

North East Area Committee

-2nd October 2013

**Application Number:** 13/01803/FUL

**Decision Due by:** 16th September 2013

**Proposal:** Provision of 5 no. free-standing proprietary smoking shelters across the John Radcliffe Hospital site for use by patients and visitors. **Site location plan Appendix 1**

**Site Address:** John Radcliffe Hospital Headley Way Headington

**Ward:** Headington

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**Application Number:** 13/01806/FUL

**Decision Due by:** 16th September 2013

**Proposal:** Provision of 3 No. proprietary smoking shelters on the hospital site. **Site location plan Appendix 2**

**Site Address:** Churchill Hospital Old Road Headington

**Ward:** Churchill

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**Application Number:** 13/01807/FUL

**Decision Due by:** 16th September 2013

**Proposal:** Provision of 1 No. smoking shelter on hospital site. **Site location plan Appendix 3**

**Site Address:** Nuffield Orthopaedic Centre Windmill Road

**Ward:** Headington

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**Agent:** GBS Architects

**Applicant:** Oxford University Hospitals  
NHS Trust

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**Application Called in –** by Councillors – Pressel, Fry Kennedy and Van Nooijen for the following reasons – better uses for the space and they look ugly

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## **Recommendation:**

### **APPLICATIONS BE APPROVED**

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials as specified

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

**CP8** - Design Development to Relate to its Context

**CP10** - Siting Development to Meet Functional Needs

### **Core Strategy**

**CS18\_** - Urban design, town character, historic environment

### **West End Area Action Plan**

#### **Barton AAP – Submission Document**

### **Sites and Housing Plan**

**SP8\_** - Churchill Hospital & Ambulance Resource Cntr

**SP23\_** - John Radcliffe Hospital Site

**SP38\_** - Nuffield Orthopaedic Centre, Windmill Rd

## **Other Material Considerations:**

National Planning Policy Framework

## **Relevant Site History:**

The planning history for all three hospital sites is varied and extensive. There is no history specifically relevant to these proposals.

## **Representations Received and Statutory and Internal Consultees:**

John Radcliffe Hospital (13/01803/FUL)

- 43 Sandfield Road: lack of smoking shelter provision currently focuses smokers around main entrances and/or exports the nuisance of smoke and litter to the neighbouring streets. Shelters should go some way to addressing this problem and also give the hospital a focus for their no smoking initiatives.
- 39 Sandfield Road: in favour of the plan to erect more Smoking Shelters, however will make little difference unless the Hospital has some form of sanction against their Staff/Patients who refuse to use the shelters, Currently the Smokers have been driven from the Hospital grounds, down the stoney road to Sandfield Road (and the Recreation Ground) where, up to a dozen people can congregate on the pavement, littering the ground with cigarette butts.
- 70 Sandfield Road: The introduction of smoking shelters within the JR site will greatly alleviate the current inconvenience of patients, visitors & staff using neighbouring roads, pavements & front gardens as smoking areas & rubbish bins
- 43A Sandfield Road: I support much needed smoking shelters being built at the JR Hospital, essential that shelters be erected to accommodate STAFF as well as patients and visitors, Residents locally have to contend with the unpleasant cigarette smell and discarded cigarette butts when smokers retreat to the hospital boundaries. This is mainly staff so erecting shelters for patients and visitors only will not address the local residents problem. This has been going on since 2009 and despite a petition, and other letters being submitted to the hospital this problem has not been resolved.

The following comments relate to all three applications:

- NHS Oxfordshire Clinical Commissioning Group: object to the applications on the grounds that as an issue of principle the NHS should be smoke free. This is the clear current national aspiration. The health implications of providing shelters may adversely affect the wellbeing of patients and visitors. The impact of allowing smoking on the site will weaken the Health Improvement work that we are engaged in across the County, involving all District Councils. The law bans smoking in public buildings and there is a clear NHS aspiration to have non-smoking grounds. Guidance from the National Institute of Clinical

Excellence (NICE), currently in draft, shows that this is the direction of travel: the NHS wishes to be seen as smoke free. This is recognised in Government White Paper, Choosing Health DH (2006) stating that an 'ultimate standard is to have smoke free grounds as well as buildings'. Agreeing to the introduction of shelters will weaken the thrust of the Joint Health and Wellbeing Strategy which has specific targets for smoking cessation. The NHS will be seen as condoning smoking and appeasing smokers rather than putting all efforts into helping people to give up. The public expect to see health promoting leadership from the NHS, not action to make it more convenient for smokers to smoke on NHS land.

- County Hall (Director of Public Health for Oxfordshire): object to the applications on the grounds that as an issue of principle the NHS should be smoke free. This is the clear current national aspiration. The health implications of providing shelters may adversely affect the wellbeing of patients and visitors. The impact of allowing smoking on the site will weaken the Health Improvement work that we are engaged in across the County, involving all District Councils. The law bans smoking in public buildings and there is a clear NHS aspiration to have non-smoking grounds. Guidance from the National Institute of Clinical Excellence (NICE), currently in draft, shows that this is the direction of travel: the NHS wishes to be seen as smoke free. This is recognised in Government White Paper, Choosing Health DH (2006) stating that an 'ultimate standard is to have smoke free grounds as well as buildings'. Agreeing to the introduction of shelters will weaken the thrust of the Joint Health and Wellbeing Strategy which has specific targets for smoking cessation. The NHS will be seen as condoning smoking and appeasing smokers rather than putting all efforts into helping people to give up. The public expect to see health promoting leadership from the NHS, not action to make it more convenient for smokers to smoke on NHS land.
- Oxford Civic Society: size of shelters appear inadequate for proposed numbers esp. if these inc. wheelchair users, shelters should be screened from public view, locations should be demonstrated as suitable for the avoidance of smoke pollution and passive smoking impacts on non-smokers, no signage details are provided, opportunity should be taken for the display of health promotion messages in the shelters.

### **Issues:**

Design  
Residential Amenity  
Use of land  
Other

## **Officers Assessment:**

### **Site Description and Proposal**

#### John Radcliffe Hospital

1. It is proposed to erect 5 free standing smoking shelters around the site on existing paved areas close to the larger buildings on the site. See site location plan at Appendix 1 for locations.

#### Churchill Hospital

2. It is proposed to erect 3 free standing smoking shelters around the site on existing paved areas close to the larger buildings on the site. See site location plan at Appendix 2 for locations.

#### Nuffield Orthopaedic Centre

3. It is proposed to erect 1 free standing smoking shelter to the west of the main building. See site location plan at Appendix 3 for its location.

### **Assessment**

4. These three applications are included within the same committee report as the issues raised are nearly identical.

### **Design**

5. The design of the smoking shelters is the same for all three sites. They are a standard design that is compliant with relevant legislation on smoking in public places. They have a powder coated aluminium frame with a polycarbonate roof and sides and can accommodate up to 8 people.
6. The locations are the three hospital sites where there is no one overriding building form or style. The shelters are relatively small and occupy a small footprint compared to these surrounding buildings and will appear as subordinate forms of "street furniture" in the locality. The shelters will not, therefore, look out of character or context.
7. The smoking shelters are therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001 - 2016 in that they respect the character and appearance of the area and use materials of a quality appropriate to the nature of the development, the site and its surroundings and creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.

## Use of land

8. The locations of the shelters are considered appropriate. These locations have been selected for being convenient whilst not obstructive. The locations are not required for other new buildings but should these locations be required for further development proposals at the hospitals for improved healthcare, the shelters can easily be relocated compared to more permanent and larger structures.

## Residential Amenity

9. On all three sites the smoking shelters are well within the confines of the hospitals and therefore will not impact on any of the neighbouring properties. This will represent a significant improvement upon the existing situation. Representations on the application have emphasized the existing problems of staff leaving the hospital premises to smoke in small congregations close to residential properties resulting in large amounts of cigarette smoke flowing into those properties and large numbers of cigarette butts deposited in those areas.

## Other

10. Whilst officers could not agree more with the comments made regarding the health implications associated with smoking these are not a material planning consideration that allows for the applications to be refused. It is clear to officers from visiting all three sites that whilst the sites are supposed to be smoke free this is not the case and people continue to smoke regardless.
11. There is a considerable overlap between the planning and pollution control regimes. Air quality can be a material planning consideration but this is an issue that normally arises in cases concerning developments for or in close proximity to industrial and commercial premises, waste disposal plants, transport hubs and routes and facilities that generate high traffic levels.
12. In the case of a smoking shelter unless it would result in material harm to the health of occupiers adjoining the development, to deny permission on the grounds that it would enable smokers to continue to practice their harmful habit would be too paternalistic and overstep the proper bounds of the planning system.
13. A statement was issued at the end of July around smoking shelters where Mark Trumper, Director of Development and the Estate at Oxford University Hospitals NHS Trust (OUH) said:

*“We continue to discourage smoking on all of our hospital sites. However, we accept that it has not been practical or enforceable to prevent patients and visitors from smoking, therefore we have taken the decision to establish a limited number of smoking shelters for patients and visitors.”*

*We hope this will encourage people to consider the impact that smoking has on the wider public and to create a more appropriate environment around our entrance areas which is where we historically have had a significant problem.*

*The policy for staff will not change. Staff are prohibited from smoking anywhere on our hospital sites and any member of staff found smoking on site will be subject to internal disciplinary procedures.*

*We will continue to provide on-going smoking cessation support and advice for those patients and visitors who want to stop smoking.*

*Any patients admitted to the OUH are able to get support and Nicotine Replacement Therapy from the Stop Smoking Advisors on their ward and OUH staff are able to get support through the Occupational Health department.”*

### **Conclusion:**

#### 14. Approve subject to conditions

##### Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

##### Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

**Contact Officer:** Lisa Green

**Extension:** 2614

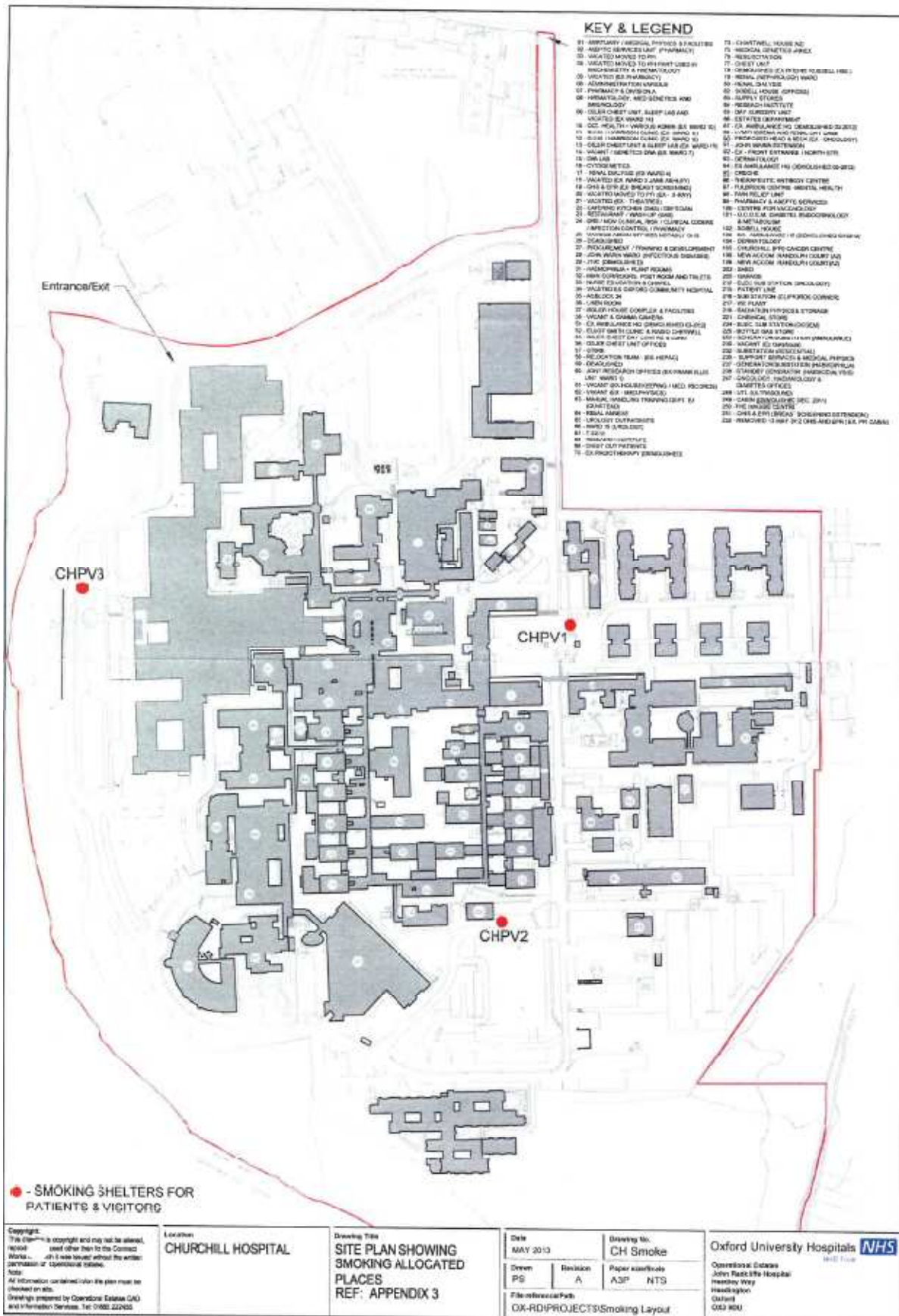
**Date:** 18th September 2013

# Appendix 1 John Radcliffe Hospital Headley Way





# Appendix 2 Churchill Hospital Old Road



# Appendix 3 Nuffield Orthopaedic Centre Windmill Road

