

Item: 7

Planning Committee: 8 October 2025.

Proposed Erection of Replacement Community Hall and Associated Parking and Infrastructure near Clinkhammer, Westray.

Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. This report considers the erection of a replacement community hall and associated infrastructure on land near Clinkhammer, Westray. One objection has been received, stating that the development would create traffic, parking and access problems, amenity issues and negative impact for natural environment. The development complies with relevant policies, and the objection and other material considerations do not merit refusal of the application.

Application Reference:	25/214/PP.
Application Type:	Full Planning Permission.
Proposal:	Erect a (replacement) community hall with air source heat pumps, alter parking, install foul drainage and associated infrastructure.
Applicant:	Westray Development Trust.
Agent:	Robert Clouston, 10 Grainshore Drive, Hatston Industrial Estate, Kirkwall, KW15 1GG

- 1.2. All application documents (including plans, consultation responses and valid representations) are available for members to view [here](#) (click on “Accept and Search” to confirm the Disclaimer and Copyright document has been read and understood, and then enter the application number given above).

2. Recommendation

- 2.1. It is recommended that members of the Committee:
- Approve the application for planning permission in respect of the proposed erection of a replacement community hall with air source heat pumps, alteration of parking, installation of foul drainage and associated infrastructure on land near Clinkhammer, Westray, subject to the conditions detailed in Appendix 1 to this report.

3. Consultations

Roads Services

- 3.1. Roads Services has confirmed no objection.

Scottish Water

- 3.2. Scottish Water has confirmed no objection.

Environmental Health

- 3.3. Environmental Health has confirmed no objection subject to a planning condition to control the noise levels of the air source heat pumps.

Development and Marine Planning – Policy

- 3.4. Development and Marine Planning – Policy has confirmed the development would be compliant with the relevant policies in Orkney Local Development Plan 2017 and National Planning Framework 4.

Development and Marine Planning – Environmental Planner

- 3.5. Development and Marine Planning has confirmed that the consideration for biodiversity enhancements is also welcomed and supported.

4. Representation

- 4.1. One valid representation (objection) has been received from:

- Ms Lydia Harris, Ha' Gock Field, Westray, KW17 2DB.

- 4.2. The representation is on the following grounds:

- Road safety, due to additional traffic joining the public road.
- Disturbance due to noise from the vehicles at front car park during nighttime operation of the building.
- Overshadowing, and potential for the proposed building to affect light to three of the upstairs windows of the objector's house.
- Impact on swallows which nest on the existing building, and associated lack of information regarding mitigation during construction.

5. Relevant Planning History

- 5.1. No planning history related to this property.

6. Relevant Planning Policy and Guidance

- 6.1. The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website [here](#).
- 6.2. National Planning Framework 4 can be read on the Scottish Government website [here](#).
- 6.3. The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:
 - National Planning Framework 4 (NPF4):
 - Policy 3 - Biodiversity.
 - Policy 9 - Brownfield, vacant and derelict land and empty buildings.
 - Policy 13 – Sustainable transport.
 - Policy 14 - Design, quality and place.
 - Policy 25 - Community wealth building.
 - Policy 29 - Rural development.
 - Orkney Local Development Plan 2017 (OLDP):
 - Policy 1 - Criteria for All Development.
 - Policy 2 - Design.
 - Policy 4 - Business, Industry and Employment.
 - Policy 9 - Natural Heritage and Landscape.
 - Policy 11 - Outdoor Sports, Recreation and Community Facilities.
 - Planning Policy Advice:
 - Amenity and Minimising Obtrusive Lighting (2021).

7. Legislative Position

- 7.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”
- 7.2. Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lords’ judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the

development plan, it should be refused unless there are material considerations indicating that it should be granted.”

7.3. Annex A continues as follows:

- The House of Lords’ judgement also sets out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision.
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal.
 - Assess whether these considerations warrant a departure from the development plan.
- There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
 - It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy and UK Government policy on reserved matters.
 - The National Planning Framework.
 - Designing Streets.
 - Scottish Government planning advice and circulars.

- EU policy.
- A proposed local development plan or proposed supplementary guidance.
- Community plans.
- The environmental impact of the proposal.
- The design of the proposed development and its relationship to its surroundings.
- Access, provision of infrastructure and planning history of the site.
- Views of statutory and other consultees.
- Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

7.4. Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

7.5. An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

Status of the Local Development Plan

7.6. Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new

plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

Status of National Planning Framework 4

- 7.7. National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of NPF4 and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.
- 7.8. In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual NPF4 policies.

8. Assessment

Background and Proposal

- 8.1. The property is located near Clinkhammer, in the countryside south of the Pierowall settlement boundary, by the side of the B9066, as indicated on the Site Plan attached as Appendix 2 to this report. The site includes the existing redundant community hall.
- 8.2. The existing community hall has been vacant for several years and become dilapidated due to lack of maintenance. Whilst including some architectural and structural features typical of its period of construction, the building is not of sufficient architectural or historical merit to require retention as part of a redevelopment.
- 8.3. Planning permission is sought to erect a community hall by replacing the existing single storey community hall and outbuilding with a new hall including air source heat pumps, and in association with the new building to alter parking and install foul drainage system and other associated infrastructure.
- 8.4. The proposed two storey building would provide versatile multi-purpose community spaces and rentable rooms/spaces and office spaces for Westray Development Trust, and includes a kitchen, sanitary and storage facilities.

Principle

- 8.5. By adhering to all relevant planning policies without placing any unacceptable burden on existing infrastructure or services, the proposal meets the 'Isles Approach' of the Spatial Strategy of the Local Development Plan. Development and Marine Planning has no objection to the development.
- 8.6. The proposed development would reinstate a community facility, supporting and enhancing community interests, which complies with Policy 11(i) of the Local Development Plan.
- 8.7. The development would use a brownfield site in the countryside to introduce the business use (the proposed rentable spaces) complying with Policy 4B(i) of the Local Development Plan and Policy 9(a) of NPF4.
- 8.8. The development would contribute to the viability, sustainability and diversity of rural communities and local rural economy and community wealth building strategies, which accords with Policy 25(a) and Policy 29(a)(viii) of NPF4.

Design

- 8.9. The proposed building (approx. 25 x 14.4 x 8.1 metres) would sit at the same orientation as the existing building. Anthracite UPVC is proposed for the doors and windows. Timber cladding and 'Merlin Grey' box metal sheeting would be used for the external facades. The metal sheeting roof would contain skylights to achieve natural light to the building and solar panels for renewable energy. Black UPVC rainwater goods would be used. In terms of built form and massing, the proposed building would not be significantly different to the existing building. As such, the development would not create any adverse impact to the surrounded setting. On that basis, the proposal would comply with Policy 14 'Design, quality and place' of NPF4 and Policy 1 'Criteria for All Development' and Policy 2 'Design' of the Local Development Plan.

Access and Parking

- 8.10. Existing access and the car park at the northeast boundary of the site would be retained and utilised for the new development. The existing concrete surface of the parking bays and driveway would be replaced with concrete block paving and tar respectively. The driveway would continue along the southwest boundary to the rear side of the building up to the four vehicle charging points. Overall, there would be no significant change to the existing access and parking.

- 8.11. The representation states that there could be road safety issues due to more traffic joining the main road. The development would use the existing access and there would be no significant increase of parking spaces. The access junction has no permanent obstructions and visibility is acceptable.
- 8.12. Roads Services has no adverse comments on the overall vehicular circulation or the number of parking bays in conjunction with the proposed uses. The proposed bicycle parking racks at the southeast corner of the site would enhance the active travel infrastructure complying with Policy 13 of NPF4.

Water Supply and Drainage

- 8.13. The development would use the existing water connection. Wastewater would be discharged to a proposed foul water treatment tank and soakaway at the south corner of the site at least five metres from boundaries and buildings. The surface water would be managed within the site boundary and there would be no extra burden to the surrounding drainage. Scottish Water has no objection to the application.

Biodiversity Enhancement

- 8.14. The development would result in minimum encroachment of the existing rough grass area at the south corner of the site. In the form of compensation, biodiversity enhancement measures proportionate to the development would be undertaken. Accordingly, it would be proposed to plant a mix of native trees and shrubs along the boundaries and pockets of spring flowers at the northern corner beside the access and driveway. The existing drystone dyke would be preserved, protecting habitats for insects and fungi. The introduction and retention of proposed biodiversity enhancement measures would be controlled by planning condition. The development is considered compliant with Policy 3C 'Biodiversity' of NPF4.
- 8.15. The representation states that there would be impacts on swallows which nest in the existing building. A pre-commencement planning condition would be attached to carry out necessary survey work and assessments in this regard and to include mitigation measures. A further planning condition would be attached to avoid the nesting season during demolition works.

Residential Amenity

- 8.16. In relation to the representation raised regarding disturbance due to noise from increased vehicles during the nighttime operations of the building, as confirmed by the developer, the operations of the community hall would be mainly daytime hours, with night hours only occasionally, typical of a country hall.
- 8.17. The development would use air source heat pumps to provide heat and hot water and the outdoor units would be fixed on the wall of the southwest elevation. Environmental Health has no adverse comments. A planning condition would be attached to protect any nearby residents from excessive noise disturbance from the heat pumps.
- 8.18. The representation states that the proposed building would likely block light to three of the upstairs windows of the objector's house. The objector's house is approximately 30 metres away from the proposed building, sufficient separation and direction to avoid any unacceptable overshadowing issue, noting that the proposed building is approximately one metre taller than the existing building.
- 8.19. The development is distant from residential properties and accordingly no overlooking or privacy issues would be created. External lighting would also be controlled by a planning condition.
- 8.20. Blockwork from the demolition works would be used as infill to the foundations of the proposed building, which reduces some vehicle movement for removal of waste materials, and importation of construction/groundworks materials.
- 8.21. The existing west side boundary wall opening which has been used as a secondary access to the neighbouring property (Glenerne) would be closed by restating the drystone dyke. As such, the safety and privacy of the neighbour would be ensured.

9. Conclusion

- 9.1. The proposed development complies with relevant policies of National Planning Framework 4 and the Orkney Local Development Plan 2017. The proposal is acceptable in principle, and in terms of design and impact on the residential amenity. There are no material considerations including those raised in the objection that outweigh this conclusion. The application is therefore recommended for approval, subject to the conditions attached as Appendix 1 to this report.

For Further Information please contact:

Shankha Weerasekara, Graduate Planner (Development Management), Email
Shankha.Weerasekara@orkney.gov.uk

Implications of Report

1. **Financial:** None.
2. **Legal:** Detailed in section 7 above.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of this application is delegated to the Planning Committee.
4. **Human Resources:** None.
5. **Equalities:** Not relevant.
6. **Island Communities Impact:** Not relevant.
7. **Links to Council Plan:** Not relevant.
8. **Links to Local Outcomes Improvement Plan:** Not relevant.
9. **Environmental and Climate Risk:** None.
10. **Risk:** If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission on the basis of the proposal being contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

List of Background Papers

Orkney Local Development Plan 2017, available [here](#).
National Planning Framework 4, available [here](#).

Appendices

Appendix 1 – Planning conditions.
Appendix 2 – Location Plan.

Appendix 1.

1. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

2. No development shall commence (including demolition, ground preparation, works to trees, shrubs or other vegetation, construction, or any other works) during March to August (inclusive), or (if during these months) until a pre-start walkover of the site and inspection of the existing buildings, structures and vegetation has been completed by a suitably experienced (and licensed) ecologist, to identify signs of breeding birds and until an appropriate Breeding Bird Protection Plan has been submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the approved Breeding Bird Protection Plan.

Reason: To avoid adverse effects on breeding birds, to meet the requirements of Policy 9C 'Wider Biodiversity and Geodiversity' of the Orkney Local Development Plan 2017, and to comply with protected species legislation.

3. Surface water shall be managed in accordance with the principles of Sustainable Drainage Systems (SuDS) and the guidance set out in CIRIA's SuDS Manual C753 throughout the lifetime of the development hereby approved,

Requisite surface water drainage measures shall be operational prior to the development being brought into use and shall be maintained as operational thereafter and throughout the lifetime of the development.

All surface water shall be contained within the application site and shall be managed to avoid flow into any adjacent road or other land.

Reason: To ensure appropriate management of surface water drainage, in accordance with Policy 13B 'Sustainable Drainage Systems (SuDS)' of the Orkney Local Development Plan 2017, and to protect road safety.

4. The biodiversity enhancement measures identified on the 1:200 Proposed Site Plan (Dwg. No. 004) and described in the Biodiversity Enhancement Form (dated 10 June 2025) shall be implemented in full no later than the first planting season following commencement of development. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed, in writing, by the Planning Authority.

In addition, swallow nesting boxes/cups shall be installed in the application site, in an enclosed space. Full details of the number and location of the swallow nesting boxes/cups shall be submitted to and approved, in writing, by the Planning Authority. Thereafter, and prior to the development being brought into use, the boxes/cups shall be installed in accordance with approved details.

Reason: To ensure biodiversity measures are implemented as required by Policy 3 of National Planning Framework 4.

5. The existing drystone dyke wall along the western boundary, as identified on the 1:200 Proposed Site Plan (Dwg. No. 004) shall be retained undamaged throughout the construction period. The existing opening shall be reinstated to match with the wall and thereafter the walls shall be retained throughout the lifetime of the development unless otherwise approved, in writing, by the Planning Authority.

Reason: To ensure the existing biodiversity is safeguarded as required by Policy 3 of National Planning Framework 4.

6. Throughout the lifetime of the development hereby approved, the proposed uses as indicated in Drawings 009 and 010 shall be maintained under a single management body and shall not be disposed of or operated wholly independently.

Reason: To protect the amenity of the neighbours, by ensuring a single management, given the proximity of the residential units.

7. Total noise from the air source heat pump(s) installed shall not exceed NR25 within any residential property out with the development, where NR25 is the Noise Rating Curve at 25, (noise measurements to be made with a window of any residential property out with the development open no more than 50 mm.)

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pumps.

8. Throughout the lifetime of the development, any exterior lighting employed on the development shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. External lighting on the building shall meet the requirements for Zone E3/E4 areas (Medium Brightness/High District Brightness) as defined by the Institution of Lighting Professionals.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow' and to accord with Orkney Local Development Plan 2017 Policy 2 - Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

9. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays; 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority.

Throughout the construction phase of the development there shall be no burning of waste material on site.

Reason: In the interest of the amenity of the area and to reduce any possible nuisance arising to nearby residents/properties during the construction of the development.

This drawing is copyright of R. Clouston Ltd and may not be reproduced without permission. To be read in conjunction with specification and all relevant drawings. Contractor to check dimension on site. Do not scale from drawing.

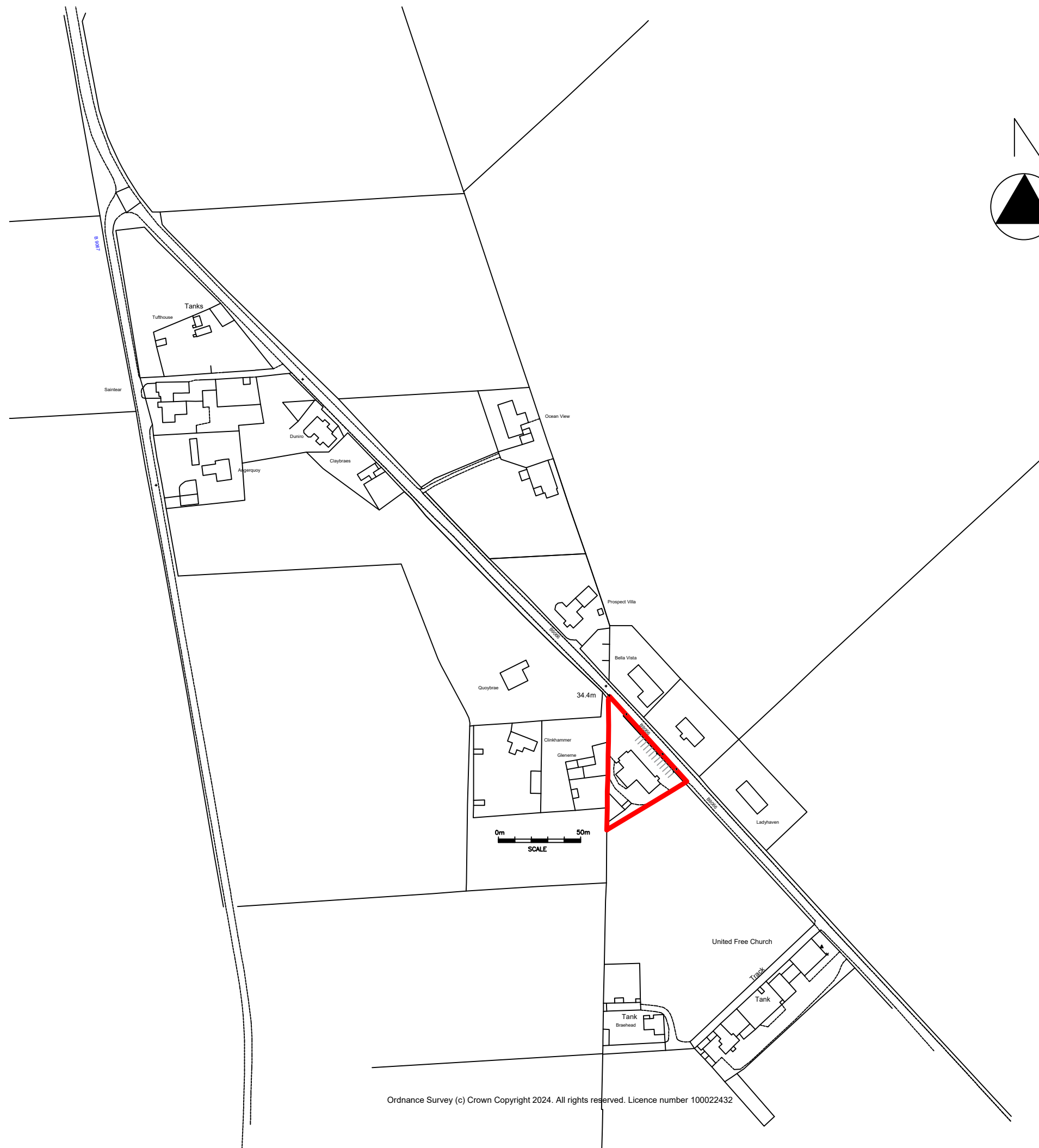


OS REFERENCE - HY444474


EASTING - 344468

NORTHING - 1047434

SITE AREA = 1965m²



Amendments:

 <p>R Clouston Ltd 10 Grainshore Drive Hatston Industrial Estate Kirkwall Orkney KW15 1GG</p> <p>Tel : 01856 877914 Fax: 01856 877014 Email: enquiries@r-clouston.co.uk Web: www.r-clouston.co.uk</p>		CLIENT: WESTRAY DEVELOPMENT TRUST	
		PROJECT: PROPOSED NEW HALL OLD COMMUNITY HALL WESTRAY ORKNEY, KW17 2DB	
		DRAWING: LOCATION PLAN	
		SCALE 1:2500	A3
Ref: J10278	Date: 05/2025	Drawing No: 001	Amd: -