



BRACKNELL FOREST BOROUGH COUNCIL

SMOKEFREE - PLANNING GUIDANCE

The Smokefree legislation of the Heath Act 2006 came into force in England on Sunday 1st July 2007. These are statutory provisions banning smoking in wholly and substantially enclosed workplaces including public houses and restaurants. The intention is to protect workers from the harmful effects of passive smoke.

The purpose of this note is to provide guidance to those considering ways of providing facilities for smokers whilst complying with smoke free 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.

The Need for Planning Permission

Planning permission will normally **be required** for the following operations and uses:

- permanent external smoking shelter structures - whether freestanding or attached to existing buildings
- awnings / canopies / blinds attached to buildings - will almost always have a material effect on the external appearance of a building
- pavement and forecourt tables and chairs sited on the public highway or a private forecourt
- use of any land as a beer garden or yard, where the land does not form part of the business premises
- construction of timber decking
- stub-out bins on the front of premises

Planning permission will normally **not be required** for the following operations and uses:

- portable freestanding awnings / canopies and space heaters
- the use of beer gardens and yards, where these are ancillary to the main pub / restaurant use and are lawfully part of the existing business

Where there is any doubt about the need for planning permission or building regulations approval you should check with the Council's Planning & Building Control Section before proceeding.

Material Planning Considerations

Bracknell Forest Borough Local Plan

All planning decisions are based on planning policies as set out in the Bracknell Forest Borough Local Plan 1991 – 2006, available on the Council's website: - <http://www.bracknell-forest.gov.uk> .

Tables and Chairs - If you wish to place tables and chairs on the highway (which includes pavements) you will require a licence from the Council.

Using existing gardens/yards - Planning permission is not normally required to use private gardens and yards ancillary to a licenced premises, providing they are lawfully part of the existing business and were not previously used or shared by other businesses/users. So for example, unless specifically conditioned when permission was originally given, pubs can permit customers to use existing beer gardens and yards to smoke without the need for planning permission.

If you intend to use somewhere nearby that is currently used for other purposes you are likely to need planning permission for the change of use of the land.

Shelters/Canopies/Blinds and Space Heaters - Some businesses may use portable free standing canopies and space heaters. These do not normally require planning permission but you should check with the planning department before proceeding.

The erection of permanent structures/shelters/blinds or space heaters that are, for example, fixed to the wall will normally require planning permission. Policies seek to ensure that any shelter does not result in a nuisance to adjoining occupiers because of the potential intensification of activity. We will also seek to ensure the design of the shelter or space heaters are sympathetic to their surroundings and fit in with the character and appearance of the area, especially if located within a conservation area or attached to a listed building.

Other alterations such as new patio doors will require planning permission.

Decking - Timber decking may require planning permission, depending on the location and nature of the work. Decking on the front of properties that are highly visible from public views is not likely to be acceptable for streetscape reasons.

Listed Buildings - If your building is Listed you are likely to require Listed Building Consent for any physical alterations to your building. Examples include fixing space heaters to fixed walls, opening up rear walls with large patio doors and attaching retractable blinds to the building.

Signage - New external signage to direct customers to smoking shelters may require formal Advertisement Consent. This is particularly sensitive if the building concerned is in a Conservation Area or is a Listed Building. The placing of boards on the public highway is unlikely to be viewed favourably as it can cause obstruction.

Building Regulations- The following structures are currently exempt from control under the Building Regulations:

- a small detached single storey building with an internal floor area of not more than 30m² which contains no sleeping accommodation, and is sited at least 1m from the site boundary or constructed substantially of non-combustible material
- a small detached single storey building with an internal floor area of not more than 15m²
- the extension of a building by the addition at ground level of:
 - a) a conservatory, porch, covered yard or covered way; or
 - b) a carport open on at least two sides;where the internal floor area of that extension does not exceed 30m², provided that in the case of a conservatory or porch which is wholly or partly glazed, the glazing satisfies the requirements of Part N (Glazing - safety in relation to impact, opening and cleaning) of the Building Regulations 2000.

Please remember planning can be very complicated and the content of this guidance material is only intended as a preliminary guide. Proposals may be put to the following address for informal comments prior to any commencement of works.

**Planning and Building Control Section
Backnell Forest Borough Council
Time Square
Market Street
Bracknell
Berkshire
RG12 1JD**

Alternatively the Duty Planner is available Mondays to Fridays from 9.30 a.m. to 11.30 a.m. and 2.30 p.m. to 3.30 p.m. to provide general planning advice, Tel.

01344 352000. Relevant planning application forms can be obtained and submitted online via the Bracknell Forest Borough Council's web site (<http://www.bracknell-forest.gov.uk>).