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Planning for leisure: Time for a radical rethink or just a slight adjustment?

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Abstract

The Use Classes Order (UCO) is an important front-line mechanism for assisting in the aim of planning and controlling land uses. Over time the Order has changed to reflect changing patterns of land-use demand; the last overhaul of the definitions took place in 1987. Under this Order leisure uses are considered to be separate and distinguishable from retail. Since 1987 much has happened in relation to the use of land for leisure. There have been changes in the pattern of trade and growth in leisure parks and mixed-use schemes. These call into question the validity of the current distinction. So, should the UCO be updated to reflect better the actuality of land-use patterns, or is a more radical reform of the system required? There is an argument that changes to the UCO should increase the amount of prescription in permitted uses. Conversely, there is the argument that a more market-driven approach is appropriate. The fundamental aims of land-use planning 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. The paper analyses the response to an opinion survey conducted on behalf of the Leisure Property Forum, to explore stakeholder attitudes towards possible changes to the UCO in order to advise on possible changes to the order.

INTRODUCTION: THE ROLE OF PLANNING

The issue of planning for leisure land uses within the UK is topical and important. It is topical because, both within the UK and in the wider European arena, there is a revival of interest in urban issues and in particular with the future of cities.¹⁻³ It is contended that, within the general debate, 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.

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 proactively 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

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urbanisation 'life cycle'.⁴ Clearly, the pressures present in a country that is rapidly urbanising will differ from those in which the dominant process is towards suburbanisation, or even de-urbanisation.

The aims of land-use planning 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.⁵

At its most fundamental '*the role of planning is to intervene in market processes to achieve broader aims*'.⁶ It must therefore act as an 'honest broker' 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 acknowledge that 'its position at the interface between market and public interest means that it is particularly influenced by political and ideological intervention'.⁷ Fundamentally, therefore, planning is concerned with providing a framework within which activities can take place and property can be developed and used.

It follows that the greater the pressures to develop, the more the requirement exists for the planning system to be both *robust* and *responsive*.⁸ However, the rapid pace of social change, which is witnessed in the emergence of the so-called 'experience economy',⁹ places a requirement on the land use planning system also to be *flexible*.

The role of planning has been debated over many decades. From masterplanning (or blueprint planning) or process¹⁰ or the application of scientific theory,¹¹ it has now shifted territory. Cullingworth and Nadin¹² argue that the system sets a stable framework within which policy can be exercised. Blowers and Evans 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'.¹³ 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, while minimising the conflict that this will occasion between these needs and those of the individual. Should this process be led solely by the state, as 'custodians' of the public good, or should it be more market led?

Part of the answer to this question depends on the relationship between the state and business. In discussing this issue Newman and Thornley acknowledge that 'One of the common themes throughout Europe has been the increased entrepreneurial attitudes of government at national and city level...'¹⁴ In their opinion this shift in emphasis towards entrepreneurship, also noted by Monbiot,¹⁵ results in recognition that planning has increasingly become flexible in its operation. This, they argue, results in

**Planning: A
framework for
development activity**

**An instrument to
promote society's
needs**

**Flexibility in the
planning system**

identifiable weaknesses in terms of:

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

The legitimacy of planning and the 'democratic deficit'

They conclude 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 democratic deficit'.¹⁶ The theme of lack of democratic power is topical, with declining use of the ballot box and the rise of direct action¹⁷ consequent on globalisation and the attendant rise in corporate power.¹⁸ Additionally the rise of supranational bodies decreases the potency of national planning.¹⁹ Corkindale²⁰ argues that while the aims of achieving broad social objectives might have been implicit within the originating legislation,²¹ the current planning objectives are diverse and deficient in clarity, although he synthesises them as being:

- urban containment, including the promotion of optimal city size
- dealing with the issue of externalities
- the promotion of sustainable development, however defined.

This supports the general concept of planning as an interventionist tool of government, to ensure that the interpreted needs of society are not unduly compromised and to deal with cases of market failure. The rise of the sustainability agenda is well documented as being a planning issue.²²⁻²⁴

The tests of a good planning system

Three tests of good planning systems have been postulated by one of the authors.²⁵ 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*²⁶
- *responsive* and *flexible*, sufficient to accommodate the changing social and economic context.

The UCO 1987

The research detailed in this paper looks at one planning instrument, the UCO and seeks to conclude whether professional opinion would suggest that it does satisfy these tests. The current UCO dates from 1987 and is the front-line mechanism for controlling land uses. Under this Order, it is contended that leisure uses are dealt with in a non-systematic and fragmented way.

Since 1987 much has happened in relation to the use of land for leisure. In particular there have been enormous changes in the pattern of the restaurant and eating-out trade.²⁷ Simultaneously the growth of the new leisure parks²⁸ and the mixed-use schemes of

The need to update

leisure and retail, such as Bluewater and Trafford Centre, call into question the validity of the current distinction.

So, should the UCO be updated better to reflect the actuality of land-use patterns? The distinction between retail and leisure is arguably 'quite subtle'²⁹ and has led to conflict between stakeholders in the development process, notably in cities such as Westminster and in towns where the '24-hour' culture has become established.

It is in the conflict between these aims that different views on the treatment of leisure uses have emerged. On the one side there is an argument that changes to the UCO should *increase* the amount of prescription in permitted uses. On the other side, there is the argument that it is time to review the fundamental rationale for prescriptive uses. Would a revision to the concept of zoning provide a longer-term solution that could accommodate the market fluctuations? These are questions the paper considers.

UK planning: A multi-tiered system

THE UK LEISURE LAND-USE SYSTEM

Within the UK, the planning system is multi-tiered. The responsibility for producing general guidance rests with central government. Through a series of planning guidance notes (PPGs) advice is given to local authorities, to which responsibility is devolved for both detailed spatial planning (the development plan) and development control. These are updated on an '*ad hoc*' basis. Although they are not binding, having the status of guidance only, they are influential in terms of setting out the philosophy within which local planning authorities produce their published plans.

Leisure: Fragmented treatment

An examination of the PPGs shows that leisure is treated in a very fragmented way. For example, PPG 17 deals with sport and recreation and PPG 21 with tourism. However, most commercial leisure schemes are more affected by PPG 6 (town centres and retail development) and, due to their transport implications, PPG 13 (transport). This matter was recently considered on behalf of the government³⁰ but the authors did not conclude that there was a need for planning guidance on leisure to be pulled together in one guidance note. This conclusion has produced some commentary to the contrary, and Simmonds³¹ argues that:

'Many in the industry... would argue that the industry does deserve separate planning policy guidance, rather than just an association with retail and town centres. As one of the fastest growing service sectors in the UK, employing 10 per cent of the working population, a PPG on leisure would give the industry the status it deserves and focus the minds of local and national decision-makers.'

The matter is of importance, as lack of clear government guidance at this level is not likely to enable local planning authorities to be well informed or appropriately equipped to make nationally

The role of development plans

consistent decisions. The Department of the Environment, Transport and the Regions (DETR) research calls for clearer regional guidance and there are intentions to update the PPG in respect of tourism — but any assumption of tourism being synonymous with leisure may be misguided.

The development plan is produced in accordance with a statutory framework 'to guide development and environmental change for all parts of the country'.³² 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.³³ 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.³⁴ The DETR research confirmed this analysis that leisure planning is not working satisfactorily, with inadequacy of existing policies being a key finding.³⁵

Definition of development

The development plan, therefore, is the framework within which development control takes place and is the 'cutting edge of the land-use planning system'.³⁶ The development control system rests on the definition of development,³⁷ 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 the UCO which can be and are amended from time to time. A summary of the current Order is contained in the Appendix.

Under this, a change of use between uses contained within the same category of use is deemed not to be development. The government also, by statutory instrument, prescribes that certain changes *between* classes are allowed — albeit that they constitute development, within the definition of the Planning Acts. The UCO is the most detailed instrument of land-use control. It is important that it is flexible and up to date if it is to be accepted by all the stakeholders to the planning process.

The current Order (see Appendix) contains broad categories of retail (Class A), business (Class B), residential (Class C) and 'other, including assembly' (Class D). Many uses are not mentioned in the Order and are therefore *sui generis*, in planning terms.

A lack of a leisure use class

There is no leisure use class and the UCO deals with leisure land uses in a very fragmented way. Food and drink units are classified as A3, a subset of retail (the A class); hotels are Class C, whereas commercial leisure operations such as cinemas are classified (D2) as a subset 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. For example, a property used for A3 (food and

drink) may be changed in use to a general retail store (A1) without specific consent — but this cannot happen the other way round and express planning consent is required to convert, for example, a dress shop into a cafe. This is both time-consuming and involves risk to the property owner and operator. The reason that food and drink was treated differently related to issues of town centre management and to the desire on the part of planners not to allow the break-up of retail frontage in a high street. The argument for this is economic, but the validity of the economic context has been questioned by the authors in previous research.³⁸

**The ‘blurring’ of
leisure and retail uses**

Increasingly, it is questioned whether the current system of UCOs is appropriate, given the ‘blurring’ between uses (such as mixed shopping and leisure developments). Additionally, taking a wider perspective, many leisure uses have another burden of required consents imposed in connection with the sale of alcohol, which adds to the complexity of carrying out leisure developments — so the question becomes whether the control given by the UCO is over-complex and bureaucratic given the other requirements.

**Is the order still
appropriate?**

The research reported in this paper³⁹ debates the currency and appropriateness of the UCO in so far as it deals with leisure properties. It was last updated in 1987, primarily to take account of the new ‘hybrid’ business/manufacturing developments and the growth of retailing warehouses. The DETR, although recognising that ‘there were some radical changes in leisure developments during the 1990s’,⁴⁰ did not recommend any wholesale alteration.

The stance taken in this paper is that leisure is a rapidly changing area of economic and social life. As such it provides a good ‘litmus test’ against which to test the current planning system for robustness, responsiveness and wide acceptability. Before detailing the project that was undertaken, a brief outline of the support for this contention is given.

THE GROWTH IN LEISURE

**Leisure: The largest
item in the weekly
shop**

The leisure industry⁴¹ is a rapidly growing sector of most European economies.⁴² Within the UK, it is now the single largest item in household weekly expenditure⁴³ and in the view of Cox⁴⁴ the official figures may be understated.

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 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.^{44,45}

These changes in society have long been recognised; indeed, it is nearly half a century since Galbraith⁴⁷ 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

Beyond a 'service' culture

services ... is bringing about the need for new and more work based on experiences and transformations'.⁴⁸ The notion that they put forward is that developed economies have moved *beyond* a service culture. Under Gilmore and Pine's analysis, the prediction is that the shift is to 'value added', based upon a 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.

There has been rapid development in both the quantity and range of commercial leisure developments.⁴⁹ Morley and Evans⁵⁰ argue that this growth in private sector provision relates primarily to:

- growth in economic expenditure
- political policies
- socio-economic changes
- technology.

Leisure: A conduit for social policy

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.^{51,52} 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.⁵³

Over time there has been a 'merging' between the public and private sector provisions of leisure,⁵⁴ with public provision becoming more business oriented and private sector provision often being integrated within total town-centre schemes. The pressures in land-use terms presented by leisure however, 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'.⁵⁵

Leisure demands a flexible planning structure

Leisure therefore places a particular requirement on planning systems, and hence it is concluded that 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.

THE LEISURE PROPERTY FORUM 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.⁵⁶⁻⁵⁸ 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 only one part of the system, namely the UCO 1987. The purpose of the research was to clarify

current attitudes towards the present system of those with an interest in, and knowledge of, planning for leisure. In particular, it sought views about:

The LPF project

- the new leisure sector — does it exist and is there a consensus view as to what are leisure properties?
- whether the sector is regulated appropriately by the UCO or does this need change and if so how?
- whether the concept of the UCO is outdated, given the flexibility that occupiers' needs and the rapid changes taking place in society, and if so what, if anything, should replace it?

A questionnaire survey

Methodology

The research has taken the form of a questionnaire survey conducted in April 2001 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. A total of some 500 questionnaires were sent to members of the LPF, planners (working in both the public and private sectors), property advisers, 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, means that it is not possible to be precise as to the number of people who had the opportunity to respond.

The findings taken from the first 70 completed returns were reported to ERES 2001.⁵⁹ The analysis below relates to the final tally of 111 responses. While accepting that some people had the opportunity to reply over the Web (and indeed a few did), based on the mailing the response rate is in the region of 20 per cent.

Aiming to gather views on the UCO

The questionnaire

The aim of the questionnaire was to elicit views on whether the current UCO as far it relates to leisure uses is working appropriately, or is in need of reform. It also sought wider views as to leisure land-use planning and the position regarding licensing regulations. The survey had a bias towards commercial developments. This was deliberate, given that the recent conflicts between leisure developments and the planning system have been primarily in connection with commercial schemes.⁶⁰

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.^{61,62} Without some reassurance for the research team that respondents had some

From definitions to the effectiveness of the current system

common understanding as to the nature of leisure, the results would be unreliable.

Part 2 explored the UCO 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 took the respondent away from the *specific* enquiry as to the detail of effectiveness to the *generalised* and sought views as to 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.

KEY FINDINGS

Nature of respondents

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 per cent of the total respondents to date. Architects and developers represent some 12 per cent, with surveyors and consultants making up some 30 per cent. The remaining 8 per cent comprise lawyers and those who chose not to identify their profession or occupation. The responses, therefore, do represent a slight bias towards the planning perspective. All responses have been analysed by type of respondent in order to determine whether or not the employment sector and professional allegiance was a determining factor in forming views. In many cases this was found not to be the case, but where significant differences in responses between groups of respondents occurred these are highlighted.

A definition of leisure

The definition of leisure has always been a contentious academic issue.⁶³ Table 1 sets out 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. The boundaries between retail and leisure are regarded as 'particularly subtle'⁶⁴ and, with the growth of the 24-hour city culture and the numbers of mixed-use developments, increasingly blurred.

Leisure definition: A contentious issue

Leisure is not work

Generally 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.

Some retail is leisure

In terms of the distinction between retail and leisure, which is regarded as critical to the debate, there is a measure of agreement that comparative shopping can be regarded as a leisure activity.

Table 1: Definitions of leisure, by percentage response

Statement	Agree strongly	Agree	Disagree	Disagree strongly	Do not know
Leisure is the opposite of work	16	50	26	2	6
Leisure can be a paid activity	12	70	8	3	7
Food shopping is not leisure	25	49	19	4	3
Comparative shopping can be leisure	12	68	13	4	3
DIY shopping can be leisure	5	65	23	5	2
Active amateur sport is leisure	54	43	1	0	2
Watching sport outside the home is leisure	51	47	1	0	1
Educational activity can be leisure	17	70	10	1	2
Eating and drinking outside the home is leisure	40	54	3	0	3
Tourism is a leisure activity	53	43	1	0	3
Cultural activity is leisure	46	50	0	0	4

Eating and drinking are important leisure activities

with 80 per cent agreeing or strongly agreeing with the suggestion. Indeed, the numbers who regarded comparative shopping as leisure were not far short of the overwhelming numbers who so classify eating and drinking outside the home (94 per cent). Not everyone considers shopping to be leisure however, with 17 per cent disagreeing that comparative shopping is leisure and 28 per cent disagreeing that DIY shopping can be regarded a leisure activity. Most people do not regard food shopping as leisure — but as many as 23 per cent do.

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

Analysis as between respondent groups did not reveal any significant differences in view.

Divergent views point to difficulties in developing uniform leisure policies

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 between respondents 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.

Defining leisure properties

The 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 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 properties. 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 property types listed

Respondents say eating is leisure — but in planning terms it is not

Table 2: Properties widely considered to be leisure properties

Property type	Percentage considering it to be leisure
Health and fitness	99
Cinemas	98
Cafes and restaurants	97
Sports stadia	96
Pubs and bars	93
Museums and art galleries	91

seven scored very highly (over 90 per cent of respondents). These are shown in Table 2.

This result is particularly relevant given that currently the UCO classifies cafes, restaurants, bars and pubs as a subset of retail property — not leisure. These results tie in closely with the results from the first section of the questionnaire.

Analysis between respondents (Figure 1) shows that, despite the high level of agreement, there were some differences between respondents, with planners less likely to view cafes and restaurants as leisure — possibly due to their familiarity with the UCO!

Other uses that had a simple majority considering them to be leisure included are set out in Table 3.

Analysis of respondents (Figure 2) shows that again it is within the ‘blurred’ area of food and drink that the least consensus between groups is apparent, with architects and developers being out of step with the other respondents. In contrast, planners are less likely to consider hotels to be leisure — and this again, it could be argued, ties in with implicit acceptance of the UCO.

Types of leisure properties ...

Figure 1: Properties widely considered to be leisure properties

Table 3: Properties generally considered to be leisure properties

Property type	Percentage considering it to be leisure
Theatres/concert halls	89
Hotels	83
Historic houses and gardens	82
Internet cafes	72

... from theatres to internet cafés

Figure 2: Properties generally considered to be leisure properties

Table 4: Properties generally not considered to be leisure properties

Property type	Percentage considering it to be leisure
Aparthotels	42
Shopping malls	36
E-villages	35
Factory outlet shopping	34
Places of worship	21
Adult education facilities	20
Conference centres	15

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

Retailing: Leisure or not?

The findings point to an almost schizophrenic view on retailing activity. Any retailing involving food and drink is generally 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

Figure 3: Properties generally not considered to be leisure

Defining leisure: A complex issue

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 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 was also in this area that the greatest disagreement between respondent groups was evident with architects and developers generally being far more likely to classify the suggested property types as leisure. For example, 90 per cent of them regarded e-villages and aparthotels to be leisure property, in contrast to the planners whose responses to these property types were 12 per cent and 30 per cent respectively. It also highlights that the views of professionals as to what constitutes leisure properties appear to be at odds with the established planning distinctions, in which food and drink are viewed as a subset of retail — not as leisure.

Assuring a responsive system

The UCO and leisure property

This section of the survey sought to establish what amendments were considered appropriate to the current planning UCO as it relates to leisure property to assure better the aim of responsiveness.

The results shown differentiated between respondent groups for two questions where it was considered that the responses were significantly at variance (Figures 4 and 5). In other questions the responses were similar between respondent groups.

Table 5: Views on the appropriateness of the current UCO in relation to leisure property (by percentage of respondents)

Suggested change	Yes definitely	Yes maybe	No	No definitely	Do not know/no response
Should there be a single leisure class covering all types of leisure outside the home?	6	21	34	35	4
Are bars and restaurants appropriately classified separately from retail and thus requiring specific consent for change of use?	57	29	9	4	1
Should shops and restaurants be considered within the same use class (ie free interchange between use allowed without the need for consent)?	9	18	35	38	0
Within leisure should there be a separate urban entertainment use class to cover food, drink, cinemas, clubs etc?	14	35	32	15	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 'mega-bars')?	8	36	33	21	2
Should museums, galleries and libraries be in the same use class as commercial leisure uses such as cinemas and bingo halls?	5	23	46	24	2
Should theatres be classified with cinemas and other leisure uses?	32	54	8	5	1
Should there be a distinction between uses appropriate for a town centre and uses elsewhere?	29	41	8	11	11
Should sporting activities be in the same use class as other leisure uses?	8	29	42	20	1
Should there be a distinction in the planning use classes between indoor and outdoor activities?	22	41	24	12	1

Sub-classifying leisure

Cultural v commercial

Figure 4: Should museums, galleries and libraries be in the same use class as commercial leisure uses such as cinemas and bingo halls?

Indoor v outdoor activity

Figure 5: Should there be a distinction in the planning use classes between indoor and outdoor activities?

No to a single leisure class

The results in this section imply that amendments to the present UCO are necessary, with some strong messages coming through.

There was little support for a single leisure use class, with only 27 per cent supporting the change. This is consistent with the view that leisure is multifaceted and difficult to define.

The results in respect of food and drink are interesting. The overwhelming view is that a differentiation *should* occur between retail and 'food and drink'. This might indicate that the current A3 position is perhaps insufficient distinction. On the results there could be a case for distinguishing food and drink from the A class into a new leisure class — possibly combined with other 'urban

Size is a material factor

entertainment' uses. This view is further supported by almost half of the respondents (49 per cent).

Staying with the food, drink and urban entertainment arena, there was also some support for change to ensure that *size* of development for food and drink units is material — but there were also many who would resist this, so no clear view emerged! The survey also found support (86 per cent) for the view that theatres and cinemas should be in the same use class. This would reinforce the notion of a class associated with urban entertainment.

Separating the commercial and social provision

Research⁶⁵ has 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, while lying within publicly sector portfolio are many properties which display such high visitor attraction appeal 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. The majority view (70 per cent) 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.

However, as between respondents, this view was dominated by planners with architects and developers far more likely to wish to see change (Figure 4).

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.⁶⁶ The survey demonstrates that this is a shared vision. A total of 69 per cent 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 UCO does not make this distinction.

A wish to separate sport from entertainment

Leisure, of course, embraces far more than just entertainment. Sport is a major leisure pursuit — and something that the respondents considered was separate from other types of leisure. Only 37 per cent 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 indoor and outdoor activities, with 61 per cent supporting this sentiment. It should be noted that the size of this majority is not large however, and the split between respondents shows that the planners take a stronger line than do the architects and developers, the majority of whom would disagree.

What of multi-use facilities?

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). If the distinction between sport and entertainment venues and between indoor and outdoor facilities is retained, it will continue to make

the development of flexible stadia, for example, problematic. The split in views, almost along private/public sector lines, in the responses is perhaps an indication, as with e-villages and aparthotels, that developers are more in 'tune' with new-style developments whereas planners are more likely to support a '*status quo*' approach.

The Use Class Order: Positive or negative?

The survey asked a number of questions relating to the positive effect of the UCO on town centres and in terms of its operation generally. Perhaps not surprisingly the numbers of 'do not knows' and 'no responses' were higher in this section of the questionnaire as the matters dealt with were abstract.

The responses are summarised in Tables 6 and 7. Again, analysis as between respondent groups was carried out and selected responses are shown in Figures 6 and 7.

The results show that the UCO is viewed as having many positive qualities. Over 70 per cent of respondents think that it adds to the quality of life, albeit only a little. It is also regarded as adding to the vitality of a town centre and encouraging an appropriate mix of uses. Perhaps surprisingly, given the calls for change, many respondents were prepared to say that it was flexible and easily understood.

The analysis as between respondent groups showed differing views, and, throughout, the planners were much more positive than other respondents.

The results regarding financial and investment measures produced less favourable responses and suggest that the UCO is not supporting the government's objectives in enhancing investment values. The survey then explored possible negative effects of the UCO.

The key message here undoubtedly is that it is regarded as out of date and inflexible (80 per cent of respondents), and 73 per cent find it stultifying. Almost two-thirds of respondents find it confusing and reactive, and no question elicited a less than 50 per cent response.

Analysis as between respondents showed, perhaps not

Does the UCO aid town centre vitality?

UCO: A flexible tool?

Respondents think it inflexible

Table 6: The positive effects of the UCO analysed by percentage of respondents

The UCO has the positive effect of...	Yes a lot	Yes a little	No effect	Do not know
... improving the quality of life for people, especially town and city dwellers	12	60	21	7
... helping to maintain a vital, lively town centre for those who live, work and shop there	15	51	31	3
... help maintain a vital, lively town centre for those who seek leisure there	9	47	42	2
... encouraging an appropriate mix of uses within an urban settlement	9	57	32	2
... assisting in making towns and cities more sustainable	7	50	40	3
... increasing local revenue to local authorities and traders	5	28	43	24
... assisting in the maintenance of investment values	8	35	33	24
... proving a flexible and easily understood tool of control	9	52	34	5

UCO helps towards
creating a lively
centre ...

Figure 6: In your opinion, does the current system of UCO have the positive effect of helping to maintain a vital, lively town centre for those who live, work and shop there?

... and aids the
cause of sustainability
...

Figure 7: In your opinion, does the current system of UCO have the positive effect of assisting in making towns and cities more sustainable?

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	Do not know
... stultifying the ability of occupiers to react to changes	20	53	21	6
... failing to deal with congestion issues	20	31	40	9
... creating a situation of confusion between uses	25	42	27	6
... failing to prevent conflict between uses?	14	45	32	9
... being out of date and inflexible	24	56	18	2
... adding an extra tier of bureaucracy	15	38	41	6
... being reactive, not proactive, in creating more sustainable towns and cities	19	49	28	4
... preventing the maximisation of value and profit	15	42	27	16

... but it can stultify
change ...

... and it is out of date ...

Figure 8: Does the UCO have the negative effect of being out of date and inflexible?

... and bureaucratic

Figure 9: Does the UCO system have the negative effect of adding an extra tier of bureaucracy?

surprisingly, that the planners were less negative than the private sector developers, architects and consultants (Figures 8 and 9).

As with the results from the positive effects of the UCO, 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, overwhelmingly, it is considered to be out of date. However, the number of positive responses would suggest that it is not just the planners who might support its continued existence.

Support to keep the UCO

Wider planning issues

The final section of the questionnaire sought opinions on the present structure of statutory controls. It aimed to find the level of support for revising the current system in a more radical way than

Table 8: Suggested reform to combine leisure land-use planning and licensing laws analysed by percentage of respondents

Suggested change	Yes, a strong case	Yes, a weak case	No case at all	Do not know
In your opinion, is there a case for combining planning and licensing under one leisure authority	30	26	32	12

A case to combine planning a licensing

simply changing the UCO. Among the suggestions put forward were the abolition of the UCO, and the combining of planning and licensing under one authority. The alternative of a more rigid system was also postulated. The results are shown in Tables 8–10.

The idea of combining planning and licensing to simplify systems met with a fair level of support 56 per cent 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 per cent say there is no case at all for such an initiative. Analysis as between respondent groups (Figure 10) found less support and greater uncertainty among planners than other respondents, with nearly half of the consultants strongly favouring the idea!

The support for the UCO which was implicit in the qualitative section was carried through here, with over 50 per cent of respondents thinking that there was no case for its abolition — although almost as many (46 per cent) thought there was at least *some* case to answer. However, reform is clearly called for and the strength of opinion lay in strengthening it and more closely defining the Order. Although the private sector were less convinced, the majority would still support such a move (Figure 11).

The idea of abolishing the UCO and replacing it with a more fluid development plan was favoured by over 60 per cent of respondents, notably those in the private sector, although there was

Reform is called for

Some favour more fluid development plans ...

Figure 10: In your opinion, is there a case for combining planning and licensing under one leisure authority?

... but others wish to see the UCO strengthened

Figure 11: Should planning strengthen the UCO and redefine it more closely?

Table 9: Suggested reforms to the development plan system analysed by percentage of respondents

Would the aims of planning be better served by the abolition of UCO and greater reliance on ...	Yes, a strong case	Yes, a weak case	No case at all	Do not know
.. the development plan system and zoning?	14	32	51	3
.. deemed consents?	7	31	47	15
... a more fluid development plan?	27	34	33	6

Table 10: Suggested reform to the UCO system analysed by percentage of respondents

Question	Yes, a strong case	Yes, a weak case	No case at all	Do not know
Should planning strengthen the UCO and redefine it more closely?	31	49	15	5

some support from planners as well. Given that the clear majority want a *strengthening* of the order, this response is rather contradictory. The only interpretation, without further investigation, is that a call for action — whatever that may be — is issued.

SUMMARY OF KEY ISSUES FROM THE SURVEY

Some key messages emerge. Chief among them is that reform of the UCO is required if the objectives of planning are to be met. While the planners are less dissatisfied with the *status quo* they nevertheless see shortcomings in the system. Other key findings are:

UCO is due for change

- the concept of a UCO is still deemed to have merit — but it is overdue for revision
- the UCO is regarded as out of date and inflexible — many respondents, especially planners, would like to see it strengthened, but others are less sure
- 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
- there is some support to increasing the flexibility in the development plan system better to accommodate fast-moving land-use changes
- architects and developers are more likely to recognise the changes in land-use patterns than planners, and they support more radical change
- leisure continues to be a difficult concept to define, so this will continue to be an issue in devising appropriate land-use policies
- it would be inappropriate to have a single leisure land use; it is too multifaceted for that

Leisure and retail should be separated

A case for a new urban entertainment class

- there is a general acceptance that leisure is separate from retail as a core activity and that planning must recognise this
- there appears to be a case for the establishment of a new urban entertainment use class and a clear 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.

REFLECTIONS AND CONCLUSIONS

This paper set out to examine whether changes are required to one particular planning instrument (the UCO 1987) by reporting on a research project which investigated professional opinion. The research was related to the leisure sector, which, it was argued, provided a good 'litmus test' due to the rapid changes that the sector has undergone in recent years.

The rise of corporate power

A consideration of the role of planning highlighted that currently there are many pressures on the democratic system. One pressure is the rise of corporate power, and Handy makes the argument that the supranational company 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'.⁶⁷ If corporate power is this strong, the planning system needs to be robust to ensure that it does not succumb to corruption. Yet this is

Planning: Under undue influence?

the risk which Monbiot⁶⁸ argues already exists. In his view 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 process.⁶⁹

The growth of global markets is resulting in declining interest in the *process* of government⁷⁰ and a general lack of interest in the democratic process. In the light of this it becomes increasingly important that planning instruments, which are embodiments of government policy, are widely accepted and respected. If not, planning is in danger of losing its legitimacy.

The supranational framework

The role of planning at the local level is also placed under pressure by the increase in the strength of the supranational legislative framework that can make local systems increasingly burdened and lead to charges of bureaucracy.

It is acknowledged that planning must provide a stable framework. Constant change is not likely to aid the government's ambitions for sustainable development, yet at the same time land use is a dynamic concern. If society's needs are to be met the legal and administrative frameworks must be sufficiently flexible to accommodate changing lifestyles. If they are not, the systems will fall into disrepute.

Planning and the need to accommodate sustainability

The quest for sustainability is leading to the needs of all 'stakeholders' to be recognised, and this is built into supranational spatial planning.⁷¹ The connection between the 'triple bottom line' ambition of sustainability and the need to plan sustainable cities has been strongly argued.⁷² Within the UK, the 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'.⁷³ 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. It is important that the planning instruments recognise this.

Taking Blowers and Evans' argument,⁷⁴ the role of planning is central to ensuring the achievement of 'alternative, more sustainable and socially more equal ways of living in our environment'. If this thesis is accepted then the need for 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.

The role of planning revisited

At the beginning of this paper three criteria to ensure the acceptability of planning measures were suggested.⁷⁵ Planning systems 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*.⁷⁶

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- *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*⁷⁶

— *responsive* and *flexible*, sufficient to accommodate the changing social and economic context.

Leisure: A particular case study

Leisure was chosen as a suitable case study against which to test the criteria, given that the leisure industry⁷⁷ is a rapidly growing sector of most European economies.⁷⁸ The very nature of leisure is that it is fast moving and hard to capture within standard definitions. This characteristic was recognised in the findings of the research, as there was some level of disagreement even among professionals working in the field as to the definition of leisure and as to what does, or does not, constitute leisure property. Of particular note was the difference in views between planners and architects and developers in relation to some types of property — with a much greater propensity among the development community to recognise new types of building use, such as aparthotels.

Leisure therefore places a particular requirement on the planning system to be flexible.

The LPF research project did not address the whole planning system, or indeed the whole planning position for leisure. Instead it focused only on the UCO, as this was identified as the instrument that was most flexible and easy to change.

UCO: A robust tool, worthy of retention ...

In terms of *robustness*, the UCO met with general acceptability and, although a significant number of respondents would consider that some case exists for its abolition, there was a greater strength of opinion that it should be reformed and kept. The respondents were not uncritical of the UCO. Although a majority did consider that it had a small effect on improving the quality of town centres, the negative views were stronger and it is regarded as out of date and stultifying to occupiers.

... but in need of reform

Analysing the responses between the respondent groups found less criticism among the planning community than among architects, developers and consultants. This was not unexpected — but the often similar views recorded add weight to the argument that it is generally accepted, and in this way it does meet the test of acceptability. This in turn protects it from the possibility of corruption and undue influence.

The contention was that planning systems should support government policy of moving towards *greater sustainability*. This was tested in the third part of the questionnaire. In compiling the questions it was anticipated that this section would present respondents with most difficulty in interpretation, and as expected the level of no response and do not know was higher here than for the rest of the questionnaire. Notwithstanding, the quality of life indicators, such as vitality of town centres and encouragement of mixed uses, met with overall levels of positive response above 50 per cent — albeit that very few thought the UCO led to high levels of contribution. It was noted that the level of enthusiasm for the positive effects of the UCO was higher among planners than other professionals.

**UCO stultifies
business**

For sustainability to be achieved, however, economic well-being is also important. Respondents were not able to see the link between the UCO and indicators of wealth creation. Further, the findings point to a majority suggesting that the UCO as currently formulated leads to a negative effect in terms of profit and value maximisation. This leads to the suggestion that compatibility with the ambition of sustainability is only partially achieved.

The last test postulated was responsiveness and flexibility. In this the system is clearly lacking, with the overwhelming majority of respondents considering the UCO to be both out of date and failing to achieve 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.

**Suggested reforms to
the UCO**

The survey points to a number of changes that might improve the current position. Notable among 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. Another suggestion also met with some support — to simplify and make more streamlined the development plan system so that this can better satisfy the fundamental requirements of the system.

In conclusion, there is no doubt that the system has not proved flexible enough to meet the requirements of the stakeholders consulted; nor does it fully promote 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, but, despite tensions, there are signs of general acceptability and this gives rise to legitimacy.

**Leisure can be a
positive force in the
quest for sustainable
cities**

Monbiot argues that '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'.⁷⁹ However, the findings of this research are that the underlying system is acceptable, if in need of tightening and overhaul. It is hoped that the government will act, as there is no doubt that leisure has an important role to play in the formation of towns and cities, and as Walker⁸⁰ argues, it is uniquely placed to assist in the regeneration process and the quest for sustainable cities.

APPENDIX: A SUMMARY OF THE USE CLASSES ORDER (UCO), 1987

The Use Classes Order, 1987 prescribes 16 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

(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

Class 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 launderette
- premises for the sale of fuel for motor vehicles
- a taxi business or vehicle hire
- a scrapyard.

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