

Kinross Community Council

Minutes of a Meeting held on Wednesday 6 December 2017

at 7.30pm in the Masonic Hall, Muirs, Kinross

Present: Councillors Bill Freeman (Chair), Jonathan Bryson, David Colliar, Dave Cuthbert, Ian Jack and Thomas Stewart; P&K Cllrs M Barnacle, C Purves, R Watters and W Robertson; and eleven members of the public (MoP).

Apologies: Councillors M Blyth, B Davies, E Thomas and D West and community police officers A Spalding and D Stapleton.

In the absence of the Secretary, the minutes were taken by Brenda Frier.

Declarations of Interest: None.

Minutes of Meeting of 1 November 2017: Agreed as a true record. Proposed: Councillor I Jack. Seconded: Councillor D Colliar.

Police Report: A report had been submitted by email. During November, there was nothing much of note for Kinross. There were a couple of door to door salesman nuisance calls - please do not entertain door to door sellers and if you think they look suspicious please contact Police, preferably with any vehicle registrations if applicable.

There were also a couple of minor road collisions involving cars and the bollards around the High Street at the old Town Hall. Councillor Cuthbert noted that due to the ongoing works at the Town Hall the road width is narrowed and the contractors have put cones around the bollards. Reflective strips on the bollards had been suggested but PKC seemed to suggest these could not be fitted. Councillors asked the Ward Councillors to take this issue back to the council. **Action: Cllr C Purves.**

Matters Arising from Meeting of 1 November 2017

- a. **Surgical Services consultation:** NHS has confirmed receipt of the CC's comments.
- b. **Verge at by-pass:** Secretary asked Cllr Purves to ask PKC to issue a letter re long grass.
- c. **CC Representation on Campus Management Committee:** Secretary asked Cllr Purves to put forward necessary amendment. He will do so at next meeting. Cllr Purves noted that anyone could amend it.
- d. **Traffic Management Model Meeting:** CC has not received invitation yet. Cllr Watters informed the meeting that PKC are now ready to go ahead with this. However, it is more likely that it will meet early in 2018 when consultants become available.
- e. **Vacancy on CC:** No-one has put themselves forward yet.
- f. **Action Partnership:** Cllr Purves informed the meeting that there are 3 vacancies in Kinross and 2 in Almond & Earn. Cllr Watters tabled the application form for Kinross-shire. These forms are available online and the Action Partnership will decide who to co-opt.

A Participatory Budgeting event will be held at the "Better Place to Live Fair" on 3 March 2018 at the Community Campus, when the public will be asked to vote on allocating funds to applicants. Applications of up to £2,000 per application will be considered – more details to follow in the Kinross Community Council Newsletter and online. Funding of £20,000 will be available for the Participatory Budgeting event for Kinross-shire. The Action Partnership has additional funds available to it and decisions on how this will be spent will be made by the Kinross-shire Councillors and Action Partnership members.

Planning Matters

Update on former Kinross High School site

The CC had written to Nick Brian on 3 November following discovery that new-build units were occupied, despite development of the Edwardian building not being completed. The CC had enquired about completion certificates for new-build units. Completion certificates only relate to building standards and cannot be withheld for other reasons, such as conditions on a planning application. Council officers had met with Persimmon representatives. The CC wrote to the ward councillors urging them to demand that PKC issue a Temporary Stop Notice to Persimmon. Council officers had a meeting with ward councillors. Nick Brian emailed Kinross CC on 21 November (in fuller response to email of 3 November). He outlined the approach being taken by the Council, which appeared to involve a 'bond'. The CC wrote again on 24 November (three-page letter copied to MSPs etc.) stating **"Kinross Community Council is of the view that a Temporary Stop Notice should be served immediately on all construction and sales activities on the former High School site, followed in short order by the appropriate Section 145 Breach of Condition and/or Enforcement Notice with a clear written warning that a Section 146 Interdict will be applied for unless Persimmon immediately complies with the above and a binding legal arrangement is concluded to secure the completion of the retained section of the former High School building in line with said Condition 8, not only to the satisfaction of Perth and Kinross Council, but also to the satisfaction of Kinross Community Council."** The Secretary prompted Nick Brian for a reply on 4 December and one was received on the afternoon of this meeting (6 December) stating that a copy of the work programme would be placed on the planning portal when the associated legal agreement and financial commitment with Persimmon Homes has been formalised. The rebuild cost of £305,000 is based on advice and estimate from PKC surveyors and allows for a contingency of 16%.

Cllr Robertson advised that Persimmon has handed over £305,000 to PKC to be used to complete the works on the front part of the former High School, in the event that Persimmon default on the agreed timescale. That cash is now in the Council bank account.

A MoP (Ken Whitcombe) reminded the CC that there was a firm condition, hard fought for, that the High School building would be finished before occupancy of the houses took place. He asked how we have ended up with the building stripped and new houses occupied in direct contravention of the condition. He stated that a chunky dossier had been given to the PKC about Persimmon's ethics. He cited, as an example, the fact that Persimmon had asked on a Thursday if they could commence working at 8am on the Sunday and PKC refused to grant permission as it was not in the conditions. Nevertheless, they went ahead. He referred to the papers he submitted in advance of the meeting pointing out that Persimmon have been guilty of similar practices in the past.

He asked what the CC is doing about this because it would appear that if the CC accepts what the planners are saying, Persimmon is basically bribing the community to do the things they are prohibited from doing.

Cllr Colliar said that the Community Councillors could not do any more. There is now a plan in place. He reminded the meeting that Cllrs are here to represent all the community but we also need to remember that the people occupying the new houses are the future of the town. Developers will always take chances.

A MoP noted that PKC had allocated five of the cheaper units for affordable housing through the assisted mortgage scheme. However, only one of these was taken up so the other four units have been returned to the developer. Persimmon should have no problem developing the old High School building yet they are putting it off and in all likelihood will eventually pull it down.

Cllr Jack said he was astonished that Nick Brian had stated that conditions given on planning applications are not coupled with building warrants and occupancy. It would appear the Officers do not know what they are doing.

Cllr Bryson said it is a shambles but we need to focus on outcomes. There is now a chance that the old High School building will be developed.

Cllr Robertson said that Councillors have been brought kicking and screaming to the point we are now at. We cannot evict the people who are occupying these homes. He referred to the situation a few years ago at Boreland Steading. Councillors got their fingers burned there so the current Council is determined that the same will not happen with the Edwardian frontage in Kinross. Persimmon are extremely difficult to deal with but the £305,000 is now with the Council and the four ward Councillors are doing their utmost to keep them in line.

Cllr Cuthbert said that PKC had taken the soft option of money into their bank account. He asked if PKC councillors had negotiated rendering of the houses facing onto the High Street or the transfer of land from Persimmon to 47a Alexander Drive? Cllrs indicated that this had not been done.

Cllr Purves said the Ward Councillors had asked for a temporary stop notice to prevent Persimmon from breaching the conditions but PKC officers did not think that that step was commensurate to the order. Councillors do not have the powers to deal with Persimmon – it is delegated to Planning Officers and these would have to be reviewed in order to be strengthened.

Cllr Cuthbert said that as a result people have lost confidence in the planning process.

A MoP with a construction professional background asked why the Chief Planner would not go to the CEO and Court to take out an injunction. He very much doubted whether the figure set aside would be enough. Persimmon has craftily passed on the risk to the Council. The development of the High School façade cannot really be done until Persimmon has developed the site. It is not properly shored up – just heavy scaffolding – so it is unclear how it can be developed. It could be construed that there is benefit to the Council to allow this to happen.

Cllr Robertson said he was not sure how a solicitor allowed the sale of a house on the site to go ahead with that condition in place.

A MoP (Ken Whitcombe) stated that once a house is built and conforms to the building conditions it cannot be refused a certificate. This applies everywhere. He stated his opinion that Persimmon were playing P&K Council.

Cllr Purves said PKC have to address the issues and ask questions about the solicitor's role. However, no-one wants to see people being evicted.

A MoP commented that the Council doesn't seem to care about the existing resident at the Lathro site.

Cllr Jack emphatically stated that the CC can do no more as we do not have the powers. Mr Whitcombe interjected to say that the CC does have the power. Cllr Jack asked if Mr Whitcombe could advise them of these powers and he agreed to do so. Cllr Freeman as Chair asked Mr Whitcombe to forward the relevant information to the CC.

Cllr Robertson agreed that PKC have been completely ineffective in dealing with existing Lathro residents.

The same Lathro MoP said she had received communications from various Council officers e.g. Nick Brian and asked if she could copy these to CC members.

Concerns were raised by Cllr Robertson and some MoPs present about the access to the site.

Persimmon are using Green Road and Emslie Drive for heavy plant and brick deliveries.

A MoP asked if the street names have been decided because First Responders will need to know. Cllr Colliar confirmed that they have been named.

Update on Lathro Farm Site

Cllr Purves spoke about the issues regarding the site entrance: mess and water ponding. After protracted discussion sleeping policemen have been installed and this has helped the water and mud issue. However, it took several attempts at Council to achieve this.

Cllr Robertson said that because there is now better access to the site, some of the traffic problems have eased.

A MoP noted that there is a clause in the Planning Act allowing the Scottish Government to call in any planning application but they have not commenced this part of the Act. Instead, they have delegated these powers to the Council and if communities don't like it they have to take the Council to court. He declared that elected members need to get back more power from Council officers. There followed a spirited discussion during which Cllr Stewart felt he had to withdraw from the meeting.

Cllr Robertson said the Ward Councillors had met with Nick Brian and legal representatives and they have to be advised by them as Councillors do not have the power.

A MoP (Ken Whitcombe) said he was in possession of a letter from a very senior police officer about the EU regulation / statute of natural habitat. This relates to what happened at the Lathro site where an environmental impact study was not carried out and trees were felled.

Cllr Freeman stated that the CC has been writing to PKC for six months to try and get some answers and a resolution of the problem.

Cllr Robertson said he has asked for the PKC Scrutiny Committee to be much more proactive.

Address to CC by Ken Whitcombe

Papers had been circulated in advance of the meeting on Lathro Farm and formation of PKPIG (Perth & Kinross Planning Investigation Group.) Some of Ken Whitcombe's address occurred during discussion on the first two planning matters above therefore it is minuted above. With regard to PKPIG he emphasised that formation of this group is the only means by which the CC can hold PKC officers to account. PKPIG has written to the Scrutiny Committee. The CC have to "push their buttons" and make PKC more democratic. Cllr Barnacle said we need a step change in the way PKC do things. Cllr Purves said he is on the Scrutiny committee and it is going to look at the shortcomings of the committee. The Kinross-shire Civic Trust has asked for a letter in support of their position from the CC. Cllr Cuthbert suggested the CC write a letter to Ian Campbell stating that the Kinross community has lost faith in the Planning process.

A MoP asked if a vote of no confidence could come from all the Cllrs and the Ward Councillors. "The public are asking you to do this on our behalf."

Cllr Bryson asked for some time to reflect on this before the CC make a final decision.

Cllr Freeman (Chair) suggested the issue be deferred until the next meeting in February when more Cllrs are able to be present.

New Planning Applications to be Considered

- 17/01923/FLL Alterations, extension and formation of a dormer, 16 Smith Street, Kinross. No comment.
- 17/01909/FLL Renewal of permission 15/01015/FLL (erection of a dwelling house), land 30m SW of Rowan House, Kinross. No comment.
- 17/01887/FLL Siting of portable building to provide toilets for a temporary period, Scottish Natural Heritage, Pier Road, Kinross. Approved.
- 17/02095/FLL Extension to dwelling house at 13 Alexander Drive, Kinross. No Comment.

Planning Applications Determined by PKC

Cllr Colliar reported that the toilets at the pier have been approved.

Proposed Local Development Plan 2

This had been approved by PKC on 22 November, with some amendments, and is now out for public consultation. There was a consultation drop-in event at the campus on 2 December and will be another on 10 January.

The Plan was signed off on 28 November but Cllr Robertson and Cllr Barnacle both raised concerns about the private sewerage systems at Balado. Cllr Barnacle reported the following:

- He expressed concerns about the number of planning applications granted which are above the Local Development Plan, for example Pacehill in Milnathort.
- He was outvoted on some changes proposed.
- He moved an amendment on Balado but asked that Beaufield be taken out due to sewerage and traffic concerns. There are also strong feelings in the Balado community that the plan should revert to L004.
- He felt the change of wording by PKC to "a range" was helpful.
- He encouraged the CC to send a representative to the consultation at the Campus on 10 January. Comment can be made on what is or is not in the plan and thereafter P&KC will take the settled view and the Officers will report back to Council.

Cllr Jack stated that the CC should delegate that task of attending the Consultation meeting to the CC Planning sub-group who should then write directly to PKC on behalf of the CC.

Action: Planning Sub-Group

Planning Correspondence and Other Planning Matters:

Civic Trust/Scrutiny Committee: Kinross-shire Civic Trust had forwarded a copy of their email to Cllr Laing, Convenor of PKC's Scrutiny Committee. KCT wishes the Scrutiny Committee to identify and seek

remedies to current failings in service delivery of PKC's Development Planning. KCT asks for the CC's support for a call for action.

TAYplan: Email received on 2 November: The approved TAYplan Strategic Development Plan (2016-36) has been published. It supersedes the first SDP that was approved in June 2012.

Kinross Town Centre Regeneration

The Secretary has sent the CC's consultation response regarding the proposed Puffin crossing at the south end of High Street to PKC. The CC is asking PKC to revisit the existing proposal as the resultant loss of parking near the chip shop was unacceptable.

The Secretary has written to Barbara Renton to support residents' requests for improvements to Avenue Road and Talla Park. A MoP from Avenue Road requested that Councillors continue to press these concerns with PKC because of the safety issues which have been acknowledged by Council officers. Councillor Colliar noted that bollards are to be placed outside the Salutation Hotel and queried when these would be put in place. Councillor Purves agreed to check on this issue and Councillor Robertson agreed to check up on the other points arising from the walkaround. **Action: Cllr Purves & Cllr Robertson.**

A MoP stated that there is a range of road safety issues around Kinross and expressed reservations about the commitment of PKC officers to address them. Councillor Robertson said he felt this arose because of the pressure of work on this team but agreed to chase it. **Action: Cllr Robertson.**

Councillor Cuthbert noted that the 20mph signs at the roundabout in the centre of town are pointing the wrong way.

Kinross War Memorial

When the weather is windy there is a problem with wreaths being blown away. In the past, it has been difficult to remedy this. However, with the creation of the car park area around the monument it might be possible to erect a railing onto which wreaths could be secured to ensure they do not shift. Councillor Colliar agreed to follow up this suggestion with the relevant bodies. **Action: Councillor Colliar.**

Community website kinross.cc

The community councillors at the Kinross Community Council Newsletter Ltd grants meeting and the community councillors on the Kinross Newsletter Ltd board of directors have discussed the website further. As the CC is required to provide most, if not all, of the funding to support the website, it would make sense for the CC to oversee the website rather than the Kinross-shire Partnership. The decision to suggest this to KP needs to be made by a meeting of the Community Council (rather than KCCNL or KNL), however, as four Councillors were absent it was decided to defer this item until the February meeting.

Miscellaneous Correspondence

Over 70 items of correspondence were received. Most forwarded to community councillors and a summary provided.

Reports from P&K Councillors

Cllr C. Purves. Parking. There are a limited number of parking spaces available in the town. PKC has allocated £200,000 for a car park but, currently, there is no available site. Councillors Purves and Barnacle are pursuing the idea of an expansion of the existing Millbridge car park.

Cllr Watters. The Westfield site. It would seem that mitigation is only within Fife Council. A number of Councillors have put in a lot of work attempting to get this application called in by the Scottish Government via a formal objection from Nick Brian. However, Bernadette Malone and Nick Brian are saying the CC doesn't have a legal right to object because they didn't formally object to the proposal at an earlier stage in the process. Councillor Watters will keep pressing on this because it would really help to have the Scottish Govt call it in.

Cllr Barnacle.

1. Council Budget. PKC had a five-hour meeting on 1 December discussing the budget. It is very challenging because the Council seems to be all about cuts at present. It would be good if things were to

change but it is not looking hopeful. They keep suggesting doing things in partnership with local communities and discussion will be held between January and March to change the Local Action Partnerships to make them more powerful. This process has to be completed by March 2018. Cllr Barnacle's position is that you have to put money on the table and that people need to believe their voices will be heard - devolved power. Cllr Colliar questioned why there is no budget for things in Kinross while projects in Perth e.g. the Theatre, receive funding. (It was noted that Horsecross couldn't raise all the money for the renovation so the Council stepped in to plug the funding gap.)

2. RBS closure. Cllr Barnacle is bringing a motion to the Council in December re RBS closures. The motion will be an invitation to RBS to explain the rationale behind these closures.

Cllr Jack intimated that today (6 Dec) RBS sent a letter to customers advising them there will be a visit from a mobile bank twice a week. Cllr Colliar observed that when the Kelty branch closed, customers were promised this but, in reality, the mobile bank only visits for one hour per week. Cllr Bryson noted that RBS claim that online banking is driving the closures. Some of the Cllrs disagreed that "people don't use bank branches". Cllr Bryson stated that if people think banks provide a service then the Westminster Government should put such a clause in bank licences.

AOCB

New primary school building: Cllr Bryson noted that the new school opened today and the children love it. A MoP expressed huge concern that the P 1-3 toilets have a clear glass door. It is possible to see in to the wash-hand basins, cubicle doors etc. Cllr Cuthbert asked if, and when there would be an official opening.

Closure of **Royal Bank of Scotland** in Kinross – dealt with in P&K Councillors' reports.

Kinross-shire Fund meeting. Cllr Colliar attended this meeting. Two applications were received. 1. Cleish Village Hall and Kinross Guides - each received the other half of the funding asked for in their previous applications. 2. Kinross P. School asked for new nursery equipment. This was approved and the money will be awarded through Foundation Scotland.

Better Place to Live Fair. Cllr Colliar suggested that the CC should consider having a stand at this event, at the Campus, in March 2018 to raise and enhance the public profile of the CC and promote its work.

Traffic Lights at Giocapazzi's /Loch Leven Campus. Cllr Freeman stated that these are not functioning properly.

TRACKS. Cllr Jack informed the meeting that TRACKS have reimbursed the CC for loan they received.

Blairingone Primary School. A MoP expressed concern that communities around Kinross are losing public buildings e.g. shops, banks etc. Cllr Colliar agreed and raised concerns about Blairingone Primary School. Cllr Purves updated the meeting on the recent consultation about the future of the school. Option 4 - a review of the catchment area - has been chosen and will be the one to go forward. Cllr Robertson did, however, raise the point that that would not stop parents exercising their right to choose to send their children to other schools.

Meeting ended at: 9.25pm.

Date of Next Meeting: Wednesday 7 February 2018.

All minutes are draft until approved at the next meeting.