

**Item: 3**

**Planning Committee: 27 August 2025.**

**Proposed Extension of Flotta Community Centre, Flotta.**

**Report by Director of Infrastructure and Organisational Development.**

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## **1. Overview**

- 1.1. This report considers the extension of the kitchen space of Flotta Community Centre, Flotta. The property is within the Burnside, Flotta settlement boundary. One objection has been received, stating that the development has not considered the protected accessibility characteristics. The development complies with relevant policies, and the objection and other material considerations do not merit refusal of the application.

Application Reference:	25/011/PP.
Application Type:	Full Planning Permission.
Proposal:	Extend community centre.
Applicant:	Flotta Community Association.
Agent:	Erlend Poke, Orkney Islands Council, Council Offices, School Place, Kirkwall, KW15 1NY.

- 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 extension of Flotta Community Centre, Flotta, 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.

### 4. Representations

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

- Mr Ian McConnell, 2 Burnside, Flotta, KW16 3NP.

4.2. Representations are on the following grounds:

- Insufficient works to ensure community centre is compliant with protected accessibility characteristics related to age and disability according to the Equality Act 2010 (Section 149).
- Failure to include weatherproofed parking facilities for mobility aids, cycles, buggies, e-wheelchairs, etc. in a clear location such as the main entrance.
- Failure to include dropped kerbs from the public road to community centre car park.
- Therefore, failure to comply with Policy 14 of Orkney Local Development Plan 2017.

### 5. Relevant Planning History

5.1. Planning applications:

Reference	Proposal	Location	Decision	Date
97/074/RPF.	Construction of new roof over community wing.	Flotta Community Centre, Flotta.	Deemed Consent.	13.05.1997.
86/290/PPF.	Proposed Provision of Bar Facilities.	Flotta Community Centre, Flotta.	Grant Subject to Conditions.	25.11.1986.

## 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 14 - Design, quality and place.
    - Policy 25 - Community wealth building.
    - Policy 27 - City, town, local and commercial centres.
    - Policy 29 - Rural development.
  - Orkney Local Development Plan 2017 (OLDP):
    - Policy 1 - Criteria for All Development.
    - Policy 2 - Design.
    - Policy 11 - Outdoor Sports, Recreation & 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 within the Burnside, Flotta settlement boundary, as indicated in the Location Plan attached as Appendix 2 to this report.
- 8.2. Planning permission is sought to extend and refurbish the existing kitchen space of the community centre, in a southerly direction to existing hardstanding. An existing gas bottle store would be relocated, and new steps would be introduced to access the kitchen area.
- 8.3. The existing south wall of the kitchen would be demolished, and the kitchen extended approximately 2 x 3.7 metres to accommodate new kitchen equipment. White UPVC is proposed for the window and door, while the louvered door of the gas store would be re-used. 'Platinum Grey' lapped cladding would be used externally on the extended facades. In terms of built form, the extension would be in a recess, under and within the existing roof cover. As such, in conjunction with materials, the development would ensure the extended structure would integrate not only with the existing building but also the surrounding environment. 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.

## **Principle**

- 8.4. The proposed development would be located in a non-linked island and at a small scale would support the permanent resident population, while adhering to all relevant planning policies without placing any unacceptable burden on existing infrastructure or services. As such, the proposal meets the 'Isles Approach' of the Spatial Strategy of the Local Development Plan.
- 8.5. The proposed extension of the kitchen space of the community centre would be considered as an expansion of existing facilities to support and enhance community interests, which complies with Policy 11(ii) of the Local Development Plan.
- 8.6. The development would enhance the vitality and functionality of the existing community centre within the settlement, which accords with Policy 27(a) of NPF4.

## **Access and Parking**

- 8.7. The extension is proposed within the existing roof cover and there would be no extended projection in terms of built form. As such there would be minimum impact for access and parking. Roads Services has no adverse comments to the application.
- 8.8. The representation states that the development has not considered dropped kerbs from the public road to the community centre car park and weatherproofed parking facilities. Whilst these are matters that could be considered in terms of ongoing operation of the centre, in terms of assessing the current proposed development of a small-scale kitchen extension, there would be no additional and direct demand for those requirements that would merit those general site improvements being a requirement of the current proposal. It is also notable that the community centre currently has an access ramp which would not be affected by the development.
- 8.9. The representation states that the development has not adequately considered compliance with protected accessibility characteristics related to age and disability according to the Equality Act 2010. As above, whilst valid considerations, the current development would maintain the current accessibility provisions, and no further works are necessary in terms of the nature and scale of the development proposed.

### **Water Supply and Drainage**

- 8.10. The development would use the existing water connection. The existing foul drainage system to a septic tank would not be altered. The development would also not alter the existing hardstanding or permeable areas, and as such there would be no additional burden in terms of surface water discharge. Scottish Water has no objection to the application.

### **Residential Amenity**

- 8.11. As window openings are existing and as the development is distant from residential properties, no additional overlooking or privacy issues would be created. External lighting would also be controlled.

### **Other Matters**

- 8.12. In the context of accessibility requirements, the representation raises the matter of compliance with Policy 14 'Transport, Travel and Road Network Infrastructure' of the Local Development Plan. The proposed development is an enhancement of community kitchen facilities rather than related to transport. Access to the building, and the proportionality of additional accessibility measures in relation to the scale and nature of the development are addressed above.
- 8.13. The representation raises no objection in principle to the proposal, and only to the elements assessed above.

## **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:**

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## 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. 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).

3. 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 and 08:00 to 13:00 Saturdays, 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 in order to reduce any possible nuisance arising to nearby residents/properties during the construction of the development.



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- B Community Kitchen outline in green. DS 3-2-25  
A Drawing revised to show whole development area. DS 29-1-25

REVISIONS

Project  
**FLOTTA SCHOOL & COMMUNITY CENTRE**

Title  
**Community Kitchen Refurbishment  
SITE PLAN**

Project No. <b>08/0010/XXX</b>		Drawing No. <b>02</b>	
Revision	<b>A B</b>		
Printed	<b>03/02/25</b>	Issue	
Date	<b>Jan 2025</b>	Drawn	<b>SC</b>
Scale	<b>1:500</b>	Checked	

All dimensions to be checked on site before work and the manufacture of fitments commences.

This drawing is not to be scaled.

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