

[REDACTED]

LC REVIEW

Cheshire East Council
Licensing Department
Regulatory Services and Health
Municipal Buildings,
Crewe, CW1 2BJ

Appendix 1

7th January 2022



Dear Sir or Madam,

Please find enclosed a copy of a License Review Application for the Oddfellows Arms in Welsh Row Nantwich.

You will recall that this was originally submitted in February 2020 but, after pandemic delays, it was agreed late in 2021 that it would be resubmitted. This is a revised application with additional details from 2020 and 2021. We have waited until January to avoid any issues with holidays disrupting the review timeline.

We have submitted the application to Marston's Brewery in line with the requirements of the Review process. We have included two copies including one for Marston's to distribute to their tenant, Mr. Oldfield, who previously refused to accept delivery of the review documentation in February 2020.

The document also includes an SD card of audio and video recordings which form an essential element of the application. The recordings are also stored remotely on dropbox at the following link should this be more convenient for distribution:

[REDACTED]

We look forward to the opportunity to finally present this to you in person.

If you have any questions, please do not hesitate to contact me by phone or email.

Yours Sincerely,

[REDACTED]

ODDFELLOWS
ARMS
NANTWICH

LICENSE REVIEW
APPLICATION




JANUARY 2022

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I 
(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Oddfellow Arms
97 Welsh Row

Post town: Nantwich

Post code (if known): CW5 5ET

Name of premises licence holder or club holding club premises certificate (if known)



Number of premises licence or club premises certificate (if known):

Not known

Part 2 - Applicant details

I am

Please tick ☐ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)

☒

or (B) below)

☐

2) a responsible authority (please complete (C) below)

☐

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ☐ yes

Mr. ☒ Mrs. ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ☒

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance**
- 4) the protection of children from harm

Please tick one or more boxes ☐

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

As buyers of houses adjacent to a community pub, we purchased our houses in the knowledge of residual noise from arrivals, departures and people enjoying the company of fellow drinkers inside and outside the pub. There is a point when residual noise becomes nuisance, where entertainment and customer enjoyment is detrimental to those living close by. For us, and other neighbours, this happened with the arrival of new tenant Jordan Oldfield at the Oddfellow Arms in 2018.

The change to the dynamic and "offer" of the pub, and consequently to its cliental, has seen a dramatic and corresponding increase in noise from late night drinking and the live music at night and on summer weekends. This is the cornerstone of Mr Oldfield's attempt to change from a community pub to a music venue with regular event nights and weekends.

For more than 20 years before his arrival, we and our neighbours have enjoyed a warm relationship with the landlords. The Pub largely drew its customer from the local area and from the visitors to the town, especially the canal. In essence it has been a small traditional neighbourhood pub. While progress and change is inevitable, a cordial relationship with those of us living in close-proximity remains both possible and desirable regardless of the pub's business direction.

Were we were unaffected by the changes to the pub, we would naturally have no issue. We know that to survive pubs need a unique customer proposition. However, as this new level of live music and late-night outdoor drinking are evidently essential elements of the pub's income generation, we have quite justifiably raised concerns with Mr Oldfield, with the pub's owners Marston's Brewery and with Cheshire East Licensing and Environmental Health. Any details appended with this application are a mere snapshot of the dozens of incidents reported by us and other neighbours.

Ultimately, Mr Oldfield has taken a combative and entrenched position on the "rights" he believes he is granted by the pub's license conditions. Any further discussion has not been possible for more than two years. Our request for a review of the license conditions is to ensure formal measures are in place that minimise disturbance by the Oddfellows' activities and customers. We want Mr Oldfield and future tenants once he is gone, to adhere to the condition that: "No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises."

No changes will be made voluntarily by Mr Oldfield to reduce noise and the brewery's efforts at sound-deadening have been ineffective and their response to requests for intervention little more than perfunctory. Mr Oldfield has made it plain that he has no intention of compromising and does not believe our issues are valid. He has taken to social media to ridicule and refute our concerns yet refuses to meet with us to discuss them. The pub's owners, Marston's Brewery, acknowledge the issues in numerous conversations. Cheshire East also acknowledge them by imposing planning restrictions on the use of the outdoor shelter after 10:00pm. This continues to be ignored and the smoking shelter is in use until the pub closes despite the restriction.

Our concerns fall into two related key areas:

MUSIC: INDOOR

Music has been regularly played on three or more nights each week and is currently licensed until midnight Sunday-Thursday and 1:00am on Friday-Saturday. Performances inside the pub can almost always be heard outside and through the walls of Mr. [REDACTED]'s house 99 Welsh Row to which it is co-joined. Sound proofing efforts have not stopped this being an issue. In the summer months, frequent opening and the propping-open of the doors to the garden and street also significantly raised the external volume of music played inside.

MUSIC: OUTDOOR

The volume of live amplified music was also a significant issue during outdoor garden performances throughout 2019 and immediately pandemic restrictions were lifted. Outdoor live and recorded music events in 2021 lasted up to 7 hours. The volume of performances is loud enough to make normal conversation impossible in adjoining gardens. Multiple neighbours have raised the issue with the Police and Environmental Health from Easter 2019. The pub garden is surrounded on all three sides by multiple properties with more than half occupied by elderly residents.

Eight outdoor performances are licensed each year. The style of music performed outside is appropriate to the setting, but the PA system means that it can be heard inside houses far from the pub, even with windows closed, as well as by those whose gardens are conjoined. These events make it impossible for neighbours to use their gardens or even keep windows open and occur over multiple days during public holidays as well as on other Summer Sundays. Ironically, even casual drinkers in the pub garden can be heard shouting at one another to be heard over the PA system.

Outdoor Drinking and Late-Night Noise

The other significant area for many neighbouring properties is outdoor noise, especially after 11:00pm. Mr. Oldfield has been asked to ensure that outdoor drinkers and smokers are considerate but has taken no measures. He was himself a smoker and could often be seen and heard as part of these late-night groups. Noise continues until well after 1pm and this was especially an issue during the period immediately after lockdown in 2020 and 2021. Despite being fully aware of noise concerns, during renovations, the smoking shelter was provocatively transformed into a seated and fully lit drinking patio, significantly increasing the number of outdoor rowdy late-night drinkers.

In the summer, when heritage properties need open windows for ventilation this has continued to be a major problem. Informal discussions and recommendation by Cheshire East Licensing, Environmental Health and Cheshire East Planning (on non-compliance with planning permission restrictions) have not been enough to bring about any change, nor have discussions with the Brewery management who have failed to impress upon Mr. Oldfield the need to manage noise.

Mr. Oldfield has stated to Mr. [REDACTED] that, as he is licensed to serve drinks and provide entertainment until the times stated in the venue's license, he is not required to take any action that would help reduce the noise during these hours such as restricting the use of the garden after 11:00pm. He also offered the opportunity for, in his words, a "thorough rebuttal" - in person, at his premises - of our concerns which, naturally, we have declined. We have sought to settle these issues amicably.

It is our view that the issues raised can be addressed with conditions placed upon the Oddfellows license. We do not believe any are onerous or unreasonable. A review of licensing hours and a reduction in the late-night use of outdoor space is necessary and has been effective in reducing noise at other residentially located pubs - particularly the Wilbraham Arms. We are requesting:

1. No use of the garden or patio after 11:00pm
2. No amplified music, live or recorded in the garden
3. A reduction in the number of licensed outdoor performances from 8 to 6 each year.
4. No live music inside the pub after 11:00pm and control of live music volume inside the premises.

As neighbours, all we require from the pub is the consideration we expect from any nearby resident. Courtesy is, after all, at the heart of civilized urban living. The Oddfellows is in a tightly packed area of heritage houses and while we do expect some additional noise from a licensed premises, as long-standing residents, some of us for more than 30 years, we are fully aware of what an acceptable level of noise is like from the Oddfellow Arms and currently this is being regularly exceeded. We aren't some N.I.M.B.Y. incomers - the newest local resident is, in fact, Mr. Oldfield.

The brewery has prioritised obtaining new customers and increasing revenues. The landlord's only engagement with his neighbours has been to agree that the issues will be addressed and then refute or ridicule the suggestions that noise is an issue on social media describing us as "Fantasists" for wanting reasonable dialogue. Mr. Oldfield sees our concerns as a personal attack yet we are simply asking that *his business* be managed in accordance with his legal and social obligations as Mr. [REDACTED] and Mr. [REDACTED] both do with their own businesses; Mr. [REDACTED]'s a chain of licensed hospitality premises of considerably greater size than the Oddfellows.

While Messrs. [REDACTED] are named in this application, were it permissible to have additional requestors, other neighbours would also be involved, although some are understandably hesitant in the face of an antagonistic and unreasonable action from Mr. Oldfield.

Please see the attached timelines and addendums and listen to the audio files provided. Additional information can be obtained from the significant archive of complaints to Cheshire East Licensing and Environmental Health

Have you made an application for review relating to the premises before - **NO**

Please tick ☐ yes

☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them.

See attached schedules.

Please tick ☐ yes

- ☐ I have sent copies of this form and enclosures to the responsible authorities and the premises license holder or club holding the club premises certificate, as appropriate
- ☐ I understand that if I do not comply with the above requirements my application will be rejected



IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Date

6th January 2022

Capacity

Applicants

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Contact details as above for applicants

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

ADDITIONAL SUPPORTING INFORMATION

Additional Supporting Information

LOCATION MAP

Annotated Map

TIMELINES OF CONTACT AND COMPLAINTS

Timeline [REDACTED]

Timeline and comments [REDACTED]

List of recordings and commentary - [REDACTED]

THE LANDLORD'S VIEWS IN SOCIAL MEDIA AND TEXT POSTS

PLANNING CONDITIONS: NOISE RESTRICTIONS

Extract from Planning Decision Notice on "Smoking Shelter" regarding noise restrictions

Full decision notice - 20/0659N

ADDITIONAL LETTERS - NEIGHBOURS

[REDACTED]

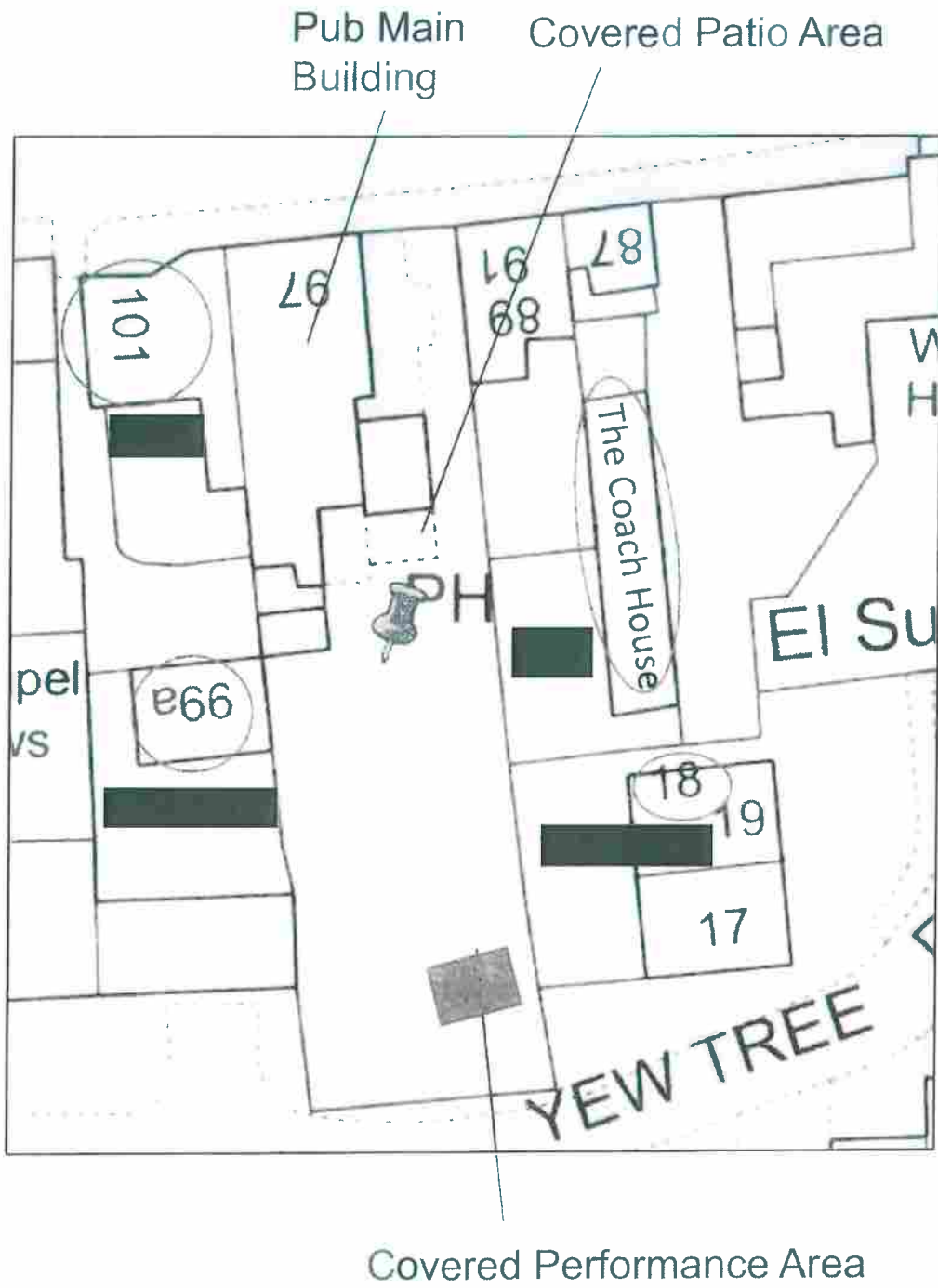
[REDACTED] - 2020 letter to Cheshire East

Timeline [REDACTED] - Significant number, frequency and details of complaints and contact

Other resident [REDACTED] - extract from email (requested to remain anonymous)

LOCATION MAP

Map of the Oddfellow Arms and surrounding houses



TIMELINES OF CONTACT AND COMPLAINTS



(includes details and commentary on audio recordings)

NB. See also [Additional Letters Section](#) for timeline of contact from [REDACTED] who have had an equal level of contact and concerns.

OZARD

26/01/2019 complaint to Cheshire East
27/02/2019 complaint to Cheshire East Licensing
01/03/2019 complaint acknowledged by licensing
20/03/2019 complaint to Cheshire East Licensing
21/03/2019 Oddfellows visited by police and licensing team
26/03/2019 complaint to Marstons, acknowledged by Cheshire East
complaint acknowledged by Marstons stating that they were looking into it, no further information
26/03/2019 given
complaint to Cheshire East Licensing, with video recordings attached, acknowledged by Cheshire
03/09/2019 East
05/09/2019 reply from Cheshire East

17/10/2019 complaint to Cheshire East, Cheshire Police and Marstons, acknowledged by Cheshire East
18/10/2019 reply from Cheshire East, police aware of complaint
complaint acknowledged by Marstons stating that they were looking into it, no further
18/10/2019 information given
26/01/2020 [REDACTED] complaint to Mark Vyse
Acknowledgment of noise from Mark Vyse although the frequency was not picked up by the
19/02/2020 recording machine
21/02/2020 [REDACTED] prevention of nuisance letter delivered to Mark Vyse

[REDACTED] complaint of lock in and after hours noise from the Oddfellows sent to Marstons,
26/02/2020 acknowledged by Marstons pending investigation. No follow up by Marstons.
Acknowledgement of complaint to Mark Vyse re lock in, sent to Environmental Health, no feedback
28/02/2020 given from Cheshire East
Another lock in until 4.00 am, complaint sent to Mark Vyse with a recording, complaint
16/03/2020 acknowledged but not followed up
17/03/2020 Recording sent to Tracey Billington

19/07/2020 Further recordings sent to Mark Vyse with regards to late night noise from the garden

21/07/2020 Recordings acknowledged by Licensing, letter sent to Marstons and Jordan Oldfield
21/07/2020 Armitage complaint emailed to Mark Vyse late night garden noise again
[REDACTED] complaint sent to Cheshire crime commissioner with reference to lockdown curfew not been
05/10/2020 adhered to
06/10/2020 [REDACTED] complaint of lockdown curfew non compliance sent to licensing
another complaint to Cheshire Crime Commissioner, very young people at the pub, damage to
16/12/2020 Oddfellows wall and smell of cannabis
24/04/2021 [REDACTED] complaint to Mark Vyse with reference to late night noise
01/05/2021 automated reply from Nantwich police, the officer was on paternity leave!
10/09/2021 [REDACTED] complaint of amplified music in the garden

This is only a synopsis of our toils over the last few years, frequent phone call to both Cheshire East and Marstons have not been included

[REDACTED]
Shares a border with the Oddfellows Garden & overlooks the outdoor “smoking area”

Timeline and comments

June 2019 – Initial informal discussions with neighbours on issues with pub noise. All of those involved in the discussion had already begun formal complaints about the noise but without any coordination of their experiences.

July 30th – Letter to Cheshire East Planning questioning the planning status of the redevelopment of the pub and whether permission, which had never been requested, was required for the smoking shelter – a major cause of noise for ourselves and our neighbours.

11th September - Letter to Jordan Oldfield explaining our concerns. I had not discussed these with him face to face having already spoken with other local residents who had repeatedly and unsuccessfully had face to face discussions about similar noise issues.

20th September - Text message inviting me to the pub for a discussion and the opportunity for the landlord to give “a clear thorough rebuttal to some of (my)points”. He told me he was too busy to visit me (next door), then went on vacation. The pub redevelopment that took place during his absence saw a significant change to the patio / smoking area which exacerbated my concerns and clearly demonstrated he had no desire to compromise.
- Having taking time to contemplate the trajectory of a future discussion where Mr Oldfield attempted to tell me why my concerns were not valid, I decided not to further engage with him as he had already made his position quite clear.

20TH September – Registered - NoiseComplaint145038995

End September - Calls from Mark Vyse at Environmental Health

14-19 October – Exchange of emails with Mark Vyse of Environmental Health. Offered the opportunity to complete a noise diary (which other neighbours were already completing with little success). I did not complete the diary as the noise was “ad-hoc” and instead opted to entirely replace all of our window seals and add new blinds to the windows facing the pub to reduce the late-night noise and improve our disturbed sleep. The noise continues but is less intrusive inside our house. This was not the case when the windows were open in summer 2020 and 2021.

25th October – Initial approach to licensing by email expressing the concerns of myself and local residents. Requested licensing review and was informed of the formal process that must be followed.

November 2019 – Discussion with neighbours that we would wait and see if there were improvements over Christmas and year end. Further discussion in January and additional complaints to the landlord and Cheshire East have prompted

January 2020 - Email from Cheshire East that retrospective planning permission will be sought by Marsten’s Brewery for the “smoking shelter” (which has been repurposed into a fully lit, seated covered patio area) No action will be taken to remove it. This resulted in late night noise restrictions on its use which have been ignored and have been reported to Planning Enforcement – September 2021.

February 2020 – Initial application for License Review. This first application was postponed due to Covid workload and now replaced by this application in December 2021.

December 2020 – report to Environmental Health and Licensing of excessive noise and breach of Covid Regulations from fully enclosed marquee erected in Pub the garden. The regulations stated the marquee must be 50% open.


Shares a border with the Oddfellows Garden & overlooks the outdoor “smoking area”

Report detail shared with landlord in breach of GDPR. (Resolved in March 2021 with an apology from CE). Landlord posts sarcastic comments on Oddfellows Arms Facebook page sharing my images of his Covid breach.

May 2021 – Recording and report of potential Covid regulation breaches from loud recorded music in the outdoor marquee with drinkers standing in groups, dancing and singing when regulations were for “all-seated” drinking.

June 2021 – Recording of excessive amplified music again supplied to CE Environmental Health from two-day 6+ hour music sessions in the garden over May Bank holiday.. Response from Mark Vyse about a statutory noise nuisance investigation but no further action taken.

June 2021 – Permission granted for “smoking shelter” with late-night noise restrictions on its use which have been entirely ignored.

July/August 2021 – Further contact with Mark Vyse and additional recordings of late-night noise – beyond 1am.

September 2021 – Report of breach of planning consent to Planning Enforcement due to late-night use of the “smoking shelter” by drinkers.

September 2021 – Discussion on revised dates for postponed license review. After internal discussion at CE, agreed in October to submit a revised application for review in early 2022.

January 2022 – License Review Application (Revised).

- Further contact with Building Enforcement over non-compliance with planning permissions on outdoor shelter

[REDACTED]

Shares a border with the Oddfellows Garden & overlooks the outdoor “smoking area”

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December 2021 – License Review Application 2.

1000 JOURNAL OF CLIMATE

Musical performances inside the pub

Even though we are not co-joined, music from the louder and more rock-orientated bands was intrusive in 2018 and 2019, particularly Friday and Saturday nights, exacerbated by the doors to the garden being constantly opened and closed as people come in and out during the summer. Even inside our living room with the doors and windows shut, if the bass is loud it reverberates through the walls.

Outdoor noise - Garden

We have never particularly found the general conversation, laughter and "hubbub" of a busy summer pub garden a problem throughout the 20 years we have lived in [REDACTED]. It is to be expected. The Oddfellows is popular in summer especially during the pandemic and other than some occasional unpleasant language, it's not worse than we would expect.

However, music weekends are now impossible to endure with a professional level PA system and band “stage” area and music for up to seven hours – both live and recorded. Although the artists performing in the garden aren’t real rock bands, the volume of the amplified music in a space surrounded by building is extraordinary to the point that, without exaggeration, anyone with an adjacent garden or property struggles to converse. We have had friends over for lunch and had to go inside because we ended up shouting across the patio at one another.

Outdoor Noise – Smoking Area/Outdoor Patio

This is one of the main issues for us at the [REDACTED]. The outdoor patio area has always been an issue since Jordan Oldfield became landlord. It is most popular after music stops playing and late into the evening when drinkers move from the Wilbraham Arms to the Oddfellows because it has a later license. There can be upwards of 20 people outside and after 11:00pm (and a night's drinking) they have little volume control. Jordan Oldfield is frequently among them.

The situation has been raised specifically in writing with the landlord. He has not only taken little action but instead oversaw improvements to the patio area with feature lighting and seating making it even more likely that there will be late-night noise, especially in the summer. We have taken the measures we can – adding blackout blinds and changing window seals to cut the noise but this means little in the summer when we need to have the windows open to achieve any kind of airflow in the house. On numerous occasions on weekdays people have been outside until midnight or gone when we are up for work at 6:00am.

COMMENTS ON AUDIO RECORDINGS - [REDACTED]

1. Outdoor loud music 20.55 28.08.21	Typical late Saturday night rock and roll band - almost 9pm. Music Typically starts at 3pm.
2. Outdoor loud music 13.06.21.mp3	One of the loudest bands that have played. We literally could not talk over this in our garden. This is 30m+ from where the "stage" is located
3. Bass - Inside the Coach House - evening 6th June.mp3	This recording is taken from inside the house with all doors and windows closed. This is recorded dance music and the bass shook all of the houses nearby) - skip to 10sec in for Bass
4. On street outside No85 29.08 - music.mp3	This is 150m+ from the "stage" area in the garden, on the street outside 85 Welsh Row. The music can clearly be heard further away than this as well.
5. Outdoor 20.51 on 29.08.19.mp3	Another typical band recording from, our garden
6. Outdoor Band 18.07.21 at 15.51.mp3	Another typical band recording from, our garden
7. Outdoor recorded Music - Saturday night 29.05.21.mp3	Music played after the band has finished using the professional PA amplification and speaker system
8. Inside Coach House Sunday doors shut 1.9.19.mp3	Same band as recording 5 - inside all doors shut
9. Inside Coach House all doors shut night.mp3	Same band as recording 1 - inside upstairs all doors shut
Inside Coach House doors shut afternoon 18.07.21.mp3	Typical indoor music levels
Late night departures.mp3	A typical late night departure of shouted farewells from pub patrons - most often after 12:00am
Late night garden from inside 23.03 on 13.06.21.mp3	From inside the house upstairs windows closed
Late night Shelter 23.11 on 11.09.21.mp3	Typical conversation levels inside the "smoking shelter" which should already be closed in line with the retrospective planning permission
Late night Shelter from inside - 22.53 on 24.09.21.mp3	
Outdoor Band 01.09.19.mp3	

SOCIAL MEDIA AND TEXT COMMENTS

Extract of social media posts:

From a Facebook post detailing the first request for a license review in March 2020 (postponed due to Covid):

"We genuinely feel that their complaints could have been dealt with between ourselves but they have chosen to contact the authorities directly rather than continue a dialogue with us."

And the response to Facebook comment on the request for support from customers:



"Will do it today Jordan, there's always going to be noise living next to a pub, would have been much better to just come in and talk to you!"

Oddfellows Arms

"Oh we were invited to take tea with them at their house – who has time? Fantasists. I work so much and my door is always open – you don't even have to knock."

Clearly, the landlord has never been committed to dialogue despite repeated offers to talk individually and collectively to us. Earlier in a text to me on 20th September 2019 he stated:

"The timing of these letters (raising our initial concerns) is unfortunate because I'm kind of in limbo until our much-needed refurb. takes place. After that I'll be happy to invest in making all our neighbours lives as comfortable as possible."

...but there has been absolutely no action that suggests he has treated any of our concerns with anything other than contempt.

13:50



Oddfellows Arms Nantwich



Home

Reviews

Photos

Posts

Videos

Commu



Sadly a small group of our neighbours have made some complaints about us directly to the council and our licence is under review. This is a difficult enough business without the recent health scares, price and wage rises to cope with without our license being in jeopardy too. We genuinely feel that their complaints could have been dealt with between ourselves but they have chosen to contact the authorities directly rather than continue a dialogue with us. This could mean a number of things including shaving essential trading hours off us or closing the pub. Since we arrived here we have created a scene for musicians of all standards and ages to express themselves, invested nearly £30k in musicians, created over 20 jobs, given several opportunities to food vendors to bring exciting world foods to Nantwich and been a donation point for the food bank to help ensure the most vulnerable and those struggling in our community can at least have the basics they need. The majority of complaints seem to be about people smoking in the smoking area and talking during our licensed hours – hours we inherited and have not sought to increase. Hopefully we can appease these people who willingly chose to live next to a pub by spending even more money on sound proofing and making that space less noisy. However a few kind words to the licensing authority could be helpful to our case. Please, if you have any positive experiences of the pub forward them by email to licensing@cheshireeast.gov.uk and explain what this pub means to you. Please show them that this is an essential community pub with a great atmosphere and show some love. We've all worked far too hard for it to just vanish. These emails must be sent by this Monday the 16th of March so do it today if you can. Thanks.



Share this post with friends

Send Message



6:58



Oddfellows Arms Nantwich

7 hrs · 🌐

...

revitalised feel, a warm and welcoming glow, and the best food in town! We're always welcome with our very young (and feral) children, sorry! Would be gutted if this is taken further! There's always one! 🍷

2h · Like · Reply



Will do it today Jordan, there's always going to be noise living next to a pub, would have been much better for them to just come in and talk to you!

2h · Like · Reply



7 hrs · 🌐

Oddfellows Arms Nantwich

Oh we were invited to take tea with them at their house 🍵 Who has time? Fantasists. I work so much and my door is always open - you don't even have to knock 🍷

2h · Like · Reply



Write a reply...




Had the same at the vine, they buy houses by pubs what do they expect. They move smoking outside of course there is going to be noise. Idiots. Don't worry you can sort this I did X



Write a comment





Mr Jordan Oldfield
The Oddfellow Arms
97 Welsh Row
Nantwich
CW5 5ET

11th September 2019

Dear Jordan

Firstly, I did want to say I'm naturally happy to discuss this with you directly. I do find that a little written pre-amble and a degree of formality can be a useful initial approach though.


We've watched the changes you have instigated with interest and have been really glad to see that you are set on a path to long-term tenancy. You've certainly transformed the pub's audience and have stopped another "local" closing its doors. Sadly, the success of your new approach is currently at odds with the pub's ability to remain a "good neighbour". As we're adjacent, this gives us cause for concern and we know we are not alone in this.

Noise can be an issue when a pub is surrounded on all sides by homes, but it doesn't have to be the case – we have lived here 20 years and only once, during a wedding, had cause to complain about excessive noise. Now we do have issues and a feeling that things will get worse. You already know many of the issues we share with other neighbours.

The character of the Oddfellows has, by necessity, altered with each new landlord. I'm sure I speak for most of your immediate neighbours when I say that with appropriate noise levels – both the indoor and outdoor music and outdoor drinking – and noise kept to a minimum after a reasonable time, few of us would have an issue.

We've been tolerant of the occasional disruption, but few nights now go by when we aren't obliged to close the windows to block out the inane chatter from the smoking shelter drinkers when we go to bed after 11:00pm. Your regulars simply don't seem to recognise any need to moderate the volume of their conversation nor their language based on time and the residential location of the pub. You are also, rather visibly, the Pied-Piper of many of these late-night conversationalists. Late night bottle recycling and early Friday deliveries are also well outside of what is reasonable.

As to the music, we are usually less affected than others – life at 99 and 92 must often be pretty miserable; we aren't even that close, and bass dully thuds through our walls on a Friday and Saturday as we watch a movie in our living room, more than 50m away from the pub. The garden entertainment with the delightful Heidi Browne though was definitely over amplified – there wasn't a room in our house where we could escape it and you will already have heard the same from other neighbours I am sure.



While we recognise that we aren't being subjected to the noise of Nakatcha on a weekend evening, we also don't live at the end of Welsh Row where we would knowingly have always faced that issue. We live in a conservation area full of retirees and families and expect to be able to enjoy a peaceful co-existence with you and the regulars who make the pub their home-from-home.

We sit out in our garden on an afternoon and don't have an expectation of silence from the beer garden (although less swearing would often be welcome). We do have an expectation that we can be indoors in an evening or in the garden on a sunny Sunday and not subjected to active participation in pub life. You must be aware that the Wilbraham has noise restrictions placed on it following complaints and it would surely be in your interest to avoid your neighbours pressing for the same measures to be taken at the Oddfellows.

I for one would really like to see you engage with the owners and residents of the houses immediately surrounding the pub – on Welsh Row and in Yew Tree Drive - to understand our concerns some of which have already been voiced to you. If your success continues and investment from Marstons helps, as we hope it will, it's important that the Oddfellows focusses both inward on its supporters and outwards on those nearby who coexist with it. One of the biggest threats to your success is a lack of empathy for those nearby.

No one want to see the relationship sour nor have to resort to campaigning to restrict what the pub is able to do. Feel free to come around if you'd like a chat.

Yours sincerely,



16:53



Mark Holden
10 Jan 2016 12:48

Hi [REDACTED] it's Jordan from the Oddies. Apologies for not getting in touch sooner - it's a hectic enough job without preparing the place for refurbishment and I've simply not had opportunity to respond in detail and I didn't want to offer a cursory response but rather offer a clear and thorough rebuttal to some of your points so as to alleviate your concerns about the pub and it's "new direction". I'm not going to be able to pop across to you but you are welcome to bob over to me anytime - as are all of our neighbours (many of whom have been in today). You know my opening hours and have the added bonus of not even needing to knock on my door.

Hope to see you soon!

Do you actually understand the meaning of the word rebuttal? If you actually think that you are going to tell me why I am wrong that your business is disturbing me and your other neighbours then our



13:48



I really have so much to do I literally cannot be doing rounds to everyone. Mostly people come in and use the pub and let me know if there are any issues. No point letting it stew. I'd say the police and licensing are going to be less helpful to talk to than I am. I can fix things in real time whereas if you sought for example to prevent people smoking in the garden you may find yourself with a Wilbrahamsesque scenario where they just smoke at the front which to my mind would be worse. That being said I have plans to address that smoking area. With it being all hard surfaces it's like standing in a speaker. So once the refurb is done we'll look at getting some acoustic panels fitted. I'm aware of the situation at 99a because they have spoken with me. I've actually put up a sound barrier for 99a already.

The timing of these letters is unfortunate because I'm kind of in limbo until our much needed refurb takes place. After that I'll be happy to invest in making all our neighbours lives as comfortable as possible.



PLANNING CONDITIONS: NOISE RESTRICTIONS

Planning Application Extract:

DECISION NOTICE - Application No: 20/0659N

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development - Application for erection of timber smoking shelter

Location - ODDFELLOWS ARMS, 97, WELSH ROW, NANTWICH, CW5 5ET

Section 4: Hours of use shall be restricted to within the following hours:4.

Monday – Friday 09.00 hrs 22.00 hrs

Saturday 09.00 hrs 23.00 hrs

Sunday 09.00 hrs 22.00 hrs

Reason: In accordance with paragraph 180a of the National Planning Policy Framework to avoid noise from giving rise to significant adverse impacts on health, quality of life and amenity.

Note: No additional supporting information available on the Planning Portal – please contact Mark Vyse at Cheshire East Environmental Health for additional information.



Marstons PLC
Marstons House
Brewery Road
Wolverhampton
WV1 4JT

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

email: planning@cheshireeast.gov.uk

DECISION NOTICE

Application No: **20/0659N**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Application for erection of timber smoking shelter

Location

ODDFELLOWS ARMS, 97, WELSH ROW, NANTWICH, CW5 5ET

for **Andy Whittingham, Marstons PLC**

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. The development hereby approved shall commence within three years of the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan
Block Plan

JPK/21/4622/1

As well as the information within the application.

Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates.

3. The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building / structure is acceptable.

4. Hours of use shall be restricted to within the following hours:

Monday – Friday 09.00 hrs 22.00 hrs
Saturday 09.00 hrs 23.00 hrs
Sunday 09.00 hrs 22.00 hrs

Reason: In accordance with paragraph 180a of the National Planning Policy Framework to avoid noise from giving rise to significant adverse impacts on health, quality of life and amenity

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be

approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

Dated: 17 June 2021

Signed



Authorised Officer for
Cheshire East Borough Council



We enclose our decision notice in respect of the application you recently submitted to us.

You should read the notice carefully. It is your responsibility to ensure that you comply with the terms of any conditions which are attached to it. Where conditions require you to submit further information to us you will need to pay a fee and submit a separate application. The notice doesn't convey or grant consent for anything other than the application you made under the terms of the Town and Country Planning Act 1990.

If you are aggrieved by our decision to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. You must submit your appeal within:

- 12 weeks of the date of this notice in the case of householder applications
- 8 weeks of the date of this notice for advertisement applications or
- 6 months of the date of this notice in all other cases

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.

Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 03034445000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMMENTS FROM NEIGHBOURS



04/09/2018 Email complaint to Marstons
04/09/2018 complaint passed to Becky Whitlock
06/09/2018 noise complaint logged FS-Case-87290817
Complaint acknowledged from Becky Whitlock (Marstons), stating that the noise is being monitored. Also stated that they had some positive feedback from
12/09/2018 residents.
26/09/2018 Email complaint to Marstons
27/09/2018 Complaint acknowledged from Marstons, stating a site visit to be arranged
07/02/2019 Acknowledgement of statutory nuisance complaint from Cheshire East
10/02/2019 Letter of complaint to Marstons
18/02/2019 Letter of complaint to Marstons
04/03/2019 Email acknowledgement of complaint from Marstons no further feedback given
18/04/2019 Letter of complaint to Marstons
Acknowledgement of complaint from Marstons, stating the Jordan Oldfield was
25/04/2019 dealing with the noise
15/07/2019 Acknowledgement of statutory nuisance complaint from Cheshire East
08/08/2019 Acknowledgement of noise nuisance complaint from Cheshire East
04/11/2019 Noise pollution log number SR1944381 Chris from licensing
05/12/2019 Acknowledgement of statutory nuisance complaint from Cheshire East
16/3 -17/9/2019 Record of nuisance sheets filled in
17/03/2020 Notification of retrospective planning permission for smoking shelter
Notification to Mr. Oldfield with reference to Ivy and plants growing into the
29/04/2020 garden
Letter of complaint sent to Mark Vyse regarding late night garden noise. Police
27/07/2020 called.
05/08/2020 Complaint of amplified music played in the beer garden
09/08/2020 Acknowledged by Mark Vyse



27th July 2020

Regarding

Oddfellow's Arms, 97, Welsh Row, Nantwich.

Dear Mark,

We have complained for over one year about the way the above licenced premises are being currently managed. We moved into the house attached to the Oddfellows in 1986 and for over 30 years had no reason to complain about the Oddfellows. All previous managers of the premises ran the business with reasonable consideration for the neighbours and were aware that the premises were nestling in a quiet residential area. We are reasonable people and do not complain about the normal conversation levels expected from a pub garden between Noon and 9.30 or 10 pm. The previous landlord would not allow drinks in the garden after 10 pm.

Jordan the current landlord shows no consideration whatsoever for the people unfortunate enough to live nearby. The noise problem during licenced hours is bad as it goes on way past the time normal working people retire to bed. The real problem is that the outside smoking area is filled with revellers for hours after midnight rendering a good night's sleep a luxury we can no longer enjoy. This is not a problem of decibels but rather of very loud conversation and raucous laughter continuing well into the early hours of the morning making it nigh impossible to sleep. Closing windows would help a bit and may hold back some cannabis fumes, but we should not have to endure no fresh air and the drone of noisy voices whilst trying to rest.

Saturday July 25th was as one of the worst nights so far being kept awake by VERY loud antisocial, noise nuisance until after 1.30 AM. We managed to get to sleep on Sunday 26th July but were awakened about midnight by another bout of inconsiderate vocal noise.

The problem lies not with the pub itself but the totally selfish, inconsiderate and potentially dangerous way it is allowed to be managed both by the brewery and the local authority. The nuisance we are expected to endure is quite unacceptable anywhere. A small public house in a residential situation should be run to serve the local community not violate it.

Yours faithfully,



10 December 2021

Cheshire East Council Licensing Department
Regulatory Services and Health
Municipal Buildings, Crewe, CW1 2BJ

Dear Cheshire East Council Licensing Department,

**RE: Noise and Disruption from The Oddfellows Pub, Welsh Row,
Nantwich**

I am writing to you with a heavy heart and a sense of exhaustion. I am an 80-year-old home owner with a garden that [REDACTED] The Oddfellows Pub in Nantwich, Cheshire.

I have lived here for over 5 years and, up until the new management moved into The Oddfellows, I have had no issues with living in close proximity to a local pub. The landlords and patrons were respectful of their neighbours and noise was kept to a minimum.

Sadly, since the new landlords have come in, there has been no such consideration. The noise and disruption coming from The Oddfellows has had a direct impact on my wellbeing and ability to feel free to enjoy sitting in my garden, especially on the weekend and bank holidays. The noise of patrons in the pub's garden, as well as the incredibly amplified music, means that my garden, which I share with 4 other fellow retirees, is rendered a no-go area. The noise is so loud that we are unable to conduct even a basic conversation without yelling to be heard. The noise level of the patrons, especially as the afternoons roll on, becomes louder and louder and the cigarette smoke is a constant, bilious cloud that permeates the air around us. This is especially concerning as I have health issues relating to my heart that means I must retreat indoors, even on the sunniest of days.

As stated previously, none of these issues arose until the new landlords took over. The Oddfellows has always been a local, quiet pub run by landlords that understood the need for respect and consideration for the residents around them.

It is my sincere hope that you will consider my concerns and I look forward to hearing from you in due course. Please do not hesitate to contact me via my email: [REDACTED] should you require any further information.

Yours sincerely,

[REDACTED]

From a support email by another [REDACTED]

I was in contact with Mark Vyse from the Council. The last letter I received from him informed me that there was a noise meter placed in a nearby property which was to be collected the next day, he promised me that he would get back to me with the result, however, to this day I've never heard from him. This was pre-pandemic.

In such a small space is there any need for music to be amplified? We are unable to enjoy our garden in the summer and are forced indoors with both windows and doors closed!!

If the music could be played without amplification we could enjoy it, but in this day and age is this at all possible, I didn't know. What I do know is that in the future this could affect the sale of my property.