

## WEST DUNBARTONSHIRE COUNCIL

### Report by the Director of Development and Environmental Services Planning Committee: 7 December 2005

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**Subject: The Smoking, Health and Social Care (Scotland) Act 2005 –  
Proposals for Covered Outdoor Smoking Areas for Public  
Buildings, Workplaces and Private Clubs.**

#### **1.0 Purpose:**

- 1.1 To advise members of the intended approach with regard to the introduction of the smoking ban in public buildings and the determination of planning applications for outdoor smoking shelters/canopies.

#### **2.0 Background:**

- 2.1 On 26 March 2006 the law on smoking in Scotland will change. Smoking will no longer be allowed in the majority of enclosed public places, including workplaces. The law has been introduced to protect people from the harmful effects of passive smoking.
- 2.2 As a result the Council has in common with planning authorities across Scotland received a number of proposals for outdoor shelters/canopies to provide external accommodation for smokers that does not conflict with the above act.
- 2.3 It is considered that the introduction of these shelters will raise a number of planning issues; these are likely to be siting, design and potential impact on residential amenity, although other material considerations may arise during the examination of a proposal.

#### **3.0 Main Issues**

- 3.1 In considering planning proposals for covered smoking areas the proposals will need to be assessed in the same manner as any other proposal within the West Dunbartonshire area.
- 3.2 It is considered that there is sufficient provision within both the Dumbarton District Wide Local Plan and the Clydebank Local Plan to ensure that the provision of covered outdoor smoking areas does not impact on the amenity of the adjoining areas.

3.3 Such applications will be assessed on the basis of their design, siting and relationship to the original building. The proximity of the shelter/covered area to existing/proposed residential or noise sensitive developments or operations will also be relevant. In addition to these key points of assessment, any other site specific circumstances will be considered if they are material planning considerations.

3.4 All applications therefore will be considered within the existing scheme of delegation unless there is a significant level of objection.

**4.0 Recommendation:**

4.1 Members are asked to note the contents of the report.



**Dan Henderson**  
**Director of Development and Environmental Services**  
**Date:11/11/05**

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**Background Papers:** The Smoking, Health and Social Care (Scotland) Act 2005

**Wards Affected:** All

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