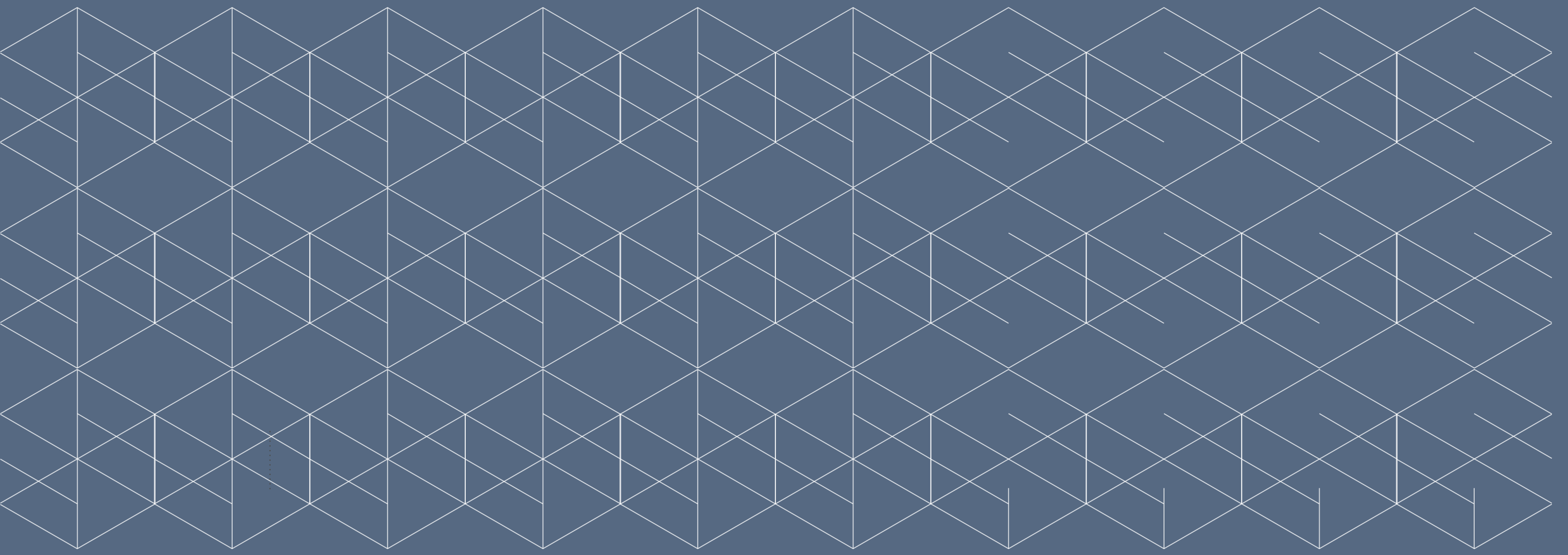


Princes Circus Fountain
Shaftesbury Avenue, London
May 2024



Princes Circus Drinking Fountain

Shaftesbury Avenue, London

Variation of Condition Application

THE HERITAGE PRACTICE

May 2024

CONTENTS

	PP
1.0 Introduction	03
2.0 Project Timeline	06
3.0 Conclusions	07
Appendix A: Historic Development	08
Appendix B: Report on Constraints November 2022	10
Appendix C: Correspondence from Arcadis following consultation with Thames Water	12



1 Introduction

1.1 The following document has been prepared in support of an application to vary the wording of Condition 5 of a listed building consent granted in February 2021 (LB Camden reference 2020/1446/L).

1.2 In February 2020, applications for planning permission and listed building consent were made to LB Camden Planning Department by the LB Camden West End Project Team. This involved the relocation of the Princes Circus Drinking Fountain from its location within a triangle of land on Shaftesbury Avenue to a new area of public realm adjacent to the Shaftesbury Theatre. As noted below, the relocation of the fountain enabled the provision of significant transport infrastructure and public realm improvements as part of the Borough's wider West End Project (WEP).

1.3 The West End Project is LB Camden's biggest ever scheme to deliver improvements to the borough's West End. Part of the project includes the delivery of new and regenerated public and green spaces. Work to transform areas around Tottenham Court Road, Gower Street, Bloomsbury Street, Princes Circus and St Giles has now been completed.

1.4 At Princes Circus, the reconfiguration of Shaftesbury Avenue and removal of traffic from part of Bloomsbury Street allows for the creation of a larger public space transformed with new planting and seating. Prior to the works being undertaken, the space was heavily trafficked with narrow pavements, cluttered with street furniture and difficult to negotiate for pedestrians.

1.5 The redesign of this area has significantly improved the pedestrian route between Covent Garden and the British Museum. New pedestrian crossings have made the area easier and safer to navigate while the new inviting space has provided calming places to stop and rest. Distinctive woodland planting will reinforce the strong green identity created by the existing mature trees. Now the space is completed these and other significant changes have created a new public square that celebrates Princes Circus, turning this overlooked traffic heavy corner into a space to be enjoyed and cherished.

1.6 Listed building consent for the relocation and refurbishment of the fountain was granted in February 2021. During the course of the application, it was requested that the fountain be connected to a water supply so that its former use as a drinking fountain could be reinstated. Based on historic photographs, it is likely that the fountain stopped providing drinking water by the 1970s. It has been relocated twice historically, with the approved application being its third move (the historic development of the fountain is set out at Appendix A).

1.7 During the course of the application, the possibility of providing a water supply was discussed at length. The WEP had consulted widely on the public realm proposals in summer 2014. This included the relocation of the fountain but had never included the possibility of reinstating a water supply to the fountain. Consultation comments relating to the Shaftesbury Avenue proposals did not bring up the possibility of reinstating a water supply to the fountain and the project details and budget were approved for Shaftesbury Avenue and the wider project without the additional financial requirement for a live fountain and its ongoing maintenance. The project, approved in January 2015 did not accommodate a live drinking fountain as part of the public realm proposals.

1.8 The application was therefore made on the basis of the approved scheme and budget. Once a decision on the relocation was reached 2020/1446/L), a condition was added to the listed building consent that stipulated the following:

Condition 5: The water fountain shall be provided with a connection to the water mains in accordance with a method statement to be submitted and approved in writing by the local planning authority prior to its re-installation. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

1.9 Under the approved scheme, there was never an intent for the fountain to be restored to working order and Condition 5 does not require that. Instead, it requires a connection to the water mains only. In addition, the changes required to the fountain in order for it to supply water are not within the scope of the approved scheme and a further listed building consent application dealing with this specific matter would be required.

1.10 In November 2022, an application (2022/4953/L) was made to remove condition 5 from the decision for reasons explained in a report set out at Appendix B. The WEP Team Programme Manager contacted the planning department and was advised by the Team Manager (South) in December 2022 that '*The main intent* [of the condition] *is that the opportunity is taken now to install pipe work within the fountain's base which likely avoids the need for the whole thing to be moved and foundations dug up again to install the same in the future should it be desired/made a Council priority to restore it to working condition in the future.*'

1.11 At a meeting between LB Camden, Kevin Stears of the WEP Team and The Heritage Practice in January 2023, this was discussed further and it was agreed that the condition necessitated the provision of a water supply so that the fountain could be connected at a point in the future. It did not require the fountain to provide drinking water once reinstated. As explained during the meeting, in order to reinstate drinking water use, alterations to the fountain would be required that did not form part of the listed building consent application (such as the provision of a maintenance panel and associated alterations).

1.12 The application to remove the condition was withdrawn on the basis that the WEP Team agreed to provide a connection to the water supply that at the time was believed to run close by to the proposed location of the fountain, below the pavement between the proposed site and the Shaftesbury Theatre. It was agreed that this would meet the requirement of Condition 5 of the listed building consent, allowing the fountain to be connected to the water supply should funds become available at a future date for works to the fountain, making it live and future maintenance.

1.13 In April 2023, an application for the discharge of the condition was submitted (2023/1107/L). The application provided a drawing setting out how the fountain would be provided with a water supply.

1.14 During the course of the application, it became apparent that the water main running between the site and the theatre had been relocated due to development works being undertaken at the theatre. As set out in the Arcadis letter at Appendix C, which summarises Thames Water's view on the nearest water mains, the closest possible connections are on the other side of the carriageway of Shaftesbury Avenue or on High Holborn.

1.15 With the absolute best intention of meeting the requirements of condition 5, the WEP team installed water supply pipework from the fountain, with a chamber for a water valve, through the area of public realm works to the carriageway to the north-west (figures 1-3). The works have been undertaken ahead of a decision on the discharge of condition application because of the wider public realm works programme and due to the fact the WEP has now been completed and wrapped up. The reinstatement of the fountain remains the outstanding issue and the fountain has now been in storage for c. 30 months at significant cost.

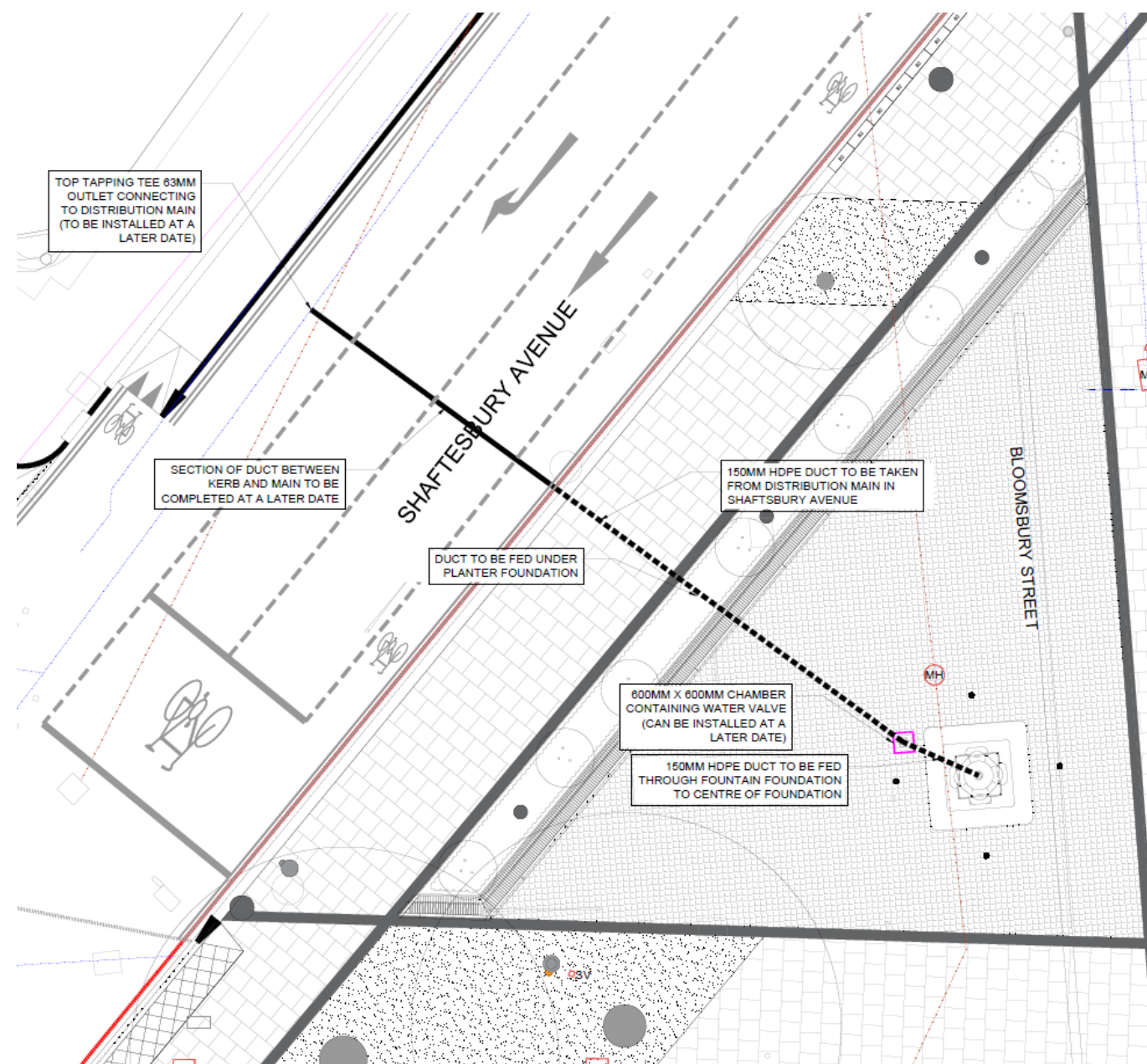


Figure 1: extract from proposed drawing showing the line of existing pipework designed and laid to connect to the water main at a future stage.

1.16 It has not been possible to open the road surface to continue laying the pipe. Works to the gas main were undertaken further to the north on Shaftesbury Avenue during Spring 2023 and it had been hoped that the continuation of the pipe run could be undertaken as part of these works. However, works to the gas main were some distance from the site location and this could not be achieved. There is no available budget to open up the road surface to continue the pipe run across the road to the water main although this could be undertaken at a later date. The project cost of taking the pipework across the water main for a full connection to the mains has been estimated at approximately £23,000 which is beyond the scope of the WEP budget.

1.17 Following advice from LB Camden, a further application to remove Condition 5 was made in October 2023 (2023/4072/L). In relation to this application, the WEP Team met with Bethany Cullen of LB Camden in January 2021. Following the meeting it was agreed that an application should be made to vary the wording of Condition 5 in order to reflect the fact that a water pipe has been provided in the base of the fountain that can be connected to the water mains at a later date.

1.18 The proposed new wording of the condition is as follows:

The water fountain shall be provided with pipework which allows for future connection to the water mains. The relevant part of the works shall not be carried out otherwise than in accordance with the documents approved.

1.19 The following section provides a summary of the project timeline to date. The timeline provides a clear account of efforts to deal with the applicant's duties in regard of Condition 5. It is hoped that the variation of the condition's wording is acceptable and that the condition can ultimately be approved.

1.20 Appendix A provides an overview of the historic development of the fountain as previously submitted. Appendix B provides an account of the operational and financial difficulties of providing drinking water to the fountain as previously submitted. Appendix C provides correspondence between Arcadis and Thames Water on the closest water mains to which the fountain could be connected (either way involving crossing High Holborn or Shaftesbury Avenue).

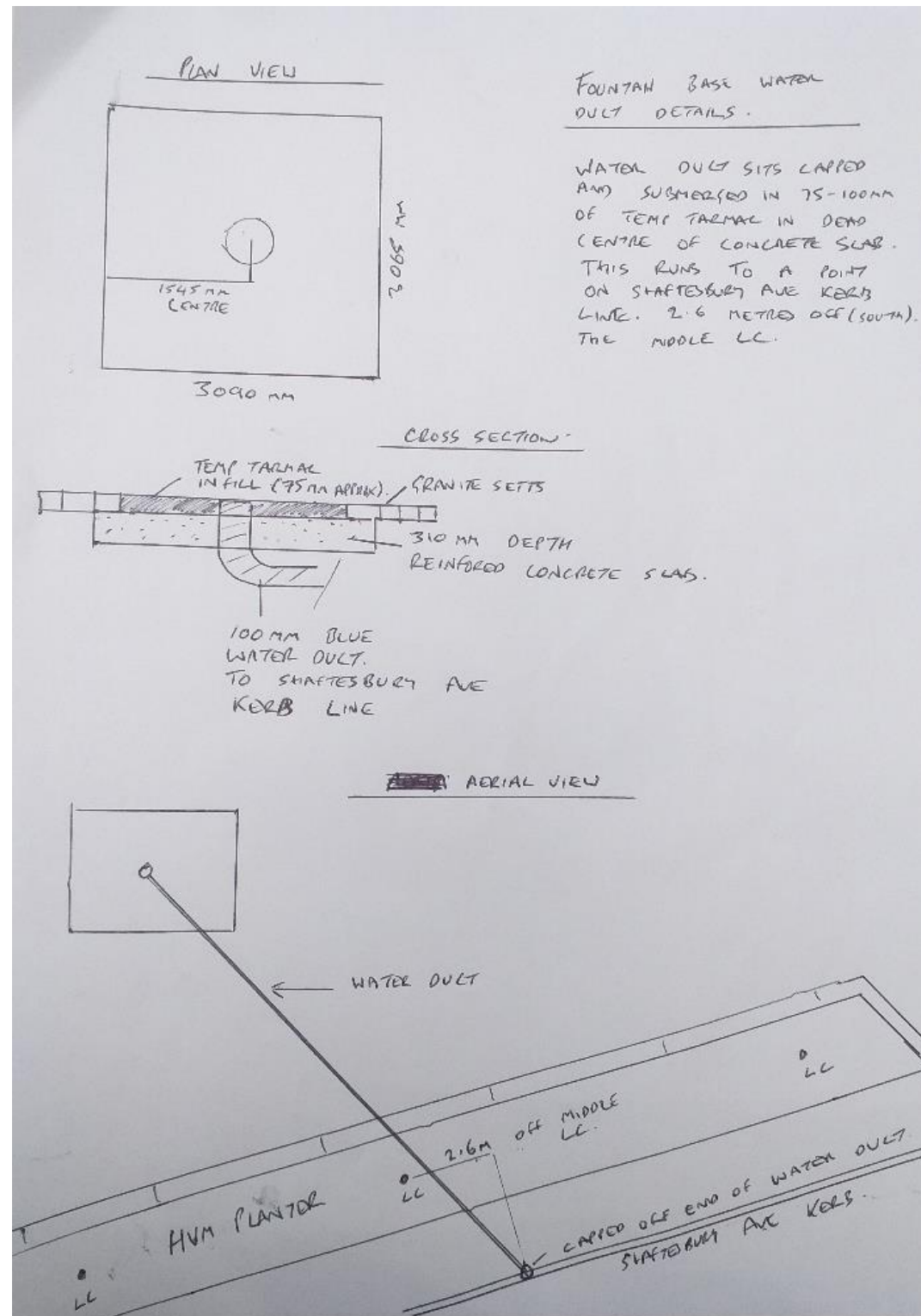
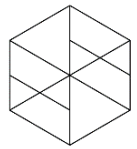


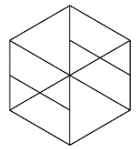
Figure 2 (left): Sketch diagram showing pipework installation to area ready for fountain with detail of extent to pavement edge.

Figure 3 (right): Water pipework following installation.

2 Summary Timeline

2.1 The following table provides details of the WEP timeline, noting the key phases of the project as they relate to the Princes Circus Drinking Fountain.

Date	Works/Application Stage
March – July 2014	Project design, pre consultation engagement and public consultation.
January 2015	Scheme approved by Cabinet.
December 2017	Main contractor appointed.
March 2018	Preliminary construction started.
June 2018	Main works on WEP start.
Summer 2018	Engagement on designs for green spaces held, pop up events, evening sessions and online feedback opportunities.
Spring 2019	Two way traffic introduced onto Tottenham Court Road.
February 2020	Applications for planning permission and listed building consent submitted for the relocation and refurbishment of the drinking fountain.
November 2020	Whitfield Gardens opens.
February 2021	Applications for planning permission and listed building consent approved with condition 4 relating to the requirement for method statements for the dismantling of the fountain and for its reinstatement. Condition 5 required the provision of a connection to the water main.
February 2021	Gower Street/Bloomsbury Street two way traffic introduced and reconfiguration of the roads around Princes Circus completed.
March 2021	Traffic restrictions introduced on Tottenham Court Road.
April 2021	An application was made to partially discharge Condition 4 by the submission of a method statement for taking down the fountain (2021/1830/L).
June 2021	Fountain dismantled from site.
June – July	Fountain repairs undertaken and fountain placed into storage.
March 2022	Alfred Place Gardens completed.
May 2022	Northern section of Gower Street completed and two way traffic introduced.
May 2022	Work to Princes Circus starts.
June 2022	The partial discharge of condition 4 was approved. The fountain has already been dismantled by this point as works to reconfigure the roads had to take place in the time between the application and the approval.
October 2022	An application was made to fully discharge Condition 4 by the submission of a method statement for reinstating the fountain (2022/4232/L).
November 2022	The discharge of Condition 4 was fully approved.
November 2022	An application was made to remove Condition 5 of the listed building consent (2022/4953/L).
January 2023	The application to remove Condition 5 was withdrawn following an agreement in a meeting between relevant parties in that if a pipe could be run from the fountain to the water main, then this would satisfy the condition.
January 2023	Cadent Gas works start in the southern area of Princes Circus until April 2023
March 2023	An application for the discharge of Condition 5 was submitted in March 2023. During the course of the application the position has changed in that there is no longer a water main nearby following basement works at the Shaftesbury Theatre. Further information in respect of this is now provided.
April 2023	Princes Circus northern space opens.
July 2023	Princes Circus southern space opens.
July 2023	Project completed with the exception of the reinstatement of the fountain.
October 2023	Application to discharge Condition 5 withdrawn.
November 2023	Application to remove Condition 5 made. During the course of the application, the applicant was advised to apply to vary the wording of Condition 5.
May 2024	Application to remove Condition 5 withdrawn.



3 Conclusions

3.1 The project of which the relocation and refurbishment of the Princes Circus Drinking Fountain forms part, the much wider West End Project, was designed and approved by Cabinet almost ten years ago. The project has now been completed and has delivered successful public realm and road infrastructure improvements across the West End. Its work is complete and the Project Team has been disbanded. The reinstatement of the drinking fountain remains the only outstanding issue.

3.2 It has been previously explained that there are constraints in reinstating a working drinking fountain as part of the WEP. One issue is budget, for capital works and ongoing maintenance. The budget for the project was fixed in 2015 and there are no additional funds to carry out works to the fountain to make it usable or to continue ongoing maintenance. Other issues relating to making the fountain usable are set out in Appendix B but would include making alterations to the fountain and potentially the public realm proposals (which are now complete).

3.3 The difficulties of accommodating flowing water within the fountain as part of the WEP were perhaps acknowledged in Condition 5 of the listed building consent. This stipulated that a connection to the water main should be provided as opposed to the fountain being made to provide water. This approach was considered acceptable by all parties following a meeting in January 2023.

3.4 Every effort has been made in securing a connection to the water supply and to comply with the condition. As already noted, a previous plan to connect to the mains adjacent to the fountain is no longer possible as this has been moved due to the basement extension of the neighbouring Shaftesbury Theatre which has been undertaken independently and outside the WEP works at Princes Circus. Unfortunately, although pipework has been provided in the base of the fountain, the pipe can now only extend to Shaftesbury Avenue in a north-westerly direction. This is confirmed by the letter from Arcadis at Appendix C which confirms Thames Water's view.

3.5 The meaning of the condition is to essentially future proof the potential of the fountain to be reused for drinking water at a later date, as and when funding for works to the fountain and its ongoing maintenance become available. This would avoid digging up the foundations of the fountain again in the future. The WEP team has installed a connection and pipework between the fountain and Shaftesbury Avenue – this had to be installed because the wider public realm works were underway and completion was required. The fountain remains in storage. To this extent, although it does not connect directly to the water mains, it has been future proofed to the extent that a connection from the fountain end has been provided and this can be continued at a future date to include the final connection to the mains on the north side of Shaftesbury Avenue.

3.6 If the wording of Condition 5 can be varied, the condition can be discharged and the drinking fountain reinstated. The varied wording would meet the objectives of the original Condition 5 in terms of providing pipework and futureproofing the fountain for adaptation at a later date.

Appendix A – Historic Development

The following section sets out the background to the erection of the drinking fountain at the end of the 19th century and the story behind its provision, its original location and its current position at Princes Circus.

Background

Water supply in Victorian London was chaotic and insanitary. The cholera epidemic of 1848-9, which killed thousands of London's inhabitants, was largely responsible for the growth in the movement to supply free fresh drinking water for the poor of London. In this regard, the most important philanthropic institution to provide clean water for public use was The Metropolitan Drinking Fountain and Cattle Trough Association (originally known as The Metropolitan Free Drinking Fountain Association) which was established by Samuel Gurney, MP, in 1859.

As a charity it aimed to provide the poor living in London with a clean, fresh water supply by erecting fountains 'yielding pure cold water'. The charity's first drinking fountain was erected in 1859 against the wall of St Sepulchre's Church, Snow Hill. The Society was also concerned with the welfare and water provision for horses, dogs and animals such as cattle being walked to market. By 1865 the majority of drinking fountains also had troughs for dogs attached to them.

In 1879, Charles Dickens Jnr's Dictionary of London stated that the organisation 'has erected and is now maintaining nearly 800 fountains and troughs, at which an enormous quantity of water is consumed daily. It is estimated that 300,000 people take advantage of the fountains on a summer's day, and a single trough has supplied the wants of 1,800 horses in one period of 24 hours'. Local district boards and vestries also worked with the Society to add to the number of water fountains in London. The St Giles District Board instigated the erection of a fountain in 1887.

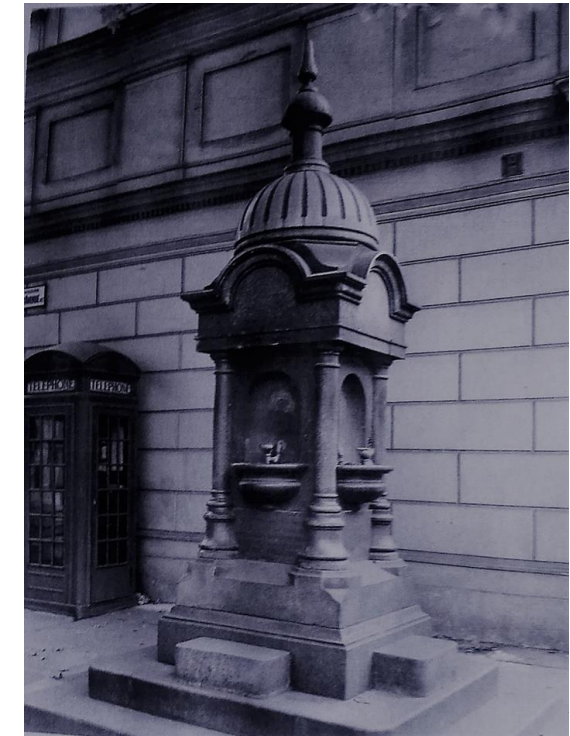
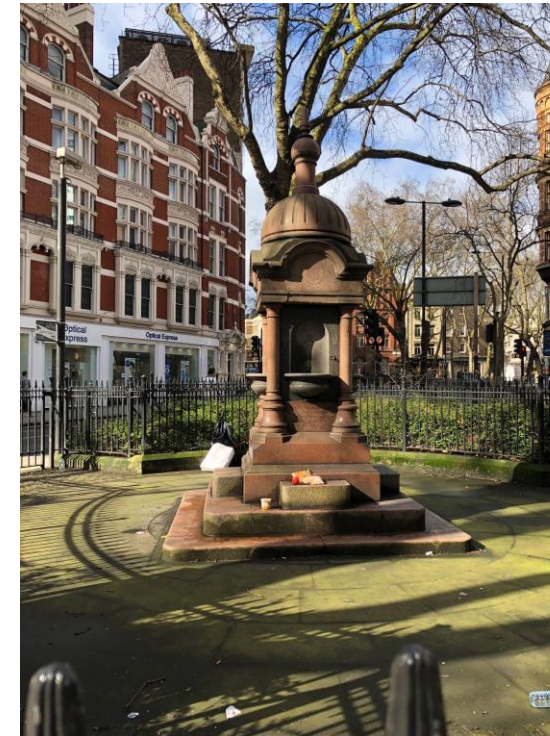
The Drinking Fountain

At the centre of Princes Circus, at the intersection of High Holborn and Shaftesbury Avenue, stands the disused but still impressive red granite drinking fountain dating from the end of the 19th century (figure 1). It was listed at Grade II in 1998. It was moved about 200 yards to its current position from the junction of Shaftesbury Avenue and New Oxford Street in 2003 as part of a Camden street works enhancement scheme in conjunction with the Home Office called Project Lilac that had started c.2001. The removal and re-erection of the drinking fountain was overseen by Watkins:Dally, chartered landscape architects.

The inscription on the fountain reads: 'Erected by the Board of Works for the St Giles district to commemorate the sixtieth year of the reign of Her Majesty Queen Victoria 1897'. In May, 1897 the Board of Works decided that they wanted to commemorate this record anniversary and that a drinking fountain was a suitable memorial. It was to cost no more than £250 and was to be located at the 'entrance of Shaftesbury Avenue from New Oxford Street'. An OS map of 1916 shows the fountain in its original position.

By June 1897 it was reported that various 'designs for the drinking fountain' had been presented to the Committee and in consultation with the Commissioners of Woods, Forests and Land Revenues it was recommended that the fountain should be 'erected on the footway at the junction of New Oxford Street and Shaftesbury Avenue'.

They had selected a design 'for a fountain of polished and fine axed red and grey Aberdeen granite set on two raised standings measuring 8ft 6ins square at the ground line and 4ft 6ins square at the base of the fountain with polished columns at angles, the total height of the foundation above the ground line to be 14ft 6ins, and dog troughs to be provided at each of the four sides'. The total cost including fixing, was to be £250.



Figures 1 and 2: Left: The grade II listed drinking fountain in its former location and right: the fountain further north on Shaftesbury Avenue.

It appears that the fountain was to be made 'in-house' by workmen in St Giles, as it was stated that the design and a rough sketch on an enlarged scale had been made in the stone yard. The work was to be carried out under the superintendence of the Engineer to the Board.

In December 1879 the Engineer reported that that the drinking fountain to commemorate Queen Victoria's 60th year on the throne was virtually completed. The Chairman and Clerk of the Board, the Engineer and the Medical Officer of Health and other Board members went to the junction of the Shaftesbury Avenue and New Oxford Street and 'dedicated to public use the drinking fountain'.

It remained there until c.2003. An undated photograph (but taken before 1960), shows the drinking fountain apparently still functioning (with taps and cups attached) when it stood adjacent to two K2 telephone kiosks (figure 2). It is unknown when the four dog troughs shown in the image were filled in/removed.

A later image taken in 1977 (figure 3), that survives in the London Metropolitan Archives, shows that by that time the top part of the fountain was missing. It was reattached before the fountain was moved c. 2003.

In 1989, architectural historian Philip Davis described the fountain as 'a rather ponderous pile of polished granite'. However, an appreciation of the survival of such fountains led to it being listed by English Heritage in 1998. It remains an attractive feature, although today it seems somewhat marooned in a busy traffic island. The railings that now surround the drinking fountain, with a permanently locked gate, were added post the 2003 relocation and were intended to prohibit anti-social behaviour focussed around the drinking fountain and the traffic island.



Figure 3: The fountain, 1977.

The drinking fountain was obviously originally intended to be located on a prominent and accessible site so that users could take the water that it provided. The fountain was disused when it was relocated in 2003/4 and therefore it no longer fully served its original purpose. However, prior to its relocation it did at least act as an accessible and prominent feature of public art or statuary that contributed positively to the local townscape.

It was also a fully visible illustration of the role of the Metropolitan Drinking Fountain & Cattle Trough Association and the St Giles Board of Works. In its current location it still does perform this role to a degree but its separation from the public realm does diminish its significance and its ability to contribute to the local area as originally intended. This is a monument designed for public interaction but in its current location this is no longer possible.

Appendix B – report on connection with the November 2022 removal of condition application

Applications for planning permission (2020/0946/P) and listed building consent (2020/1446/L) were submitted in respect of the grade II listed Drinking Fountain at Princes Circus, Shaftesbury Avenue, London Borough of Camden (The site) in April 2020 and approved in February 2021.

Condition 5 of the listed building consent application set out that: The water fountain shall be provided with a connection to the water mains in accordance with a method statement to be submitted and approved in writing by the local planning authority prior to its re-installation. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.'

At the time of the application, the applicant, LB Camden, made a case against this condition setting out the reasons as to why it was neither safe or practical to reinstate the fountain to its original working condition and those reasons are still considered valid. These reasons are summarised in the bullet points below and then expanded on in the following sections.

- **Reinstating the fountain with water would result in access to the fountain becoming unsafe with wet narrow steps which could also become icy therefore the water would introduce an unacceptable level of risk**
- **Reinstating the fountain with water would result in an inaccessible water supply for people with disabilities**
- **The fountain has not provided water for a substantial amount of time**
- **There is no water supply available to the fountain**
- **Providing a water supply would require a fundamental redesign of both the fountain and the area as a whole. This would affect the special interest of the fountain by covering about a third of the lower part of the structure**
- **There is no budget for the reinstatement of a water supply, ongoing maintenance or monitoring**
- **Proving a connection alone to a water main could be negligent if the area and the fountain were not redesigned for safe operation.**

While it is appreciated that the provision of fresh water is an LB Camden objective there are a number of issues that prohibit the use of the existing fountain for public drinking water. This matter has been given very careful consideration by LB Camden's West End Project Team but it has been discounted for the following reasons with the highest emphasis on concerns of safety and accessibility.

Accessibility and safety for users

The original location of the fountain and its subsequent design should be considered. The fountain was built in 1897 and was originally located at the junction of Shaftesbury Avenue/High Holborn and St Giles High Street. It was at the centre of the junction and formed a mini roundabout of its day.

Its design differs to many of the similar fountains of the era in that it is furnished with a number of steps which could be to lift users out of the way of the horses that were used as the main form of road transport. This also means that the drinking bowls are a lot higher from the ground than ones that were either on a pavement or in a park and this means they can only be accessed via the high and narrow steps. This is evident in the image of the fountain to the right. Similar fountains do not have these steps and as such this particular fountain would appear unique to its location. Its larger than normal base would have been designed with its original location in mind. We must also take into account that it was designed for use in a very different era when health & safety, accessibility and regulation were not of concern.

Access to the drinking bowls can only be by the use of the steps that form part of the structure. This means that the drinking bowls could only be easily accessed by able bodied people. As such it would not conform to regulation or pass any equalities impact assessment as it could not be accessed by all. In addition the steps are deep but very narrow which will become slippery when wet, during cold periods ice could form creating a dangerous environment.

The water bowls are already some way off the ground (the highest step is c. 600mm above ground level). This means that even in its current position, it would be difficult to make the fountain truly accessible for all. Whilst the proposal involves raising the fountain to provide seating around its base even if it were lowered the steps and bowl height would still not be either safe to use or inclusive. The narrowness of the steps and when slippery would still present a danger even to able bodied people. All of the surrounding surfaces are hard it is therefore impossible to mitigate this risk. The risk of injury to people using the fountain to collect water is a real concern to the project team.

To make the fountain truly inclusive and accessible, it would require ramps, platform and handrails which would clearly detract from its special interest.

Drinking water redundant

The existing fountain does not supply fresh drinking water and has not been used in this way for a number of decades.

Shaftesbury Avenue to a central road island as shown in the map to the right and is believed to have taken place in the early 1970s. At both points the fountain was not operational. It is not known how long from its initial installation in 1897 that the fountain remained operational before its first move.

As such it can be assumed that at the time of the first move it was not in working order. It therefore has not provided drinking water for at least 50 years but probably significantly longer than that.

There is therefore no recent precedent for the fountain to provide water.

Water provision

There is no water connection available near to the new fountain location. Water would therefore not be able to be supplied without major relocation of underground water supply. There is no budget for this work, which could prove difficult or impossible due to the large amounts of underground services in the area.

To provide water would also mean the need for drainage, which the fountain doesn't currently have and wasn't designed with. This would have to be integrated through alteration and adaptation of the existing structure. When the structure was designed and constructed water overflow would have seeped into the ground as there would not have been a hard surface. Overflow would therefore not have been a consideration at the time. There is also no provision for this under the existing Listed Building Consent nor the funding for the design and provision of drainage.

Water originally flowed *continually* from the fountain - arrangements and alterations would have to be made to turn the water on and off as it would not be practical to allow a continuous water flow.

The fountain would also need regular maintenance if providing public drinking water. It is important to note here that there is no maintenance panel or access in the existing structure to allow either connection, maintenance or isolation. The fountain would therefore have to be altered. As regular maintenance would be necessary, adapting the fountain to allow for this regular access would be required. It would also not be possible to provide this access without affecting the external appearance of the fountain, This obviously has the potential to affect its special interest.

Landscaping limitations

The fountain will be reconstructed on a plinth giving it greater protection and prominence (this has to be seen in the context of its previous poor and inaccessible location which has since been redesigned by LB Camden's WEP Team). The plinth will double as a seat and will allow the fountain to become more of a centrepiece highlighting the historic importance of the fountain. Using the listed structure as a drinking fountain is not compatible with creating seating within the newly landscaped area while the public realm designs have already been approved and subject to full public engagement. Bringing the fountain back into use in a way which was accessible to all would require a fundamental redesign of the layout of the surrounding area. The fountain would need to be moved from the consented location to accommodate ramps, platforms and water connections. The platform, ramps and handrails would need to be laid to the correct gradient for wheelchair access which would dwarf the base of the fountain and fountain itself. We estimate the fountain would need to be sunk so around 30% would no longer be visible affecting the special interest of the fountain itself.

The fountain has now been dismantled, cleaned and repaired as necessary and is currently in storage awaiting reconstruction. Assessment of the existing structure has shown that in theory bespoke fittings could be provided to the interior of the fountain but there are no associated approved landscaping/public realm proposals that would allow the fountain to be connected to the water mains. As mentioned above LB Camden has no available funding or ongoing funding for installation of bespoke parts or their maintenance particularly when there is no prospect of connecting the fountain to the mains. If you wanted to create a more level access to the fountain, the structure would have to be sunk into the ground which obviously has an effect on its special interest.

Budget restrictions

Project funding was only available for the conservation and relocation of the fountain. There is no funding for any of the work required to provide water including – internal parts, adaptation of the fountain for maintenance, relocation of underwater services, provision of drainage, changes to the fountain to allow accessibility, changes to the design and build of the surrounding landscaping.

It should also be noted that a working fountain would require considerable funding for ongoing maintenance and there is no available or future fund identified for this upkeep and care or indeed the adaptation of the fountain for the flow of water.

Proving a connection alone to a water main could be negligent

Condition 5 of the listed building consent application set out that: *The water fountain shall be **provided with a connection to the water mains** in accordance with a method statement to be submitted and approved in writing by the local planning authority prior to its re-installation. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.'*

The condition suggests that the fountain should be provided with a water mains connection but does not specify that the fountain is brought back into service. As per the points outlined above the project team is concerned that safety and access issues means it is not appropriate to allow water in the fountain. If the fountain were to be connected to a water supply but left turned off, the project team is concerned that water could be then turned on in the future without a full understanding of the safety and access concerns. The team considers it therefore negligent to provide a connection which could cause future harm.

Summary

We do not consider the use of the existing fountain for drinking water to be appropriate for reasons as set out above. While the ambition to provide free drinking water is laudable, it has the potential here to introduce unacceptable safety and access issues for users as well as run counter to other policy objective such as those relating to the inclusivity of the public realm and the special interest of the fountain itself.

As such, adding running water is incompatible with the consented location of the water fountain and its future role in the public realm. While there is no funding for the installation of a connection it should be noted that there is also no funding for its ongoing maintenance and repair which could result in future harm to the fountain should connections fall into disrepair.

It is evident that works to do connect to the mains would require significant alteration to the fountain itself and the immediate area surrounding it and these have the potential to significantly affect its special interest. As mentioned in order to create a more level access to the fountain, the structure would have to be sunk into the ground which is not possible without losing around a third of its visibility, moving the consented location and diverting underground services as well as having a detrimental impact on it as an item of special interest.

Even if there was potential to future proof the fountain, its use for drinking water could introducing unacceptable risk and inequality into a new public area which has been designed for the safety and enjoyment of all.

The Heritage Practice and The West End Project, LB Camden

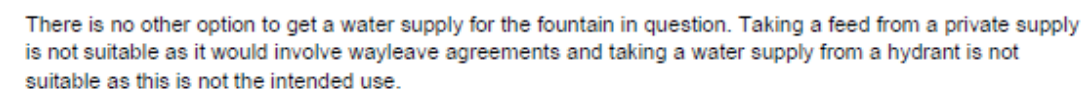


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London Borough of Camden
May 2024

Arcadis (UK) Limited
80 Fenchurch Street
London EC3M 4BY
United Kingdom
Tel +44 (0)20 7812 2000

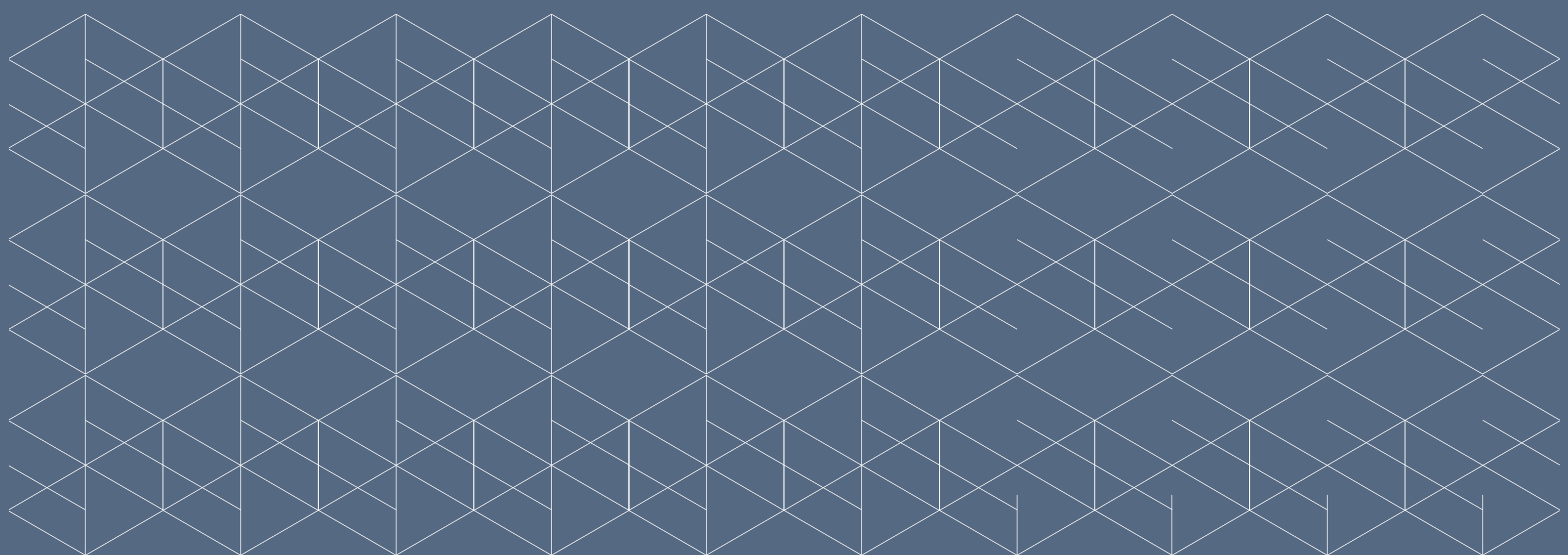
arcadis.com

Ciaran Gormen contacted the Thames Water Developer Services team to request a new supply. The following screenshot was sent to Arcadis by Thames Water and they confirmed that the two possible locations for a water supply connection are the watermains (shown in blue on the screenshot) on Shaftsbury Avenue or the watermain on High Holborn. Following discussion with LBC it was determined that the watermain on Shaftsbury Avenue would be most suitable.



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12



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