

**Site Address** Princes Circus Drinking Fountain Princes Circus Shaftesbury Avenue London WC2

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**Proposal** Removal of condition 5 (connection to the water mains) of listed building consent ref 2020/1446/L, granted on 23/02/2023 for the dismantling, cleaning, refurbishment, storage and relocation of the Princess Circus drinking fountain to a site in front of Shaftesbury Theatre, as part of wider West End Project relandscaping scheme.

**Application Registered** 06-10-2023 **Comments Until** 05-11-2023 [Add Comments Here](#)

**Application Number** 2023/4072/L **Application Type** Listed Building Consent **Development Type** Trees

**Applicant** Ms Stephanie Dance-Groom **Agent** The Heritage Practice

**Case Officer / Tel** Catherine Bond 2669 **Division** Planning Solutions Team

**Existing Land Use** Sui Generis **Proposed Land Use** Sui Generis

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### CGCA objection, submitted online by AR on 05/11/23:

As the amenity society for the area, Covent Garden Community Association objects strongly to this application.

An applicant cannot justify being released from a condition of listed building consent simply because their project budget has run out of money! In this case the applicant is Camden council. If the applicant were a private company then would Camden, as the LPA, think it remotely appropriate to strike out this obligation? We hope not.

The condition was given for good reasons of public and heritage benefit and should not be removed. The applicant must carry out the works required to discharge the condition in good faith, using another budget to do so.

As requested in our comments to Camden dated 13/12/22, please refuse this application and ask the appropriate team to bring forward a project to reinstate the water supply with attendant modifications to the structure and a fundraising plan.

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The applicant has, in this case, gone to some trouble to attempt to justify their position. The Report commissioned by Camden in July 2023 and written by The Heritage Practice describes completed features of the wider West End project, which are not relevant to this application.

The Report is also not correct about what happened in 2014 when relocation of the fountain was mooted. The Report states, at 1.7, that “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.” On the contrary. The local amenity societies were closely involved in the consultation. Although much of the discussion centred on the impact on traffic, it was also clearly understood that the fountain was to be brought back to its former glory as a provider of free drinking water to the public. This is the reason that its move to a less prominent position was agreed, as a quid pro quo.

The Report states, at 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”. It was not some new idea in 2021, but it was formalising the deal that had been done in 2014.

We now read of a ridiculous situation, described in the Report at 1.9 as “in January 2023, 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.”

Perhaps we are missing something here, but what is the point of a water supply to a drinking fountain if it is not actually turned on? You know as well as we do that the intention of the condition was indeed to supply drinking water. And, legally, it is the intention of the wording that prevails.

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The return of the fountain to its fully functioning state was an important part of local support for the public realm scheme outside the Shaftesbury Theatre. It is very disappointing to learn that, all through the West End Project works, a water connection was not being made available to the fountain's new location, and that this fact only emerged after the project was in its final stages a year ago. This has not been an action in good faith on the part of the council, and it cannot be accepted at this late stage when interventions at an earlier stage could have made it work.

Furthermore, the reasons given in Appendix B to the Report are not justified. We deal with them in turn:

1. The document states that "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"

Unless this is a reason to refuse consent for all steps in a rainy city like London, where temperatures in any case rarely drop below freezing, then this cannot be a reason to prevent wet steps here!

2. The document states that "Reinstating the fountain with water would result in an inaccessible water supply for people with disabilities".

Unless this is a reason for refusing consent for all refurbishment of listed buildings that do not have disabled access, then this cannot be a reason for preventing the re-opening of an inaccessible listed structure here. Further, disability legislation does not seek to prevent the general population from enjoying a benefit just because some people with disabilities cannot enjoy it. You would have to refuse a lot of sports facilities if this were the case!

3. The document states that "The fountain has not provided water for a substantial amount of time".

Exactly! That was what was so sad about the fountain's previous state. And that's why local people and businesses wanted to see it returned to its former glory.

4. The document states that "There is no water supply available to the fountain".

Well, there should have been. Failure to meet this obligation is no reason to withdraw the condition. Again, would you accept this excuse from a commercial developer?

5. The document states that "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".

Our response is "well, you should have thought of this before". Again, would you accept this excuse from a commercial developer? The design will just have to be done as well as it can be.

6. The document states that “There is no budget for the reinstatement of a water supply, ongoing maintenance or monitoring.”

Again, our response is “you should have thought of this before”. Fortunately, Heritage of London Trust has funds available for these projects’ capital costs. And fortunately too, local businesses like to sponsor fountains’ ongoing maintenance as long as they receive credit. We have experience of this at Lincoln’s Inn Fields and are happy to share our knowledge. We offered this a year ago, but nobody at the council has approached us; sadly, this implies that there is not the level of commitment that there should be within Camden.

7. The document states that “Proving a connection alone to a water main could be negligent if the area and the fountain were not redesigned for safe operation.”

Obviously no-one is suggesting that it should not be made safe. But the Mayor of London has run a campaign for the return of water fountains to our streets, and supplies can easily be provided safely.

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