

FORMAL PLANNING OBJECTION

Application AWDM/0538/26

The Grizzly Bear, 33 South Street, Tarring, Worthing BN14 7LT

Variation of Conditions 7, 8, 9, 11, 12 and 17 of AWDM/1779/19

Objector	Dmitrij Tkaciuk
Address	35A South Street, Tarring, Worthing, BN14 7LG
Date	3 rd August 2026
Portal categories	Loss of General Amenity; Privacy, Light and Noise; Other

Position: I object to the application. The applicant has not demonstrated that the proposed combination of later opening, live and recorded music, extended forecourt use, fixed outdoor tables and an open frontage would preserve the living conditions of immediately adjoining residents. The application should be refused, or at minimum deferred pending independent noise evidence and full consideration of the Council's enforcement file.

1. Executive summary

This application is unusual because it does not seek to vary conditions that have been demonstrated to work successfully. It seeks to relax conditions that have been the subject of an ongoing planning enforcement investigation concerning repeated apparent non-compliance.

The existing conditions were imposed to protect neighbouring residential amenity. The application proposes to extend customer trading to 23:00 Sunday to Thursday and midnight on Fridays, Saturdays and Bank/Public Holidays; permit recorded and live acoustic music; allow later use of the front door and forecourt; retain permanently fixed tables; and introduce additional food and delivery activity.

The applicant's case is founded largely on the commercial benefits to the business and customer demand. Comparatively little objective evidence has been supplied to demonstrate that the combined changes would not materially increase noise and disturbance at the immediately adjoining dwelling.

The supporting documents contain assertions that require careful testing against the Council's own records, including that the previous extended hours caused no problems, that the premises reverted to full compliance, that outside noise is constantly monitored, and that the development has not started.

I expressly request that the case officer obtains and considers the complete Planning Enforcement file, including the dated photographs, incident logs, correspondence and acknowledged breaches already held by the Council. I am not resubmitting the entire evidence set because it has already been supplied to the Council over an extended period.

2. The application and the planning context

The proposal seeks variation of Conditions 7, 8, 9, 11, 12 and 17 of permission AWDM/1779/19. The application form confirms that recorded music is already played through speakers and that the forecourt tables are bolted to the ground. It seeks wording that would permit those arrangements and asks for longer trading and outdoor seating hours.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The Worthing Local Plan 2023 is the adopted development plan. Its amenity and pollution policies require careful assessment of noise, disturbance and cumulative effects upon neighbouring occupiers. National

policy likewise requires adverse noise effects to be mitigated and minimised and significant adverse effects on health and quality of life to be avoided.

The Council's own published noise guidance identifies a public house generating increased late-night noise as an example where a noise assessment may be required. No independent acoustic or noise impact assessment accompanies this application, despite the interacting proposals for later hours, music, outdoor seating and an open frontage.

3. Existing enforcement history and continuing non-compliance

The planning enforcement history is directly relevant to the reliability and likely effectiveness of future controls. Previous breaches should not be treated as a punishment-based reason for refusal. They are nevertheless material when assessing whether relaxed conditions will protect amenity, whether management assurances are reliable, and whether new conditions are likely to be observed.

Since 2025 I have submitted a substantial body of dated photographs, logs and correspondence concerning apparent breaches of Conditions 9, 12 and 17. The Council has confirmed that photographs submitted demonstrated breaches of Conditions 9 and 12, and confirmed that no written agreement existed allowing the tables to remain outside after 21:30.

The evidence already held by the Council shows repeated operation or occupation beyond permitted hours, use of the forecourt after 21:30, tables remaining outside despite the storage requirement, and occasions when the front door was left open after the permitted time. Further evidence was submitted on 25 June 2026 and thereafter.

Existing safeguards have therefore not been shown to work in practice. The applicant now seeks to relax precisely the conditions that have been the subject of enforcement concerns. The Authority should exercise particular caution before concluding that weaker controls would adequately safeguard neighbouring residents.

4. Material inconsistencies and unsupported assertions

4.1 Claimed return to full compliance

The application states that, after being told the 2020-2021 hours were temporary, the premises reverted to following all existing permissions. I respectfully submit that this assertion is inconsistent with the evidence already provided to Planning Enforcement, including numerous dated photographs and logs showing continued apparent breaches after that advice.

The officer report should not repeat the assertion of full compliance without examining the enforcement file and explaining how the contrary evidence has been assessed.

4.2 Claim that previous extended hours caused no problems

The supporting statement says that the temporary extended hours were successful and caused no problems. That assertion is unsupported by an independent noise assessment, complaint analysis, resident survey or incident review, and is inconsistent with my direct experience of disturbance at the adjoining property.

I have experienced intoxicated or excited patrons shouting close to my front door and window at or around midnight. I have cleaned vomit from my doorstep on seven occasions over approximately eight years, regularly remove cigarette butts from my entrance, and witnessed a fight opposite the premises after which blood was present on the pavement and was quickly cleaned by the pub manager. These are firsthand observations of real late-night effects in the immediate vicinity.

4.3 Claimed constant noise monitoring

The applicant says that outside noise is constantly monitored. No monitoring protocol, logs, trigger levels, measuring method, responsible person or corrective-action record is supplied. The Authority should require the

underlying records before giving weight to this assertion. A general management assurance is not a substitute for objective evidence.

4.4 "Development has not started"

The application answers "No" to whether the development has already started, while also confirming that recorded music is already played through speakers and that three tables are already bolted to the forecourt. The applicant expressly seeks revised wording so that the existing table arrangement is no longer in breach of Condition 12. The Authority should require clarification of which parts of the proposal are prospective and which are retrospective before determination.

5. Condition 9 - proposed extension of opening hours

This is my principal objection. The proposed hours are 10:00-23:00 Sunday to Thursday and 10:00-midnight on Fridays, Saturdays and Bank/Public Holidays. For an immediately adjoining resident, this is not a minor adjustment.

The practical impact extends beyond the advertised closing time through customer dispersal, smoking, conversation and shouting outside, movement around the forecourt, staff clearing-up and music or activity after patrons leave. Staff activity has at times continued late and music has been more audible during clearing-up than while customers were present.

There is no assessment of customer dispersal, post-closing staff activity, cumulative noise or the effect of midnight closing upon residents whose windows and front doors are immediately adjacent. The assertion that the hours are not long enough to aggravate neighbours is a conclusion for the Local Planning Authority, not a fact established by the application.

The later hours should be refused because the applicant has not demonstrated that the additional late-evening activity would avoid unacceptable harm to residential amenity. The existing history indicates that activity already continues beyond current controls.

6. Condition 8 - recorded and live acoustic music

The applicant confirms that recorded music is already played through speakers but seeks removal of the prohibition on amplified music and permission for live acoustic music, potentially involving up to four musicians. Music reproduced through loudspeakers is amplified in ordinary terms; describing it as ambient does not remove its potential to transmit into adjoining homes.

Acoustic live music can also be intrusive in a small premises containing customers and hard reflective surfaces. The application proposes no maximum sound level, frequency limit, finishing time, monitoring method, speaker specification or assessment within the adjoining dwelling.

The risk is compounded by the proposed later hours, the proposed later opening of the front door, and the sliding front windows which can remain open in warm weather. An assessment limited to the door would be ineffective if substantial window openings remain open while recorded or live music is played.

Condition 8 should not be varied without an independent assessment by a suitably qualified acoustician covering recorded music, live acoustic music, doors and windows open and closed, patron noise, and the nearest noise-sensitive rooms. Environmental Health should be formally consulted.

7. Condition 12 - forecourt seating and permanently fixed tables

Condition 12 currently prohibits use of the private forecourt for outdoor seating between 21:30 and 10:00 and requires tables and chairs to be cleared and stored inside unless an alternative location has been agreed in writing. The applicant now confirms that three tables are bolted to the ground and cannot be brought inside.

That admission supports the concern repeatedly raised with Planning Enforcement: while the tables remain permanently fixed, the current storage requirement cannot be complied with. This is not merely a proposed future arrangement; it is an existing physical configuration for which permission is now sought.

The applicant also seeks later outdoor seating, at least until 22:00 and in the supporting statement potentially until closing time. Outdoor voices, laughter, smoking-related conversation, movement and customer dispersal are not contained by the building fabric and directly affect the adjoining residential entrance and windows.

I regularly clear cigarette butts from my doorstep. Their repeated accumulation immediately beside residential property also creates a legitimate fire-safety concern. The proposed relaxation would prolong the period of outdoor occupation and associated smoking activity.

Condition 12 should remain unchanged. At minimum, the Authority should not approve permanent tables or later seating without a detailed, enforceable forecourt management plan, objective noise evidence and clear arrangements preventing customer use after the permitted time.

8. Condition 17 - front door and sliding windows

The applicant seeks to leave the front door open until 22:00 in warm weather. An open frontage would facilitate the escape of recorded music, live music, customer voices and bar noise into the street. The current restriction exists to protect residential amenity and should not be relaxed without objective acoustic evidence.

The proposal does not address the sliding front windows. Closing only the door would not control noise breakout if the windows remain open. Any assessment or condition must address all external doors and windows together and explain how ventilation will be provided without transmitting noise into neighbouring homes.

9. Conditions 7 and 11 - cumulative operational effects

The proposed rear-yard deliveries and collections may introduce additional keg handling, staff access and servicing noise. The form explains that suppliers rarely deliver during opening hours, but does not define permitted delivery times, frequency, maximum storage duration or handling controls. Any variation should be restricted to specified daytime hours and should exclude customer access, social use and overnight accumulation.

Allowing external food to be ordered and consumed on the premises may increase dwell time, deliveries, waste and operational activity. These effects should not be assessed in isolation. They form part of the cumulative intensification alongside later hours, music, outdoor seating and an open frontage.

10. Actual impact upon residential amenity

The impact upon my home is not speculative. It includes:

- late-night shouting by intoxicated people close to my window and front door, including around midnight;
- seven occasions on which I have had to clean vomit from my doorstep over approximately eight years;
- regular removal of cigarette butts from my doorway and concern about discarded smoking materials immediately beside the property;
- a fight opposite the premises, with blood on the pavement afterwards;
- outdoor occupation and smoking beyond the time intended by the existing conditions; and
- late staff clearing-up and music or operational noise after patrons leave.

These impacts arise at the point where a commercial premises directly meets a residential entrance and living accommodation. Extending the duration and range of activities would increase the likelihood, duration and cumulative severity of disturbance during the most noise-sensitive evening and night-time periods.

11. Inadequate evidence and need for a noise assessment

The application proposes several interacting noise-generating changes but supplies no independent noise impact assessment. Before any approval, the Authority should require assessment of:

- existing background noise and the nearest residential rooms;
- recorded music and live acoustic performances;
- doors and sliding windows open and closed;
- forecourt activity, smoking and customer dispersal;
- post-closing staff clearing-up and deliveries; and
- the cumulative effect of all proposed variations under representative Friday and Saturday evening conditions.

A late-evening site visit should be undertaken when the proposed impacts can realistically be observed. A daytime inspection or a quiet, unrepresentative evening cannot establish the likely effect of midnight trading, live music and customer dispersal.

12. Evidence already held by the Council

The Council already holds extensive evidence relevant to this application. I expressly request that the case officer retrieves and considers:

- the complete Planning Enforcement file relating to AWDM/1779/19;
- all photographs and logs previously supplied concerning Conditions 9, 12 and 17;
- the Council correspondence acknowledging breaches of Conditions 9 and 12;
- the correspondence confirming there was no written agreement allowing tables to remain outside after 21:30;
- my evidence and email of 25 June 2026 and subsequent submissions; and
- officer site-visit notes and any correspondence with the applicant concerning compliance.

I am not attaching all of that material again because it has already been submitted to the same Local Planning Authority and is directly relevant to the present application. The officer report should summarise the enforcement history and explain how it has been weighed.

13. Requested decision

I respectfully request that the application be refused, particularly the proposed variations to Conditions 8, 9, 12 and 17, because the applicant has not demonstrated that the proposed intensification would preserve neighbouring residential amenity or avoid unacceptable noise and disturbance.

If the Authority is not presently minded to refuse, determination should be deferred until:

- the full enforcement file and previously submitted evidence have been reviewed by the case officer;
- Environmental Health has been formally consulted;
- an independent noise impact assessment and revised noise management plan have been submitted and consulted upon;
- the inconsistencies concerning existing operations and alleged compliance have been resolved;
- a representative late-evening site visit has been undertaken; and
- neighbours have been given a fair opportunity to comment on any additional acoustic or management material.

Any approval contrary to this objection should explain expressly how the Authority has considered the acknowledged enforcement history, the evidence already held, the applicant's unsupported assertions, and the cumulative impact of later hours, music, permanent outdoor furniture, open doors and windows, customer dispersal and post-closing activity upon the immediately adjoining dwelling.

14. Concise chronology

Date	Event
2025	Initial complaints and photographic evidence concerning non-compliance submitted to Planning Enforcement.
December 2025	Applicant advised that an application could be made to vary the existing conditions.
17 April 2026	Council subsequently confirmed that a breach of planning control occurred.
5 May 2026	Current application received by the Council, initially invalid.
May-June 2026	Further photographs and logs submitted; Council confirmed evidence demonstrated breaches of Conditions 9 and 12.
25 June 2026	Further evidence and enforcement questions submitted to the Council.
July 2026 onward	Council stated that enforcement action would be paused while the application is determined; further apparent breaches continued to be reported.

Signed: Dmitrij Tkaciuk

Date: 03/08/2026