

Minutes of a Meeting of Kinross Community Council

Wednesday 7 February 2018

at 7.30pm at the Masonic Hall, Muirs, Kinross

Present: CCLlrs B Freeman, (Chair), Eileen Thomas (Secretary), Margaret Blyth, Jonathan Bryson, David Colliar, Dave Cuthbert, Barry Davies, Ian Jack, Thomas Stewart and David West; P&K Cllrs M Barnacle, C Purves, R Watters and W Robertson; PC D Stapleton; Martin Smith and Ronnie Bennett of Edgehill Property Assets; and six members of the public.

1. **Apologies:** None.

2. **Declarations of Interest:** None.

3. **Minutes of Meeting of 6 December 2017:** Agreed as a true record. Proposed: CCLlr Cuthbert. Seconded: CCLlr Colliar.

4. **Police Report.**

PC Spalding said there had been problems with drivers using Swansacre as a shortcut when the High Street was closed recently. CCLlr Cuthbert asked him to define 'access'. PC Stapleton admitted it was open to interpretation, and need not refer only to the street concerned. Any one who feels they have been given a ticket unfairly can appeal.

There have been youth issues at Burnbank Meadows.

CCLlr Freeman has noted parking on double yellow lines at Douglas Crescent at school time. PC Stapleton suggests asking the traffic wardens to visit. It is hoped that the planned drop-off and pick-up zone will help matters once the school development is completed.

A member of the public raised the issue of cars parking on the wrong side of the road with headlights on, contrary to the Highway Code. PC Stapleton said police would not take action if they saw this.

CCLlr Thomas has noted cars parking in between the granite bollards on the "pavement" parts of the level surface in the High Street between Burns Begg Street and the former library. PC Stapleton said police would only get involved if cars are causing an obstruction and police are called at the time.

Granite bollards in High Street: This would normally come under the agenda item 'Kinross High Street Regeneration' but was brought forward as it was relevant to some of the points made during the police report. There were two instances of a car colliding with a granite bollard in the space of one week (26 Jan – 2 Feb). It was reported that both drivers had been dazzled by low sun. PKC staff are arranging for reflectors to be affixed to the bollards as soon as possible. Reflectors had been promised after a walkabout between officers, councillors and community councillors in December 2016.

Some residents feel the narrower carriageway due to the Kinross Town Hall works is making accidents more likely. The CC agreed to write to PKC to request one-lane of traffic to be controlled by traffic lights during the Town Hall redevelopment. **ACTION: CCLlr Thomas.** It was also agreed that a full review of the Shared Space scheme be requested. Cllr Barnacle offered to do this. **ACTION: Cllr Barnacle.** See also High Street Regeneration below.

5. **Kirkland's Garage Development:** The Chair welcomed Martin Smith and Ronnie Bennett of Edgehill Property Assets, who gave an informal presentation about their proposals to redevelop the former Kirkland's Garage site. Drawings were available to view. The proposal is to retain the original house and restore it. Some of it may be unstable but every effort will be made to keep the traditional frontage. An extension to the house using modern materials such as zinc is proposed, to clearly show what is original and what is new. The house would form two dwellings. Railings to match the High School would be introduced. The workshop etc through the pend at the back would be demolished and six flats of modern design built. Parking would be provided for all dwellings. Various questions were asked and answered and Mr Smith and Mr Bennett were thanked for attending. They hope to apply for planning permission very soon.

6. Matters Arising.

- a. **War Memorial:** Nothing to report yet regarding the railing proposal.
- b. **CC Representation on Campus Management group:** To secure this, it had previously been suggested at CC meetings that an amendment to the Loch Leven Community Campus (LLCC) management group constitution would be required. However, Cllr Purves now proposes to put an amendment to the Lifelong Learning Committee that would propose a community council representative on all campus management groups, not just LLCC. The CC welcomed this news.
- c. **Royal Bank of Scotland branches:** Cllr Barnacle reported that ten out of the 62 RBS branches proposed for closure have been given a reprieve, but the Kinross branch is not amongst the reprieved. Apparently RBS customers will be able to make payments to their RBS accounts at the post office.

7. **Address by Ken Whitcombe:** Lathro Park resident Ken Whitcombe addressed the CC. He had provided a document the day before, and at the meeting provided copies of an annotated photograph showing issues with the Lathro Meadows housing development site.

Flooding issues: Scottish Planning Policy states that planning permission should not be given for areas that flood. Yet Lathro Meadows floods from two sources: the Queich burn when it overflows and rising groundwater. The natural groundwater level is close to the surface in this area. The path at the back of the leisure centre floods regularly, sometimes ankle-deep. PKC can't fix it because it is groundwater. It sometimes floods a local electricity sub-station, causing powercuts. Mr Whitcombe alleged a new road on the Lathro Meadows site has flooded twice since January and that Persimmon have powerful pumps operating 24 hours per day. He also alleged the water level in his garden in Lathro Park is getting closer to the surface since the Lathro Meadows development began, and that another Lathro Park resident has experienced a flooded garage.

Quality of information: Last year Mr Whitcombe had attended and addressed PKC's Development Management Committee (DMC) meeting regarding an application for Springfield properties on a sub-section of the Lathro Meadows site. This experience suggests to him that councillors on the DMC are, at times, being given misleading information by Council officers. For example, in response to a question at the DMC, a council officer stated that PKC would not be held responsible for any drainage problems on the Lathro Meadows site. Yet a few days later, PKC planning officer Steve Callan stated in an email: 'The drainage system is either adopted/maintained by Scottish Water or the Council's Roads Department. Our RCC are awaiting this confirmation by the developers consultant but we would expect for a development of this scale it will be Scottish Water.' Mr Whitcombe said there are reports of water authorities refusing to take over responsibility for the drainage systems on Persimmon Developments due to these not meeting the required standards. The report to the Development Management Committee for the major Lathro Meadows application stated there would be a buffer zone to the south, but for a large part of the site there isn't.

Radon: Much of Kinross is in a radon gas area. Directives have been sent to chief executives to say that houses must have special membranes. When Mr Whitcombe asked PKC Building Standards if this has been done, he was told this information is not in the public domain. Inspections are not mandatory. Mr Whitcombe is trying to find out what surveys have been done on the primary school, campus and health centre.

Complaint: Mr Whitcombe has lodged a formal complaint with the EC regarding PKC's granting of planning permission at Lathro Meadows without the required habitat surveys for protected species having been carried out. His complaint has been accepted.

Action and responsibility: Mr Whitcombe feels the CC could be more pro-active. He suggests the CC should send at least two members to walk around any site for which there is a major application and could have contacted more organisations when the trees at Lathro were in danger of felling. It was countered that a walkabout would not have helped in a situation where a developer flouts rules, or is allowed by the authority to flout rules. CCllr Davies said he had some sympathy with the points Mr Whitcombe made, but pointed out that the community councillors are volunteers. The CC has written

numerous letters, contacted the press etc. The CC did ask for a TPO for the trees. Cllr Davies suggests that, as our elected and paid representatives, it is the ward councillors who need to be more outspoken. Cllr Barnacle said he had been very active in trying to prevent the felling of the Lathro oaks. He admitted there was a lack of due care and attention by council officers to policies of the council on matters such as flooding, buffer zones and tree protection. He gave several examples of actions he wished to be taken being thwarted by council officers. He also pointed out that planning is a devolved matter of the Scottish Parliament. The Planning (Scotland) Bill going forward at the moment is very pro-development and he suggested MSPs should be questioned about this. Cllr Barnacle said planning was unsatisfactory in other local authority areas too. Cllr Robertson pointed out that very few residents had objected to the Lathro Meadows application in the first place. However, the concern now is to ensure that we are not left with a site that causes flooding for the people in Lathro Park. He has had officers from the council out to look at the situation. Mr Whitcombe said PKC are the lead authority on flooding but the officers do not seem to understand the issues. There was further discussion of where power was held at PKC. It was noted that Scone CC recently received a favourable ruling by the Information Commissioner, forcing PKC to release a recording of a planning committee meeting. Some time ago Cllr Robertson requested that committee meetings are recorded and this is now being done routinely (with films put on YouTube).

Civic Trust Letter: This item, originally scheduled for later in the meeting, was discussed now. Kinross-shire Civic Trust had written to PKC Scrutiny Committee on 5/12/17 to ask that the Scrutiny Committee examine PKC's failure to ensure that certain developments were carried out in accordance to the LDP. The CC had been asked to support the letter at the December CC meeting but deferred. The Civic Trust had since received an unsatisfactory reply from the convener of the Scrutiny Committee and has written again (6/2/18), and again seeks the CC's support. By a majority vote the CC decided to write to the Scrutiny Committee in support of the Civic Trust letter. **ACTION: Cllr Thomas.**

8. **Muirs Kiosk Defibrillator:** The equipment is now installed and operational. Cllr Davies summarised the history of the project, which was largely enabled due to a grant from SSE. He had circulated the final accounts and proposed that the surplus of £350.55 be donated to the Kinross First Responders, who had agreed to check and maintain the Muirs defibrillator going forward. A First Responder who was present said that the sum would need to be paid to the Scottish Ambulance Service in the first instance. This was agreed. Cllr Davies to give the Treasurer any necessary information. **ACTION: Cllrs Davies and Jack.** The CC warmly thanked Cllr Davies for all his hard work in making this project a success.
9. **kinross.cc website:** The community website was set up jointly by the Kinross-shire Partnership (KP) and Kinross CC approximately 17 years ago. KP no longer receives any PKC funding and more of the financial responsibility is therefore falling to the CC, this at a time when funding of the CC has also been dramatically decreased. Neither body is therefore in a position to fund the current arrangement. KP currently oversees the running of the website. Although some funding has been granted from the Newsletter charitable fund (KCCNL), this is not suitable for continuous ongoing support. It was unanimously agreed that the CC write to KP to suggest that the website comes under the wing of Kinross Newsletter Ltd (the Newsletter trading company). **ACTION: Cllrs Cuthbert & Thomas.**
10. **Traffic Management Model:** Cllrs Davies and Cuthbert and Mr Bob Mitchell represented the CC at a demonstration of the model organised by Cllr Watters. Consultants and PKC officers were present. Data was provided from an exercise in November 2016 when 34 cameras around Kinross and Milnathort monitored vehicles. It was possible to pick a certain day and time and observe the traffic movements. The following places were examined in particular: the junction of Muirs by the campus; the junction of Muirs with Springfield Road; High Street; Sainsbury's; and the roundabout at Milnathort. A build-up of traffic is indicated by a flash of red on the computer image. It is possible to add in estimated additional traffic due to increased housing and predict the effect. The model was programmed to give a projection of traffic in 2024. This showed problems at the junctions as expected, but measures can be taken to help combat these. The projection did not particularly strengthen the

argument that junction 7 of the M90 requires to be upgraded with additional slip roads. Those who had attended the demonstration found it fascinating and worthwhile. Cllr Watters will keep on top of this project.

11. **Kinross Town Centre Regeneration:** Additional metal bollards were installed in January at the Give-Take, 13 months after it was agreed they were required. One is dented already. Problems with the granite bollards were discussed under Police Report above. It was agreed that another walkabout should take place after the Town Hall works are completed. **Talla Park & Avenue Road:** The CC received a response from PKC to its letter of 4/12/17. Traffic & Network Team have been investigating and liaising with Mr Tough (resident) in an effort to identify measures that would address the community's concerns. Once this part of the project has been completed, they will consult with the CC and local elected members. The CC was copied into an email to Cllr Robertson from another resident who would like to see more bollards in the town centre to prevent parking on pavement at sorting office and Bayne's.

12. Planning Matters.

a. **Planning Applications to be considered.** No comments were made on any of these.

- 17/02260/ADV Display of signs for Co-op, 54-56 High St, Kinross.
- 17/02273/ADV Display of sign, land 300m NW of Lathro Farm, Kinross.
- 17/02285/ADV Display of signs, land 2m SE of Lathro Farm, Kinross.
- 17/02286/FLL Siting of a sales unit, formation of car park, landscaping and associated works, land 120m SE of Lathro Farm, Kinross.
- 17/02199/LBC Alterations to wall, The Walled Garden, Burnbrae, Kinross.
- Formation of outdoor riding arena (in retrospect), land 70m SW of Gellybank Cottage, Kinross.
- 18/00053/FLL Alterations and reinstatement of window, Royal Bank of Scotland, 55 High Street, Kinross.

b. **Planning Applications determined by PKC.** Cllr Colliar reported on these.

c. **Former Kinross High School site:** Nick Brian had promised on 6/12/17 that a copy of the agreement between PKC and Persimmon regarding the Edwardian building would be placed on the PKC planning website 'Public Access'. It is still not there. Secretary Cllr Thomas has emailed twice to chase this up. A reply from Eddie Jordan on 5/2/18 said the document is being reviewed by the Fol team and solicitor to see what should be redacted first. Eddie Jordan will update the secretary when it is on 'Public Access'.

d. **Lathro Meadows:** See also discussion under item 7 above. The old sandstone wall bordering the pavement had been removed before Christmas, leaving an unsupported earth embankment over the holiday period. A member of the public had queried (on the CC Facebook Page) its apparent replacement with modern red brick. The CC understands that the brick will be clad with something more suitable in due course.

e. **Civic Trust letter:** This was discussed at the end of item 7.

f. **Vote of No Confidence in PKC:** Agreed to take the action of writing to Scrutiny Committee first.

g. **LDP2 and Sites from MIR:** The timing of the LDP2 consultation was unfortunate as the CC did not have a meeting scheduled in January. No submission regarding the proposed LDP2 was lodged by the CC. However, following receipt of an email from PKC to warn that three sites dismissed by PKC after the MIR stage might be put back in the plan, the secretary wrote to object those sites being reinstated. The CC had received a copy of Cllr Barnacle's submission regarding LDP2.

h. **Hockey Club at KGV:** The CC had received a letter from a resident on the Muirs along with copies of documents the resident had received from the hockey club regarding proposals for the strip of land between the artificial pitch and the wall to the rear of the houses on the Muirs. It was agreed the CC should contact the Hockey Club and ask one of their committee to come to the March CC meeting to present the proposals. **ACTION: Cllr Thomas.**

13. **Licensing:** Copies of two applications received in recent weeks: one for variation to licence to allow piped music at Le Jardin, the other for provisional premises licence at Unorthodox Roasters. No objections.

14. **Miscellaneous Correspondence:** Over 60 items received since the last meeting. Most had been circulated to Councillors and a summary provided. The correspondence included updates from the NHS regarding the changes to Mental Health and Learning Disability provision and also the transformation of Surgical Services; thanks from George Lawrie for the CC's support regarding the planning application for toilets at the pier; and notification that the deadline for applications for the Participatory Budget had been extended to 12 February.

15. **Reports from Ward Councillors.**

Councillor Watters:

The **Skatepark** is of a fairly advanced design and some parents wondered if there could be an extension to it at an easier level for younger children. Cllr Watters has been in contact with Live Active Leisure over this and is waiting to hear back.

Councillor Robertson:

Gallowhill Road: Changes including double yellow lines and alterations to the fencing etc at the corner by Mavisbank will not take place until the new financial year.

Kinross Common Good Fund: It is suggested that the CC could have a non-voting representative on this committee. The CC agreed this was a good idea and would think about who it should be.

Community Benefit Fund: A sum of £1,000 is levied on new houses in the Auchterarder area for community benefits. A similar scheme for Kinross is to be looked at. A proposal may go to the Enterprise & Infrastructure Committee.

Councillor Barnacle:

Mini glass recycling points: Cllr Barnacle informed the CC that the Environment Service is planning to introduce five new points in Kinross. The CC would like to be consulted about this.

Guide for Footpath Groups: Cllr Barnacle provided the CC with a copy of this.

Councillor Purves:

Parking provision: It is possible to redesign the Old Causeway (Millbridge Hall) car park to increase the number of parking spaces. The Strategic Policy & Resources Committee has approved spending for this. Designs will be forthcoming.

16. **Other Business.**

- a. **CC Finance:** Cllr Jack, Treasurer, awaits payments for wreaths from Girl Guides and cadets.
- b. **Powers of CCs:** Cllr Jack notes that Mr Whitcombe did not supply the CC with documentation to show what powers Community Councils have.
- c. **M90 fencing:** Cllr Jack notes that the fencing at the junction 6 roundabout is a disgrace and a motorway information sign has gone. It was agreed he would draft a letter for the secretary to send to BEAR Scotland. **ACTION: Councillors Jack & Thomas.**
- d. **Winter service:** Pavement clearance has been poor during snowy and icy weather.
- e. **Dog mess:** Cllr Blyth complained about the amount of dog mess on pavements. It was suggested the CC should ask for the dog warden to visit and survey the streets.
- f. **CC vacancy:** The secretary had received a message via Facebook from a resident who had tried to apply. The secretary contacted the CC Liaison office at PKC, but they have no record of it. She asked the resident to try again.
- g. **KCCNL Grants Meeting:** Suggested date is Thursday 12 April. This was agreed.

- h. **Ninewells Hospital:** Cllr Bryson raised the topic of inadequate parking at Ninewells Hospital. He wonders if there is a strategic plan. Cllr Purves will find out when the current car parking contract expires. **ACTION: Cllr Purves.**
 - i. **Loose Parts:** Cllr Bryson reported that Kinross Primary School is seeking 'loose parts' – items such as driftwood that could be used in outdoor play. He will put an appeal on Facebook and in the Newsletter.
 - j. **Recycling:** Cllr West wonders if PKC exports any of its recycling matter for processing. Cllr Purves will check. **ACTION: Cllr Purves.**
 - k. **Vehicle Activated Signs (VAS):** Cllr Freeman notes the VAS in Milnathort. Cllr Robertson said Kinross CC could suggest locations, though it may take a long time for them to be realised. Two suggestions made at the meeting were Springfield Road and High Street but it will be put on the agenda for next month. **ACTION: Cllr Thomas.**
 - l. **Zebra crossing:** Cllr Robertson said the zebra crossing on Springfield Road is going to be raised.
 - m. **Better Place to Live Fair:** A stall has been booked for the Community Council at this event, which takes place on Saturday 3 March, 10am – 2pm. The Chairman asked that all Community Councillors who are able to drop by for a while to man the stall. Ward councillors are also welcome to be at the stall to meet the public. **ACTION: ALL.**
17. **Date of Next Meeting:** The next meeting will take place on **Wednesday 7 March 2018** at 7.30pm in the Masonic Hall, Muirs, Kinross.

The meeting ended at 10.03pm.

All minutes are draft until approved at the next meeting.