

Guidance on Smoking Shelters



Officers from the Council's Environmental Health Section have produced this guide to help businesses thinking about designing, building or using a smoking shelter outside their premises.

If you require advice on the interpretation and compliance with the Health Act 2006, and the associated regulations, that controls smoking in workplaces or public spaces you are recommended to consult with your own solicitor or professional adviser for legal advice.

If English is not your first language and you would like more information about this document, or if you require information in large print or braille or tape, please contact (01325) 388351.

اگر آپ کو یہ کتابچہ انگریزی کے علاوہ کسی دوسری زبان میں درکار ہو تو برائے مہربانی ٹیلیفون نمبر 01325 388351 پر فون کر کے سوال نمبر پتائیں۔

ਜੇ ਇਹ ਪਰਚਾ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਤੋਂ ਬਿਨਾਂ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਨੰਬਰ 01325 388351 'ਤੇ ਫੋਨ ਕਰੋ ਅਤੇ ਰੈਫਰੈਂਸ (ਹਵਾਲਾ) ਨੰਬਰ ਦੱਸੋ।

यदि आप यह प्रकाशन अंग्रेजी के अलावा अन्य भाषा में चाहते हैं तो कृपया संदर्भ नम्बर (रेफरन्स नम्बर) बताकर निम्नलिखित 01325 388351 पर संपर्क करें।

如果你需要其它语言的版本, 請與以下電話聯係並報出參考號碼: 01325 388351

यदि आपनार ईंग्लेज़ी छाड़ा अन्य कौन भाषाय एई प्रकाशनार दरकार থাকे, त्राहले 01325 388351 नयरे फोन करन एबं सूत्र नयरे उल्लेख करन।

إذا رغبتم الحصول على هذه النشرة بلغة أخرى غير اللغة الإنجليزية نرجو الاتصال بنا على رقم الهاتف التالي: 01325 388351 مع ذكر رقم الإشارة.

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Acknowledgements

Leicester City Council, Ellesmere Port & Neston Borough Council, Rushcliffe Council, Gateshead Council and the Planning Officers Society have allowed information published by them to be used in this document.

Pictures of different types of shelters / enclosures have been reproduced here from various commercial websites but this should not be taken as an endorsement of any particular type or make.

INTRODUCTION

Under the new Smokefree (Premises & Enforcement) Regulations 2006, nearly all public places and work places that are enclosed or substantially enclosed must be smoke-free from 1 July 2007.

“**enclosed**” means the premises have a ceiling or roof and, except for doors, windows and passageways, are wholly enclosed, either permanently or temporarily.

“**substantially enclosed**” means the premises have a ceiling or roof, but any openings in the walls have a total area **which is less than half of the area of the walls**, including other structures that serve the purpose of walls and constitute the perimeter of the premises. (No account can be taken of openings in which doors, windows or other fittings can be opened or shut)

The Council wishes to assist businesses to comply with the Smoke Free Legislation. This includes providing practical advice on the provision of areas and smoking shelters where staff or customers can smoke.

If you are considering providing a smoking shelter you should ensure it complies with building, health and safety, environmental and planning legislation. In addition, if the premises are licensed under the Licensing Act 2003 you should consider checking your licence for restrictions.

This document outlines the key principles set by the borough council when granting planning permission to businesses wishing to put up smoking shelters, plus building regulations, to assist design and management. Officers from the Council will happily discuss any plans before you submit them.

A list of contact names and numbers is included at the end of this guidance to help you.

Smoking is permitted where: -

- a) there is no roof; or
- b) there is a roof but more than half of the total wall area (including other structures, hedges etc) that makes up the perimeter is permanently open.

Assessment of Compliance

The 50% ‘open’ rule will be calculated based on the area of open spaces within the planned shelter, including all lattice and trellis work. Consideration will be paid to any future changes to the shelter such as plants that grow up any trellis, thus reducing the open spaces. All of the above should be considered for safety and compliance.

To comply with the spirit of the law it is recommended that any smoking area has sufficient air movement to prevent any person being exposed to second hand smoke.

For example

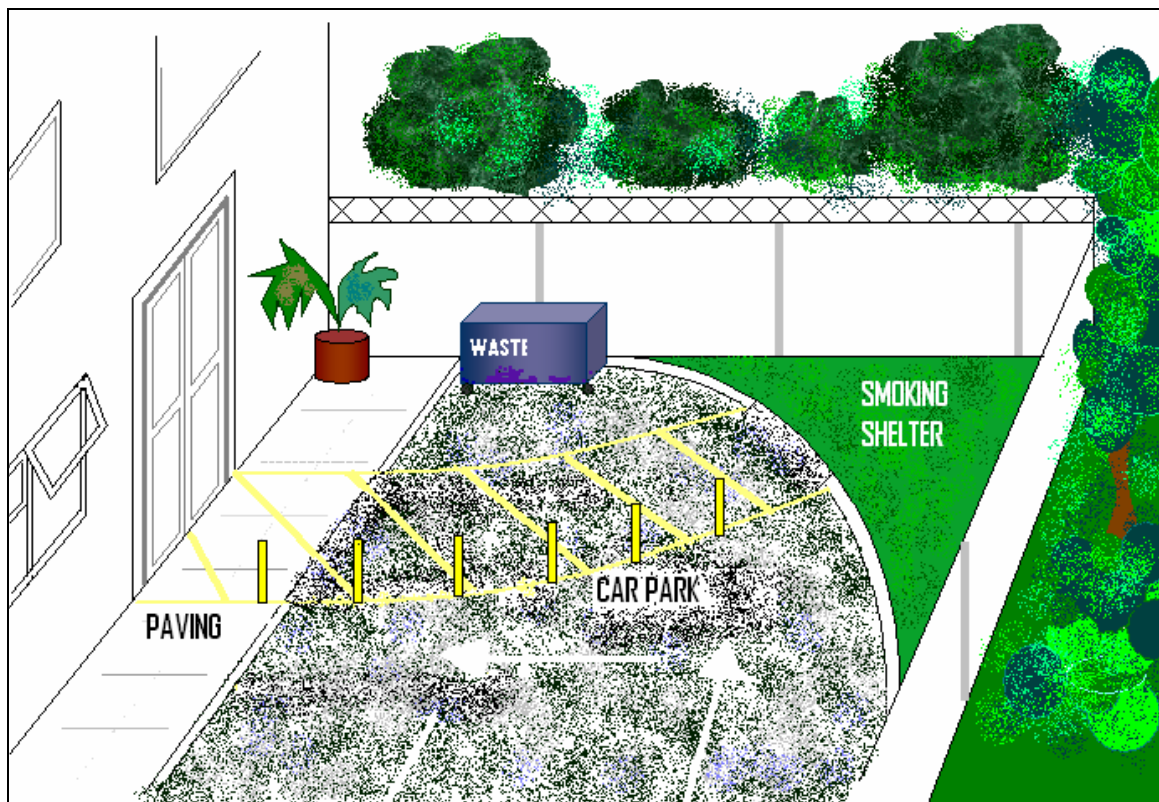
In the case of a smoking shelter, all open sides should be at least 1500mm away from any obstruction, e.g. wall or fence.

In the case of an enclosed courtyard it is recommended that where any form of roof is provided there should be a gap of 1500mm between the edge of any part of the roof and 50% of the walls; and that less than 50% of the area of the enclosed courtyard should be covered.

LOCATION CONSIDERATIONS

This is probably the most sensitive issue. Where the shelter is sited will have an effect on adjoining properties and uses (this includes commercial premises as well as dwellings). This is particularly important with historic buildings and buildings in Conservation Areas.

Location of the proposed smoking shelter is extremely important to get right at the planning stage, as putting right any mistakes will be costly.



Think about how people will enter and leave the smoking shelter. For safety reasons, people should not have to reach it by crossing a road, car park or delivery bay. Where this isn't possible, accident prevention measures must be put into place. Examples include: -

- Barriered walkways
- One way system
- Personal protective equipment (for employees only)
- Hatched out flooring

The use of shelters will increase the amount of times external doors are used to access these areas. This may lead to noise nuisance issues with adjoining premises and also smoke infiltrating back into the building. This can be avoided by the provision of an “acoustic” lobby. This can be achieved, for any external doors primarily used as an entrance or egress to smoking areas, by providing two sets of doors that are offset. These doors should be fitted with self-closures and marked with appropriate “No Smoking” signage especially in the lobby.

LICENSING ACT 2003 - ISSUES

Licensees should be aware of any restrictions within their licence, relating to the use of outside areas. It is strongly advised that the Premises Licence holder looks carefully through their licence as some premises may have conditions relating usage of beer gardens and external areas. These conditions have to be taken into account when designing and installing smoking shelters.

Conditions and Licence Restrictions

Below are conditions typical of those applied to licensed premises in the UK.

“Management should ensure that the external drinking areas are only utilised between 10:00 and 23:00”

“Use of the beer garden shall not be permitted between the hours of 23:00 and 10:00”

Conditions such as these have been put on licensed premises with external drinking areas to prevent public nuisance. Late at night background noise levels are low, and what may be acceptable as daytime noise levels can be more of a concern when neighbours may be trying to sleep and complaints of noise nuisance and disturbance to adjoining premises could result.

Licence Variation

If you need to apply to the Council for a variation **in conditions on your licence** you may receive objections from residents and from responsible authorities such as Environmental Health and the Police.

All planning applications for smoking shelters are subject to comment and early consultation is highly recommended.

NUISANCE & ANTI-SOCIAL BEHAVIOUR CONSIDERATIONS

Where possible smoking shelters should be sited away from private housing where smoke and noise may become an environmental issue (see Noise/Nuisance).

In licensed premises

It should be noted that any public nuisance caused in a beer garden by customers is the responsibility of the Premises Licence Holder or Designated Premises Supervisor. Separate guidance for licensees on how to prevent public nuisance is available.

It is the responsibility of staff at the premises to ensure noise from all external areas is kept to a minimum. The display of posters requesting that customers keep noise to a minimum should be considered.

Please be aware that the Licensing Act 2003 has brought in new powers for both Enforcement Agencies and residents to have a say in how licensed premises operate. Residents now have the ability to call for a "Review" if they are affected by any of the Licensing Objectives:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Public Safety

This could include noise from an outside smoking shelter, smoking area or beer garden whether alcohol is being consumed or not. A review could lead to stricter conditions, reduction in operating hours or ultimately a revocation of the licence.

To avoid problems with neighbours and licensing issues please take into account the following advice:

- Smoking shelters should be placed away from housing and if possible with some form of insulation (wall, vegetation etc) between customers and residents to help mitigate the noise.
- Speak to your neighbours, advise what you plan to do and get their suggestions
- Look through your license carefully and check what you are licensed to do, do you require a variation?
- Display posters to keep noise to a minimum in external areas
- Speak to your customers and advise them that they need to keep noise to a minimum in external areas, and advise them of the reason why.
- Ensure smoking shelters are secure to avoid misuse by customers after the premises is closed.

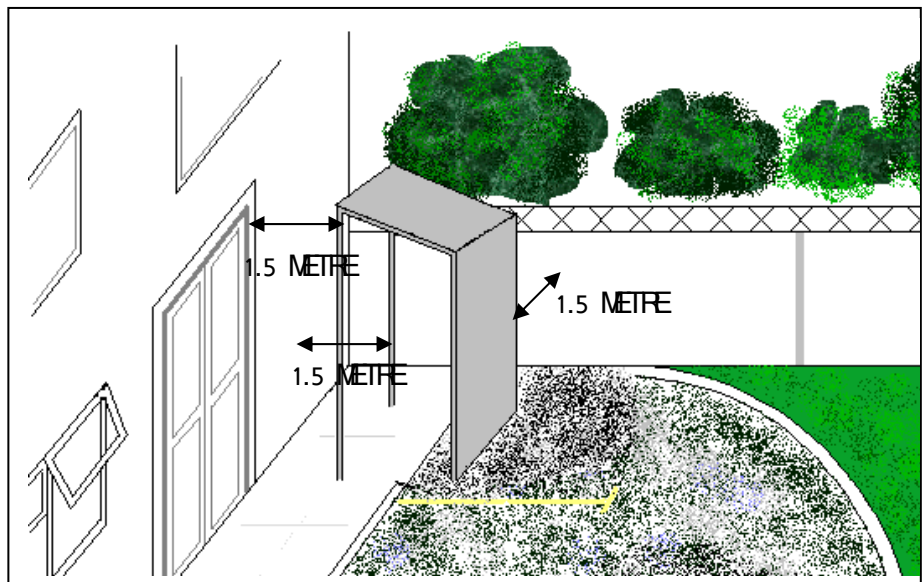
Noise/Nuisance

The smoke free legislation will increase the amount of times external doors are used for entrance and egress. If you operate premises with regular entertainment, be aware that this will increase the amount of noise escaping. To avoid causing a noise nuisance to adjoining premises, an “acoustic (ventilated) lobby” should be provided. This can be achieved by providing doors that are off-set, for any external doors predominantly used as an entrance/egress to smoking areas. These doors should be fitted with self-closures. This will help minimise the amount of noise that escapes when people go outside to smoke and limit the ingress of smoke back into the building.

Anti-social Behaviour

Licensed premises often attract youths during evening periods. Try and ensure smoking shelters are monitored, covered by CCTV or secure to ensure youths do not congregate in these areas during or after operational hours (see Security Section).

All shelters should be faced inwards to reduce noise. However to meet the spirit of the legislation it is recommended that edges of the smoking shelter should be at least 1500mm away from any structure which could result in substantial enclosure, such as walls or hedges. The example opposite is acceptable.



Litter

a) On or inside Premises

The Workplace (Health, Safety and Welfare) Regulations 1992 requires every workplace shall be kept sufficiently clean and ensure that waste materials are not allowed to accumulate.

b) Outside premises/Public Highway

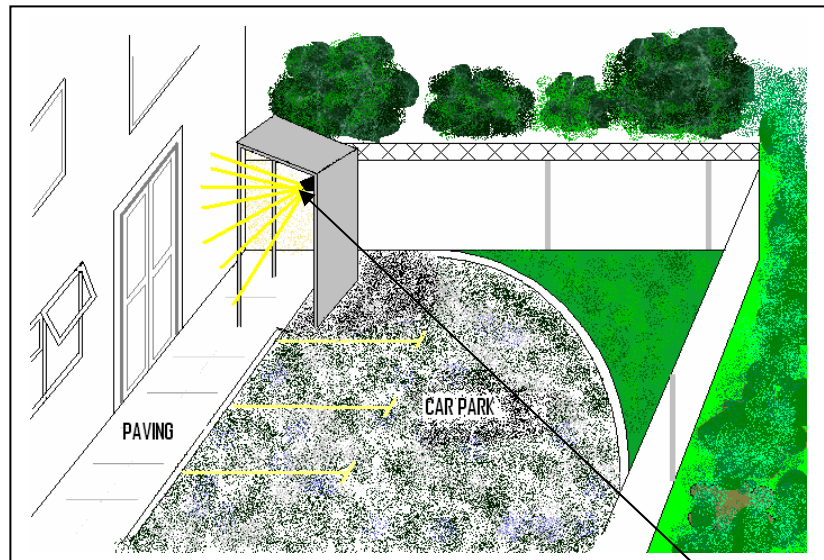
The Litter (Fixed Penalty Notices) Order 1991 makes it an offence to throw cigarette butts on the floor, which could result in a fixed penalty notice of £50. Duty holders should display signs stating this and asking people to use the ashtrays provided. This will not only benefit the individuals who may be unaware of the offence but also the duty holder who will have to clear up less cigarette ends.

c) The Future

In addition, litter created by employees around their workplaces, including discarded cigarette ends, could become the responsibility of businesses to clean up as part of government proposals currently being considered (Clean Neighbourhoods and Environment Act 2005). These proposals would widen the range of premises which face Street Litter Control Notices to include all types of eating and drinking venues and office buildings. This would give local authorities the power to require the occupiers or owners to clear up litter in the immediate area of their premises, including that created by their customers, and to install disposal facilities or risk a fixed penalty notice or prosecution.

Security and Lighting

Pay attention to lighting inside the shelter, especially if it will be used at night to allow safe access to the shelter. Lighting can also be a statutory nuisance. You should also think about the direction of lighting and where possible face it away from any private housing. A suitable example is shown opposite.



Lighting

SAFETY CONSIDERATIONS

For all smoking shelters you must consider the safety of its users and also any property kept inside. The personal safety of the shelter's users is paramount and must be considered through all aspects of design, construction and maintenance. Where possible the shelter should be in sight of staff for example close to an (unopened) window. Consider CCTV to be able to record any criminal activities as evidence. If CCTV is installed in these areas the appropriate signs should be displayed.

The use of the structure should be adequately controlled from any licensed premises during opening hours; its misuse after opening hours should be sufficiently controlled to avoid nuisance to nearby properties.

Duty holders must consider the likelihood of children and young adults congregating in the areas and put measures in place to prevent this from happening, particularly out of hours. These would include building the shelter from shatter proof glass and to avoid seating. If it is reasonably foreseeable that children and young adults will try to use these areas, duty holders must try to make the shelter unattractive to them.

Heath and Safety

In licensed premises it is advisable that you have a no glass policy for external smoking shelters in order to prevent glasses from breaking and causing a hazard. If you cannot have a no glass policy you must have a glass collection, which clearly states who is responsible for collecting the glasses and how often they are to be collected. It is advisable to train all of the staff to look out for broken glass and to clear it away in a safe manner as soon as possible.

Ashtray

All smoking shelters must be provided with metal (or other fire retardant material) ashtrays suitable for outdoor use, that is made from non- unperishable metal.



Free standing ashtrays (such as floor ash bins or ash and general rubbish bins) will only be allowed if they are fixed to either the floor or the shelter's structure itself and if there is no alternative.



Good examples of ashtrays appropriate for a smoking shelter are shown here. They are metal in construction and their design restricts oxygen flow and so discourages fires.

Heating/Lighting

If you wish to provide heating a smoking shelter you must fully consider all the health and safety implications.

The premises duty holder must complete a risk assessment in accordance with current health & safety legislation.



Fire Extinguishers

It is recommended that at least one two litre water fire extinguisher should be placed as close as possible to the nearest door/exit to the main building from the smoking shelter.

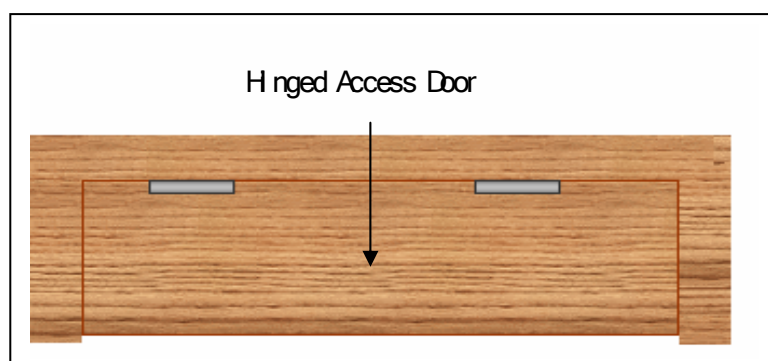
Visibility and Appearance

The premises duty holder must consider if the proposed site will be visible from the street and how it relates to the design of the building that it is attached to and those nearby. Think about the activities and behaviour of the shelter's users being seen from other properties.

Material/Fabric

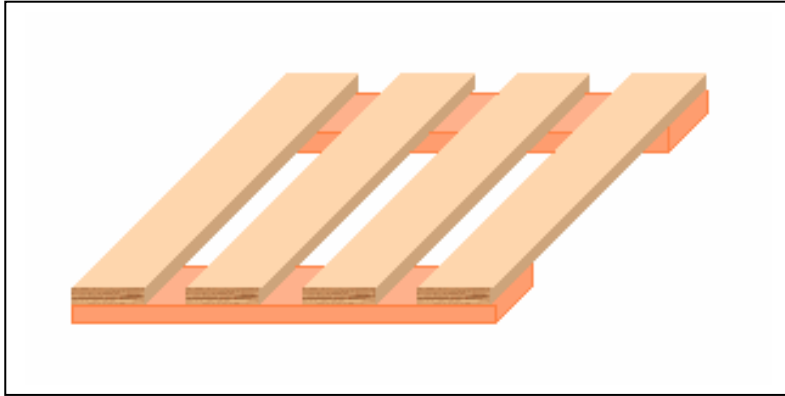
Where possible a shelter should be made from coated metal to prevent fire and be weather resistant. Plastic should be avoided, but where its use is unavoidable it should be fire resistant.

Additionally wood should be avoided, but where wood is necessary to the design, such as for decked smoking areas, all precautions must be taken to avoid the risk of fire through a build up of waste. Therefore any raised decking area must be fully enclosed, with access underneath to ensure any waste can be cleared regularly.

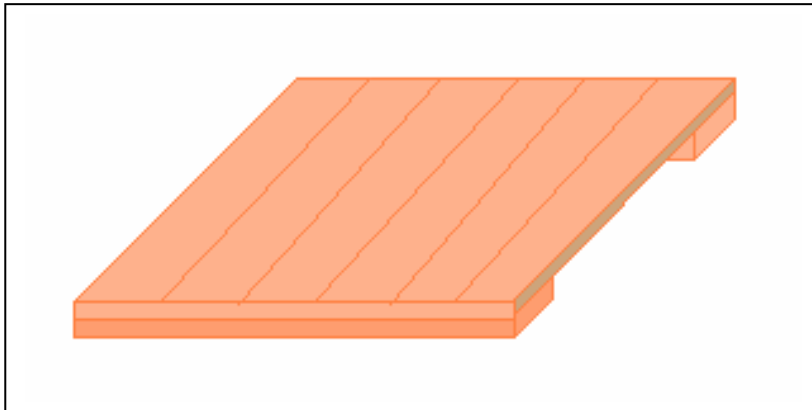


The decking should be installed to avoid gaps between the flooring board to prevent unextinguished 'butts' falling below.

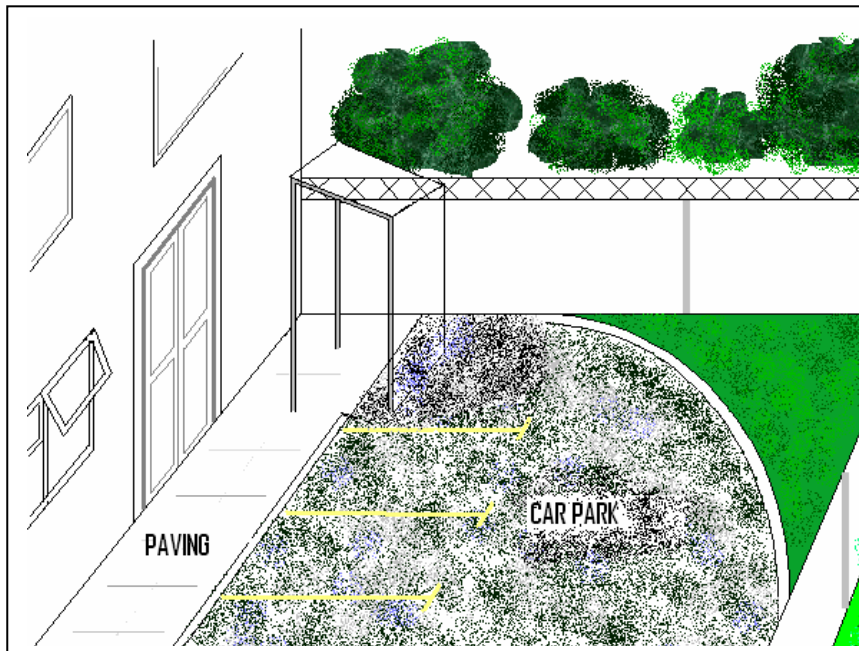
The decking in the first example, immediately below, would **not** be suitable as butts could fall through the gaps.



A satisfactory example of decking is illustrated below:



Where possible walls should be made from shatter proof glass, so it is possible to see into the shelter (to avoid any unwanted, illegal activities taking place).



Car parking areas may create blind areas close to shelters and so should be avoided.

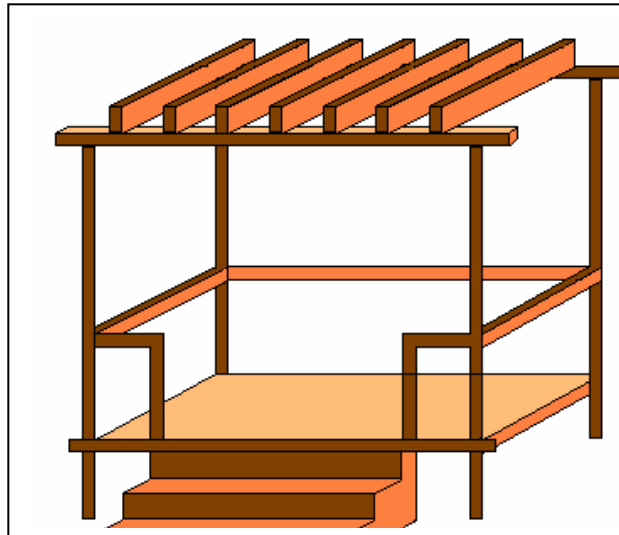
EQUAL ACCESS CONSIDERATIONS

The smoking shelter must be suitable for everyone to use (Disability Discrimination Act). The design must consider wheelchair users and therefore have safe access. It must also consider visual and hearing impairments, and consider the following: -

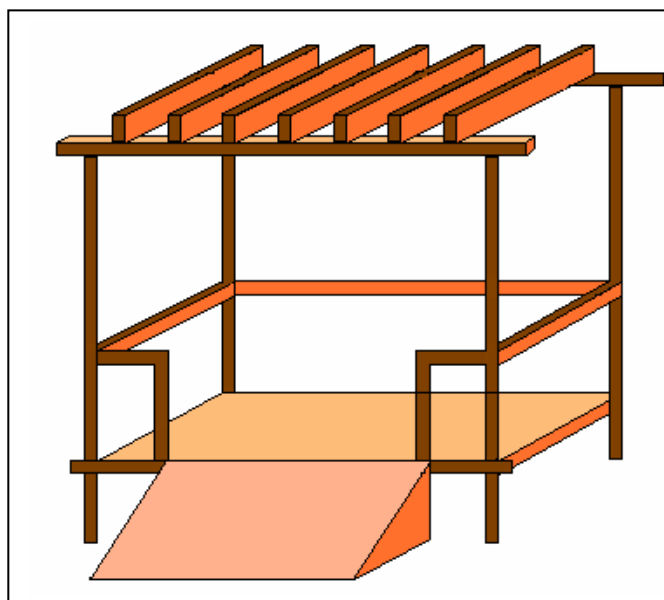
- Any steps must have their edges highlighted with paint
- Safety and information signs should be in large print or braille (where possible)
- Signs must be positioned where everyone can notice them.

Examples: -

This would **not** be a suitable smoking shelter as it does not allow access for wheelchairs.



However a suitable example would be: -



PLANNING/BUILDING CONTROL CONSIDERATIONS

Most smoking shelters and similar structures will require planning permission and some times approval under the Building Regulations (see below) as well as approval under the Smoke Free Premises Regulations 2006. Due to the number of issues involved in considering any application, and in order to save time and expense for all concerned, council officers would welcome discussion of any proposals before they are submitted (see Further Information below).

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 you should check with the Council's Planning Service before proceeding.

Lawful Development Certificate or Planning Application?

You can check the need for planning permission formally by submitting an application for a certificate of lawful proposed development, or informally by seeking advice from the Planning Service.

Application forms for a certificate of lawful development, or for planning permission, can be downloaded from the Council's website, or obtained from the Planning Service. A fee is payable, details of which are available from the web site.

Detailed guidance on the submission of applications is available from Darlington Borough Council's Development control Planning Services and on our website. ([Planning Services](#)). Applications for smoking shelters should include calculations to demonstrate that the structure would not be "substantially enclosed".

Planning applications for smoking shelters and related structures would normally take up to 8 weeks from the time we receive a valid application. If the application has to go to a Planning Committee, this would delay a decision by at least 4 weeks

Material Considerations

All planning decisions are based upon planning policies contained within the Council's adopted development plan, related guidance, and any other material considerations.

When assessing a planning application for a shelter, awning or similar structure, the Council will seek to ensure that the facilities are well-designed and sensitively sited in a way that:

- enhances the street scene, and
- protects the safety and free flow of pavement users
- has no detrimental impact on the amenity of neighbouring residents

In particular:

- is the shelter / awning or other structure in a prominent location?
- is the structure well designed, using appropriate materials, and in character with the existing building?
- will the location / siting of the shelter / awning have any adverse amenity impact in terms of:
 - visual intrusion
 - character and appearance of the area
 - loss of outlook
 - overlooking of adjacent residential premises
 - light pollution
 - siting adjacent to doors / windows/ air intake systems - whether within or adjacent to the premises
 - secondary smoke infiltration into adjacent residential or commercial premises
 - introduction or intensification of activity and disturbance near noise sensitive premises, particularly in the late evening
- will the siting of the shelter / awning result in loss of parking spaces, with associated impact on parking problems in the vicinity?
- will the shelter / awning obstruct or block an adjacent public footpath or road to the detriment of pedestrian or traffic safety?

In general, canopies / shelters / heaters and similar structures sited on the public highway or on other public spaces are unlikely to be permitted

Proposals affecting premises in a conservation area, or affecting a listed building, will be particularly sensitive. The design of any smoking -related structure shelter would need to be of exceptional quality if it were not to affect the character or setting of a listed building, or the character or appearance of a conservation area.

If planning permission is granted, conditions may be imposed to restrict, for example, the transmission of music or any other amplified sound to any noise-sensitive boundary, or hours of operation (although more likely to be addressed under licensing provisions). In some cases, temporary permission may be granted to allow the review of any impact in sensitive locations.

This advice note is intended as a guide to a complicated process. You should seek further information and advice from the Council's Planning and Building Control service on [Planning Services](mailto:Planning.Services@darlington.gov.uk) teal: 01325 388799

You can also visit the Council's website on (www.darlington.gov.uk), or the Planning Portal at: <http://www.planningportal.gov.uk/england/genpub/en/1115314175501.html>

Advertisement Consent

If you propose to provide new external signs, for example, to direct customers to smoking shelters, you may need to make a separate application for Advertisement Consent. Application forms and guidance can be downloaded from the Council's website

(<http://www.darlington.gov.uk/Living/Planning+and+Building+Control/Planning+Services/Planning+Applications+and+Planning+Permission/How+to+Apply/ApplicationForms.htm>)

The main concerns in deciding whether to grant consent will be:

- highway safety - for example, would the sign cause obstruction to pedestrians or traffic?; and
- amenity - would the sign be visually obtrusive - particularly in a conservation area, or on a listed building - or add to advertisement clutter?

Building Regulations Approval

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

Where a shelter falls outside the above classifications, a Building Regulations application must be submitted.

NB Planning permission will not normally be required portable freestanding awnings/canopies, umbrella type shelters, and space heaters.

Construction

Under the Construction (Design and Management) Regulations 2007 a construction project is notifiable if the construction phase is

Likely to involve more than—

- (a) 30 days; or
- (b) 500 person days

If the construction of a smoking shelter falls under this category the CDM coordinator must notify the Health and Safety Executive immediately on 0845 3450055.

Other considerations

We recommend duty holders assess all the economic risks involved in putting up, running and maintaining the shelter. Examples are listed below:-

- Cost of lighting/heating – think about installing dimmer lights and thermostatically controlled heating
- Planning/building control permission
- Closure of an area to allow construction
- Extra insurance
- Any licence changes needed
- Maintenance, repair and cleaning of the structure for example cleaning glass roofs, vandalism etc
- Keeping the shelter free of litter and preventing littering to the surrounding area.

Special Notes

- Ensure that your proposed shelter does not fall within the definition of “**substantially enclosed**” - if it is then it clearly would not comply with the smoke free regulations and you will be wasting your time and money
- Siting a smoking shelter too close to walls of adjacent buildings or fences could have the effect of enclosing the structure to the point where it would become “**substantially enclosed**”
- Take advice from your own legal adviser before submitting any planning application for a smoking shelter

CONSTRUCTION CONSIDERATIONS

Acceptable Designs



No Glazing



Unacceptable Designs



With Glazing



MORE INFORMATION

Further Information (National)

Smoke Free Legislation Information:

Website: <http://www.smokefreeengland.co.uk>

Tel: 0800 169 1697

Darlington Borough Council Contacts

Healthy Workplace Officer: Richard Selkirk

Tel: 01325 388577

Email: richard.selkirk@darlington.gov.uk

Environmental Health:

Public Protection, 11 Houndgate, Darlington DL1 5RF

Tel: 01325 388577

Email: publicprotection@darlington.gov.uk

Licensing:

Public Protection, 11 Houndgate, Darlington DL1 5RF

Tel: 01325 388577

Email: licensing@darlington.gov.uk

Building Control:

Tel: 01325 370820

Email buildingcontrolenquiries@darlington.gov.uk

Development Control:

Tel: 01325 388799

Email: planning.enquiries@darlington.gov.uk

We stress that if you are considering having a smoking shelter you should contact the appropriate officers for advice as soon as possible.

APPENDIX 1 – SMOKING SHELTER CALCULATIONS

Enclosed /Open Calculation

The calculation to establish if an area is open enough to allow smoking is as follows:

Measure the whole of the perimeter, excluding the roof and floor (that is, work out the TOTAL area of the four walls).

Measure the TOTAL area of ALL ENCLOSED PARTS of the four walls (again, exclude the roof and floor)

To determine whether smoking will be permitted within this structure the percentage of ENCLOSED (E) over TOTAL (T) perimeter areas must be calculated as shown below:

$$\frac{E}{T} \times 100 = \% \text{ Enclosed}$$

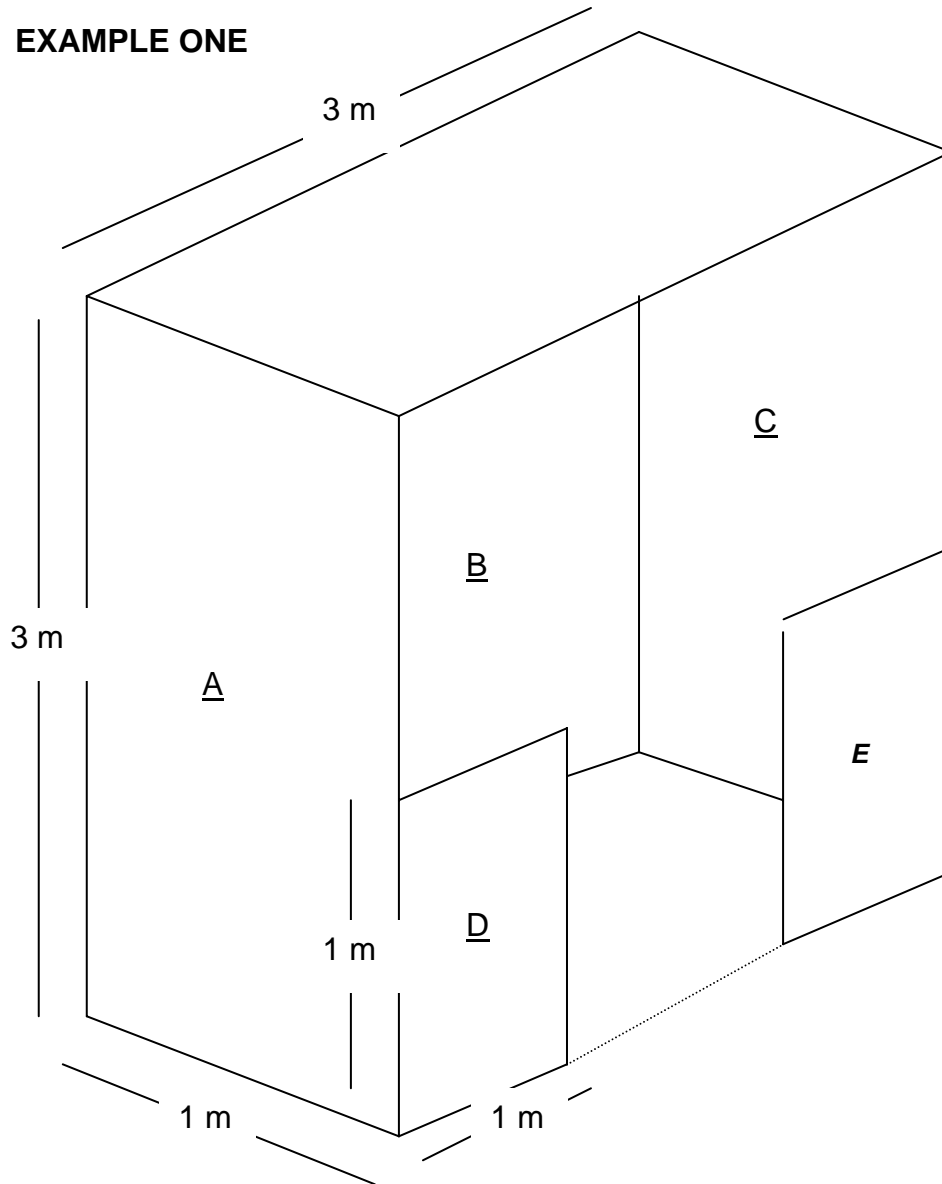
If the percentage calculated is MORE THAN 50% then smoking WILL NOT be permitted.

For the purposes of all of the above calculations, any openings (such as doors and windows) are considered to be enclosed areas.

We suggest that you stick strictly to this guidance to make sure the shelter you are planning fully meets with this new law.

To help you a number of worked examples are given below.

EXAMPLE ONE



Enclosed area

Area A	$3\text{m} \times 1\text{m} = 3\text{m}^2$
Area B	$3\text{m} \times 3\text{m} = 9\text{m}^2$
Area C	$3\text{m} \times 1\text{m} = 3\text{m}^2$
Area D	$1\text{m} \times 1\text{m} = 1\text{m}^2$
Area E	$1\text{m} \times 1\text{m} = 1\text{m}^2$

Enclosed area = 17m^2

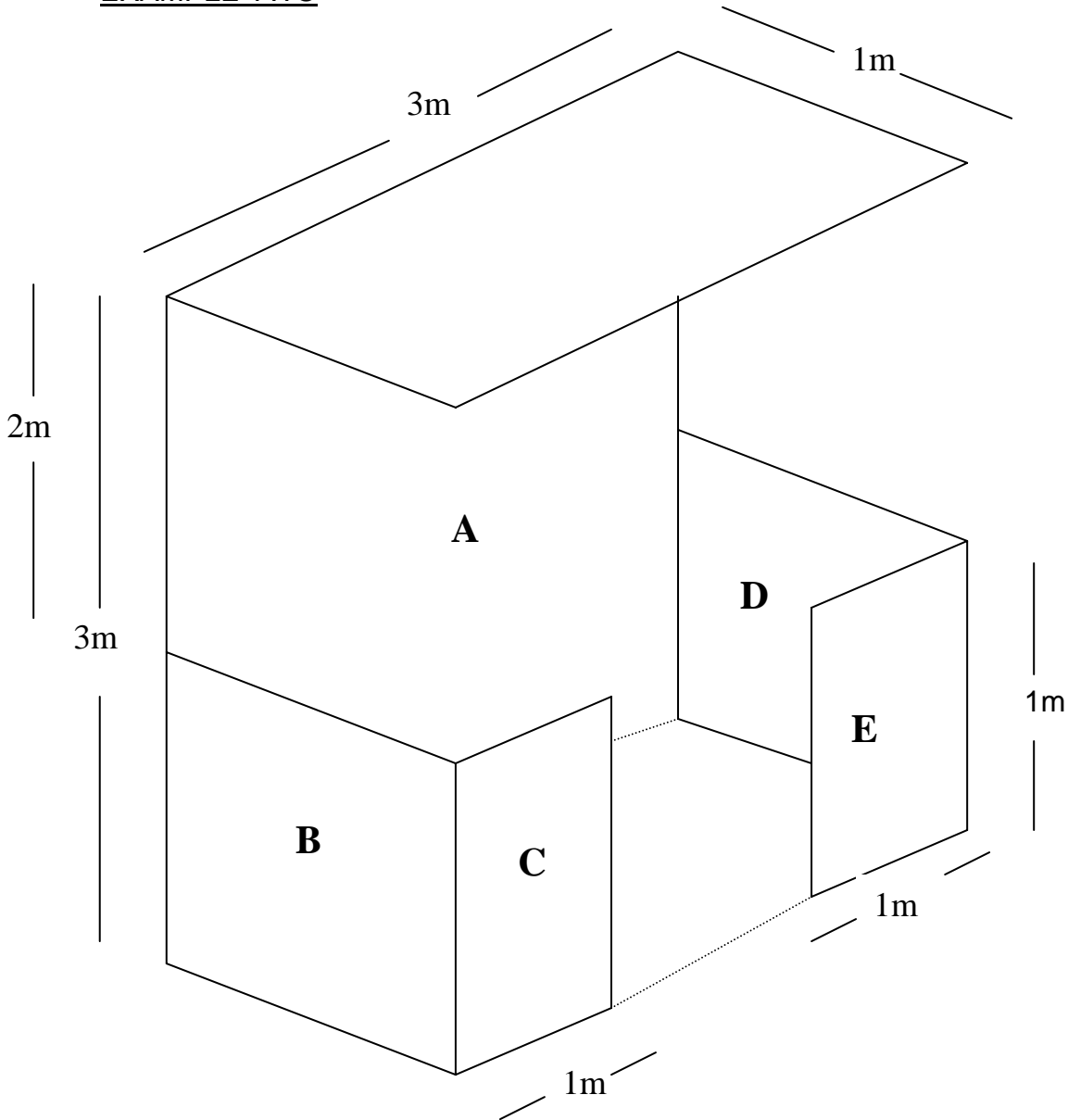
Area of perimeter

Sides x 2 = $1\text{m} \times 3\text{m} \times 2 = 6\text{m}^2$
 Front & back $3\text{m} \times 3\text{m} \times 2 = 18\text{m}^2$

Area of perimeter = 24m^2

$$\frac{17}{24} \times 100 = 70.8\% \text{ Enclosed - NOT ACCEPTABLE}$$

EXAMPLE TWO



Enclosed area

Area A	$3\text{m} \times 3\text{m} = 9\text{ m}^2$
Area B	$1\text{m} \times 1\text{m} = 1\text{ m}^2$
Area C	$1\text{m} \times 1\text{m} = 1\text{ m}^2$
Area D	$1\text{m} \times 1\text{m} = 1\text{ m}^2$
Area E	$1\text{m} \times 1\text{m} = 1\text{ m}^2$

Enclosed area = 13 m^2

Area of perimeter

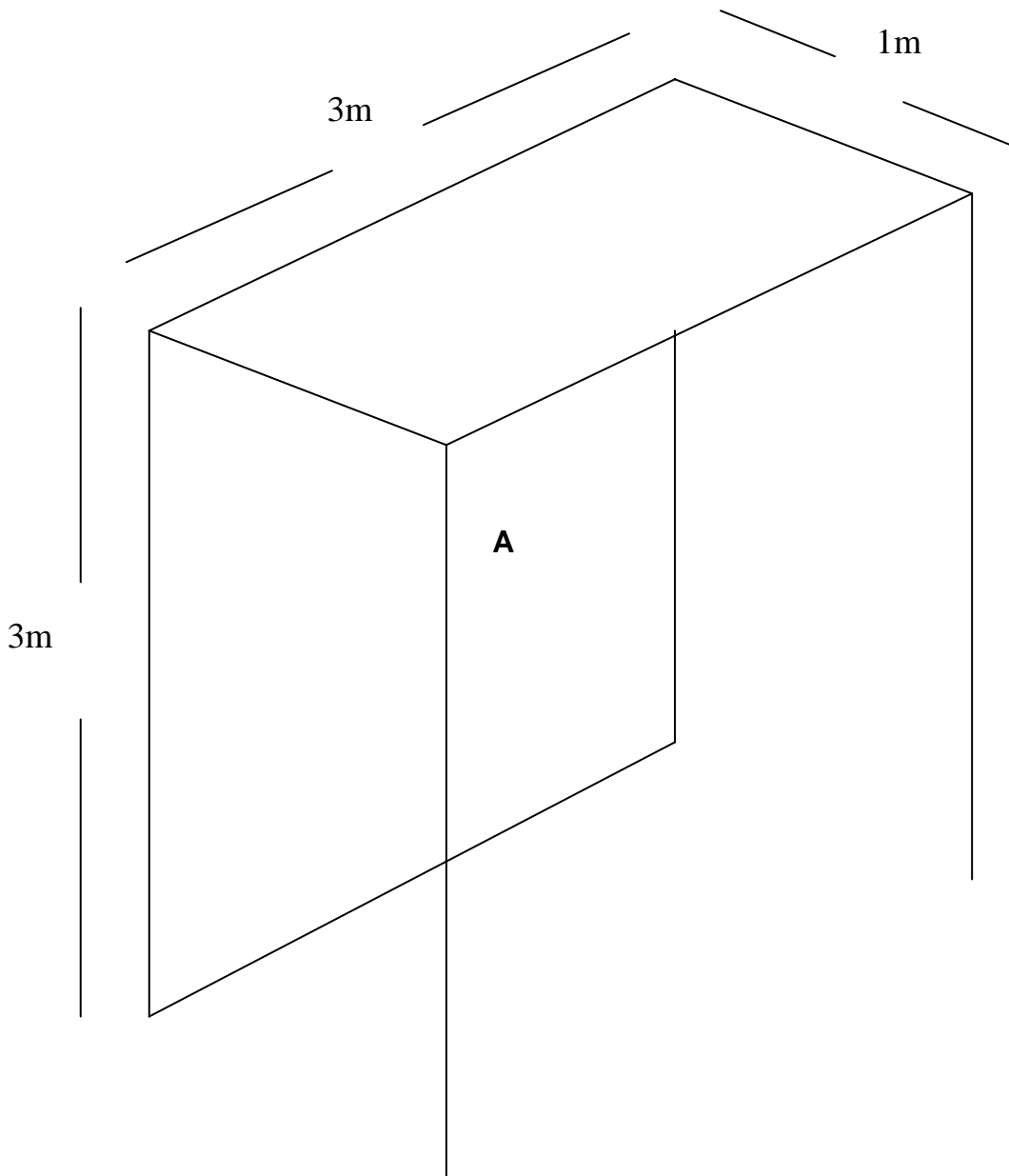
Sides $\times 2 = 1\text{m} \times 3\text{m} \times 2 = 6\text{m}^2$
 Front & back $3\text{m} \times 3\text{m} \times 2 = 18\text{m}^2$

Area of perimeter = 24 m^2



$\frac{13}{24} \times 100 = 54.2\%$ Enclosed – **NOT ACCEPTABLE**

EXAMPLE THREE



Enclosed area

Area A $3\text{m} \times 3\text{m} = 9\text{m}^2$

Enclosed area = 9m^2

Area of perimeter

Sides $\times 2 = 1\text{m} \times 3\text{m} \times 2 = 6\text{m}^2$
Front & back $3\text{m} \times 3\text{m} \times 2 = 18\text{m}^2$

Area of perimeter = 24m^2



$\frac{9}{24} \times 100 = 37.5\%$ Enclosed ACCEPTABLE