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BEC



Heritage Statement

Whitehaven Bath House Demolition

October 2026

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Report title: Heritage Statement
Prepared by: Chris Johnson MRTPI
Status: *FINAL*

For and on behalf of Avison Young (UK) Limited

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1 Introduction

1.1 This *Heritage Statement* has been prepared by Avison Young on behalf of Britain's Energy Coast (BEC) West Cumbria Properties (hereafter referred to as 'BEC') to assist Cumberland Council (hereafter referred to as 'the Council') in its consideration of the accompanying detailed application for the demolition of the former Whitehaven Bath House located on Duke Street, Whitehaven.

1.2 The Application Site ('the site') relates to the façade and the partial remains of the former swimming baths building, which was more recently occupied by 'The Park' night club. The rear portion of the building has been demolished, as has the Paul Jones pub, which was adjacent to the site, and physically attached to the east of the baths building.

1.3 The building is not listed but was recently nominated for Local Listing. BEC made representations during this process to acknowledge the heritage significance of the building and inform the LPA of the intention to demolish the building on the grounds of public safety. The site is within Whitehaven Town Centre Conservation Area.

Planning History

1.4 There is no recorded planning history on the Council' public access planning system for the application site. There is a recent record of an application to demolish the adjacent John Paul Jones pub from 2025. The details are included in the table below. There does not appear to be any objections from consultees or the public, and the application was approved with minimal conditions.

Relevant Planning History		
Application Reference	4/24/2401/0F1	
Application Type	Full planning application	
Applicant	BEC	
Agent	NORR	
Site Address	Former John Paul Jones Public House, Duke Street, Whitehaven	
Proposal	Demolition of John Paul Jones Public House	
Decision	Approved 27 March 2025	

2. The Proposed Development

2.1 The scope of the current proposals includes the demolition of the building, as per the recommendations of the most recent structural survey report. An application for the redevelopment of the site would then follow once there is a clearer understanding of the potential occupier and scheme. Material would be removed from the site and the ground restored to grade level. The resulting site boundary would be treated by the erection of timber post heras fencing. The following drawings prepared by NORR Architects illustrate the existing and proposed site and elevations in detail:

- BHD-NOR-XX-00-DR-A-00003 - Location Plan
- BHD-NOR-XX-00-DR-A-00001 - Existing Site Plan and Elevations
- BHD-NOR-XX-00-DR-A-00002 - Proposed Site Plan and Elevations

3 Legislative and Planning Policy Context

3.1 The Planning (Listed Buildings and Conservation Areas) Act of 1990 (specifically Section 72) places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

3.2 Consent for demolition can generally be sought and obtained through Permitted Development, specifically Part 11 Class B of the General Permitted Development Order 2015, which permits the demolition of buildings comprising 'any building operation consisting of the demolition of a building'. However, exceptions to this permitted development right are listed which include: "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a Conservation Area.

3.3 Paragraph 196D of the Town and Country Planning Act 1990 makes clear it is an offence for a person to carry out or cause or permit to be carried out relevant demolition without the required planning permission.

National Planning Policy Framework (2026)

3.4 An update to the National Planning Policy Framework (NPPF) was published in August 2026. The update is the eighth major iteration since its introduction in 2012 and represents the first comprehensive structural rewrite that distinctly separates rules-based policies for plan-making and the introduction of national development management policies for the first time.

3.5 The updated framework came into force for development management and decision-taking immediately upon publication. Relevant policies contained in the NPPF 2026 are summarised below.

HE7: Decisions on Non-Designated Heritage Assets

1. Development proposals which would have a positive effect on a non-designated heritage asset should be supported.

2. Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

3. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

HE9: Conservation Areas

1. Development proposals within or affecting the significance of conservation areas should:

    a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and

    b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.

2. Not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment

of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.

3. Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.

HE10: Loss or Removal of Heritage Assets

1. Where a development proposal would result in the loss of the whole or part of a heritage asset (whether designated or not):

    a. The development should not be approved without all reasonable steps being taken to ensure that the new development will proceed after the loss has occurred, including through the use of planning conditions and planning obligations to secure the development against the loss of the asset; and

    b. The applicant should record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact upon it; and should make this evidence (and any archive generated) publicly accessible by depositing it in the relevant Historic Environment Record, and any archives with a local museum or other public depository. The ability to record evidence of our past should not be a decisive factor in deciding whether such loss should be approved.

2. Heritage assets with archaeological interest should be preserved in situ where feasible. Where an asset cannot be preserved or managed on-site, appropriate provision should be made for the investigation, understanding, recording, dissemination and archiving of that asset, which should be undertaken by suitably-qualified individuals or organisations.

3. Development proposals to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), should retain the feature in situ where possible (and, where appropriate, be supported by an explanation of their historic and social context).

Planning Practice Guidance – Conserving & Enhancing the Historic Environment

3.6 Paragraph 007 states that heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

3.7 Paragraph 009 states that applicants are expected to describe in their application the significance of any heritage assets affected, including any contribution made by their setting. In doing so, applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance.

The Development Plan

Copeland Local Plan 2021-2039 (2024)

3.8 Cumberland Council adopted the Copeland Local Plan 2021-2039 on 5 November 2024. A review of the relevant planning policies specific to the site has been undertaken. The site is allocated as development opportunity site WTC2 'Mark House and The Park Nightclub' under saved Policy TCN12 Town Centre Opportunity Development Sites. Proposals for the development of sites identified in Policy TC12 will be permitted subject to meeting the requirements of other Plan policies.

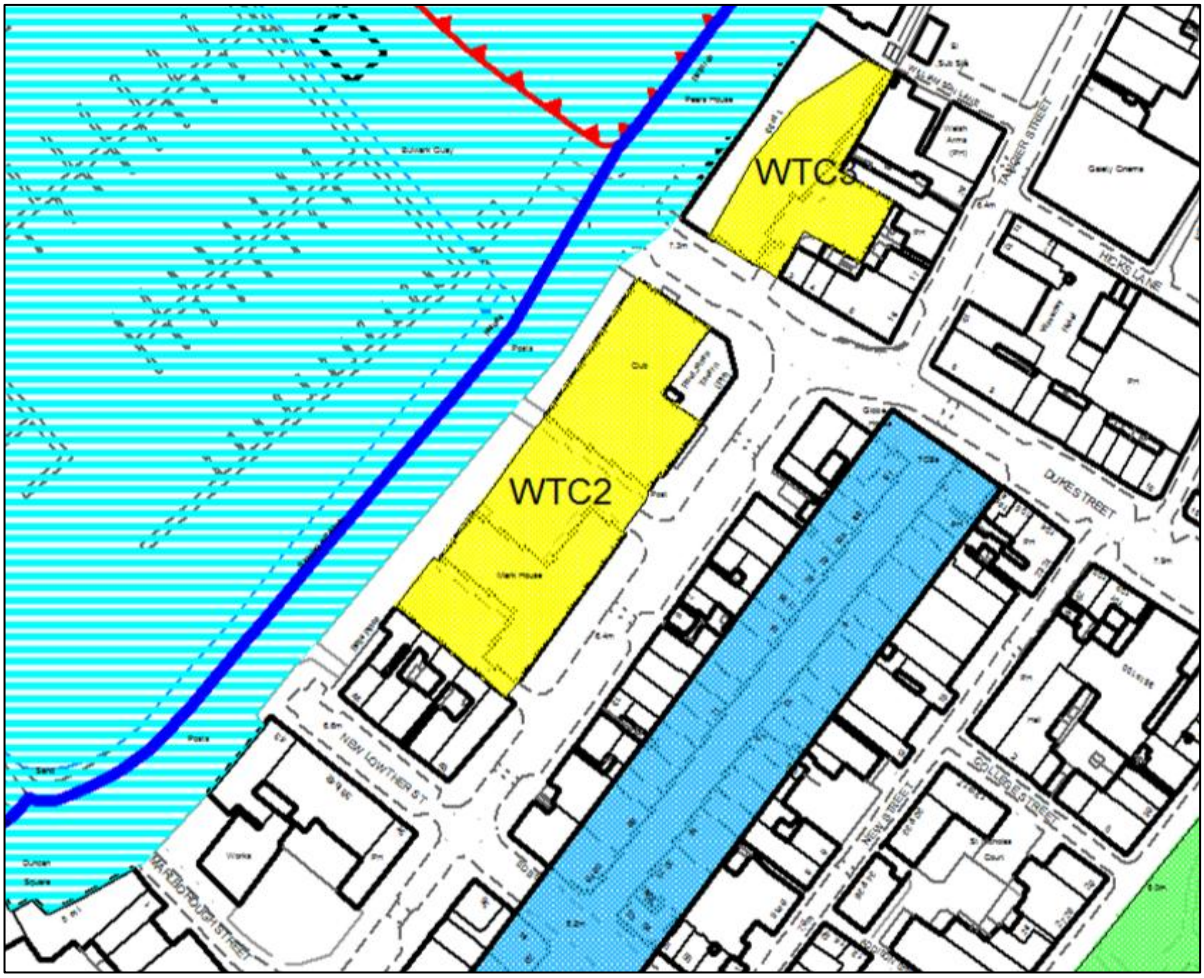


Figure 1: Extent of Site Allocation WTC2

3.9 The site is within Whitehaven Town Centre Conservation Area and is considered a 'non-designated heritage asset'. The Copeland Local Plan (2024) sets out the LPA's approach to heritage and conservation through policies BE1 Heritage Assets, BE2 Designated Heritage Assets and BE4 Non-Designated Heritage Assets.

BE4 Non-Designated Heritage Assets
Development should preserve or enhance heritage assets and their setting. Proposals that better reveal the significance of heritage assets will be supported in principle.

Proposals affecting non-designated heritage assets or their setting should demonstrate that consideration has been given to the significance of any heritage assets affected, including any contribution made by their setting. Where the scale of any harm or loss and the significance of the heritage asset outweighs the benefits of the proposal, the development will be resisted.

Where loss of the whole or part of a non-designated asset is accepted, the developer will be required to take all reasonable steps to ensure that the new development will proceed after the loss has occurred. The following may also be required:

1) An appropriate level of survey is undertaken and public record made which may also include an archaeological excavation;
2) Provision or replacement of comparable quality and design;
3) The salvage and reuse of special features within the replacement development.

3.10 Policy BE2 Designated Heritage Assets contains a subsection specifically relating to Conservation Areas:

> *Proposals that preserve or enhance the character or appearance of a Conservation Area, especially those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance will be supported. Demolition within a Conservation Area will only be permitted where the building does not make a positive contribution to the character and appearance of the Area.*

3.11 There are a range of adopted supplementary planning documents relating to the Town Centre Conservation Area, acknowledging that the site will ultimately be redeveloped. These comprise:

- **Whitehaven Town Centre and High Street Conservation Areas Character Appraisal (2009)**
  - A summary of the threats and issues identified in the North Harbour area in the character appraisal include the presence of negative buildings which erode character and quality and a lack of visual and physical linkages between the town centre and the harbour.

- **Whitehaven Town Centre and High Street Conservation Areas Management Plan (2009)**
  A summary of issues and threats to the Conservation Area are set out and include:
  - Negative buildings which erode character and quality;
  - Threat of unsympathetic new development;
  - Gradual erosion of special character due to loss of traditional materials and the introduction of inappropriate modern features;
  - Lack of building maintenance and structural issues;
  - Underuse and vacancy of historic buildings;
  - Gap sites harming character and appearance;
  - Threat of the maritime location;
  - Inadequate gateways into the town centre;
  - Lack of visual and physical linkages between the town centre and the harbour;
  - Underuse and inadequate maintenance of public space, and;
  - Loss of historic surface materials.

- **Whitehaven Town Centre and High Street Conservation Areas Development Guide (2009)**
  - A series of general design principles are set out which are relevant to development across the Conservation Area which are covered with more relevance to the site in other documents and are not repeated here.

- **Whitehaven Town Centre and High Street Conservation Areas Development Guide: Mark House, Former Victorian Public Baths and the Paul Jones Pub, Strand Street (2009)**
  - Investigate the retention of the public baths' facade as part of a comprehensive scheme for the site.
  - Redevelopment of the site offers an opportunity to link the harbour back to the town. Maintain and reinforce a route between Strand Street and the harbour.

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- The block is long and narrow which presents difficulty in achieving active frontages on both sides of the block.
- Introduce active frontages on the harbour, Duke Street and Strand Street.
- Permeability is poor and creates a physical barrier between the town and harbour.
- Acknowledge the nearby listed buildings on New Lowther Street and Duke Street and do not detract from or overwhelm their setting.
- New development to be taken up to the back of footpath.
- New buildings to be minimum 3 storeys in height
- Any new building higher than 3 storeys to be of high quality, justified in urban design terms, and fully considered from all vantage points.

- **Whitehaven Town Centre and Harbourside SPD (2012)**
  - The SPD sets out support for development of identified regeneration opportunity sites in the Town Centre, ensuring that necessary mitigation measures are incorporated into schemes such as flood risk or BNG.
  - Development requirements listed include the need for high standards of design in new development and improving accessibility.

4. Assessment of Impact on Heritage Significance

Heritage Significance of Conservation Area

4.1 The Whitehaven Town Centre Conservation Area was designated in 1969 and incorporated much of Whitehaven's town centre and harbour. The High Street Conservation Area was designated in 1975 and principally comprised the area around High Street but also incorporated Pipers Court and much of Wellington Row.

4.2 The Whitehaven Town Centre and High Street Conservation Areas Character Appraisal identifies and explains the special historical and architectural character of the Conservation Areas, whilst the Whitehaven Town Centre and High Street Conservation Areas Management Plan sets out short, medium and long-term actions to preserve and enhance the conservation areas. It also recommended that the two conservation areas be merged to form a single conservation area.

4.3 In November 2010, Copeland Borough Council resolved to vary the Whitehaven Town Centre Conservation Area Boundary to incorporate the High Street Conservation Area and include the additional areas of Castle Park, Crowpark Wood, Wellington Row, Hilton Terrace, Solway View, Bransty Row, Brackenthwaite and the sites of the former bus station and bus depot. The Conservation Area Appraisal And Management Plan documents, which covered the majority of the wider area now part of the Whitehaven Town Centre Conservation Area, remain relevant. The Whitehaven Town Centre and High Street Conservation Areas Character Appraisal identified a series of character areas, which have their own identifiable character. However, rather than being exact, their boundaries are blurred and overlap. The Bath Houe site falls within the North Harbour Character Area, but is also close to the Georgian Grid-Iron Character Area.

4.4 The North Harbour character area incorporates the northern side of the town's harbour, including North Pier, North Wall, North Harbour, Queen's Dock, Bransty Row and Millennium Promenade. The area has continually expanded and developed since the 1660s, when the harbour was an open creek, to meet to the changing role of the town. The most recent changes include the installation of a sealock between North Pier and Old Quay, allowing the construction of a permanent marina, and the creation of Millennium Promenade, which defines the north western edge of the former Bath House Site.

4.5 The Whitehaven Town Centre and High Street Conservation Areas Character Appraisal identifies the former Bath House as adding considerable visual interest to the North Harbour character area. Constructed from red standstone, its principal façade is characterised by detailed engravings of a mermaid and Neptune, the Roman god of the sea, and these features are unique within the town centre. In its current state, the former Bath House site fails to define the edge of the character area in a positive way.

4.6 In summary, the Whitehaven Town Centre Conservation Area is considered to be of medium heritage significance for its historical and aesthetic values (special architectural and historic interest). This is reflected in its status as a conservation area and a designated heritage asset. The former Public Bath House has historically had a positive impact on the character and appearance of the conservation area. However, the current state of repair, and the limited proportion of the building which remains, both limit the positive impact the building can continue to have on the Conservation Area. The building is not usable in any way, represents the façade of the building only, and presents an ongoing safety risk, requiring continuous heras fencing to prevent access which limits any positive visual impact the façade may still have.

Significance of Bath House as Non-Designated Heritage Asset

4.7 The building is recognised as a non-designated heritage asset, recorded as *Former Public Baths (HER ref: 43794)*. The entrance and façade of the former Public Baths is located on the corner of Duke Street and Millennium Promenade. England's first public baths were built as a result of the 1846 Baths and Wash-houses Act. Small plunge pools, originally designed for communal bathing, became as popular for swimming as bathing and ever larger and more sophisticated swimming pools were built as the nineteenth century wore on. An 1878 amendment to the Act recognised this trend. The Public Baths in Whitehaven were built after the amendment and the Whitehaven Baths Company was established in October 1882 to build and operate a swimming pool, public wash-houses and a Turkish bath. In 1883-84 the Public Baths Co. Ltd. built premises on Duke Street to the design of Mr. T. L. Banks.

4.8 The Turkish baths were closed at some point between 1918 and 1936 when the building was renovated, and the remaining baths closed in 1950s. Most of the building has been demolished, although the original main entrance, a Classical-style portico, and façade still survive on Duke Street.

4.9 In its listing selection guide for Sport and Recreation, Historic England sets out guidance on the criteria that should be considered when thinking about designating swimming pools. This is useful when considering the significance of the former Public Baths. The following are key considerations:

- The relationship of swimming pools to other civic buildings; and
- The level of degree of survival.

4.10 Overall, the former Public Baths is considered to have some heritage value, although this is considered to be low. Only the façade (incorporating the original entrance) remains with all other elements having being demolished. There are no other public buildings within close proximity of the former Public Baths. The heritage value of the retained façade is considered to derive from its association with the establishment of public baths in the late Victoria era for recreation as well as bathing for hygiene reasons (historical value), its Classical-style and detailed engravings of a mermaid and Neptune, the Roman god of the sea (architectural and aesthetic value), and its role as an important public building in Whitehaven in the late nineteenth and early twentieth century (communal value).

Assessment of Heritage Impact of Demolition

4.11 This Planning Application seeks planning permission for the demolition of the building. The starting points for considering the proposals are the site's location in a Conservation Area and as a Non-Designated Heritage Asset.

4.12 The updated NPPF NDMPs came into effect immediately upon publication. Where Local Plan policies are not consistent with the new NDMPs, development proposals should be determined in line with the NDMPs. Policies relevant to loss of a Non-Designated Heritage Asset and demolition in a Conservation Area are consistent across national and local policy in this case.

4.13 NDMP HE7: Decisions on Non-Designated Heritage Assets states that where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

4.14 NDMP HE10 refers specifically to loss or removal of heritage assets. Where a development proposal would result in the loss of the whole or part of a heritage asset (whether designated or not), the development should not be approved without all reasonable steps being taken to ensure that the new development will proceed after the loss has occurred, including through the use of planning conditions and planning obligations to secure the development against the loss of the asset. The applicant should record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact upon it; and should make this evidence (and any archive generated) publicly accessible by depositing it in the relevant Historic Environment Record, and any archives with a local museum or other public depository.

4.15 The policy tests required by NDMP HE7 and Local Plan Policy BE4 require the loss of the asset to be outweighed by the benefits of the proposal. To make this assessment, it is important to first identify the heritage value of the asset, to determine whether the public benefits outweigh the loss. The Bath House building is considered to have some heritage value, although this is considered to be low. Only the façade (incorporating the original entrance) remains with all other elements having already been demolished.

4.16 The heritage value of the retained façade is considered to derive from its association with the establishment of public baths in the late Victoria era for recreation as well as bathing for hygiene reasons (historical value), its Classical-style and detailed engravings of a mermaid and Neptune, the Roman god of the sea (architectural and aesthetic value), and its role as an important public building in Whitehaven in the late nineteenth and early twentieth century (communal value).

4.17 The benefits of demolishing the building are twofold:

- Removes the risk to public safety
- Clears the site to enable works to progress onsite immediately upon grant of planning permission for redevelopment

4.18 Therefore, whilst the building has some heritage significance and value, we consider that the removal of the risk to public safety clearly outweighs the relatively minimal heritage value provided by the Bath Houe building in its current condition. The majority of the building has already been demolished, leaving only the façade. The public safety risk is high, given the condition of the building. Successive annual structural surveys commissioned by the applicant have recommended immediate demolition on the grounds of public safety. An additional benefit is considered to be clearing the site for when the ultimate redevelopment of the site comes forward, accelerating the development of the land.

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However, we consider this incidental and the removal of the public safety risk to solely clearly outweigh the harm caused by the loss of the heritage asset.

4.19 Copeland Local Plan Policy BE4 Non-Designated Heritage Assets states that where loss of the whole or part of a non-designated asset is accepted, the developer will be required to take all reasonable steps to ensure that the new development will proceed after the loss has occurred. The following may also be required:

- An appropriate level of survey is undertaken and public record made which may also include an archaeological excavation;
- Provision or replacement of comparable quality and design;
- The salvage and reuse of special features within the replacement development.

4.20 The applicant is committed to undertake an appropriate level of survey of the building and to make this public record. It is not considered appropriate to provide a replacement building as the Bath House has not operated for its original purpose for many years and the majority of the building has already been demolished, with only the façade remaining. The applicant does intend to redevelop the land and the site is allocated for redevelopment in the Local Plan, establishing the principle of demolition as acceptable.

4.21 The current strategy for the site is to demolish the building in the short term, in advance of the submission of a planning application for development on the site. This removes the risk to the public and clears the site in advance of the proposed redevelopment of the site. It is not considered appropriate to wait to demolish the building until the full details of the redevelopment of the site are progressed, as this could pose an ongoing risk to the public.

4.22 The applicant has agreed with the LPA that every effort will be made during demolition works to retain elements of the façade which are considered significant. Though there are no firm proposals for the ultimate redevelopment of the site, successfully retained elements of the building could be incorporated in the scheme in some way. However, it must be noted that – whilst every effort will be made to retain significant features – this is not guaranteed and the building is significantly deteriorating which may make this challenging.

4.23 The applicant has made every effort to preserve the building and its historic significance. It is now in a poor condition and deteriorating. The applicant has commissioned regular annual structural surveys of the building. The most recent two survey reports have recommended immediate demolition works on the grounds of public safety. The site is exposed to harsh conditions, situated at the harbourside with no protection from the wind and rain. The sandstone material is eroding, and any collapse of the building could endanger the public with no buffer between the building and the public highway and footway.

5. Summary and Conclusions

Overview

5.1 This statement has demonstrated compliance with the requirements of NPPF NDMP Policies HE7 and HE10 and Local Plan Policy BE4 in relation to Heritage Statements.

5.2 This Statement sets out the applicant's position in that:

- The heritage significance of the remaining Bath House building is minimal, due to the loss of the majority of the building, and the condition of the remaining façade;

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- In accordance with national and local policy, the benefit of removing the current risk to public safety posed by the building, is considered to clearly outweigh the loss of the heritage asset;
- The client will make every effort to make public record of an appropriate level of survey, and salvage and reuse features of special interest within the replacement development, where possible.

5.3 It is therefore requested that the LPA approve the application without delay.

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Contact details

Enquiries

Chris Johnson MRTPI

[redacted]

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Avison Young

Wellbar, 36 Gallowgate, Newcastle, NE1 4TD

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