

FOR INFORMATION

AGENDA NO.

**PLANNING COMMITTEE
21st FEBRUARY 2007**

**REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.**

**Draft Supplementary Planning Guidance Note
Smoking shelters and other features for licensed premises**

Summary

The government is planning to introduce statutory provisions banning smoking in wholly and substantially enclosed workplaces. The intention behind these new statutory provisions is to protect workers from the harmful effects of passive smoke. In Scotland a complete ban on smoking for all enclosed workplaces came into effect in March 2006.

Evidence from Scotland and Ireland shows that many licensed premises will seek to provide areas for smokers through the provision of features such as smoking shelters or canopies or through the creation of other covered outside areas (usually with a roof but no walls to comply with the legislation).

The purpose of this note is to provide guidance to those considering ways of providing facilities for smokers whilst also complying with the new legislation. It should be noted that these guidelines are solely to provide guidance in so far as it relates to the need or otherwise for planning permission and the factors to be taken into account in deciding whether or not to grant such permission. It does not provide guidance on the proposed legislation itself.

Recommendation:

That the content of the report be noted

From 1 July 2007 all enclosed public places in England will be smoke free including pubs, nightclubs, cafes, cinemas, offices, work vehicles and factories. The total ban on smoking will extend to all enclosed areas. The only exceptions will be private homes and places that are "home like" such as care institutions, army barracks, hotel bedrooms and prisons. Smoking outdoors in gardens, parks and on the street will still be permitted. Neither employees nor members of the public will be able to smoke in public places.

Smoking shelters

Planning permission will be required for all smoking shelters. The visual impact of the proposal will be carefully considered, particularly where it is on or adjacent to any

listed building or other area of special architectural or historic character. In all cases, proposed smoking shelters should be of a good design and materials.

The potential impact of noise will also be carefully considered and the Council will seek to ensure that the proposal will not result in noise nuisance to any nearby noise sensitive premises such as residential accommodation.

Awnings and Canopies

The fixing of canopies and awnings to a property will almost always have a material effect on its external appearance and as such will require planning permission. Both the visual effect of the canopy or awning and its effect from possible noise and disturbance will be taken into account when determining planning applications. Awnings and canopies bearing advertisements may also require a separate application for advertisement consent.

Beer gardens

The use of land for a beer garden or drinking terrace/patio may not always require planning permission, particularly if it is within the curtilage of the premises. However, permission will be required for any physical works including for example the erection of smoking shelters, patio heaters, umbrellas, decking and so on. Where permission is required, either for the use of the land or for any physical structures, the Council will consider carefully the possible impact on noise sensitive premises. The Council will also consider the visual impact of any proposal. The Council will have particular regard to the visual impact in relation to listed buildings and conservation areas.

Pavement and Forecourt Tables

The use of a forecourt by a public house or similar establishment for the siting of tables and other non-fixed structures will not usually amount to development requiring planning permission. However, where such structures are to be placed on the public highway, then planning permission will be required.

Procedures for submitting and determining applications

Applications for planning permission should be submitted on the appropriate forms and be accompanied by full drawing, elevations and specifications. Applications should also include information specifying any hours of operations the shelter, canopy, beer garden or other area is to be used.

Stockton has a web-based system, which enables any applicant or agent to submit their planning and building regulation applications electronically at any time of day or night. It also enables applicants and agents to have access to part of the system that can hold the details of their submission until they are ready to submit the application. The system can be accessed via the link: -

<http://www.developmentcontrol.stockton.gov.uk/publicaccess/>

A comprehensive guide on how to use the system can be accessed via the “Help” Link on the left hand side of the “front page of the web site.

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Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

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Ward and Ward Councillors

All