
Appeal Decision

Site visit made on 10 September 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/C4615/W/25/3367542

Old Chain Yard, 63 Castle Street, Coseley, Dudley WV14 9DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Red Oak Taverns Limited against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/0891.
 - The development proposed is conversion of the public house (Sui Generis) to a Convenience Store (Use Class E) following the demolition of the single-storey side extension and erection of a new build extension to the rear of the site, utilising existing access off Castle Street, with associated parking, hard and soft landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of the public house (Sui Generis) to a Convenience Store (Use Class E) following the demolition of the single-storey side extension and erection of a new build extension to the rear of the site, utilising existing access off Castle Street, with associated parking, hard and soft landscaping at Old Chain Yard, 63 Castle Street, Coseley, Dudley WV14 9DW in accordance with the terms of the application, Ref P24/0891, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Red Oak Taverns against Dudley Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant submitted amended plans and documents with the appeal¹. The amended plans have introduced an external staircase and door to access the first floor. The stage 1 road safety audit provides clarification on highway issues and also includes an amended site layout plan in response to the findings. The Council had the opportunity to comment on the amended plans and documents which have not resulted in any significant changes to the proposed scheme's impact. Accordingly, I am satisfied that no one would be prejudiced were my decision to have had regard to the amended plan.

¹ Proposed Elevations 24.3485.111 P3
Proposed Floor Plans 24.3485.112 P4
Existing and Proposed Sections 24.3485.114 P3
Proposed Site Layout 24.3485.110 P11
Existing and Proposed Sections 24.3485.114 Revision P4
Stage 1 Road Safety Audit

4. The amended plan reference Existing and Proposed Sections 24.3485.114 Revision P4 was submitted with a mislabelled revision number P3. However, this has been clarified as a typo and since amended to the correct revision P4.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area and significance of a non-designated heritage asset, including whether the proposed development would represent an efficient use of the site, and
- highway safety with regard to access and servicing arrangements as well as parking.

Reasons

Character and appearance

6. The main parties are in dispute as to whether the appeal building would constitute a non-designated heritage asset.
7. In this regard, the building appears to have been built during the first half of the 20th Century as a public house. The building generally reflects the stylistic influences of its period, with a simple and symmetrical elevation which comprises a centrally placed door with windows either side on the ground and first floor. The roof is pitched and has a Dutch gable to the front which provides some interesting architectural detail. The building also occupies a prominent and spacious position which results in a degree of prominence which allows the building to be appreciated from the surrounding area.
8. I therefore consider that, in accordance with the relevant advice in the Planning Practice Guidance², the Old Chain Yard has a degree of heritage significance meriting consideration in planning decisions such that it should be considered as a non-designated heritage asset.
9. Paragraph 216 of the National Planning Policy Framework (the Framework) requires that, amongst other things, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. The proposed development seeks to retain the historic features outlined and demolish the side extension which is generally unsympathetic and detracts from the historical character of the building. The removal of this unsympathetic addition would be positive and would enhance the historical character of the building.
11. The proposal includes a single storey rear extension that would have a significant depth. However, due to the angle of the building, most of this would be screened from view. The low height would also mean it would that from any views of the extension it would appear subservient to the main building. I note the Councils concern over the external staircase, however, it would not be readily scene and any views that are possible it would appear as a functional addition to the building.

² Paragraph 18a-039-20190723

12. The application was submitted with plans that showed no access would be possible to the first floor of the building. The Council considered that this would fail to futureproof the building. However, the appeal has been accompanied by plans which have reinstated this access. In this regard, the first floor would be fully accessible and used in connection with the proposed use, future proofing the building.
13. Consequently, on the basis of a balanced judgement required by the Framework, I find that the proposed development would be acceptable and the proposal would preserve the heritage significance of the non-designated heritage asset through its simple and symmetrical elevation. The removal of the unsympathetic extension would enhance the overall prominence of the building and highlight the historic features. The proposed rear extension would be well screened and subservient to the main building which would also continue to maintain the heritage significance of the main building.
14. I therefore conclude that the proposed dwelling would not harm the character and appearance of the area and would not have an unacceptable impact on the significance of a non-designated heritage asset. I find no conflict with Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy Adopted February 2011 (CS), Policies S1, L1, S6, S7 and S8 of the Dudley Borough Development Strategy Adoption March 2017 (DS), Paragraphs 135 and 216 of the Framework and guidance contained within the Dudley Council Residential Design Guide Supplementary Planning Document May 2023. Amongst other things, these seek to ensure that developments demonstrate a clear understanding of historic character and local distinctiveness, maintain a strong sense of place and be of high-quality design.

Highway safety

15. The Council consider that the proposed access and servicing arrangements are unsuitable as delivery vehicles would be prompted to exit the appeal site onto Castle Street and travel through the local centre which the Council consider to be busy and have a high amount of on street parking.
16. The Council reference a Traffic Regulation Order (TRO) that restricts vehicle movements within the area, however, the appellant has reviewed this and found that the conveyance of goods, person or merchandise to the appeal site would not contravene this order. This is not disputed by the Council.
17. I note the Council's continued concerns; however, I have had regard to the submitted technical evidence by the appellant as well as the proposal to restrict vehicle sizes. I am also mindful that a condition could be imposed to secure a servicing a delivery management plan which amongst other things, could ensure deliveries outside of peak hours and restrict the size of delivery vehicles.
18. The Council's Parking Standards Supplementary Planning Document (SPD) Adoption September 2017 (Parking SPD) provides guidance on the way the Council expect parking standards to be applied. It outlines the maximum parking standards for non-residential uses and in the case of the appeal site, this would require a maximum of 24 spaces. The appeal proposes 11 parking spaces which falls short of these maximum standards.

19. The Parking SPD allows for a reduction in parking spaces for developments that are in accessible areas. The appeal site is not located within a town centre location, however, it is located on the edge and there are opportunities for travel that do not involve the private car, including a bus stop within a very short walking distance.
20. The appeal has also been accompanied by a parking survey which demonstrates that unrestricted on-street spaces within a 200m walking distance of the site were consistently below 85% capacity. These spaces would be within a short walking distance and while I note the Council's concerns over additional footfall, within proximity to the roundabout, the appeal site is well served by footpaths and crossings which would enable safe access for pedestrians.
21. I therefore conclude that the proposed development would not harm highway safety with regard to access and serving arrangements and parking. I find no conflict with Policy TRAN2 of the CS, Policy S17 of the DS, Paragraphs 113 and 115 of the Framework and guidance contained within the Parking SPD. Amongst other things, these seek to ensure that development provides an acceptable level of accessibility and safety by all modes of transport and makes adequate and safe provision for access and egress by vehicle users.

Other Matter

22. The Council make reference to the submitted viability assessment providing no specific information on the pubs profits and no marketing evidence being submitted to demonstrate there is no market interest in the continued use of the property as a public house. However, the Council considered that there are no policy grounds to refuse planning permission due to the loss of the public house itself during consideration of the application. It is unclear why these comments have been included, but based on there being no reason for refusal in relation to this matter, I have not sought to explore this matter further.

Conditions

23. Condition 1 is the standard condition that relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Conditions 3, 4, 5 and 6 are required to establish any risks by past coal mining activities and ground gases or vapours and to ensure any remedial works take place should any risks be found. These are required in order to protect public safety and the health and wellbeing of future occupiers.
24. Condition 7 requires details of a landscaping scheme to be submitted and implemented and condition 8 requires details of tree protection measures, both in the interest of protecting the character and appearance of the area. Condition 9 required details of the access and parking area to be submitted and implemented on site and condition 10 requires details of highway works, both in the interests of highway safety.
25. Condition 11 requires a method statement for the control of dust and emissions in order to protect the living conditions of neighbouring occupiers. Condition 12 requires a habitat creation and management plan in order to ensure biodiversity net gain is achieved. Condition 13 requires a signed statement or declaration prepared by a suitably competent person in order to ensure any remedial works are safe for future occupiers.

26. Condition 14 requires details of external materials to be used and condition 15 requires details of boundary treatments, both in the interests of the character and appearance of the area. Condition 16 requires details of the loading area and condition 17 requires visibility splays to be implemented on the site in the interests of highway safety. Condition 18 requires details of cycle parking and condition 19 requires details of powered two wheeler parking in the interests of highway safety.
27. Condition 20 requires a Service / Delivery Vehicle Management Plan to be submitted and implemented, condition 21 requires parking spaces to be installed and surfaced correctly in the interests of highway safety. Condition 22 requires details of the external materials to be used in the external surfaces in the interests of the character and appearance of the area. Condition 23 requires details of external lighting in order to protect the living conditions of neighbouring occupiers.
28. Condition 24 requires any approved ecological measures secured through condition 12 to be reviewed and, where necessary, amended and updated should development not be commenced or is delayed in the interests of ecology and biodiversity. Conditions 25, 26 and 27 require development to be carried out in accordance with the Arboricultural Impact Assessment report and Arboricultural Method Statement, ensure works within root protection zones are undertaken appropriately and the protection of existing trees in order to protect the character and appearance of the area.
29. Condition 28 requires landscaped areas to be retained as such, to protect the character and appearance of the area. Condition 29 requires that works to trees and hedgerows do not take place during the bird nesting season. Condition 30 restricts construction hours to protect the living conditions of neighbouring occupiers.
30. Conditions 31, 32 and 33 restrict the opening hours and delivery times. The appellant raises concern that there are differences between the hours, however, it is clear that there are additional restrictions on deliveries depending on the type of vehicle with larger HGV's more likely to cause harm to the living conditions of neighbouring occupiers early in the morning and late at night. Condition 34 is in order to control the sound emitted from any fixed plant and/or machinery to protect the living conditions of neighbouring occupiers.

Conclusion

31. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Block and Location Plan Drg No. 24.3485.103 Revision P2

Existing and Proposed Sections 24.3485.114 Revision P4

Existing Site Layout Drg No. 24.3485.100 Revision P1

Existing Elevations Drg No. 24.3485.101 Revision P1

Existing Floor Plans Drg No. 24.3485.102 Revision P1

Proposed Elevations Drg No. 24.3485.111 Revision P3

Proposed Floor Plans Drg No. 24.3485.112 Revision P4

Proposed Site Layout Drg No. 24.3485.110 Revision P11
3. No development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
4. No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. This should include mine gas. Such an assessment shall be carried out in accordance with authoritative UK guidance.
5. Where the approved risk assessment (required by condition 4 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.
6. Following implementation and completion of the approved remediation scheme and the associated approved validation and verification plan (required by condition 5 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

7. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.
8. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The agreed tree protection measures shall be erected / installed prior to the commencement of the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down moved or amended in any way without prior written approval of the local planning authority. The tree protection details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’.
 - d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’.
9. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

10. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Highways Works as indicated on Proposed Site Layout Drawing No. 24.3485.110 Revision P11 (including, revisions to the access onto the B4483/Castle Street roundabout and closure of the redundant roundabout entrance) which may be subject to minor modification as part of the Section 278 Technical Approvals process, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed Highway Works have been completed in accordance with the approved details.
11. Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the local planning authority. All works which form part of the approved scheme shall be implemented throughout the construction and demolition phase of the development.
12. A habitat creation and management plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of development on the site. The plan will cover a period no less than the longest time to reach target condition for the habitats created/enhanced at the site (in this case 30 years). The plan shall include:
 - a) Description and evaluation of the features to be retained and managed;
 - b) Description and location of habitat features to be created;
 - c) Aims and objectives of habitat creation and management;
 - d) Mechanisms and timescales for habitat creation including soil levels and types, seed mixes, tree and shrub specifications and planting specifications;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a works schedule (including a 30 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - h) Personnel responsible for implementation of the plan; Monitoring and remedial/contingencies measures triggered by monitoring. The plan shall be carried out as approved.
13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

14. No above ground development shall commence until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
15. Notwithstanding the submitted details, no above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure, including trip rails to secure the site frontage, have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
16. No part of the development shall be occupied until details of the loading area (including details of lines, widths, levels and gradients) have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the loading area has been laid out in accordance with the approved details and shall thereafter be maintained for the life of the development.
17. No part of the development shall be occupied until visibility splays to both accesses have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 43m (main access off the roundabout) and with a 'y' distance of 25m (for the Castle Street exit). No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splays for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
18. The development shall not be occupied/used until details of secure and covered cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.
19. The development shall not be occupied/used until details of secure powered two wheeler parking have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

20. The development shall not be occupied until details of a Service / Delivery Vehicle Management Plan, which will include and demonstrate that vehicles no larger than a 10.35m Rigid Vehicle will service the site, (including details of a Banksman System) has been submitted to and approved in writing by the local planning authority. The Delivery Management Plan shall include, amongst other provisions the following (if applicable): Delivery personnel and store staff to ensure when deliveries arrive that:

- (i) automatic cab radios are switched off
- (ii) refrigerated units are turned off during the delivery visit
- (iii) they open and close doors and tailgates carefully to avoid banging
- (iv) trolleys are maintained to give quiet operation

Delivery Vehicle drivers:

- (i) turn off engines when waiting on an approach road and during deliveries
- (ii) start vehicles without revving engines

Erection of signs in the service yard notifying drivers:

That the area is noise sensitive

The normal working hours

The need to switch off refrigeration units and vehicle engines outside the working hours

The provision of a plan showing the location of signage internally within the service yard and externally to notify approaching delivery vehicle drivers

The approved Service / Delivery Vehicle Management Plan shall be fully implemented at first use or occupation and maintained throughout the life of the development.

21. The development hereby permitted shall not be occupied until the parking space(s) shown on the approved plans has/have been laid and surfaced in accordance with the details shown on the approved plans. The parking spaces(s) shall be completed with a surface and sub-strata that is permeable, or provision shall be made to direct run-off water from the hard surface to a permeable area within the curtilage of the site. The parking space(s) shall thereafter be retained as such for the life of the development.

22. No above ground development shall commence until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

23. The use or development hereby permitted shall not operate until a lighting scheme with assessment for the minimisation of the effect of light spillage on nearby properties has been submitted to and approved in writing by the Local Planning Authority. The works in the approved scheme shall be completed before any lighting equipment to which this approval relates is operated, and shall be maintained during such operation for the life of the development.
24. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within years from the date of the planning consent, the approved ecological measures secured through Conditions 12 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of important habitats or species; and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable. **IMPORTANT:** If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. **REASON:** In line with national policies for the preserving and enhancing of the natural environment (NPPF, 2024), Policy ENV1 of the Black Country Core Strategy and in accordance recommendations made within the Preliminary Ecological Appraisal by Worcestershire Wildlife Consultancy update surveys would be required to ensure that significant changes do not occur to the site before the commencement of development.
25. No development or other operations shall take place except in complete accordance with the special construction measures identified in the Arboricultural Impact Assessment report and Arboricultural Method Statement Ref: TRE/TOCB/Rev D Dated 5th September 2024 with measures to be implemented under Arboricultural supervision in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. – Recommendations.
26. All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’) of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to trees (NJUG Volume 4).
27. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-enacting that Order), at no time during the life of the development shall the areas approved for landscaping be used for any other purpose unless otherwise agreed in writing by the local planning authority.
29. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. NOTE Such conditions are to be used to ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.
30. Demolition or construction works shall only take place between the hours of 07:00 hours and 18:00 hours Mondays to Fridays, 08:00 hours to 17:00 hours on Saturdays and not at any time on Sundays or Public Holidays.
31. The premises shall not be open to the public before the hours of 06:00 nor after 23:00 hours Monday to Friday, Saturdays, Sundays and Public Holidays.
32. No delivery vehicles, other than HGV's, whether loaded or unloaded shall enter or leave the site, nor shall delivery vehicles be unloaded, before the hours of 06:00 hours nor after 20:30 hours on any day.
33. No HGV delivery vehicles whether loaded or unloaded shall enter or leave the site, nor shall delivery vehicles be unloaded, before the hours of 07:30 hours nor after 20:30 hours on any day.
34. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15-minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15-minute LA90 at the nearest /any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.