

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2401/0F1
2.	Proposed Development:	DEMOLITION OF FORMER JOHN PAUL JONES PUBLIC HOUSE
3.	Location:	FORMER JOHN PAUL JONES PUBLIC HOUSE, DUKE STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <p>The Application Site comprises the John Paul Jones a disused former public house located on the corner of Strand Street and Duke Street, Whitehaven.</p> <p>The John Paul Jones is attached to a Victorian Bath House building, which comprises a non-designated heritage asset.</p> <p>The Application Site is located within Flood Zone 1.</p> Directly Relevant Planning History: <p>None.</p> Proposal: <p>This application seeks Planning Permission for relevant demolition of the John Paul Jones</p>	

building.

It is proposed to demolish the building and make good the site, including infilling the cellar level.

The work is to be carried out to ensure there is no detrimental effect on the structure and fabric of the adjoining bath house through the use of propping systems.

Consultee:	Nature of Response:
Town Council	No comments or objections.
Cumberland Council – Highways and LLFA	<p><i>March 2025</i></p> <p>The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:</p> <p>Construction Traffic Management Plan.</p> <p>Having reviewed the supplied documents the LHA is content with its proposal, I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.</p> <p><i>December 2024</i></p> <p>No objections in principle.</p> <p>A Construction Traffic Management Plan should be submitted to and approved in writing by the local planning authority.</p> <p>The CTMP shall include details of: • Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense; • Details of proposed crossings of the highway; • Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development; • Cleaning of site entrances and the adjacent public highway; • Details of proposed wheel washing facilities; • The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway; • Construction vehicle routing; • The management of junctions to and crossings of the public highway and other public rights of</p>



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		way/footway; • Details of any proposed temporary access points (vehicular / pedestrian) • Surface water management proposals during the demolition phase.
	Environmental Health	<p>No objections.</p> <p>The proposed hours of work (Monday to Friday 08.00 – 17.00) are acceptable to Environmental Health and may be included in a condition if planning approval is granted.</p> <p>Water suppression and dust mitigation measures should be employed during the demolition works</p> <p>No crushing of waste materials is to be carried out on this site.</p> <p>If heras fencing is erected around the site perimeter, debris mesh netting should also be provided to prevent the escape of any wind-blown debris (such as lightweight cavity wall insulation material) produced during the demolition process.</p>
	Historic Environment Officer	No objections. Do not wish to make any recommendations.
	Conservation Officer	<ul style="list-style-type: none"> • The John Paul Jones PH (JPJ) is not a heritage asset, however it does provide some townscape value to the conservation area by virtue of being a building that successfully makes and turns the corner from Strand Street onto Duke Street. Its removal will therefore entail what I would consider to be a negligible level of harm to the conservation area, justified by the removal making space for the site compound for works to the former Whittle's building, now Levels, located opposite. In allowing this, the building's removal will be of direct benefit to the overall improvement of the conservation area. • The adjoining Bath House is a significant building and protecting it from damage during the demolition is a priority. This has been communicated, and details for its preservation included in the application. • The JPJ features a cellar, meaning the base of the building is a storey below the base of the adjoining Bath House. Stabilising this will be accomplished using a propping system, which will be incrementally removed as the basement is progressively infilled, or, if there are signs that the propping must be retained, the basement will be infilled with the propping still in situ, where it will be left. • Then, the majority of the building will be removed, leaving parts of the superstructure abutting the Bath House in situ to stabilise it. • Mass concrete foundations will be installed at ground level and a

	<p>propping system installed to support the Bath House.</p> <ul style="list-style-type: none"> • The remaining superstructure of the JPJ will then be removed. • Detailing of this system is subject to further confirmation, once more details of the relationship between the two buildings can be established. • Upper floor to be demolished using hand tools to prevent spread of debris off site, and to protect integrity of Bath House • Ground floor to be demolished using an excavator. • The steps outlined in the supporting documentation are sufficient for me to feel reassured that the protection of the Bath House has been prioritised and accounted for, and I do not expect the removal of the JPJ to compromise its structure. This will ensure it is retained for the future.
Natural England	<p>No objection.</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.</p>
Neighbour Responses:	
<p>The application has been advertised by way of planning application neighbour notification letters and a site notice and a press notice.</p> <p>No representations have been received.</p>	
<p>Development Plan:</p> <p>On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.</p> <p>Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.</p> <p>The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p>Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.</p> <p>The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the</p>	



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Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2013-2028.

Copeland Local Plan 2021 - 2039 (LP):

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy DS9: Protecting Air Quality

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy

Strategic Policy R2: Hierarchy of Town Centres

Strategic Policy R3: Whitehaven Town Centre

Strategic Policy E6: Opportunity Sites

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Policy N5: Protection of Water Resources

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Policy BE4: Non-Designated Heritage Assets

Strategic Policy CO2: Priority for improving transport networks within Copeland

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA).

Conservation Area Design Guide SPD 2017 (CADG).

Whitehaven Town Centre and High Street Conservation Areas | Management Plan (CAMP).

Cumbria Development Design Guide (CDDG).

Assessment:

Principle

The Application Site is located within the defined town centre of the Principal Service Centre of Whitehaven.

Strategic Policy R1, Strategic Policy R2 and Policy R3 seek to encourage the retention and growth of the leisure and evening economy in Whitehaven.

The Application Site has been vacant for several years. Whilst the loss of a public house is regrettable, given the location of the Application Site and the availability of numerous other

drinking establishments in the locality, the loss is not deemed unacceptable.

The Application Site is located on the corner of Opportunity Site Reference OWH11.

Appendix C states the following:

Local Plan Ref.	Site Name	Settlement	Area (ha)	Suitable/Preferred Uses	Use Classes
OWH11	Mark House & Park Nightclub	Whitehaven	0.25	All town centre uses. Preference for uses that generate activity and footfall for the town centre/harbourside	C, E, F and Sui Generis (town centre appropriate) uses*

The Application Site does not comprise part of Opportunity Site Reference OWH11; however, it comprises part of the developed townscape block that accommodates the allocated land.

The proposed demolition will not conflict with or prevent the delivery of development on Opportunity Site Reference OWH11. The availability of additional land will provide additional flexibility on the site, offering the opportunity to deliver improved development outcomes.

Heritage

Strategic Policy BE1 and Policy BE2 seek to protect, conserve and where possible enhance designated and non-designated heritage assets and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 of the LBCA requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 of the LBCA requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance' of a conservation area*.

NPPF requires that when considering the impact of development proposals on designated heritage assets such as a conservation area, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

A limited Heritage Statement has been prepared in support of this planning application.

The Application Site is located within the Whitehaven Town Centre Conservation Area.

The John Paul Jones is not a heritage asset; however, the building does provide some townscape value to the conservation area by virtue of being a building that successfully makes and turns the corner from Strand Street onto Duke Street. The demolition will result in



Cumberland Council

a negligible level of harm to the Conservation Area.

The demolition will provide a site compound for works to the former Grade II Listed Whittle's building, the redevelopment of which will deliver enhancement of the conservation area to its benefit.

The adjoining Bath House is a significant building and protecting it from damage during the demolition is a priority. This has been communicated and details for its preservation included in the application. The John Paul Jones features a cellar, meaning the base of the building is a storey below the base of the adjoining Bath House. Stabilising this will be accomplished using a propping system, which will be incrementally removed as the basement is progressively infilled, or, if there are signs that the propping must be retained, the basement will be infilled with the propping still in situ, where it will be left. Then, the majority of the building will be removed, leaving parts of the superstructure abutting the Bath House in situ to stabilise it. Mass concrete foundations will be installed at ground level and a propping system installed to support the Bath House. The remaining superstructure will then be removed. Detailing of this system is subject to further confirmation, once more details of the relationship between the two buildings can be established. The upper floor is to be demolished using hand tools to prevent spread of debris off site, and to protect integrity of Bath House. The ground floor is to be demolished using an excavator.

The Cumberland Council Historic Environment Officer and Cumberland Council Conservation Officer have confirmed no objection to the demolition.

Given the distance, form of the developed block and relationship to the existing listed buildings within the area, limited harm will not result to their settings.

The John Paul Jones comprises a small area of a wider Opportunity Site that has previously been cleared for development and is currently being used as a temporary car park pending development of a long term scheme. Given this context, the impacts of the proposed demolition are minimised. There is always an inherent risk that redevelopment will not result following demolition. Whilst this can be reduced by securing proposals for redevelopment when approving any demolition and use of planning conditions, this risk cannot be wholly removed.

Ecology

The building has been the subject of a Bat Survey.

The Bat Survey concludes that there is considered to be 'moderate; potential for roosting bats to utilise the building. The building was also considered suitable for urban bird nesting.

A scheme of mitigation is outlined including the timing of the works, precautionary working methodology, oversight by a qualified ecologist.

It is confirmed that subject to the mitigation, a European Protected Species Licence would not be required.

Update Ecological Appraisal and Bat Roost Assessment Report and Natural England conclude that adverse impacts upon designated sites will not result.

A planning condition is proposed to secure completion in accordance with the mitigation measures detailed.

A Construction Environmental Management Plan (CEMP) has been prepared and includes details of measures to prevent impacts on the adjacent saline lagoon, which is identified as being at risk of impacts in the Update Ecological Appraisal and Bat Roost Assessment Report.

There are no pre-development biodiversity units on the Application Site and there will be no impacts to habitats or linear features that contribute to biodiversity units. The development is therefore eligible for a De Minimis exemption.

Highways Impacts

The demolition of the building will result in highway movements in the transportation of machinery, personnel and materials. Given the scale of the development, the level of traffic generation will not cause substantive impacts on the highway network.

Cumberland Council – Highways were consulted and raised no objection to the development subject to a planning condition re. securing a Construction Traffic Management Plan (CTMP) to control the impacts of the traffic generated by the development.

A CTMP has been prepared and submitted. Cumberland Council – Highways have confirmed that the proposed CTMP is acceptable.

Residential Amenity

The act of demolition of the existing building will result in some harm to the residential amenity of the nearby properties; however, this will be for a limited period only.

A Statement has been prepared which includes details working practices and measures that seek to minimise impacts and health/safety risks. A planning condition is proposed to secure completion of the development in accordance with these details.

The Copeland Environmental Health Officer has suggested a range of planning conditions in relation to working hours and deliveries to mitigate impacts. These planning conditions have been imposed.

A planning condition is proposed to secure hours of working.

	<p><i>Planning Balance</i></p> <p>The Application Site has been vacant for several years. Whilst the loss of a public house is regrettable, given the location of the Application Site and the availability of numerous other drinking establishments in the locality, the loss is not deemed unacceptable.</p> <p>The proposed demolition will not conflict with or prevent the delivery of development on Opportunity Site Reference OWH11. The availability of additional land will provide additional flexibility on the site, offering the opportunity to deliver improved development outcomes.</p> <p>The loss of the John Paul Jones constitutes less than substantial harm to the significance of the conservation area and setting of the nearby Listed Buildings. This harm must be weighed against the public benefits of the development. The demolition of the existing building will in itself cause harm; however, its further redevelopment will create opportunities to enhance or better reveal the significance of the conservation area and will deliver both social and economic benefits through the construction and operation of the redevelopment.</p> <p>In the short term, the demolition will provide a site compound for works to the former Grade II Listed Whittle's building, the redevelopment of which will deliver enhancement of the conservation area to its benefit.</p> <p>The development is acceptable in relation to amenity, ecology and highways etc. subject to the planning conditions proposed.</p> <p>On balance, it is considered that the benefits of the development outweigh the harm which in overall terms is considered to fall at the lower end of less than substantial.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>

	<p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-</p> <p>Application Form Location Plan - Planning Portal Reference: PP-13436055v1</p> <p>Demolition of John Paul Jones Public House – Drawing No. DGHW-NOR-XX-ZZ-DR-A-90004 Rev. P01</p> <p>Proposed Propping Details To Basement & Bath House Wall – Drawing No. DGHW-BGP-02-ZZ-D-S-01600</p> <p>Statement - John Paul Jones, Whitehaven CA28 7EN – Ref. De4018</p> <p>Update Ecological Appraisal and Bat Roost Assessment Report – Project Number 784-B064930 V3</p> <p>Biodiversity Net Gain Assessment – Project Number 784-B064930 Rev. 1</p> <p>Heritage Statement – Demolition of John Paul Jones – September 2024</p> <p>Traffic Management Plan - John Paul Jones Tavern, Strand Street, Whitehaven</p> <p>Construction Environmental Management Plan CEMP - John Paul Jones Tavern, Strand Street, Whitehaven</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>3. Notwithstanding the submitted detail, no work relating to the demolition, shall take place on the site, except between the hours:</p> <p>08.00 - 18.00 Monday to Friday; and 08.00 - 13.00 on Saturdays;</p> <p>In particular, no work should be carried out on Sundays or officially recognised public holidays.</p> <p>Reason</p> <p>To safeguard the amenity of neighbouring occupiers in accordance with the requirements of the National Planning Policy Framework.</p>
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Cumberland Council

4. The development shall not proceed except in accordance with the provisions of Update Ecological Appraisal and Bat Roost Assessment Report – Project Number 784-B064930 V3.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

5. The development shall not proceed except in accordance with the provisions of Construction Environmental Management Plan CEMP - John Paul Jones Tavern, Strand Street, Whitehaven.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

6. The development shall not proceed except in accordance with the provisions of Traffic Management Plan - John Paul Jones Tavern, Strand Street, Whitehaven

Reason

For the avoidance of doubt and to prevent adverse impact upon the operation of the public highway network in accordance with the provisions of Strategic Policy CO2 of the Copeland Local Plan 2021-2039.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may

	<p>not begin unless: (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and (b) the local planning authority has approved the plan. The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply:</p> <ul style="list-style-type: none"> - Development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow), or 5 metres of linear habitats (such as hedgerows). 	
Case Officer: Chris Harrison		Date : 26.03.2025
Authorising Officer: N.J. Hayhurst		Date : 27.03.2025
Dedicated responses to:- N/A		