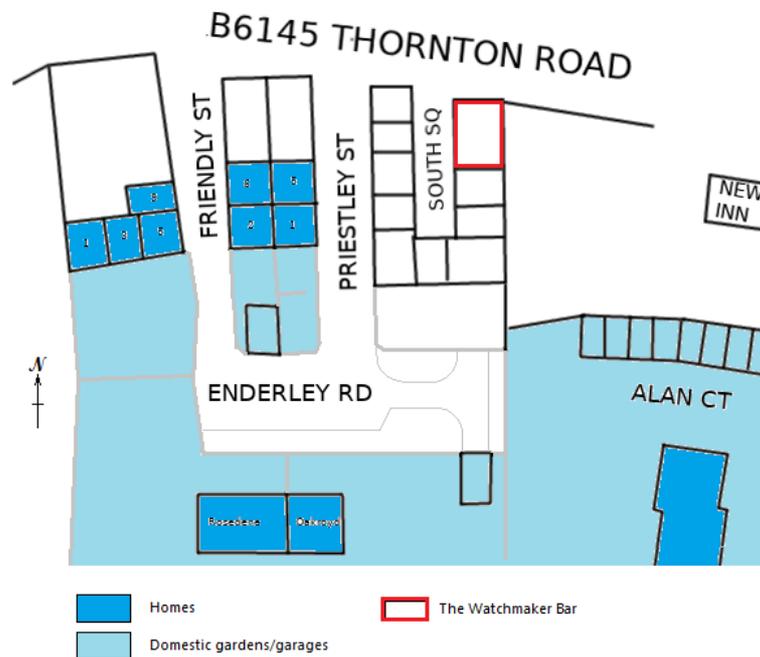


## General overview of the area

Enderley Road forms the centre of a relatively quiet residential backwater in the historic village of Thornton. Although only two homes have Enderley Road postal addresses, many more homes on Friendly Street and Priestly Street face onto Enderley Road, and there are further homes overlooking from Alan Court. On the following sketch, homes are highlighted in blue and their associated gardens in light blue.

The Watchmaker bar is located at 377 Thornton Road – outlined in red. The buildings around South Square form the South Square Community Arts Centre. To the east of South Square is a car park for the New Inn Public House. The garden area to the south of South Square was previously lightly used by Artists who have studios within the centre and for occasional workshops and meetings – which caused no disturbance to the residents.



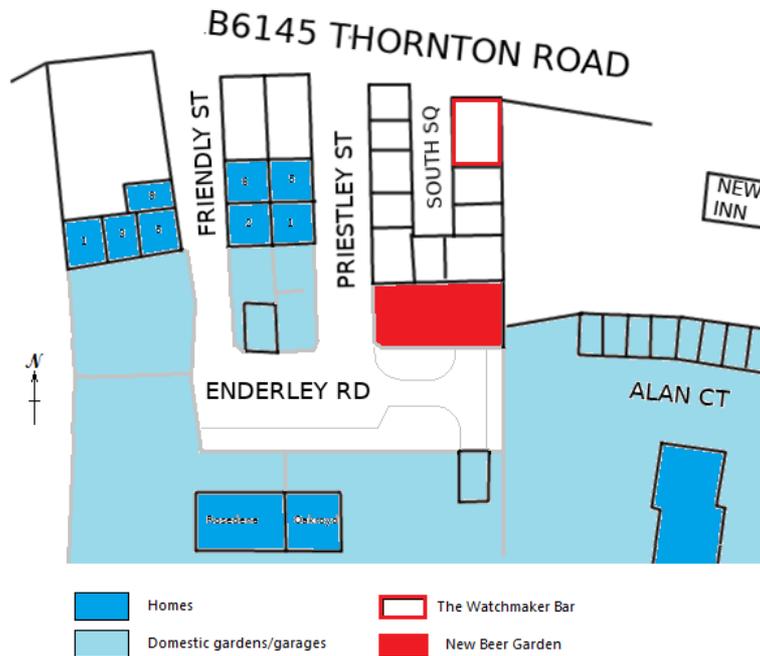
The Watchmaker bar, and its predecessor, the Cobbles, has operated successfully for a number of years, utilizing the courtyard of South Square for outside seating space. Due to the bar's location and the screening effect of the two-storey buildings that surround the courtyard the noise that reached the residents around Enderley Road was negligible.

Noise emanating from the New Inn is relatively minor from the point of view of residents around Enderley Road – little noise is produced by the car park in normal times and the pub itself is some distance away. What noise is generated is to some extent contained and reflected away by the eastern walls of the South Sq Centre, a substantial masonry wall that continues south of that, and the rear of the garages belonging to Alan Court. There was an increase in noise during Covid restrictions when the car park was converted to outdoor seating, but this has now been cleared away and the car park returned to its previous use, the remaining outdoor seating being close to the pub itself. New Inn do occasionally hold special events in the car park but these are few and far between and the overall effect on residents is small.

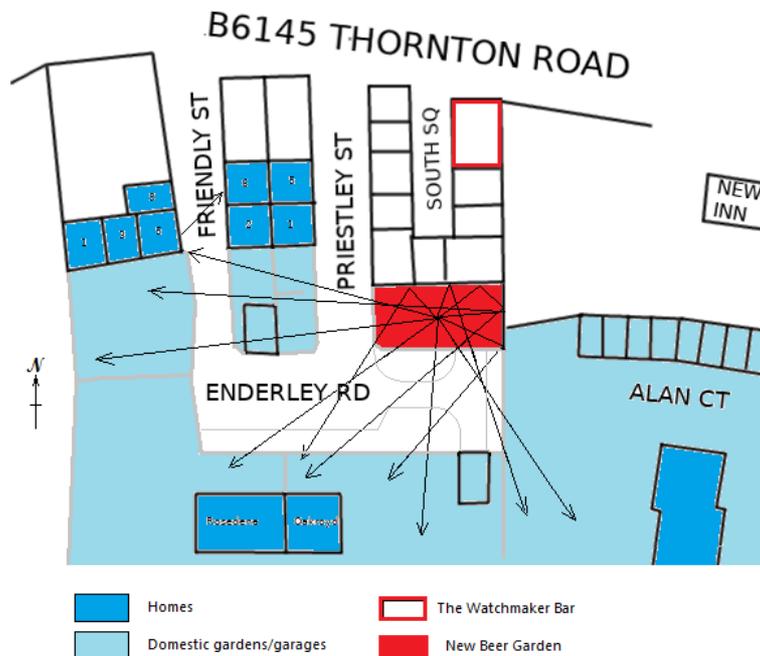
There is of course the normal background noise of any residential area – occasional noise from DIY and gardening power tools, dogs barking, vehicle movements and so on, but overall It is relatively peaceful. Most of the time, if you were to sit in my garden at Oakroyd the most noticeable sound would be that of bird-song.

# What Changed

The Watchmaker Bar has now started to use the garden area to the south of South Sq as a beer garden - marked solid red in the following sketch:



This move the source of the noise to a position much closer to the residential area and completely loses the screening effect of the South Sq buildings. Indeed the buildings (three stories high at this side) and eastern garden wall now appear to act to reflect and intensify the sound towards residential properties. The following sketch attempts to illustrate this:



## **Effect on Residents**

As with any situation where there are crowds of people socialising and lubricated with alcohol, there will be a significant amount of noise generated. In many situations this level of noise might be perfectly acceptable – in busy town centres for instance or other areas where it is part of a long established business where anyone living in the area will have known about the prevailing conditions before moving in.

The Enderley Road area is not such an area however. This is no 'dormitory estate' where people are out at work or school for much of the day and where daytime noise is of little consequence. Many of the Enderley Road area residents are retired, work part-time, or frequently work from home (now, post Covid, on a permanent basis). Several of us are keen gardeners and naturally like to relax outdoors towards the end of the day and enjoy the fruits of our labours. The majority of residents have been here for more than a decade, some for over quarter of a century, so are well used to the normal level of noise in the area and the noise from the new beer garden represents a very great and detrimental change.

The new beer garden is very close to the residential area – immediately adjacent to my land and less than 13m from the start of my garden proper. The unfortunate acoustics of the area make it sound even closer. The volume, persistence and duration of the noise from the beer garden is an order of magnitude worse than anything else we normally have to endure. It prevents us from going about normal domestic activities such as reading, working, relaxing in the garden or having an early evening meal outdoors. Even indoor activities are curtailed when windows need to be opened as the sound can be heard throughout the entire house. As the beer garden is at its most popular during good weather, the worst of the nuisance exactly coincides with the time residents would naturally wish to be able to use their gardens or keep windows open. The persistent interference with normal domestic activities causes an amount of stress, and the prospect of this continuing without mitigation promotes anxiety, neither of which are conducive to good mental health.

## **Action to date**

There have been various communications and meetings between residents, the management of the South Square Community Arts Centre and The Watchmaker. While some related concerns such as parking and access have been addressed, the only adjustment made regarding the noise nuisance resulting from the use of the garden as a beer garden was the erection of 'please be considerate to our neighbours' signage and a small reduction in operating hours, which have failed to address the major part of the residents' concerns.

When it became apparent that some features of the garden had been constructed without the necessary planning permission we hoped that the issue might be resolved by the planning system. Written objections representing at least half of the homes in the Enderley Road area were submitted regarding the noise nuisance resulting from the garden's use as a beer garden. However the Area Planning Panel (Bradford) meeting of 23-Feb-2022 took the view that as the application was simply for the construction of a Gazebo and fencing for a general purpose outdoor space for the Arts Centre (the application specifically claimed "The space is not a beer garden") our objections were not relevant to the application in hand and that the use of the garden as a beer garden and associated noise nuisance was a matter for Licensing.

## Possible way forward

As the operation of the beer garden in this location is causing a nuisance to local residents and the Licensing Act makes provision for the prevention of Public Nuisance, it would seem that Licensing conditions might be one way of resolving this situation. Under the Agent of Change Principle, the onus should be on The Watchmaker to ensure that their new activities are compatible with the existing environment, rather than for local residents to have to amend their lifestyles to cope with the new source of noise.

As the garden is an open space, it is difficult to see what practical measures could be taken to control the noise from the new beer garden – there are no options to keep windows and doors closed or use noise limiters and signage has already proved to be ineffective. The only remaining option seem to be for The Watchmaker to relinquish use of the garden area as a beer garden. This would simply mean returning to the arrangement that had been in place for several years previously where they utilized their premises on Thornton Rd and the outdoor space in the South Square courtyard. The courtyard provides reasonably substantial space (compared with their indoor facilities) and so should be sufficient to support their business needs, as it has done in the past.

At the time of writing the courtyard is closed due to building work, but the picture below (taken from South Square's web site) shows how it appears normally.



The situation regarding licencing seems a little complicated, as there appear to be two licences involved, one for the entire South Square Community Centre (number 204807, On premises) which I'm told covers the whole centre including the garden, and another specifically for The Watchmaker (number 208883, On and off Premises) which covers just the bar premises. In both cases the licence holder appears to be the Thornton & Allerton Community Association. After a discussion with a Licencing Officer, I understand that any alcohol sold by The Watchmaker must be covered by their licence rather than that of the Centre's and as the garden is not part of The Watchmaker's premises, use of the garden will have been on an 'off premises' basis.

So one simple way forward would be to restrict The Watchmaker's licence to 'on premises' sales only. Alternatively if the garden (and courtyard) could be included within the licenced premises of The Watchmaker's, there could be an additional condition that 'no alcohol is to be consumed in the garden area to the south of the South Square buildings'. As this second option would be less restrictive on The Watchmakers operation, while still having the required effect to protect local residents from noise created by the beer garden, that would be my favoured approach.

## APPENDIX

Extracts from some of the comments submitted by residents of the Enderley Road area to the planning application (21/06073/FUL & 21/06074/LBC):

“... As a resident of Friendly Street, Thornton for over 25 years it has to be said this area is a small communal backwater immersed in history and nature, a very tranquil space in a much broader village scape. It is an unlikely and unwelcome setting for a rowdy beer garden. The presence of and the noise generated by many people congregating in this garden is a general nuisance, infringement of privacy and unpleasant to endure. The worst occasions are on late afternoons and early evenings when I, for one, wish to have a calm few hours in my own surroundings to relax and reflect on my days work. ... There have been many instances of unacceptable noise levels coming from the garden, all projecting from the gazebo and carrying over the fencing. Every word and screech can be heard very clearly. ... This quiet back water of Thornton does not need or support such a loud and unnecessary addition to their otherwise peaceful existence. It really is not the correct environment for a beer garden as anyone visiting the area can observe. ...“

“.... The noise levels generating from the garden when customers from Bar are in it and sitting under or congregating around the gazebo - is intolerable most times. Sound travels very easily in this small neighbourhood and is greatly amplified simply because our homes are built on a steep slope and the sound acoustically bounces around. Full conversations, every screech and lewd thing can be heard, and these conversations then become louder, the more the customer's drink. We have complained to South Square many times about the noise - I have sent them sound recordings of the noise being generated - but they have shown very little interest in our complaints ... I must keep all my windows closed for most of the time that drinkers are in the garden and can only open them once the garden has been emptied of people. This happens 5 days a week, for several hours a day. It is a measure of how bad the noise is, when we, the neighbours, are grateful that the weather is bad. ...“

“... I have lived on Friendly Street for something like 16 years and have remained here because it is a quiet and pleasant place to live, with lovely views and an abundance of wildlife. The noise from this newly made beer garden wrecked all these years of peace. Visiting a place and considering it to be lovely is a bit different to living in a lovely place and having it wrecked 5 days a week by inconsiderate pub garden users, drinking and getting louder the more they drink. ...“

“... Over the past 11 years I have worked hard to improve my garden and find that I am now prevented from using it as I wish. The noise from the beer garden is often loud and sometimes overwhelming. It tends to increase as the afternoon progresses and is particularly dreadful when large groups are in the garden, particularly when parties are held. At such times I cannot even open a window to my property as the noise can be heard throughout my home. ...“

“I moved into this neighbourhood with my partner earlier this year thinking we would be living in a nice quiet street. Then South Square built a 'Communal' garden - that is DEFINITELY used as a beer garden for much of the time, about 95% of the time - and ever since they did that, it's been really loud and noisy. It sounds like a town pub. ...“

“... Since we moved in, South Square centre opened a Beer Garden and the noise that comes from it is really bad. We don't have a garden but even when we're just sitting on our doorstep or have our windows open we can hear loud talking, men shouting and high pitched laughter. This can go on for hours. ...“

“I am a long term close neighbour of the South Square Centre and I object very strongly to the Garden being used as a Beer Garden. I have long term health problems including breathing difficulties, suffering from COPD. During the day, I NEED to have my windows open for fresh air to help with my breathing. But because of the racket and noise that comes from the drinkers in the garden, I often have to close my windows which makes my breathing worse. I then need to increase my medication which I shouldn't have to do. ...”

and from the nearby Alan court:

“I am writing on behalf of my elderly mother and other elderly residents who live in Alan Court which is in the immediate vicinity to the beer garden at South Square. She and the others have had to endure months of very loud noise coming from that place. Most of the residents at Alan Court are over 70 and whilst a small handful might not be too disturbed by it, the majority of these older residents, are fed up to the back teeth with it. ... My mother suffers from various health issues including anxiety and breathing difficulties. She - and other residents - have been unable to open their windows when the beer garden has been in use - five days a week for hours at a time. This has exacerbated her health problems and she has often phoned me in great distress. This is completely unacceptable. After working hard all her life and raising a family too, she and the other residents of Alan Court should be able to enjoy their twilight years in peace and not have screaming women, loud men shouting, swearing and laughing within earshot of her. It's disgraceful and South Square should never have built this beer garden and spoilt so many lives ...“