



## **GRANT OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

### **APPLICATION NO. 2025/1000**

**To** BMBC  
Westgate Plaza One  
Westgate  
Barnsley  
S70 2DR

**DESCRIPTION** Proposed demolition of existing commercial/residential buildings and creation of new urban park to provide public open space and associated works.

**LOCATION** The Crescent, Cudworth, Barnsley, S72 8SY

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 27/11/2025 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. Soakaway Report dated 26.02.26, Design and Access Statement dated 07.11.25, Drainage Statement dated 31/10/25, Bat Survey dated 08.08.25, Geo-Environmental Report dated 22.08.25, SUDs Report dated 31.10.25, Preliminary Roost Assessment dated 10.07.25, BC2501.4-APS-XX-00-DR-A-002 Rev P4, BC2509-APS-90-XX-DR-C-2000 Rev P02, BC2509-APS-90-XX-DR-C-7400 Rev P02, BC2509-APS-90-XX-DR-C-3300 Rev P02, BC2509-APS-90-XX-DR-C-7100 Rev P02, BC2501.4-APS-ZZ-ZZ-DR-A-004 Rev P3, BMBC-APS-ZZ-00-DR-A-000005 Rev P1, Location Plan) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

- 3 The development shall be carried out in accordance with the following additional biodiversity mitigation and enhancement measures. The measures listed below shall be implemented in full, prior to completion of the development, and full details including photographic evidence provided to the Local Planning Authority. The features shall thereafter be permanently retained.

At least 2 no. bat roosting, bird nesting and invertebrate boxes shall be installed in suitable locations within, or in proximity to the site.

**Reason: In the interests of Biodiversity in accordance with Local Plan Policy BIO1, Biodiversity and Geodiversity.**

- 4 The development shall be carried out in accordance with the details shown on the submitted plan, "Drainage Statement' BC2509-APS-92-XX-RP-C-1001-P01 (rev P01) prepared by Align, dated 31/10/25", unless otherwise agreed in writing with the Local Planning Authority.

**Reason: In the interest of satisfactory and sustainable drainage in accordance with Local Plan Policy POLL1.**

- 5 No works shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the period of engineering operations and construction.

The Statement shall provide for:

- i The parking of vehicles of site operatives and visitors;
- ii means of access for construction traffic
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi. Wheel washing facilities, or other measures to prevent debris;
- vii. Details of the provision of an on-site water supply or water storage facility;
- ix Measures to control the emission of dust and dirt during construction;
- viii Measures to control noise emissions during construction;

**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1**

- 6 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
- A survey of the extent, scale and nature of contamination.
  - An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
- An appraisal of remedial options, and proposal of the preferred option(s).
- A remediation statement summarising the works to be undertaken (if required).
- The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

**Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan Policy POLL1**

- 7 During construction or demolition works, activity shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays

**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1**

- 8 Prior to the development being brought into use, all areas to be used by vehicles shall be laid out in accordance with the approved plan and must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.  
**Reason: To ensure that there are adequate access facilities to serve the development which are constructed to an acceptable standard; to ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway; and to prevent the migration of loose material on to the public highway to the detriment of road safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 9 The service/maintenance vehicle manoeuvring facility, as indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the access and manoeuvring of service/maintenance vehicles prior to the development being brought into use, and shall be retained for said purposes at all times.  
**Reason: To ensure that satisfactory access and manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New development and Transport Safety.**
- 10 Vehicular and pedestrian areas within the site shall not exceed a gradient of 1:12.  
**Reason: In the interests of the safety of persons using the public realm and users of the highway in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 11 Any redundant vehicular accesses shall be reinstated as full height kerb (and footway) prior to the development being brought into use.  
**Reason: In the interests of highway safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 12 Prior to the development being brought into use, the scheme for the provision of removable bollards shall be fully implemented and thereafter retained and maintained in good working order for the lifetime of the development.  
**Reason: To ensure that satisfactory access arrangements are provided, in the interests of highway safety and in accordance with Local Plan Policy T4 New development and Transport Safety.**
- 13 Prior to commencement of development, a Remediation Scheme to address any contamination risks for the intended use, shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not pose unacceptable risks to end users.  
**Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan Policy POLL1.**
- 14 Prior to the use of the site a Validation Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and agreed by the Local Planning Authority.  
**Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan Policy POLL1.**

## Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 The development hereby approved includes the carrying out of alterations to a vehicular access.  
You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/> or please contact at email [Streetworks@barnsley.gov.uk](mailto:Streetworks@barnsley.gov.uk) or call to 01226 773555.
- 2 Street lighting design and installation is undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with the authorities Street Lighting Team, Tel 01226 770770. Email. [Streetlightingdesign@barnsley.gov.uk](mailto:Streetlightingdesign@barnsley.gov.uk) as soon as possible.
- 3 No hoarding shall be erected on or within the extent of the public highway without the prior approval of the Local Highway Authority and the necessary licencing being obtained. Applications for licences can be made via: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/licences-for-scaffolding-and-hoardings/>
- 4 The development hereby approved includes the demolition of existing buildings. You are advised that before undertaking any demolition, you may require a demolition licence from the Highway Authority. Please be aware that works shall be to the specification and satisfaction of the Highway Authority and you must give 6 weeks' notice of demolition. If you start demolition work without the appropriate licence, you may be prosecuted. Fees are payable for the approval of demolition, and you will be issued with a Section 81 notice prior to commencing work, or you may be prosecuted.  
Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/planning-and-buildings/building-control/get-permission-to-demolish-a-building/or> please contact at email [demolition@barnsley.gov.uk](mailto:demolition@barnsley.gov.uk)
- 5 The applicant/contractor should note that to deposit mud/debris on the public highway, or anything which may cause a nuisance or possible danger to road users, is an offence under provisions of the Highways Act 1980.

- 6 If a bat or evidence of the presence of bats is discovered on site prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017. The works should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 9 April 2026



**Garry Hildersley**

Head of Planning, Policy & Building Control  
Growth & Sustainability Directorate

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

## **NOTES:-**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he 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.

### **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

# STATUTORY BIODIVERSITY NET GAIN CONDITION

## DEEMED CONDITION

**(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021**

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- o) if [habitat degradation](#) has taken place:
  - i. a statement to this effect,
  - ii. the date immediately before the degradation activity,
  - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
  - iv. any available supporting evidence for the value.

### **INFORMATIVE 1**

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

### **INFORMATIVE 2**

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

### **INFORMATIVE 3**

A Biodiversity Net Gain Template can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

### **INFORMATIVE 4**

The statutory deemed condition above is relevant to all major applications submitted since 12<sup>th</sup> February 2024 and to all non-major applications submitted after 2<sup>nd</sup> April 2024, unless exempt.

The onus is on the applicant/agent to notify the Local Planning Authority at [developmentmanagement@barnsley.gov.uk](mailto:developmentmanagement@barnsley.gov.uk) if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>