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Title: Planning for Leisure: current issues consequent on urban change

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Abstract

With increasing urbanisation, all member states of the EU have developed, in different ways, mechanisms for controlling land uses. The aims, broadly, are to resolve the conflicts that would result from unfettered market forces and to promote the development of urban areas in line with social and economic policy. Inherent in any land use planning system must be the ability to produce solutions that are appropriate to the continuing and changing needs of the population.

It follows that the more urbanised the country, the greater the pressures to develop a land use planning system that is both robust and responsive. In EU terms this means that the countries with the greatest overall strain on the land use controls systems are likely to be Belgium, the UK and the Netherlands. All of these, it is argued (Balchin et al, 1999) have reached a point at which the urbanisation process has produced particular problems in terms, not of sub-urbanisation but of de-urbanisation. This places pressure on major urban settlements in terms of the need for regeneration (see for example, DETR, 2000[a], Ave, 1996). If the consequent issues of this settlement pattern change are considered alongside the changes in the nature of economic and social activity, leading to the emergence of the so-called 'experience economy' (Gilmore and Pine, 1999) then the land use planning system must, demonstrably, be flexible.

Within the UK the planning system is multi-tiered. The most detailed instrument of land use control, and that, which therefore has the greatest need for flexibility, is the 'Use Classes Order'. This instrument details prescribed uses, classified by general type. It gives to the building owner and occupier certain rights to alter uses without the need for consent. The current system has been in place for many years, although it was amended in 1987. There is a view, recognised by government that the current instrument may be outmoded and no longer reflective of the

rapid social, economic and urban changes that have occurred. In particular the treatment of the new-style leisure properties is considered problematic.

This paper details work in progress by the authors, on behalf of the Leisure Property Forum, to determine, by survey, the level of disquiet in the current system with a view to making recommendations for change.

1.0 Introduction

This paper is one in two parts. First it is a paper on ideas about the role of land use planning and its need to be both *robust* and *responsive* in the light of economic and social pressures. Some parts of Europe in particular face pressures consequent on economic and technological development that bring into sharp focus the essential, and increasing need for planning systems to promote pro-actively the wider ambitions of society in terms of the sustainable development agenda. These pressures differ from country to country; dependent on the stage they are at within the urbanisation 'life-cycle' (Balchin, Sykora and Bull, 1999:213). Clearly, the pressures present in a country that is rapidly urbanising will differ from those in which the dominant process is towards sub-, or even, de-urbanisation. However they differ, change is endemic. Therefore, robust systems must also be *flexible* in order to accommodate at an appropriate speed the inevitable changes in both economic context and consumer lifestyle patterns that occur. This, however, potentially conflicts with the long-term consequences that flow from land use decisions.

The second part of the paper develops this theme in relation to work the authors are currently undertaking in relation to one aspect of leisure land use planning in the UK. The work is being carried out in conjunction with, and commissioned by, the Leisure Property Forum [LPF]¹. The authors contend that leisure is an appropriate case study within which to place the debate due to the rapid development of the commercial leisure property industry, its very diverse land use needs and the pressures it places on the current UK system. The work is still in progress but the first findings are available. This paper presents an initial analysis of the results of an opinion survey of professionals working within the leisure property field conducted by the authors.

The work is timely as it coincides with a revival of interest in urban issues in the UK and in particular with the future of cities (Rogers, 1999; DETR, 2000[a]; DETR, 2000[b]). It also coincides with the publication by UK government of an overview report of leisure and tourism planning in the UK (DETR, 2001) and consultation proposals on possible 24 hour opening of venues, such as bars, which sell alcohol. From the survey and the findings of the DETR report and other literature it attempts to draw some preliminary conclusions as to whether the current UK system is robust, responsive and flexible in so far as it relates to one aspect of leisure land use planning.

2.0 The Role of Planning

At its most fundamental "*the role of planning is to intervene in market processes to achieve broader aims*". (Newman and Thornley, 1996:4). It is therefore to act as an 'honest broker'

¹ The Leisure Property Forum [LPF] is a multi-disciplinary organisation aimed at promoting a deeper understanding of the leisure property markets. It was started 4 years ago and now has some 300 members. It can be contacted at www.leisureprop.com.

between the needs of society at large - however defined - and the desires and aspirations of landowners and others with private (and financial) interests. Newman and Thornley go on to acknowledge that *"its position at the interface between market and public interest means that it is particularly influenced by political and ideological intervention"*. (ibid). Fundamentally, therefore, planning is concerned with providing a framework within which activities can take place and property developed and used.

The role of planning has been debated over many decades. The argument some thirty years ago may have been about masterplanning (or blueprint planning) or process (Faludi, 1973) or the application of scientific theory (Camhis, 1979) but now it has shifted territory. Cullingworth and Nadin (1994) argue that the system sets a stable framework within which policy can be exercised. Blowers and Evans (1997:4) argue that it is *" a public-policy process or mechanism, in principle no different to tax collection or waste management, through which public or private government policy is enacted"*. They go on to argue that planning is simply an instrument by which government – both central and local - exercises its will.

Planning should therefore provide a process that promotes the needs of society, however defined, whilst minimising the conflict that this will occasion in terms of these needs with those of the individual. The difficulty that may be experienced within the planning process lies in establishing the basis on which the policy is set and decisions are taken. Should this process be led solely by the state, as 'custodians' of the public good, or should it be more market-led?

It could be argued that the answer to this question this would depend on the relationship between the state and business. In discussing this issue Newman and Thornley (1996:4) acknowledge that the *"One of the common themes throughout Europe has been the increased entrepreneurial attitudes of government at national and city level..."*. In their opinion this shift in emphasis towards entrepreneurship results in recognition that planning must be, and increasingly has become flexible in its operation. This, they argue, results in identifiable weaknesses in terms of:

- ?? fragmentation of policy accompanied by a lack of strategic overview;
- ?? a dominance of economic and market-led objectives; and
- ?? a lack of 'trickle down' to deal with social issues.

They also conclude from their analysis, which included detailed case studies from France, Sweden and the UK, that the very legitimacy of planning is being called into question. To them, the conflict between factions and the machine of state is manifested in what they term the *"the democratic deficit"* (Newman and Thornley, 1996:245).

Writing within an exclusively UK context, Corkindale argues that whilst the aims of achieving broad social objectives might have been implicit within the originating legislation², the current objectives of planning are diverse and deficient in clarity (Corkindale, 1997:7). Citing the results of research conducted by the University of Cambridge, he argues that objectives are set at three levels:

- ?? the broad, bland and uncontroversial, which cannot be measured;

² The Town and Country Planning Act 1947 was essentially the first introduction of comprehensive land use planning in the UK. It introduced the requirement for consent for any 'development' of land including a 'material change of use'. This basic principle is still intact.

?? the specific land use systems which “*only loosely define the nature of the policy objective*”;
and
?? clear policy statements which, even so, are seldom “*expressed as targets*”.’

Despite this lack of clarity in objectives, he synthesises the ambitions as being:

?? urban containment, including the promotion of optimal city size;
?? dealing with the issue of externalities and, more recently,
?? the promotion of sustainable development, however defined.

In essence this distillation of planning objectives supports the general concept of planning as an interventionist tool of government, at whatever level is deemed appropriate, to ensure that the interpreted needs of society are not unduly compromised and to deal with cases of market failure.

For this ambition to be realised (the question of measurability is one deemed to be outside the scope of this paper), three tests of good planning systems are postulated. They should be
?? *robust*, in that they are not open to corruption and undue influence including that of private market interests,
?? *compatible* with the Government’s stated policies of moving towards *greater sustainability*³.and
?? *responsive* and *flexible*, sufficient to accommodate the changing social and economic context.

These three points are developed, before the initial findings of the specific research project are presented.

2.1 The State under Pressure: a challenge to a robust land use planning system

There are many drivers that affect the ability of any planning system to fulfil the government’s objectives for the system. At the current time the potential for conflict between the individual and the State, as epitomised through the planning process, is particularly topical. It brings into question the success, or otherwise, of planning⁴ over recent years to withstand the tests set out above.

It has been argued above that the role of planning is to balance the needs of individuals and private interests against those of the community and public interests. For this to be effective, it is important that both the government and its land use planning systems are legitimised. This is almost ‘taken as read’ within Europe. The role of law and government is unquestioned and run along democratic principles. However, it is too simplistic to consider that the state is inviolate in terms of being democratic representation. Two divergent forces are at work within Europe. Both, it is argued, limit the power of individuals and of nation states.

³ It is acknowledged that the whole field of sustainability and sustainability is controversial. It is estimated that there may be as many as 25 current interpretations of the Bruntland definition (WCED, 1987). This paper does not seek to enter the arena. However, it acknowledges the strategy of UK government (HM Government, 1999) to utilise the planning system to develop sustainable development within the economic, social and environmental contexts.

⁴ Rogers (1999) gives a very detailed argument as to the failure of the UK planning system to ensure vibrant towns and cities.

On the one hand, there is the increasing control that is evident through the emergence of the supra-national organisations such as the European Union (EU). These do not, *prima facie*, take away the power of individual nation states to make their own decisions as to, for example, planning matters, but they do place an additional tier of control. So, it could be argued, individuals and corporate bodies are *more* constrained in what they may do. Within the planning arena, for example, Williams (1996:184) argued that “*there is now a substantial body of EU environmental policy*” which “*has traditionally been heavily orientated towards a top-down legislative approach.*”

With the increasing focus on supra-national issues, the implementation of policy set at EU and even global level, becomes the realm of the technical or professional officer to government. The very volume of the work inherent in setting local policy becomes such that the scrutiny process is compromised by use of delegated powers. For example, within the UK, although the legal *framework* is set within legislation debated in parliament, the actual detail of development control, such as is examined below⁵, is contained in subordinate legislation that may not be fully debated. Often these detailed instruments can have wide-ranging land use implications.

On the other hand is the rise of the power of the international private corporate. This is, arguably, of greater force when viewed in the context of planning. Handy elegantly puts the case for the power of the supranational company when he states “*..they can make and unmake alliances, take decisions and start things happening with an ease and a speed that any ordinary state must envy. And they can do almost all of this without consulting anybody beyond those directly concerned... They are answerable to no one save their own investors*” (Handy, 1997:77).

Hertz is even more uncompromising in her view. Quoting statistics produced by the American Institute of Policy Studies in 1999 she points out that over half of the world's top 100 economies are corporations not nation states. She argues that “*Over the last two decades the balance of power between politics and commerce has shifted radically, leaving politicians increasingly subordinate to the colossal economic power of big business. Unleashed by the Thatcher-Reagan axis, and accelerated by the end of the Cold War, this process has grown Hydra-like over the last two decades and now manifests itself in what are diverse positive and negative forms. Whichever way we look at it, corporations are taking on the responsibilities of government.*” (Hertz, 2001:11). She goes on to argue that issues such as low voter turnout and a widespread cynicism is leading to a rejection of political process in favour of direct protest action (Ibid: 198).

Within the planning context Monbiot (2000) argues that the planning process has come under such influence that it is developers, and not the community who exercise the ultimate power in the land use conversion process⁶.

These two factors, the increased power of the company and the increase in inter-governmental legislation and policy, potentially places the legitimacy, and hence robustness, of the planning process at risk.

⁵ The paper will go on to examine one aspect of a particular statutory instrument (The Use Classes Order, 1987)

⁶ In his book, Monbiot supports his allegations but examining in detail the process by which planning decisions were made in relation to, for example Southampton City Centre

2.2 The Rise in the Sustainability Agenda: the imperative for Responsiveness

The rise in the sustainability agenda has been well charted and in general terms the principles are now adopted throughout the EU at the highest policy making level (see for example Haughton and Hunter, 1994, Blowers and Evans, 1997). Further, the principles espoused within the ratified declaration on sustainable development prepared by the World Commission on Environment and Development (WCED, 1987) are now embedded within spatial planning policies at EU and national level (Parfect and Power, 1997). The connection between the 'triple bottom line' ambition of sustainability and the need to plan sustainable cities has been strongly argued (see for example Rogers and Gumuchdjan, 1997). Within the UK, government has integrated the concept of intergenerational equity with land use policies by arguing that "*the quality of life for this and future generations depends not only on how we live and work, but also on the state of our towns and cities*" (DETR, 2000[a]: 5). So, the argument has moved on from notions of pure 'environmentalism' to one in which a balance is sought between the ecological, the social and the economic ambitions of society.

Blowers and Evans distinguish two prevailing theoretical positions in developing their argument as to the role of planning. The first, ecological modernisation theory sees the ability to reconcile economic and environmental concerns, the other risk society theory (developed by Beck (1995) and quoted by Blowers and Evans, 1997:159) sees an inevitable clash between further technological advance and environmental sustainability. Whichever theoretical stance is adopted, they argue that the role of planning is central to ensuring the achievement of "*alternative, more sustainable and socially more equal ways of living in our environment*" (Ibid: 167). If this thesis is accepted then the need for an effective planning capable of representing all stakeholders in the land use planning decision, is imperative. The issue becomes one of ensuring that all voices are heard and that true representation takes place.

Carley *et al.* (2001) recognise that the issue of whose voice resonates through the planning process will vary according to the prevailing paradigm. Within their analysis three paradigms are recognisable. The third of these, that of no fixed vision, provides a view of a negotiated approach to planning which "*proposes a new way of combining views from all sectors – state, market and civil society- in an ongoing consensus-seeking dialogue*" (Carley *et al.*, 2001: 26). If this is truly the way in which the model works then the prospects for moving the sustainability agenda forward are improved; if it becomes a case of whose voice is dominant then they are not.

2.3 The Need for Responsiveness and Flexibility: Leisure as a Suitable Case Study

The authors contention is that to examine the criteria set out above against the position in relation to leisure land uses is appropriate, given that the leisure industry⁷ is a rapidly growing sector of most European economies (see for example Williams and Shaw, 1998). Within the UK, it now is the single largest item in household weekly expenditure (Office for National Statistics, 1999)

The growth of leisure can be linked to more fundamental changes taking place in highly developed countries and the rise of the so-called 'experience economy'. At this point it is

⁷ For the purposes of this paper, the debate regarding the nature of leisure is left to one side except insofar as it formed part of the survey work. Domestic tourism is deemed to be an integral part of the leisure industry, in that the nature of tourism implies the state of leisure.

perhaps relevant to note that within the UK leisure and tourism employs ten times the number of people as those engaged in agriculture and it is rapidly displacing the 'old economy' employment such as manufacturing (see for example, McIntosh, 1997; McIntosh, 2001).

These changes in society have long been recognised; indeed it is nearly half a century since Galbraith (1958) articulated the possible implications for society consequent on the shifts in the economy including the rise of leisure spending. Gilmore and Pine argue that "*the natural evolution of the economy away from goods and services ... is bringing about the need for new and more work based on experiences and transformations*" (Gilmore and Pine, 1999:185). As part of their argument they support Rifkin's contention that developed economies have moved beyond the service sector. Whilst not adopting a wholesale acceptance of his analysis of a 'knowledge economy' (Rifkin, 1995) the notion that they put forward is that developed economies have moved *beyond* a service culture.

The distinction between the two analyses of the drift of developed economies is important because it effects views as to the future role of work, and hence of leisure. Under Gilmore and Pine's analysis, the prediction is that the shift is to 'value added', based upon differential offer and this implies a continued requirement for labour. It also supports the observed growth in leisure spending and consequent provision of commercial leisure properties. Under Rifkin's thesis the scenario would present a lesser requirement for labour and hence less leisure spending. A rather different 'leisure landscape' then emerges - one in which the wealth production of few key individuals will be required to support the social 'needs' of the majority. In other words, a leisure provision built on public planned provision.

Within the UK evidence of *both* analyses of change exists. Undoubtedly the Gilmore and Pine analysis is supported, with a rapid development in both the quantity and range of commercial leisure developments (see for example, Sayce, 1998, DETR, 2001)). Morley and Evans (2000) argue that this growth in private sector provision relates primarily to:

- ?? growth in economic expenditure;
- ?? political policies;
- ?? socio-economic changes; and
- ?? technology

However, the growth in leisure provision is not restricted to commercial private sector schemes. Leisure has long been recognised as a conduit by which social policy may be implemented (see for example, Clarke and Critcher, 1985; Coalter *et al*, 1986). During the last two decades this has helped to fuel in the UK a significant growth in the provision of leisure properties that have been publicly funded - including by lottery funds (Sayce and Connellan, 2000).

Over time there has been a 'merging' between the public and private sector provisions of leisure (DETR, 2001:2.22) with public provision becoming more business orientated and private sector provision often being integrated within total town centre schemes. However, the pressures in land use terms presented by leisure tend to be dominated by private sector schemes as "*perhaps the key feature of commercial leisure is that it undergoes continuous change , which a more affluent public both stimulates and is constantly responding to*" (DETR, 2001:2.23)

Leisure therefore places a particular requirement on planning systems and hence it is concluded it epitomises the changes in society to which any planning system must respond. For it to do this in a robust manner requires that the legitimacy of the planning authority is accepted by society as acting as an agent of government.

3.0 The Leisure Property Forum [LPF] Research Project

The Leisure Property Forum [LPF] research project concerns the UK only. It is timely, given the rise in the number of leisure developments undertaken over the recent past, which has also prompted government and industry to investigate the whole issue of leisure, tourism and planning (DCMS, 1999; DETR, 2000[b]; CBI, 2001). The DETR research is a wide-ranging examination of the current leisure and tourism position in the UK. The LPF research project, on the other hand, is a detailed study of professional opinion in on one part of the system, namely the Use Classes Order, 1987.

4.0 Background to the Leisure Planning System in the UK

Within the UK, the planning system is multi-tiered. The responsibility for producing general guidance, within which the system operates, rests with central government (the Department of the Environment, Transport and the Regions). Through a series of planning guidance notes (PPGs) advice is given to local authorities to whom responsibility is devolved for both detailed spatial planning (the Development Plan) and development control. It is relevant to this paper that the PPGs, which address specific planning issues, deal with leisure in a very fragmented way. For example, PPG 17 deals with sport and recreation, PPG 21 with tourism whereas most commercial leisure schemes are more affected by PPG 6 (Town Centres and Retail Development) and, due to their transport implications, PPG 13 (Transport).

The Development Plan is produced in accordance with a statutory framework, *“to guide development and environmental change for all parts of the country”* (Rydin, 1998:205). Although these plans contain specific policy statements in respect of leisure and recreation developments, the DETR research acknowledges that these policies do not always clearly recognise the particular characteristics of leisure and tourism, which, as stated above, are extremely fast moving (DETR, 2001:2.72). Development Plans are finalised only after lengthy periods of consultation leading to concerns that they are inherently slow to prepare and potentially out of date (Rydin, 1997:210). The DETR research confirmed this analysis that leisure planning is not working satisfactorily with inadequacy of existing policies being a key finding (DETR, 2001:5.7).

The Development Plan, therefore presents a framework within which development control takes place. It is the latter which is the *“cutting edge of the land use planning system”* (Rydin, 1997:220). The development control system rests on the definition of development⁸, which incorporates building works (including alterations) and material changes of use. There is a whole raft of litigation and legislation concerning the definitions of what constitutes building work and a ‘material’ change of use. For the avoidance of doubt, and to promote flexibility and efficiency in the system, certain uses of property are defined within an ‘Order’ which can be

⁸ The definition of development is contained within the primary legislation (currently S.55 of the Town and Country Planning Act, 1990). To reduce the number of applications, certain types of development are given deemed consent.

amended from time to time (The Use Classes Order). A summary of this is contained in **Appendix A**.

Under this, a change of use between uses contained within the same class is deemed not to be development. The Order also prescribes certain changes *between* classes that are allowed - albeit that they constitute development. The Use Classes order is the most detailed instrument of land use control, and that, which therefore has the greatest need for flexibility, if it is to be accepted by all the stakeholders to the planning process.

The current system has been in place for many years, and although it can be amended relatively easily it has not been amended since 1987. The UCO deals with leisure land uses in a very fragmented way. Food and drink units are classified as A3, a sub-set of retail (the A class); commercial leisure operations such as cinemas are classified (D2) as a sub-set of 'assembly' (the D class). Other leisure uses, such as theatres, are not contained within a Use Class and must be treated on an individual basis.

A change between classes, and in some cases sub-classes, requires explicit consent. This is both time-consuming and involves risk to the property owner and operator. Increasingly, it is questioned whether the current system of UCOs is appropriate, given the 'blurring' between uses (such as the mixed shopping and leisure developments). Additionally, taking a wider perspective, many leisure uses have another raft of required consent imposed in connection with the sale of alcohol, which adds to the complexity of carrying out leisure developments.

Accordingly, the research centres on the question of its currency and appropriateness insofar as it deals with leisure properties. The DETR research did consider this as part of its wider remit but did not recommend any wholesale alteration (DETR, 2001: 12.67), merely a slight revision to food and drink units. The stance taken in this research is that leisure is a good 'litmus test' against which to test whether the current planning system is robust and responsive and widely accepted.

5.0 Methodology

The research has taken the form of a questionnaire survey conducted by LPF and overseen by the authors, both of whom are LPF members and by Margaret Casely-Hayford, of the London branch of the international legal firm Denton Wilde Sapte.

During the first 2 weeks of April 2001 a questionnaire (attached as **Appendix B**) was sent to members of the LPF, planners (working in both the public and private sectors), property advisers and developers and architects. The questionnaire was also posted on the LPF website to which members' attention was drawn. Additionally, the project was highlighted in the professional press. Efforts were made in setting up the database to concentrate on those people who were known to have a potential interest in leisure land use planning issues. It is acknowledged that the nature of the database set up might have allowed some individuals to receive the questionnaire in more than one capacity. This and the placing of the questionnaire on the website mean that it is not possible to be precise as to the number of people who had the opportunity to respond.

The questionnaire was extremely detailed but set out below are some of the key findings from the survey, together with a commentary. This discusses the most important issues relating to

role of the current Planning Use Classes order, and its reference to the changing place of leisure property in town and city planning. The findings are taken from the first 70 completed returns.

6.0 The Issues Debated in the Questionnaire

The aim of the questionnaire was to elicit views on whether the current UK system of planning for leisure uses is appropriate or is in need of reform. In so doing, it is acknowledged that the survey had a bias towards commercial developments. This was deliberate given the recent conflicts between leisure developments and the planning system have been primarily in connection with commercial schemes (see for example DETR, 2000[b]:case studies).

The questionnaire was in four parts:

Part 1 sought views about leisure and leisure properties in general. This was regarded as necessary, given the acknowledged continuing debate as to the nature of leisure (see for example Sayce, 1998; Evans and Morley, 2000). Without some re-assurance on the part of the research team that respondents had some common understanding as to the nature of leisure, the results would be unreliable.

Part 2 explored the Use Classes Order and elicited views, by way of specific enquiry, as to the appropriateness of the current classification system.

Part 3 sought more general views as to whether the UCO is helping to deliver key elements of the Government's strategy for improving the quality of life and addressing the sustainable development agenda. It also sought to identify if the policies were perceived to be *failing* and adding to the problems of urban living.

Part 4 again took the respondent away from the *specific* enquiry as to the detail of effectiveness to the *generalised* and sought views whether, in effect, the system is over-bureaucratic and requires greater freedom of operation, or, in contrast, it would benefit from a greater degree of control.

7.0 An Analysis of Findings to Date

7.1 Nature of Respondent

The respondents were asked to identify themselves by category of professional activity. The results show the largest returns from planners, perhaps not surprising, given the nature of the enquiries. They represent approximately 50% of the total respondents to date. Architects and developers represent some 12% with surveyors and consultants making up some 30%. The remaining 8% comprises lawyers and those who chose not to identify their profession or occupation. The responses, therefore, do represent a slight bias towards the planning perspective. For the current paper no attempt to differentiate the response between category has been undertaken.

7.2 What is Leisure?

Before understanding whether, and if so how, the Planning Use Classes Order should be amended, it is important to understand a definition of 'leisure'. This has always been a contentious academic issue. Table 1 sets out below the results from a variety of questions relating to leisure. The questions were aimed at establishing the presumed 'boundaries' between leisure and other activities such as retail.

Table 1 Definitions of Leisure, by percentage response

Statement	Agree Strongly	Agree	Disagree	Disagree Strongly	Don't Know
Leisure is the opposite of work	14	54	25	1	6
Leisure can be a paid activity	10	65	19	1	4
Food shopping is not leisure	26	51	20	1	1
Comparative shopping can be leisure	9	71	13	4	1
DIY shopping can be leisure	3	71	22	3	1
Active amateur Sport is leisure	45	51	1	0	1
Watching sport outside the home is leisure	42	55	1	0	1
Educational activity can be leisure	13	70	13	1	1
Eating & drinking outside the home is leisure	43	51	3	0	3
Tourism is a leisure activity	45	54	0	0	1
Cultural activity is leisure	39	37	0	0	2

Generally the respondents to the survey agreed that leisure is the opposite to work, but that payment does not debar the activity from being regarded as leisure.

There is also a measure of agreement that comparative shopping can be regarded as a leisure activity, with 80% agreeing or strongly agreeing with this suggestion. However, 17% disagree with this statement and as many as 25% disagree that DIY shopping can be regarded a leisure activity. Most people do not regard food shopping as leisure - but as many as 21% do!

Perhaps not surprisingly, actively participating in amateur sport and watching sport outside the home, as well as eating and drinking outside the home, tourism and attending cultural activities should be regarded as leisure. There is also general agreement that educational activities should be regarded as leisure.

Given that the survey was primarily sent to those who could be expected to be knowledgeable in respect of leisure, the general levels of disagreement were quite surprising. The very wide ranging nature of the subject as supported by these findings is indicative of the problems encountered in trying to develop a 'one-size fits all' planning policy, as the drivers for each are so different.

7.3 What are Leisure Properties?

The Use Classes Order is the instrument that is supposedly the most responsive to changing consumer and demand patterns, but it has been unchanged since 1987. It was updated at that time primarily to take account of the new 'hybrid' business/manufacturing developments and the growth of retailing warehouses. The LPF research recognises, as did the DETR, that *"there were some radical changes in leisure developments during the 1990s"* although tourism developments had *"tended to develop broadly along established lines"* (DETR: 2001:para 2.2).

The initial hypothesis of the research team was that there have been major changes in the type of leisure development that has been promoted consequent on the rise of leisure as an important contributor to the national economy. This, combined with technology changes and changes in both working and social patterns have altered the occupational - and hence- development agenda. Consequently the questionnaire listed a number of property types to test views as to how these were, or were not, believed to be leisure uses. Respondents were asked to identify only those that they considered *were* leisure properties, with the ability to mark as many or as few as they wished.

The results were slightly surprising. Of the 18 types of property listed 8 scored very highly (over 90% of respondents). These were (in descending order):

Table 2 Properties Widely Considered to be Leisure Properties

Property Type	Percentage considering it to be leisure
Health & Fitness	98%
Cinemas	96%
Sports Stadia	96%
Cafes and Restaurants	94%
Theatres/concert halls	94%
Pubs and bars	93%

This result is particularly relevant given that currently the UCO classifies cafes, restaurants, bars and pubs are classified as retail - not leisure.

Other uses that had a simple majority considering them to be leisure included were:

Table 3 Properties Generally Considered to be Leisure Properties

Property Type	Percentage considering it to be leisure
Hotels	77%
Internet cafes	68%
Museums and art galleries	65%
Historic houses and gardens	57%.

The remaining uses, according to the survey would not generally be considered to fall under the leisure umbrella, even though many of these uses create significant pedestrian movements and are high land use density activities.

Table 4 Properties Generally Not Considered to be Leisure Properties

Property Type	Percentage considering it to be leisure
Aparthotels	31%
Factory outlet shops	30%
Factory outlet shops	30%
Shopping malls	24%

Places of worship	20%
Adult education facilities	20%
Conference centres	14%
E-villages	13%

The findings point to an almost schizophrenic view on the retailing activity. Any retailing involving food and drink is deemed to be leisure, but non-food and drink retailing is not to be so perceived. This is at odds with the views expressed about the nature of leisure in which comparative shopping (such as that commonly undertaken in shopping malls and factory outlet shopping) was generally considered to be a leisure activity. The results also illustrate just how complex an area this is. For example the respondents were quite clear that places of worship are not appropriately regarded as 'leisure' yet many churches attract far more sightseers than they do worshippers - and historically the church has played an important community role. Also, despite education being viewed as possibly leisure, adult education facilities are not so viewed!

It also highlights that the views of professionals as to what constitutes leisure properties appears to be at odds with the established planning distinctions, in which food and drink are viewed as a sub-set of retail - not as leisure.

7.4 The Use Classes Order and Leisure Property

In this section of the survey, the aim was to establish what amendments would be appropriate to the current planning Use Classes Order as it relates to leisure property better to assure the aim of responsiveness.

Table 5 Views on the Appropriateness of the Current Use Classes Order in relation to Leisure Property (by percentage respondent)

Suggested change	Yes Definitely	Yes Maybe	No	No Definitely	Don't Know
Should there be a single leisure class covering all types of leisure outside the home?	1	20	36	40	0
Are bars and restaurants appropriately classified separately from retail and thus requiring specific consent of use?	59	30	6	4	0
Should shops and restaurants be considered within the same use class (i.e. free interchange between use allowed without the need for consent)?	9	19	30	43	0
Within leisure should there be a separate urban entertainment use class to cover food, drink, cinemas, clubs etc.	16	36	39	16	4
Should size be a determining factor in deciding if uses fall within the same category of use (eg should there be separate controls, for example for "megabars"?)	9	40	30	20	1
Should museums, galleries and libraries be in the same use class as commercial leisure use such as cinemas and bingo halls?	4	20	53	21	1
Should theatres be classified with cinemas and other leisure uses?	26	61	9	3	1
Should there be a distinction between uses appropriate for a town centre and uses elsewhere?	26	43	23	9	1
Should sporting activities be in the same use	9	27	44	19	1

class as other leisure uses?					
Should there be a distinction in the planning use classes between indoor and outdoor activities?	19	37	34	9	1

The survey reveals that only 21% believe there should be a single leisure class covering all types of leisure outside the home. However, 89% believe that bars and restaurant require a specific change of use, and that their use is different from normal retail activities.

This is further reinforced by the finding that only 28% of respondents believe that shops and restaurants should lie within the same planning use class. In other words, the present classification of the planning use class is inappropriate, according to these findings. Leisure is leisure, not retail!

The majority (52%) of those who responded believe that an appropriate way forward would be to establish a separate 'urban entertainment' use class to cover food, drink, cinemas, clubs etc. As to whether size should be a determining factor in relation to this there was no clear view emerging.

Earlier in the paper it was argued that the divide between commercial (demand driven) and public sector (social needs driven) leisure schemes is diminishing. Many museums, for example, are now owned within the private sector, whilst lying within publicly sector portfolio are many properties which display such high visitor attraction appeal such that they compete with private sector schemes (for example the 'Tate Modern' gallery in London). It is very clear from these results that respondents do still perceive a difference between providers. Their view is that museums, galleries, and libraries should not be put in the same planning use class as commercial leisure users such as cinemas and bingo halls.

This implies that amendments to the present use classes order are necessary. Even more inappropriate is that the current system makes a distinction between cinemas and other leisure uses such as theatres. But the survey finds that 87% believe that theatres and cinemas should be in the same use class - again reinforcing the notion of a class associated with urban entertainment.

It is currently a time when there is much to debate about the future of town centres and the need to retain - or restore - their vitality is a key objective of many local planning authorities as well as the UK government (DETR, 2000[a]). The survey demonstrates that this is a shared vision. 69% of respondents believe that there should be a distinction between town centre uses and other uses elsewhere - presumably so that the town centre can be given a different set of policies as appropriate. However the present Use Classes Order does not make this distinction.

Leisure, of course, embraces far more than just entertainment. Sport is a major leisure pursuit - but something that the respondents considered was separate from other types of leisure. Only 36% believe that sporting activities should be in the same use classes as other leisure activities and the majority consider that there needs to be a distinction in planning terms between in-door and out-of-door activities; 56% would support this sentiment. It should be noted that the size of this majority is not large. Further analysis will be carried out to investigate this response further. One of the key issues currently is the increased tendency to design multi-use halls and stadia (such as the Millennium Stadium in Cardiff) which can

accommodate both entertainment and leisure uses (for example music venue as well as sports facility).

7.5 Is the Use Class Order Out of Date?

The survey approached this particular question from two points of view. First it asked a number of question relating to the positive effect of the Use Classes Order. It then asked a series of questions relating to the negative effects.

Perhaps not surprisingly a number of respondents (approximately 30 - 35% in each case) were unable to provide an answer to these questions but those who did answer have provided a better understanding of the current issues. In the following tables the percentages do not add up to 100% to reflect the non-responses.

Table 6 The Positive Effects of the UCO analysed by percentage of respondent

The UCO has the positive effect of.....	Yes a lot	Yes a little	No effect	Don't Know
... improving the quality of life for people, especially town and city dwellers?	9	43	9	4
... helping to maintain a vital, lively town centre for those who live, work and shop there?	11	39	11	3
... help maintain a vital, lively town centre for those who seek leisure there?	7	34	21	1
... encouraging an appropriate mix of uses within an urban settlement?	6	34	24	0
... assisting in making towns and cities more sustainable?	7	31	23	3
... increasing local revenue to local authorities and traders?	3	16	30	14
... assisting in the maintenance of investment values?	4	24	20	14
... proving a flexible and easily understood tool of control?	7	30	24	1

With reference to the positive effects of the Use Classes Order, around 50% believe that the current UCO *does* improve the quality of life for people especially town and city dwellers and help maintain a vital and lively town centre for those who live, work and shop there.

However the results of the other possible positive effects are far more mixed. Around 40% believe it helps contain lively town centres for those seeking leisure and it encourages the appropriate mix of uses.

The survey found that only 38% believe it makes towns and cities more sustainable and only 19% believe it helps local revenue to local authorities and traders. 28% believe it assists in the maintenance of investment values and 27% believes it provides a flexible and easily understood tool of control.

At a time when the government is encouraging investors and occupiers to support town centres it is clear that the results of this survey do not support the belief that the current UCO order achieves the Government's objectives.

The survey then went on to look at the negative effects of the use classes order.

Table 7 The Negative effects of the UCO analysed by percentage of respondent

The UCO has the negative effect of.....	Yes a lot	Yes a little	No effect	Don't Know
... stultifying the ability of occupiers to re-act to changes?	9	37	17	1
... failing to deal with congestion issues?	9	14	31	9
... creating a situation of confusion between uses?	10	29	23	1
... failing to prevent conflict between uses?	4	30	24	6
... being out-of-date and inflexible?	7	39	16	3
... adding an extra tier of bureaucracy?	4	23	33	4
... being re-active, not pro-active, in creating more sustainable towns and cities?	4	30	24	6
... preventing the maximisation of value and profit?	4	29	20	10

As with the positive effects of the Use Classes Order, the negative effects produced a mixed response although again many survey respondents did not feel able to provide a reply. Notwithstanding this, 38% believe it stultifies the ability of occupiers to react to change but only 23% believe it fails to deal with congestion issues.

39% believe it creates a situation of confusion between uses, and 30% believe it fails to prevent a conflict of these uses. Although these are not majority responses, they are significant *minorities*. Perhaps more notable was that 46% believe it is an out-dated and inflexible planning tool although only 27% believe it added extra tier of bureaucracy.

Only 34% believe it is a reactive rather than a proactive tool in making towns more sustainable and 33% believe it prevents the maximisation of value and profits.

As with the results from the positive effects of the Use Classes Order the negative effects point to the same issue. The current UCO does not necessarily encourage investors, developers and occupiers to invest in town centres; it stultifies, or at best slows down, investment activity - and it is out of date.

7.6 Town Planning and Statutory Controls

The final section of the questionnaire had the simple objective. It sought to find out if the present structure of statutory controls achieves the overall planning objectives or, if not, whether a case exists for revising the current system, radically or otherwise.

The survey found that 56% agreed with the sentiment that there is a case for combining town planning controls with alcohol with other leisure based licences into one leisure authority. Only 32% say there is no case at all for such an initiative.

Table 8 Suggested Reform to Combine Leisure Land Use Planning and Licensing Laws analysed by percentage of respondent

Suggested Change	Yes, a strong case	Yes, a weak case	No case at all	Don't Know
In your opinion, is there a case for combining planning and licencing under one leisure authority.	30	26	32	12

The survey then went on to ask a number of questions to see whether the planning system would be better served by the abolition of the Use Classes Order and greater reliance on other methods of development control.

Table 9 Suggested Reforms to the Development Plan System analysed by percentage of respondent

Would the aims of planning be better served by the abolition of Use Class Order and greater reliance on	Yes, a strong case	Yes, a weak case	No case at all	Don't Know
... the development plan system and zoning	14	32	51	0
... deemed consents	7	31	47	15
... a more fluid development plan	27	34	33	5

Table 10 Suggested Reform to the Use Classes Order System analysed by percentage of respondent

Question	Yes, a strong case	Yes, a weak case	No case at all	Don't Know
Should planning strengthen the Use Class Order and redefine it more closely.	13	13	50	25

51% did not believe that there should be greater reliance on the Development Plan only and 47% believe there was no case at all for relying upon deemed consents. By implication the notion of the 'tried and tested' UCO was still considered to have merit.

However, the survey did find that 61% were in favour of a refined and more fluid development plan system. In other words, the present Use Classes Order is far too rigid, and perhaps out-of-date. At a time when the use of towns and cities is changing rapidly and the growth of leisure properties is beyond the wildest expectations of those who created the town planning Use Classes Order a decade or more ago it has now overdue for radical change. But, in what way? The survey found that only 26 % felt that the Use Classes Order ought to be redefined more closely.

The message remains; greater flexibility is needed if the town planning statutory controls are to have a meaningful place in achieving the objectives of balancing both private and public needs in the future.

8.0 Summary of Key Issues from the Survey

The analysis of the survey is not yet fully complete. Nonetheless, certain key messages emerge. These are:

?? Leisure continues to be a difficult concept to define so this will continue to be an issue in devising appropriate land use policies. However, there is a general acceptance that it is separate from retail as a core activity.

- ?? The concept of a UCO is still deemed to have merit - but it is overdue for revision and is seen to be inflexible.
- ?? Potentially the UCO can be a tool to assist in the delivery of the Government's espoused ambitions for more sustainable and vital cities, but currently it is stultifying development;
- ?? The aims of planning might be assisted by reviewing the Development plan system to make that more 'fluid';
- ?? There is little support to make the UCO more prescriptive;
- ?? There appears to be a case for the establishment of a new Urban Entertainment Use Class and a clearly distinction between uses suited to town centre and out-of-centre locations;
- ?? The UCO should differentiate food and drink units away from retail - thus making a clearer distinction between leisure and retail - despite the fact that shopping is often viewed as leisure!
- ?? A distinction should be drawn between predominantly commercial entertainment uses and cultural activities - although theatres should be counted as entertainment - not cultural activity!

9.0 Preliminary Conclusions

The intention of this paper was to address the question of whether current land use planning systems in the UK fulfil the tests of robustness, responsiveness and flexibility, as judged by responses to a survey undertaken by the authors. It has not sought to answer this comprehensively. Instead it has first considered, in general terms, some of the tensions that are apparent currently consequent on factors external to the planning system. These lead to the view that planning, along with all government activity is under pressure to retain its legitimacy. However, with the almost universal growth in the quest for sustainability, the role of planning takes on an even more critical role. But to retain support it must be able to evidence that it is responsive to community needs. For this it is important that all stakeholder voices are heard. That this may not be the case is a question worrying many commentators.

From the generality the paper has sought to explore whether the current position in relation to planning for leisure in the UK meets these tests. It has examined in detail one instrument, namely the Use Classes Order. It therefore analysed the findings of a survey of professionals working in the leisure industry and it also drew down on the Government's own report on leisure and tourism. The findings point to a concern both as to the application of general planning policies to leisure, and to the effectiveness of the current UCO. This is found to be both out of date and not successfully achieving the aim of giving flexibility. It follows from this that, although in theory, a flexible tool exists, the opportunity has not been taken to ensure that it has kept pace with the changes in society.

The survey points to a number of changes that might improve the current position. Notable amongst these would be the setting up of an urban entertainment class and a review of the position in relation to the interface between retail and leisure uses. Of equal importance

however, is to simplify and make more streamlined the Development Plan system so that this can better satisfy the fundamental requirements of the system.

Relating these findings to the wider planning issues, there is no doubt that the system has not proved flexible enough to meet the requirements of the stakeholders consulted; nor does it appear to be promoting the notion of sustainability in its wide interpretation. Nonetheless, the concept of the UCO still achieved considerable support. The analysis is too limited and the survey too small to draw any wider conclusions about the general continued acceptability of planning as a legitimate process. However it is clear that tensions exist.

The respondents found that the UCO arguable has a 'stultifying' effect on development. However, it has still not prevented a large number of leisure developments from taking place. Maybe without the constraints that it imposes, the wider needs of limiting development to those which will add to the cause of sustainable settlements over time would not have been well served. Indeed there are those who argue that, despite the frustrations that it creates, it has allowed too many developments. As Monbiot argues "*While parks and community centres deteriorate, new leisure facilities for those who can afford to pay handsomely are springing up all over Britain. These are symptoms of our loss of control over the planning process*". (Monbiot, 2000:161).

APPENDIX A: A SUMMARY OF THE USE CLASSES ORDER, 1987

The Use Classes Order, 1987 prescribes sixteen classes of use. A change within a use class generally is not regarded as development.

Class A

A1 shops

A2: Financial and Professional Services

A3 Food and Drink

(Nb: a change of use from A3 to A1 or A2 is allowed without express consent requirement under the provisions of the General Development Order; a change from A1 to A2 or A3 is not)

Class B

B1 Business

B2 General Industrial

B8 Storage

Class C

C1 Hotels

C2 Residential institutions

C3 Dwelling-houses

Part D Other

D1: Non-residential institutions

D2: Assembly and Leisure –defined as:

?? a cinema

?? a concert hall

?? a bingo hall or casino

?? a dance hall

?? a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreation, not involving motorised vehicles or firearms.

Expressly excluded from a use class are:

?? a theatre

?? an amusement arcade or centre or a fun fair;

?? a laundrette

?? for the sale of fuel for motor vehicles

?? taxi business or vehicle hire

?? scrapyards.

APPENDIX B: THE QUESTIONNAIRE

Please see separate file

Selected Bibliography

- Ave G (1996) *Urban Land and Property Markets in Italy* London UK UCL Press Ltd
- Balchin P, Syora L and Bull G (1999) *Regional Policy and Planning in Europe* London UK Routledge
- Blowers A and Evans B (1997) *Town Planning into the 21st Century* London UK Routledge
- Camhis M (1979) *Planning Theory and Philosophy* London UK Tavistock Publications
- Confederation of British Industry (CBI)(2001) *Targeting Tourism: the agenda for change* London UK CBI
- Carley M, Jenkins P and Smith H (2001) *Urban Development and Civil Society* London UK Earthscan
- Clarke J and Critcher C (1985) *The Devil makes Work: Leisure in Capitalist Britain* London UK Falmer Press
- Coalter F, Long J and Duffield B S (1986) *Rationale for Public Sector Investment in Leisure* London UK The Sports Council/Economic and Social Research Council
- Cullingworth J B and Nadin V (1994) *Town & Country Planning in Britain* London UK Routledge
- Department of the Environment, Transport and the Regions (DETR) (2000[a]) *Our Towns and Cities: the future* London UK HMSO
- Department of the Environment, Transport and the Regions (DETR) (2000[b]) *The State of English Cities* London UK HMSO
- Department of the Environment, Transport and the Regions (DETR) (2001) *Research Report on Planning for Leisure and Tourism* London UK HMSO
- Department of Culture, Media and Sport (DCMS) (1999) *Tomorrow's Tourism: a growth industry for the new Millennium* London UK HMSO
- Faludi A (1973) *Planning Theory* Oxford UK Pergamon Press
- Gilmore J H and Pine J P (1999) *The Experience Economy: work is theatre and every business a stage* Boston Mass, US Harvard Business School Press
- Galbraith J K (1958) *The Affluent Society* London UK Hamish Hamilton Ltd
- Handy C (1997) *The Hungry Spirit* London Hutchinson
- Hertz N (2001) *The Silent Takeover* London Heinemann
- HM Government (1999) *A Better Quality of Life: a strategy for sustainable development in the UK* London HMSO
- McIntosh A P J (1997) *Towns and Cities: competing for survival* London UK E&FN Spon
- McIntosh A P J (2001) International Consumer Behaviour: the relationship between E-commerce and retail and leisure property *Journal of Leisure Property* Volume 1 No 2 pp170-187
- Monbiot G (2000) *Captive state: the corporate takeover of Britain* London UK Macmillan
- Morley S and Evans C (2000) The future for leisure property in the UK *Journal of Leisure Property* Volume 1 No 1 pp 18-26
- Newman P and Thornley A (1996) *Urban Planning in Europe* London UK Routledge
- Office for National Statistics [ONS] (1999) *Family Spending* London UK Office for National Statistics
- Parfect M and Power G (1997) *Planning for Urban Quality* London UK Routledge

- Pinder D (1999) *The New Europe: economy, society & environment* Chichester UK John Wiley & Sons Ltd
- Rifkin J (1995) *The End of Work: the decline of the global labour market and the dawn of the post-market era* New York, US G Putman
- Rogers, R (1999) *Towards and Urban Renaissance* London UK HMSO
- Rogers R and Gumuchdjian P (1997) *Cities for a Small Planet* London UK Faber and Faber Ltd
- Rydin Y (1998) *Urban and Environmental Planning in the UK* Basingstoke UK Macmillan
- Sayce S (1998) The Emergence of the New Leisure Parks paper to the 28th Symposium of the European Faculty of Land Use and Development Kingston UK
- Sayce, S (2000) The new leisure leases: do they measure up to institutional requirements? *Journal of Leisure Property* Volume 1 No 1 pp42-65
- Sayce S and Connellan O P (2000) *The Valuation of Public Sector Leisure Properties* London UK RICS Research Foundation
- World Commission on Environment and Development [WCED] (1987) *Our Common Future* Oxford UK Oxford University Press
- Williams A M and Shaw G (1999) Tourism and Economic Development in Pinder D (1999) *The New Europe: economy, society & environment* Chichester UK John Wiley & Sons Ltd
- Williams R H (1996) *European Union Spatial Policy and Planning* London UK Paul Chapman Publishing