



## SMOKEFREE ENGLAND - THE HEALTH ACT 2006 & PLANNING PERMISSION FOR SMOKING SHELTERS

### **Is Planning Permission Required?**

Planning permission is likely to be required for any form of extension to commercial premises (such as a covered way or awning) or for any freestanding building/structure to provide shelter for smokers.

Planning permission will not normally be required for outdoor features which are not permanently affixed to the ground such as tables, chairs, umbrellas, mobile patio heaters and barriers or low fences that are moved indoors each time the premises are closed (i.e. on an existing forecourt or patio area). But planning permission will be required if this involves expansion of an existing business use onto land where planning permission does not already exist for this particular use.

In the case of Listed Buildings consent may also be required for cigarette butt waste bins either affixed to the outside of commercial premises or when freestanding and located within the grounds of the building.

### **Will Planning Permission be Granted?**

The following is a list of those factors often taken into consideration when the Council determine planning applications for development such as the provision of smoking shelters:

- The impact of the shelter on visual amenity. Will the shelter appear as an appropriate feature if affixed to an existing building?
- Will materials match the materials of the main building?
- Is the structure of an appropriate size and scale compared with the main building?
- If the structure is freestanding is it in-keeping with the style and appearance of surrounding buildings?
- Is the shelter in a prominent position at the front of the premises or is it hidden from public view?
- Can any person with a disability fully use the shelter?
- Does the proposal impact adversely on a neighbour's amenity – will it cause overlooking and therefore loss of privacy (including neighbours gardens) and will the facility lead to an increase in noise and disturbance for neighbours?
- Will the shelter obstruct vehicle or pedestrian movement, including any obstructions of the public highway or a right of way?



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## **Conservation Areas and Listed Buildings**

Additional regulations apply in the case of premises located in a Conservation Area or which are designated as a Listed Building. In such cases you are advised to contact the Council's Development Services Department at the earliest possible stage and make a pre-application enquiry (see below). You can find out if you are in a Conservation Area or if your premises is designated as a Listed Building by calling 01274 434605.

## **Patios and Decking**

At commercial premises new patio areas or raised decking areas may well require planning permission. Permission will **usually be required** where this provides new areas for public use (e.g. an increase in the amount of space available for customers at a public house, club, restaurant or other licensed premises).

## **Signage**

New **external signage** to direct customers to smoking shelters or signs displayed to comply with the new regulations may require formal Advertisement Consent. This is particularly sensitive if the building concerned is in a Conservation Area or is a Listed Building. You are advised to contact the Council's Development Services Department in advance of erecting signs. **Signs within a building** will not normally require consent under planning regulations.

## **Getting Further Advice**

The Development Services Department can provide informal pre-application advice on the likelihood of gaining Planning Permission, Listed Building Consent or Advertisement Consent for any proposal for a smoking shelter or advertisement.

In all cases it is advisable that a pre-application enquiry is made at the early stages. The Council provide this service free of charge. A form, which should be completed as part of this process, can be obtained by calling 01274 434605. You can also complete this form on-line at the Council's Planning website:

[www.bradford.gov.uk/environment/land\\_and\\_premises/planning/](http://www.bradford.gov.uk/environment/land_and_premises/planning/)

It will be necessary to submit sketch drawings clearly showing the proposal with full details of the size and position of the structure and the proposed materials.

Please note: The Council do not accept telephone enquiries concerning pre-application advice or the need for planning permission.

**This Advice Note relates only to Planning considerations. You may also require permission under the Building Regulations and separate approval from the Highways Department may also be necessary if your proposal affects a right of way or a highway including any use of a pavement.**