or replacement of the CCTV system shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational before the licence is used to authorise licensable activities.
 - (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.
 - (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority
 - (iv) The correct time and date will be generated onto both the recording and the real time image screen.
 - (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.
 - (vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images

into a removable format at the justified request of an authorised officer of the Licensing Authority or a constable.

- (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.

14. The provision of door supervisors on the premises shall be risk assessed. A copy of the risk assessment shall be kept on the premises and made available for inspection by the Police and authorised officers of other responsible authorities on request.

15. The risk assessment shall be reviewed and updated at least once every 12 months.

16. Where door supervisors are employed on the premises the following conditions will apply:

- (a) The licensed door supervisors shall be employed solely for vetting, regulating, controlling and supervising patrons whilst entering and whilst on the premises and to ensure the maintenance of good order, public safety and internal security.

- (b) A register shall be kept at the premises to record the details of the door supervisors, the number of persons on the premises and any incidents. The register shall be produced to authorised officers of the Council and the Police upon request.

- (c) The register shall contain the following details:

- a. Full SIA registration number.

- b. Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.

- c. Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.

- d. Any occurrence or incident of interest involving crime and disorder, or public safety must be recorded giving names of the Door Supervisor involved.

- e. Training records

- f. ID Photo and scan of SIA badge

- g. A record will be kept on site of all SIA checks, on the validity of all door staff licences.

- h. The name, home address and registration number of all door supervisors working at the premises.
- i. The door supervisor register must be kept at the premises and be available for inspection by the Police or an authorised officer from the Council and shall be retained for a period of 1 Year.

PUBLIC SAFETY

- 17. The premises licence holder shall require the DPS, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded.
- 18. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry.
- 19. The Incident Book is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
- 20. The premises licence holder, or the person appointed by the premises licence holder to be in charge of the premises when licensable activities are taking place, shall provide or have the unhampered use of a telephone on the licensed premises for use in an emergency.

THE PREVENTION OF PUBLIC NUISANCE

- 21. There shall be no regulated entertainment provided in any outdoor areas after 2300
- 22. Where any external area is to be used exclusively by the premises and indicated on the plan as such, such area will be properly managed to ensure that as far as practicable customers behave in such a way as to promote the licensing objectives
- 23. Where any external area, as shown on the plan, forms part of a communal seating area, provision will be made for the proper management of customers to ensure that as far as practicable customers behave in such a way as to promote the licensing objectives.

24. A dispersal policy will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each night's trading session do so quickly and quietly.

THE PROTECTION OF CHILDREN FROM HARM

25. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes.
26. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
27. All training shall be refreshed at least every 12 months
28. At all times that the premises is operating under this licence, the Premises Licence Holder shall ensure that its staff operate a Challenge 25 Policy (to minimise the risk of alcohol being sold to underage customers). This Policy shall provide that before any sale of alcohol any person who appears to be under the age of 25 will be required to produce photo ID.
29. Valid identification is limited to:
- a) Passport
 - b) Photo Driving Licence
 - c) PASS Accredited Holographic Proof of Age Card
 - d) National including EU Identity Card