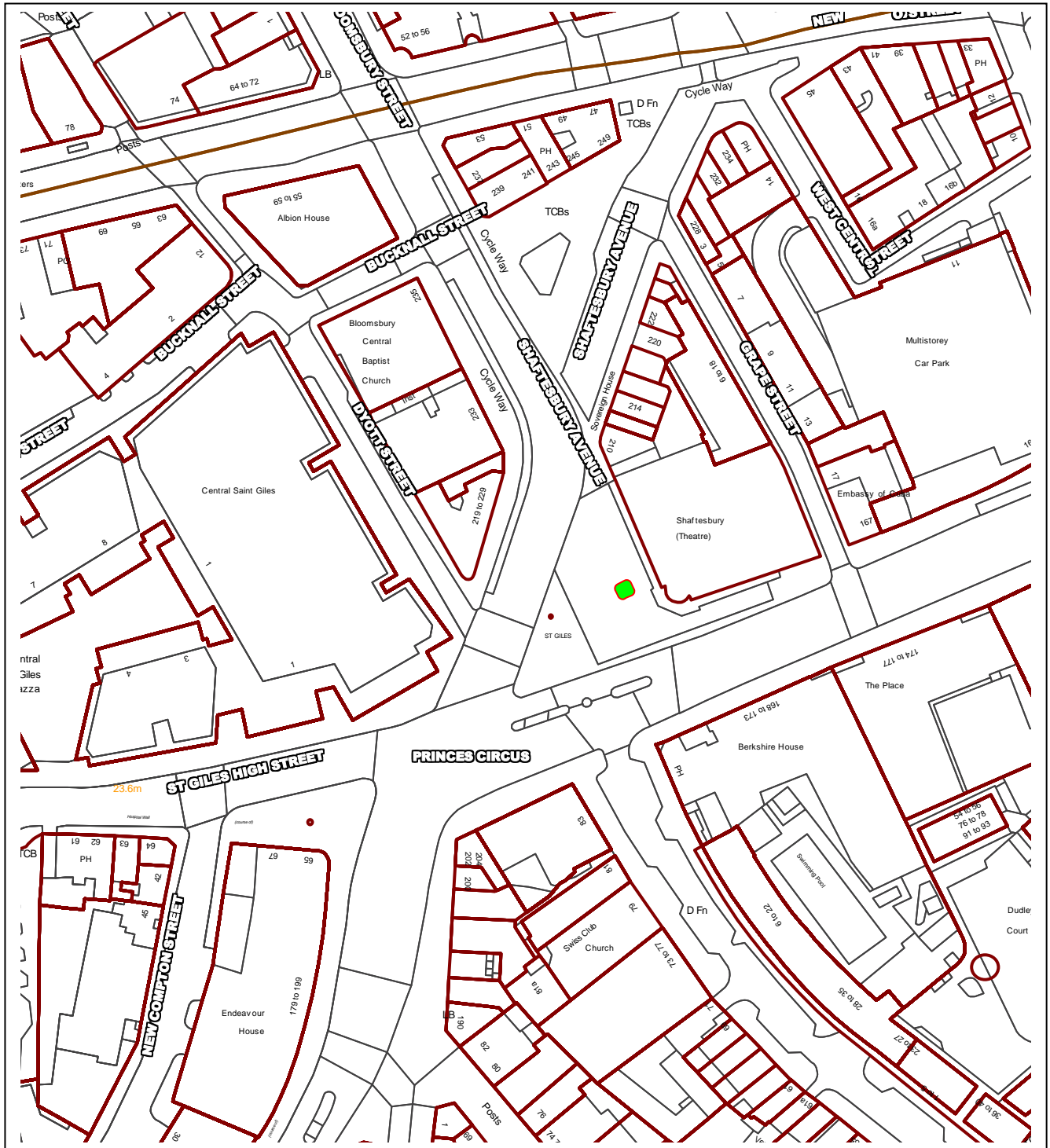


Princes Circus Drinking Fountain 2024/2172/L



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Plans and photographs



The water fountain prior to its removal and relocation

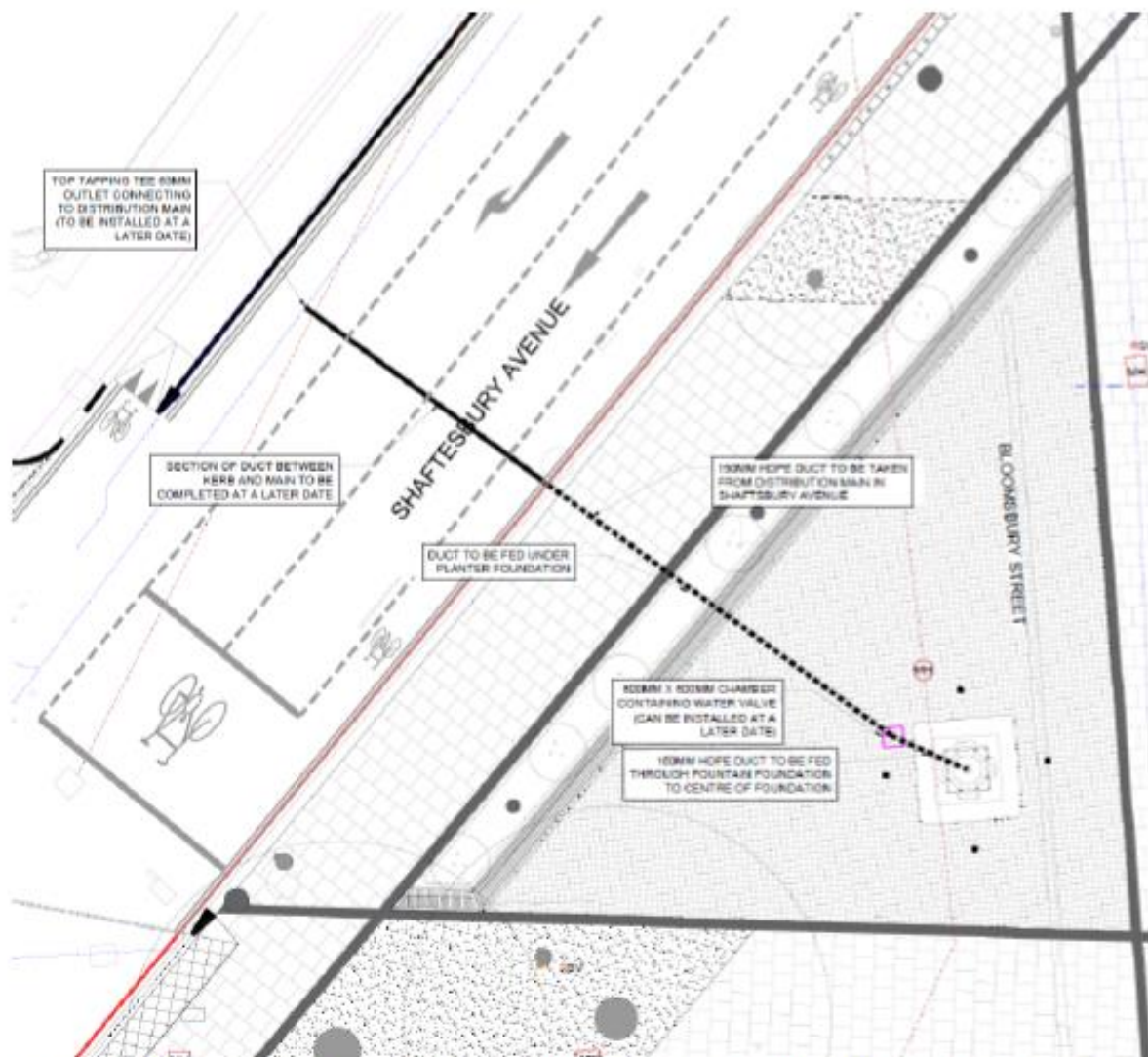


Figure 1: extract from proposed drawing showing the line of existing pipework designed and laid to connect to the water main at a future stage.

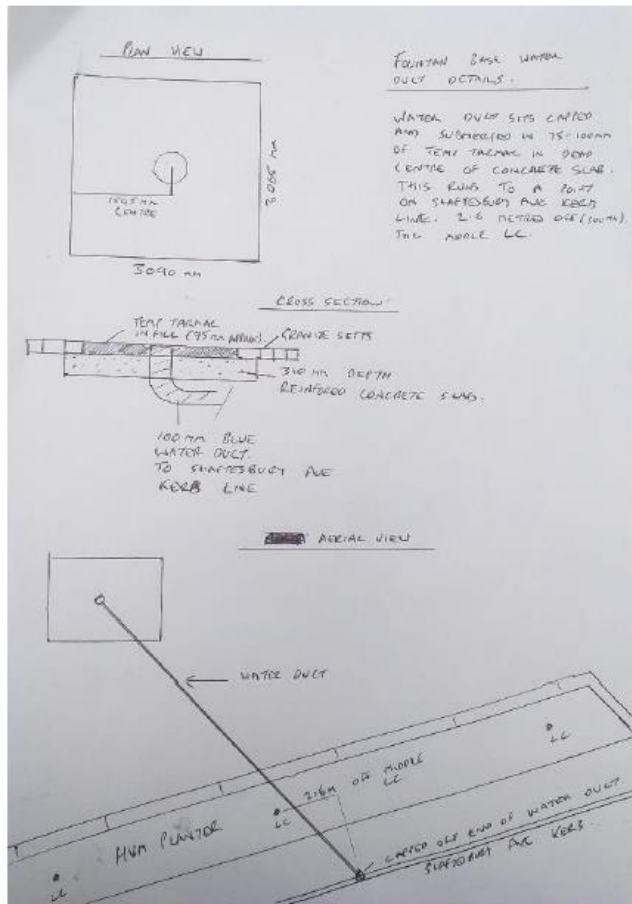


Figure 2 (left): Sketch diagram showing pipework installation to area ready for fountain with detail of extent to pavement edge.
 Figure 3 (right): Water pipework following installation.

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	25/07/2024
				Consultation Expiry Date:	30/06/2024
Officer				Application Number	
Neil McDonald				2024/2172/L	
Application Address				Drawing Numbers	
Princes Circus Drinking Fountain Princes Circus Shaftesbury Avenue London WC2				See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Variation of and details to enable the discharge 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 Princes Circus drinking fountain to a site in front of Shaftesbury Theatre, as part of wider West End Project relandscaping scheme.					
Recommendation:		Grant Listed Building Consent			
Application Type:		Listed Building Consent			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					

Consultations

Summary of consultation:	<p>A site notice(s) was displayed near to the site on the 05 June 2024</p> <p>The development was also advertised in the local press, Ham & High, on the 06 June 2024 (consultation end date 30 June 2024).</p>			
Adjoining Occupiers:	No. of responses	0	No. of objections	4
Summary of consultation responses:	<p>4 objections were received, one from a Ward Councillor, two from local resident's groups and one individual objection.</p>			
Cllr Sue Vincent:	<p>Has strong objections to the proposed variation. Would like to know why no action has been taken with regards to two suggestions to apply for funding to have a workable fountain - either through the heritage funding route, or local CIL.</p> <p><i>Officer's response: In terms of any applications for heritage funding or local CIL, these would not be dealt with by the planning department and is not a consideration of this application.</i></p>			
Amanda Rigby, on behalf of the Covent Garden Community Association:	<p>The CGCA continue to be vehemently opposed to any proposals that do not finish the job of actually having this lovely, historic fixture function as it was designed to do, and our previous objections stand.</p> <p>Leaving the fountain with truncated pipework would not help. It would harm the character of the heritage asset, which is why the condition to reconnect the water supply was attached to the consent in the first place.</p> <p>Here at CGCA we would argue that it would harm the conservation area, too, because the fountain would simply become an inactive monument - rather than an active part of the streetscape, fulfilling its intended purpose and attracting people to use it.</p> <p>This latest attempt to fudge the issue is mean-spirited as well as harmful in conservation terms. And at a time when everyone knows that we should take every opportunity to rid the world of disposable water containers, it flies in the face of the council's sustainability policies too.</p> <p>Sadly, the applicant failed to do what needed to be done to satisfy the requirements of the consent at the time of the main works. It was an unfortunate error, but those requirements need to be fully satisfied without further delays.</p> <p><i>Officer's response: The fountain was not in working order prior to the application works, therefore it would not cause harm to the conservation area or the listed structure by remaining inactive.</i></p>			
Robert Ayton, on behalf of the Seven Dials Trust:	<p>The Trust objects strongly to the proposed variation of this condition. The Trust does not accept that there are good reasons for not restoring the water supply to the fountain at this time. If it is not done now, it is highly likely that it never will be done.</p> <p>A drinking fountain without water is nonsensical. The purpose of the structure is to provide drinking water to the public and this is a service the Council should be happy and proud to support. It also has environmental benefits in cutting down the demand for plastic water bottles.</p> <p>There are many precedents for restoring historic fountains back into use. For example, the Hamilton Memorial Fountain in Portman Square, London W1. This a good example which the London Borough of Camden should follow.</p> <p><i>Officer response: As the water fountain was not operational prior to the original application, it would be unreasonable to insist that the fountain is made operational as part of the planning process.</i></p>			

Sebastian Bulmer:

As part of Camden Council's West End Project, Listed Building Consent was sought to dismantle, conserve and relocate the Princes Circus 1897 Jubilee Drinking Fountain. This was granted in a Decision letter dated 23.02.2021 (2020/1446/L) subject to a number of Conditions, including Condition 5.

The drinking fountain was dismantled in June 2021. Works on Princes Circus commenced in May 2022. While these works were ongoing, when the applicant had the opportunity to do so, it appears little or no action was taken to ensure Condition 5 was complied with in a timely and cost effective manner.

It was not until the applicant was reminded, in a letter dated 11 November 2022 (2022/4232/L), "that condition 5 (method statement relating to connection to the water mains) of listed building consent granted [...] is outstanding and requires details to be submitted and approved." that they, rather than comply with Condition 5, wrote back requesting that it be removed from the Listed Building Consent, ideally sooner rather than later "as the fountain is due to be re-erected in the New Year." This was withdrawn.

The applicant then attempted a Discharge of Condition (2023/1107/L) by submitting two drawings and a covering letter to show how the fountain could be provided with a connection to the water mains. This was withdrawn.

The applicant attempted, once again, to have Condition 5 removed (2023/4072/L) with justifications set out in an accompanying Project Update (July 2023) by The Heritage Project. This was also withdrawn. This is now the fourth formal attempt by the applicant to avoid complying with Condition 5 of the Listed Building Consent.

The proposed variation to Condition 5 does not future proof the drinking fountain. Should the Council wish to restore it to working condition, it will need to be dismantled and likely taken off site and foundations dug up again. This is because the applicant has failed to make any provision for internal and external fittings such as taps, access hatch, internal pipework and drainage.

In addition, in support of the application to vary the applicant has submitted a number of claims regarding "the difficulties of accommodating flowing water within the fountain" These "difficulties" fall in three main categories and can be addressed as follows:

Safety: Similar Victorian and Edwardian drinking fountains have been successfully reinstated to full working order. The boroughs of Barnet, Bromley, Hounslow, Hackney, Kensington & Chelsea, Merton, Tower Hamlets and Wandsworth, as well as the Royal Parks, have all either recently been or are currently involved with projects to reinstate historic drinking fountains (examples are shown at Annex A). A number of these successfully reinstated drinking fountains include a raised setting with steps and/or stepping stones. Such features have not been considered a safety impediment to bringing them back into the public realm.

Access: All the above mentioned drinking fountains (examples at Annex A) were, or are in the process of being, reinstated to full working order whilst meeting the relevant criteria set out in the presiding authorities' equivalent of policy D2 of the Camden Local Plan 2017.

Cost: That the applicant failed to comply with Condition 5 in a timely and cost effective manner should not be grounds for varying the Listed Building Consent Decision.

It should be noted that there is nothing so very unusual about the 1897 Jubilee Drinking Fountain or its setting. Drinking fountains of similar type have been successfully restored externally, upgraded internally, connected to the water mains and reinstated to full working order as drinking fountains.

It was for the applicant to comply with Condition 5 in a timely and cost effective fashion when the opportunity presented itself. Failure to have done so should not be grounds for varying the Listed Building Consent Decision.

Officers response: As the water fountain was not operational prior to the original application, it would be unreasonable to insist that the fountain is made operational as part of the planning process.

Site Description

The Princes Circus drinking fountain is located within the centre of Princes Circus, at the intersection of High Holborn and Shaftesbury Avenue.

The red granite drinking fountain dates from the end of the 19th century and 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, undertaken by the West End Projects Team.

Relevant History

The planning history for the application site can be summarised as follows:

2020/0946/P & 2020/1446/L - *Dismantling, cleaning, refurbishment, storage and relocation of the drinking fountain to a site in front of Shaftesbury Theatre, as part of wider West End Project re-landscaping scheme.* Granted 25/02/2021.

2021/1830/L – *Details of schedule of works and method statement relating to the dismantling and storage of the fountain to partially discharge condition 4 (method statement) of listed building consent dated 23/02/2021 of listed building consent 2020/1446/L for Dismantling, cleaning, refurbishment, storage and relocation of the drinking fountain to a site in front of Shaftesbury Theatre, as part of wider West End Project re-landscaping scheme.* Granted 01/07/2022

2022/4232/L - *Details of method statement (for cleaning and reinstatement) relating to the dismantling and storage of the fountain to discharge condition 4 of listed building consent dated 23/02/2021 of listed building consent 2020/1446/L for Dismantling, cleaning, refurbishment, storage and relocation of the drinking fountain to a site in front of Shaftesbury Theatre, as part of wider West End Project re-landscaping scheme.* Granted 11/11/2022

2022/4953/L – *Removal of condition 5 (method statement relating to connection to the water mains) of listed building consent 2020/1446/L dated 23/02/2021 for Dismantling, cleaning, refurbishment, storage and relocation of the drinking fountain to a site in front of Shaftesbury Theatre, as part of wider West End Project re-landscaping scheme.* WITHDRAWN

2023/1107/L - *Details of water mains connection method statement in relation to condition 5 of listed building consent (2020/1446/L) dated 23/02/2021 (for dismantling, cleaning, refurbishment, storage and relocation of the drinking fountain to a site in front of Shaftesbury Theatre, as part of wider West End Project re-landscaping scheme).* – WITHDRAWN

2023/4072/L - *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 re-landscaping scheme.* WITHDRAWN

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- D1 Design
- D2 Heritage

Camden Planning Guidance:

- CPG Design (2021)

Conservation Area Statement:

- Bloomsbury

Draft Camden Local Plan (2024)

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026)

NOTE: This case was originally reported to the Members Briefing Panel on 24th July 2024. Paragraph 3.2 has since been expanded to respond to Member's concerns that alternative options for a water supply for the fountain had not been explored.

1. The proposal

- 1.1 Consent is sought to vary the wording of Condition 5 of a listed building consent granted in February 2021 (2020/1446/L).
- 1.2 The 2021 listed building consent application was for the relocation and refurbishment of the fountain. During the course of the application, it was requested that the fountain be connected to a water supply so that its original use as a drinking fountain could be future-proofed and a condition was added to the consent which stated the following - *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.*
- 1.3 Consent is now sought to vary this wording to state the following - *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.*

2. Background

- 2.1 The original condition allowed for removal, storage and reinstatement of the fountain with the potential for it to be operated in the future. The condition did not require the fountain to be brought back as a workable fountain, rather that the necessary pipework be set in place during the installation of the fountain to make the connection to the water mains. This was to ensure that the ability would be there to potentially bring the fountain into working use should conditions which are outside planning control (such as health and safety, maintenance and financial etc) change in the future. The intention was to future-proof the ability for a working fountain as far as was reasonably possible. Prior to its relocation, the fountain had not been in operational use since the 1970's and had previously been relocated in the early 2000's. Therefore, it would have been unreasonable to have insisted on a full restoration to working order as part of the original consent in 2021.
- 2.2 When the original condition 5 was worded it was assumed that there was a water main under the street nearby which would be accessible for the relevant pipework to be laid, while all the other digging up and relaying of services in association with the West End Project (WEP) was underway. However, the West End Projects team have confirmed that there is no available water main below the pavement outside the Shaftesbury Theatre which it can connect to. This connection was moved during the redevelopment works and basement extension of the neighbouring Shaftesbury Theatre. These works were undertaken independently and outside the WEP works at Princes Circus. The nearest water main is now on the opposite side of Shaftesbury Avenue or on High Holborn.

3. Justification for varying condition

- 3.1 As a result, the intention to now vary the condition is to enable this to be discharged without the need for the disruption and financial expense of excavating these major traffic routes so soon after the completion of the West End Project and to allow the fountain to be taken out of storage and re-erected in the public realm. The fountain has now been in storage for several years and it is in the public interest to reinstate this listed structure. The condition still requires all the necessary pipework to be put in place below the fountain and adjacent public realm so that as much of this future proofing as reasonably possible is carried out at the time of its installation. The submitted plans indicate this.
- 3.2 Numerous applications to amend or remove the condition have been submitted and subsequently withdrawn. The current application sets out why the West End Projects Team believe the current submission is the only viable way forward. Some works have been undertaken to future proof connection to the water mains – pipework has been installed up to the back edge of the pavement on Shaftesbury Avenue. Other options to connect to the water mains had been considered but were not possible. For example, Thames Water advised that it could not be connected to the water pipe to the east of the fountain as this was a private supply line and not suitable. The applicant has explored with Thames Water whether there are any alternative options available. Thames Water has confirmed that the connection on the opposite side of Shaftesbury Avenue is the closest one

available. Whilst there is pipework underlying the footway supplying neighbouring buildings on the streetblock that includes the relocated fountain site, securing a new and separate supply from this existing infrastructure cannot be considered an option; Thames Water explains further in an email – *“We are unable to connect into an existing service as this would then become a shared supply which we do not allow. ...Whilst there are historic shared supplies on our network it is now Thames Water policy for all new service connections to be dedicated to a single property. With a shared supply there is potential for flow and pressure issues between the shared properties”*.

- 3.3 As the water fountain was not in working use prior to its relocation, it is considered that the amended condition preserves the architectural and historic interest of this designated asset, whilst future-proofing the asset as far as practicable.
- 3.4 Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4. Recommendation

Grant Listed Building Consent.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on 27th January 2025, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for ‘Members Briefing’.

Application ref: 2024/2172/L
Contact: Neil McDonald
Tel: 020 7974 2061
Email: Neil.McDonald@camden.gov.uk
Date: 22 January 2025

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

The Heritage Practice
10 Bloomsbury Way
London
WC1A 2SL

Dear Sir/Madam,

DRAFT
DECISION

Planning (Listed Building and Conservation Areas) Act 1990
Listed Building Consent Granted

Address:

Princes Circus Drinking Fountain
Princes Circus
Shaftesbury Avenue
London WC2

DECISION
Proposal: Variation of and details to enable the discharge 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 Princes Circus drinking fountain to a site in front of Shaftesbury Theatre, as part of wider West End Project relandscaping scheme.

Drawing Nos: Variation of Condition Application Report May 2024, 10033252-ARC-VUT-ZZ-DR-HE-102

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 4 The reinstatement of the drinking fountain must be carried out in compliance with the schedule of works and method statement as was approved under the approval of details (ref number 2022/4232/L) granted on 11/11/2022).

Reason: In order to safeguard the special architectural and historic interest of the sculpture in accordance with the re

- 5 The water fountain shall be provided with pipework as indicated on hereby approved drawing 10033252-ARC-VUT-ZZ-DR-HE-102 which allows for future connection to the water mains. The relevant part of the works shall not be carried out otherwise than in full accordance with the documents approved.

Reason: In order to safeguard the special architectural and historic interest of the sculpture in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 2 You are advised that all conditions relating to listed building consent granted on 23/02/2023 (ref. 2020/1446/L) which need details to be submitted, have been approved.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully
Chief Planning Officer