



## **TALK ON COVENT GARDEN AREA TRUST given to RTPI LONDON BRANCH**

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Covent Garden means different things to different people. It has been cited in the past as an example of just about every issue that can arise in urban communities, their conservation and regeneration. It thus has a rich heritage of history and myth, not only over the centuries since it was first laid out but arising particularly from the past 30 years.

The Trust is directly concerned only with the small area around the Piazza and in the surrounding streets formerly belonging to the GLC. On abolition of the authority in 1986 this specially created trust, possessing some degree of landlord control, was overlaid on the statutory system of planning and listed building controls. The reason was that, as a matter of public policy, it was considered that that these were not sufficient to preserve its special character.

In 1966 when re-planning of the area began prior to the move of the fruit and vegetable market, Covent Garden resembled a lost area. It seemed to be the back end of lots of other well-known places – Holborn, The Strand, Charing Cross Road and Kingsway. Its heart was completely dominated by the fruit and vegetable market. About 1500 residents still lived in the area, mainly in social housing. Most had low income jobs in central London. There were no community facilities. The market workers seemed to live in outer London, driving in from Essex and Kent. There was of course the Opera House and a host of other theatres, but these were seen as part of theatreland, orientated to the Strand and Leicester Square areas rather than to Covent Garden. Much of the rest of the 98 acre study area was run-down old buildings, even vacant sites and derelict buildings. It did, however, provide lots of cheap old accommodation for new small businesses, particularly those in the media, design and the creative professions, as well as for declining old ones. People with imagination were beginning to discover the area and the advantages of its location. In particular design studios were springing up and the media industry would soon follow. The property industry held back, waiting for the untidy market to move and secure in the thought that once the market moved to Nine Elms, wholesale redevelopment for the sort of uses more normal in Central London would follow.

I need not describe Covent Garden today. It is familiar to all of us. Unlike so many city centres, much of the urban fabric of 1966 is still there – sometimes easily recognisable – sometimes changed in ways impossible to predict over 30 years ago. The community,



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both resident and working has been greatly increased in numbers, with vastly higher incomes. In contrast to 30 years ago Covent Garden is now a uniquely vibrant part of Central London. It has its own heart, centred on the Piazza, but several other important hubs – e.g. Neal Street and Long Acre, each with its own different flavour. The last major part of the jigsaw, the new Royal Opera House has now finally been fitted into place. Whatever one thinks of the architectural qualities of the 1990s ‘classical’ arcades, it has redefined the Covent Garden Piazza as a public space of world quality.

With these changes have come problems – not least the disappearance of low-cost accommodation, both public and private for residents and businesses. But the greatest continuing danger is that the area’s uniqueness, in terms of the range of activities and character, will eventually be lost.

### **The Market Area**

Today there is little dispute that the restoration and re-opening 20 years ago of the central market building has been a success. The GLC officers who carried out the project during the 70s were not at all confident at the time that it would succeed. After all there was no market research available, nor was there any precedent in UK at that time for festival shopping. The project did succeed, people flocked to the shops, pubs and restaurants and it became a catalyst for and centrepiece of a wholesale rejuvenation of the area. This involved not just a new shopping, catering and entertainment area for London as a whole, but also substantial social housing and other new facilities for the local community. This was in addition to other nationally important projects like the Theatre and London Transport museums. The key projects in Covent Garden were, possibly uniquely, carried out wholly by the local authority. This was not as the result of any political dogma; the private sector, in the form of the property industry had no stomach for this area in the 1970s. I remember trying to raise finance for the Market project from City investors in 1976-7 and having to report to our political masters that there was no option except doing it ourselves with public money. Thus in the event the entire £5-6million was paid for by the citizens of London. In 1986 they were, via the distribution of the proceeds of the sale, to get back over £80m.

The public funding meant that the project team would operate within a very different set of rules from those affecting the property industry. We were out to primarily create a social and community success, a place for Londoners to be proud of. The Market building was restored to the highest standards, after painstaking research into its history. The historic form of the building set the parameters for its use as a shopping centre and in letting the completed project our principal aim was not the highest rents or the best covenant. Unlike the property industry, we had no share price to haunt us. The development team went out and assembled the best range of interesting retailers and caterers we could find. Some were great successes who went on to greater things. The first permanent Body Shop and the first Thornton’s outside the north, for example. Other pioneers have disappeared over the years, but as long as the building was managed by the GLC, the basic rule of quality and a commitment to maintaining the dignity and architectural excellence of the Market and its piazza was paramount. This is clearly demonstrated in photographs of the Market in the early years after its re-opening. It received an unprecedented range of international and national architectural,



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conservation and retailing awards. The architectural excellence had been achieved, but it was the choice of traders that brought it to life. When the market was publicly owned, the strict maintenance of its outstanding urban and architectural quality and the unique, special quality of its traders was the GLC's prime objective. Market forces, when harmful to its character, were kept firmly in place. The Piazza undoubtedly had a uniquely relaxed atmosphere, surrounded by sensitively restored old buildings, a dignified formal civic space and interesting individual traders and caterers. Under the old regime this stood a good chance of being maintained.

Since 1980, however, there have been two fundamental changes, one as a consequence of the sheer success of the market, the other driven by political dogma and spite.

Firstly, Covent Garden attracts many millions of people each year from all over the world. So much for a facility intended to appeal to Londoners. With that wider popularity comes competitive pressure by traders to maximise the opportunity created. The perceived target of tourists brings the temptation for them to dumb down the goods and services, let good taste lapse and cut corners in order to appeal to any new patronage with the spending power, regardless of the visual and other consequences. The evidence of damage from over-use are to be seen today all over Covent Garden, but most of all the pressure of such large visitor numbers has radically changed the atmosphere and character of the area, leading to what at times seems to be a commercial feeding frenzy.

Secondly, politics entered into the Covent Garden equation in 1986, and with a vengeance. In spite of the long standing, sometimes amazing degree of political consensus within the GLC concerning the Covent Garden project with Tories supporting the development of council homes and Labour enthusiastically embracing the development of shops and offices on the rates, the old regime was not to survive the Thatcher years. With the abolition of the Authority in 1986 the GLC's properties in Covent Garden had to be sold into the private sector where the government thought it belonged. Ministers would have none of a charitable trust some of us tried to set up to buy the market to continue a quasi-public sector ongoing management regime. At the same time the other backbone of the GLC's community efforts in Covent Garden, the hard fought for new and rehabilitated social housing, was opened up to powerful market forces by the Right to Buy policy.

These two factors - the degree of success of the area after 1980 and the selling of the GLC's estate into the private sector in 1986 changed everything. The overall control provided by freehold ownership by a Council elected by Londoners and managing the market in their interests disappeared. It was replaced by commercial ownership where the overriding objective has to be to maximise private profit within the constraints of the planning system. This is patently too loose and too coarse a framework to hold on to the special character of an area like this.

Even in 1986, however, there was sufficient sensitivity and good sense amongst politicians and civil servants and strong pressure from local organisations for it to be recognised that so much stood to be lost if the market was abandoned to raw market forces. This led to the formation of the Trust and the reluctant acceptance by



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government of its role in the future. The history of how it came into being when the Market lands were sold in 1988-90 is a saga in itself, but suffice to say that the Trust would not have come into being in 1985 without the foresight and imagination of people like Sir Godfrey Taylor, Chairman of the London Residuary Body, Sylvia Marder- a GLC lawyer now one of our trustees, Bobby Furber, a former senior partner of a major city law firm, together a host of well-known local people too diverse to mention by name, mainly drawn from Covent Garden residents and business community. As one of the directors of the London Residuary Body, I could take no part in the early years of the Trust but was appointed chairman on the retirement of its first chairman, Lord Rippon, in 1992.

### **The Covent Garden Area Trust**

It seems to me that the trust is probably unique and may be able to offer lessons to others concerned to maintain the special character of historic areas. Very briefly, it is a charitable trust with 20 trustees; a proportion are nominated by local and national authorities and organisations. The rest are elected by the members. Membership is open to anyone who lives, works or has an interest in Covent Garden. The nominated trustees include the Chairman (Secretary of State for the Environment), elected members from Westminster City Council and Camden, representatives of the Theatres Trust, Covent Garden Community Association and Social Club, The Strand Association and the Covent Garden Business Forum. English Heritage, The RIBA and soon, we hope the RTPI are represented. The Trust holds a head lease on the former GLC owned land and buildings in and around the piazza. It is then leased back to the freeholders, at present Scottish Widows. This gives the Trust a degree of Landlord's control on physical and letting changes, together with detailed user clauses for individual tenancies. The trust receives a substantial ground rent that fully funds its activities. We try (not always successfully) to maintain a cordial and co-operative relationship with the management and development teams of the various freeholders. For most of the Trust's life letting and development proposals have been fully discussed at the early stages and mutually acceptable solutions arrived at. The Trust holds full Council meetings, interspersed with working parties with the freeholders and tenants – there are ad-hoc subcommittees from time to time.

The Trust has an office near to the Piazza where our administrator and voluntary workers are based. We have also built up and maintain an extensive archive of books/documents etc related to Covent Garden. This is used regularly by students and researchers.

We are also consulted by the local planning authorities on all planning applications, traffic and environmental management proposals etc in the area and are represented on local consultative committees with the local authorities, police, Royal Opera House and traders.

### **Pressures on the Area**

Since 1986 the freeholders naturally have had a primary duty to their shareholders and policyholders. At the same time new management styles, initiatives and personnel have come and gone. Incoming retailers, caterers and managing surveyors, well experienced



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in their own fields, do not necessarily recognise or value Covent Garden's unique established character and spirit, and see little reason to let it affect their financial decisions. As time goes on fewer and fewer people remember the detailed design and management guidance which created a model of sensitive conservation and retailing in 1980. Since then it is very easy for an incoming retailer or property manager to see how financial returns from the estate could be increased. It is not difficult and all that would be needed would be the application of industry standard practices. Perhaps some 'Rebranding' or 'Theming' and more fashion outlets, fewer niche traders and more multiples with impeccable covenants. After the first few years retailing heavyweights had begun for the first time to take Covent Garden seriously. Given the hordes of foreign tourists and schoolchildren attracted by the Market, the original user clauses have proved difficult to enforce to exclude tourist tat. For caterers and retailers in the market the desire to expand to exploit opportunities of the growing visitor numbers was irresistible. This started with a few more tables and chairs to extend the outside sitting areas. These would be surrounded by garden centre type planters, soon to be full of dead plants, seemingly to deter thieves. Outside serveries in the form of unsightly shacks were installed to increase catering efficiency and turnover. To extend the outside catering season, it was even attempted to enclose and heat the prominent sitting areas by plastic sheets and freestanding calor gas heaters. And, of course, there are umbrellas, linking together to close off significant areas of the pedestrian space. These are paid for by prominent advertisements. It also seems that some caterers keep watch on the other traders to ensure that their nameboards and logos scream the loudest. There is as well a proliferation of unsightly, obstructive and for partially sighted people, dangerous 'A' Boards. In terms of the visual clutter they create, Caterers are perhaps the most serious threat to the ambience of the market.

It has long been agreed that, notwithstanding its commercial and tourist success, several parts of the Piazza area and even, in places, the Market itself had become a visual mess, in danger of coming to resemble parts of Manila or Djakarta. The Trust has, so far as its powers allowed, sought to stem the tide. So did the freeholders, Guardian properties, with whom at that time the trust had an excellent working relationship. Westminster Council, responsible as the local authority for much of the public domain were similarly concerned, but had to address it in the context of their responsibilities for the whole City and the limited remedies and resources open to them through Enforcement action.

### **Some successes**

The Trust commissioned a detailed study of the Market and Piazza Area from consultant urban designers. This was a detailed survey of the buildings, spaces and street furniture around the Piazza and in the surrounding streets, followed by recommendations for how each individual building, space and structure should be improved, maintained and managed. It was considered that the Study area was small enough to comprehensively study it building by building. The study concentrated on buildings and spaces as beyond the limited control the Trust can exercise through our leases, there is little it can do to affect proposals and management of the areas outside the original GLC lands. The trust can only offer encouragement and exercise influence on the planning authority when commenting on planning applications. Westminster City Council, English Heritage and



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the main freeholder joined the Trust in funding this exercise, which was based on an earlier locally commissioned successful study of the Seven Dials Area. The Covent Garden Environmental Study has proved very useful, particularly since it has been generally accepted as supplementary planning guidance by the Local Planning Authority and regarded as a material consideration by a series of planning inspectors. It is intended to commission regular audits of progress on its recommendations, the first of which was reported this year. Of the 500 or so recommendations in the study, well over 200 have already been achieved.

### **The Evolving Market**

So far as the Trust is concerned, it is recognised that that the clock cannot and indeed should not be put back. Covent Garden cannot be fossilised at one point in time. It must embrace change and respond to new conditions. The historic fabric of the buildings is, however, finite. The market itself is an outstanding listed building, built in 1830 as a fruit & vegetable market. Such a spatial structure places severe limitations on modern retailers. This was not such a serious problem in 1980, given the philosophy of the GLC, but today is a real issue for institutional freeholders looking for traders of strong covenant. For years we have had a very good relationship with Guardian Properties, the then freeholders of the central market. All possible alterations and proposals were fully discussed from first principles. As a result the Trust never had to refuse a consent. Then the managing agents were changed and last year architects instructed by the new managing agents produced major new proposals affecting both the building and the surrounding Piazza. It appeared to be presented as a fully developed design concept, a fait-accompli, accompanied by a very expensive model. It amounted to no less than a radical re-branding and visual redefinition of the building. The Trust had doubts as to the need-for such a radical makeover. 'If it's not broke you don't mend it' and trustees could see little justification for claims that the market was failing with 13m people beating a path to its doors each year. All sorts of gratuitous embellishments were proposed, including kiosks all around the market square, together with extended outside catering areas. Unnecessary architectural alterations and ornamentation were proposed to the building that would have the effect of making it look more like a typical 1990s shopping mall. But Covent Garden is essentially different from Bluewater, the Glades in Bromley or a Designer Village in Banbury. The Piazza is a world class public space around a Grade II\* listed building. Privately it was patiently pointed out that they was little chance that these unnecessary and harmful alterations would get listed building consent, let alone permission from the Trust. In the face of considerable pressure, the Trust stood firm, Westminster officers took the same line and as a final nail in the coffin, English Heritage was adamant. As widely predicted, it all ended in tears. These proposals may now have gone away, but it illustrates the risk that is constantly posed by dynamic people trying to make their indelible mark on Covent Garden.

### **Arbitration**

An earlier decision by the Trust was a more serious and worrying matter for the trustees. It is well understood that the current Use Classes Order is a very coarse tool when dealing with proposals for change in areas of special character. This is particularly the



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case in areas like Soho and Covent Garden when dealing with applications for new A3 and other catering uses. The very different types of operation that can exist under the blanket A3 use, can with changes of tenancy, present a huge risk to the special character of the area. Macdonald's, Burger King or the Frog and Radiator could replace Rules, The Ivy Restaurant or The Lamb and Flag without planning permission. Such changes would have a profound effect on the flavour, character and environment. It is depressing, therefore, that the government trend is towards allowing greater latitude and flexibility.

This problem led to the trust risking all in a major arbitration case with one of the largest financial institutions. Consent under the Trust's lease powers was refused for a 700 seat A3 use in a major listed building overlooking the market square. It was alarming that this unspecified A3 use had already been permitted by the Local Planning Authority as being in accordance with the letter of the development plan. The arbitration lasted over a week with numerous witnesses from both sides, both professional and from the local community. For the right reasons, the Trust's case was upheld on all counts, but only after huge legal costs had been run up, eventually met by the applicants. The important principle established by this arbitration was that the grant of planning permission, albeit rightly on strict planning considerations, was not the end of the story. The powers and responsibilities of the Trust's responsibilities were accepted as rightly going beyond the scope of planning control.

### **Some failures**

Some serious problems have, however, arisen within Covent Garden as a result of the arcane and legalistic world in which the planning appeal system operates. A major cause celebre has arisen as the result of an enforcement inspector reporting to the Secretary of State that, although the wooden shack subject to the appeal was clearly harmful to the special interest and setting of the market building, in his opinion it did not require planning permission or listed building consent. This was based on a judgement as to whether it was sufficiently attached to the ground within terms set by a legal decision on a rating case in Cardiff and a previous appeal decision on a seaside kiosk in Great Yarmouth. The S of S agreed and this is now the subject of a legal challenge by the planning authority. As in the case of Shimizu it is an important case that could affect the preservation of the settings of all urban listed buildings.

It is also very easy to identify reasons for visual squalor in the Piazza area. It is much harder to do anything about them. The odds are against quick and effective enforcement. Clear breaches of planning and listed building control go through the whole gamut of appeals and subsequent judicial reviews, all to put off the time when they must cease. Given the potential money to be made in Covent Garden by a few extra chairs and tables or unsightly signs, controls are bound to be flaunted for as long as possible. This familiar to anyone working in development control, but its incidence and the harmful impact it causes is much more serious in Covent Garden, where its cumulative effect has been to erode the quality and dignity of the area.

The Trust sees its main role as the preservation of Covent Garden's singularity and its unique historic character. Hopefully in time it will be possible to recapture a more relaxed



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atmosphere in spite of the millions of visitors each year, and to restore some of the dignity and formality of one of the finest urban spaces in Europe. I accept this may not be possible. At least the greatest uncertainty that has hung over the square since the late 1960s has now been settled. The Opera House redevelopment is now complete. We can now appreciate the classical character and historic urban enclosure of the piazza restored, but in a new light. It is just sad that the arcade houses typical Oxford Street Shops. The property industry always strikes back. With shops like these in such a prominent position, it does not help in the redefinition of a uniquely Covent Garden retail/catering mix for the Piazza.

### **Can the Trust offer a model for historic areas elsewhere?**

This question has often arisen. In fact, it probably could, but the conditions would have to be right. Any regeneration project on historic area with special surviving qualities considered worth conserving would clearly benefit from an enduring form of detailed control. A large public sector involvement would, however, probably be needed as no freeholder would volunteer to be hamstrung by such a body. There are fears of bumbling, amateur do-gooders interfering with the free market and the scope for estate managers to 'shake up the leases', as it has been put. Such an arrangement will never be popular in the property world. Maybe a trust could be set up in the case of an urban renewal project where a Local Planning Authority has assembled land or can secure S106 Obligations as part of the applications. Here in Covent Garden there were very special circumstances. The right people shared the right ideas at the right time. There was national regard for a well-loved area, a rich history of planning controversy and lots of pressure from experienced and articulate local figures. Maybe too there was a touch of conscience by certain members of the government. In the event they made it happen and the Covent Garden Trust will be here, funded in its entirety from the ground rent, for the next 150 years.