

[Broughty Ferry Community Council](#)

Minutes of the meeting held at Broughty Ferry Library on 6th March 2018

1. Community Councillors Present:

Adele McGrath (Chair); Joan Chalmers (Minute Secretary);
John Watson (Planning Secretary); Stan Nutt (Licensing Secretary);
David Easson (Treasurer); Neil Cooney (Communications Secretary);
Charlie Delaney; Isobel MacLean; Hugh M Begg;

In Attendance: Natalie Mackland (DCC Communities Officer);
PC Scott McEwing (Police Scotland); Sarah Williamson (Evening Telegraph);
Michael Sandeman (Senior Engineer, DCC); Gavin Smith (DCC)

Ex Officio: Bailie Derek Scott; Cllr Craig Duncan;

Members of the Public Present: Lesley Duncan; Ken Leslie

Apologies: Carolyn Forrester; Fiona M Potton; Cllr Philip Scott;
Pat & Sean Moore

2. Broughty Ferry Flood Prevention Works

Gavin Smith and Michael Sandeman gave a PowerPoint presentation of the proposed flood prevention works. The scheme has been given a national priority 2 status and comprises of sections from Douglas Terrace to the Lifeboat Station, Fisher Street, Beach Crescent and the Windmill Car Park. There will be a 4 metre wide dual cycle/footpath with a primary wall at the front and a 1 metre high setback wall at Douglas Terrace, a 5 metre wide dual cycle/footpath at Fisher Street, with 1 metre high setback wall and stepped revetment with a 5 metre dual cycle/footpath Beach Crescent. Windmill car park will have a setback wall. All walls will have gates for access at intervals, mainly lining up with the streets coming down to the river. These gates will be open until a flood warning is given, when council staff will close them. The coping stones will have a rounded profile – this was decided following the previous consultation, the stone for the walls is to be locally sourced. The facing wall at Douglas Terrace will not require piling to be done but will be made from precast concrete to simulate stone.

The link to the Dundee City Council webpage, which contains the latest flythrough is:

<https://www.dundee.gov.uk/service-area/city-development/broughty-ferry-flood-protection-scheme>

Or, on YouTube:

<https://www.youtube.com/watch?v=qRqMit0xq-Oo&feature=youtu.be>

Further information on the Flood Risk Management plan undertaken by Angus Council and Dundee City Council can be found at:

https://www.angus.gov.uk/the_environment/flooding_and_coastal_erosion/tay_estuary_and_montrose_basin_local_flood_risk

It is likely that the scheme will be advertised in the press at the end of March, with 28 days for objections to be lodged. It is expected that the works will commence late 2018 and will take 18 – 24 months to complete.

3. Minutes of the last meeting of the Community Council

These were agreed to be a true record

Proposed by: David Easson

Seconded by: Charlie Delaney

4. Matters arising from the approved Minutes:

Nothing which won't be covered elsewhere

5. Chair's Report

Good evening and thanks to everyone for coming along tonight. Thank you, once again, to Michael Sandeman and Gavin Smith, for coming along on such a horrible night. The presentation was very interesting and it is good to have an insight into what lies ahead for the Ferry.

The Ferry LCPP meeting was due to be held last Thursday, however due to the horrendous weather we have had, it was postponed. It has been rearranged for Thursday 22nd March at 5.30pm, here in the Library. Due to the schools being closed on Thursday past, my Parents Evening was cancelled and has been rearranged for the same night, so if anyone is willing to attend in my place, it would be much appreciated.

I spoke to you at the last meeting about a FB group which has been set up, called Broughty Ferry Rocks. In the short space of time since it started, there are just under 2,000 members, which is fantastic. The group are aware of the legislation regarding the pebbles and have informed the members of places to buy pebbles. I have offered to help with an Easter project, where a group of helpers will each take a theme and paint a certain number of rocks. Children will have a checklist to tick these off and we are hoping that it will be a big success. I have personally noticed a big increase in families in the Ferry, so this can only be a good thing.

SSEN email and fund – discussed and details passed on.

6. Police Report

PC McEwing confirmed that the move to the (old) Police Station was now complete.

The exercise undertaken on schools and parking has now been completed and a further two initiatives are underway whereby enforcement of parking regulations are being done.

A roll-out of the issue of timer switches to residents in sheltered housing in Forthill has been completed following several break-ins in the area. It is hoped the use of these switches will deter further incidents.

Work is being done with public houses in central Broughty Ferry to deter violent/unsocial behaviour by way of exclusion orders. This follows on from the 'Behave or be Banned' initiative in Dundee city centre.

Work is being done with the local banks to try to ensure residents do not fall foul of internet or telephone fraud.

7. Communication Secretary's Report

A paper had been circulated from Lesley Duncan of Thistle Software, who administer our website, to all members. Lesley offers an upgrade to the website at an annual cost of £375 for a period of 4 years.

Stan queried if we should put this out to competitive tender.

Hugh and John both feel as it is not a new project but simply an upgrade to the existing contract, there is no necessity to tender at this time.

David advised that the costs will ensure that we continue to receive the Grant from DCC.

Hugh asked Cllr Duncan to check if any extra funds to meet the cost would be available from DCC.

A proposal was made that we accept the offer to upgrade the website; by Hugh M Begg, seconded by John Watson and all members present confirmed they were in favour of this.

8. Secretary's Report

The proposals regarding the new Glass Bring Sites have been previously circulated. Members asked for a map of the existing sites, for NRP bins to be used and for wrap-arounds on the Eurobins. Joan will reply to Jim Byrne and this matter will be brought back to the next meeting which is in advance of the roll out.

Dundee City Council's Capital Plan allocates £100,000 of funding to District Centres each year over the next 5 years. Gregor Hamilton (DCC) anticipates there are many ways in which potential capital projects in the District Centres could be identified. No doubt, Community Councils, Traders Organisations, other local groups will all have views and these will be fed in through normal processes. The Council has not yet decided how this capital allocation should be utilised in any of the District Centres.

Broughty Ferry Community Council welcomes the extra funding and looks forward to participating in the process of allocation together with the Traders and others.

With the new General Data Protection Regulation (GDPR) coming into force in May 2018, both Joan and Natalie had asked for guidance on how this would affect the holding of data within BFCC and within Broughty Ferry in Bloom. As training places were limited, we have not yet been able to obtain such training but the guidance on the ICO website has been made available. The link is:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Any others who hold data may use this guidance to ensure compliance across all organisations.

Various events are being held by DVA and Joan will circulate the email with details to members.

The email from SSEN sent to Adele re the Scotland Resilient Communities Fund – Joan will check if we are eligible to apply.

9. Treasurer's Report

As an up to date bank statement has not been received, David confirmed the only change to the total in the bank will be the payment of £43.16 to Joan, leaving £1245.72 in total.

Joan has confirmed to David that a new auditor has been found.

10. Planning Report

Planning Secretary's Report 5th February – 2nd March 2018

Of the 15 planning and 2 tree applications considered during this period one deserved comment. **18/00056/FULL – Land to North of Colliston Drive, Broughty Ferry – Erection of Dwelling House.** The Community Council's preliminary views sent to the planning department along with a letter of enquiry as to the status of this site are attached to this report to be ratified or otherwise.

Attention is drawn to application **17/00963/FULL – 231 King Street, Broughty Ferry – Demolition of existing café and erection of mixed use development comprising of ground floor commercial restaurant unit with 7 flatted properties above.**

A decision has been taken by the Planning Department using its delegated powers to **refuse** the application, notifying the applicant of such decision in a letter dated 28th February 2018. It provides four reasons for its decision, each relating to the Dundee Local Development Plan (2014). Broughty Ferry Community Council supported this development. (See ratified report dated 10th January 2018.)

I offer the opinion that the Head of Planning's interpretation of Policies 7, 9, 28 and 55 of the Dundee Local Development Plan (2014) with regard to this application, seem particularly severe.

It is noted from press reports that the applicant may appeal the decision.

John J Watson
2nd March 2018

Craig Swankie
Planning Officer
City Development Department
Dundee City Council
Dundee House
North Lindsay Street
Dundee
DD1 1LS

15th February 2018

Dear Craig Swankie,

Planning Ref. 18/00056/FULL – Land to North of Colliston Drive, Broughty Ferry. – Erection of Dwelling House

An application, **17/00094/FULL**, was lodged by the same applicant to erect two dwelling houses in this same area in 2017. It was subsequently withdrawn on the 13th April 2017.

The whole of the area of the site is shown in the current application supporting document headed, Floor Plans, Elevations, Site and Location Plans and dated December 2017. The 'Existing Location Plan' on the page shows the extent of the site, which would have been agreed when the whole, original development was approved. This site is likely to have been looked upon as a public amenity, landscaped, planted and maintained by the original developer.

Those who bought residences bordering this site would have done so in the knowledge that this would be a public amenity space for all time. The risk of their properties being overlooked by further residential development on the site was therefore removed.

To maintain this amenity on an annual basis placed a financial obligation upon the original developer. It would have been keen to rid itself of such an obligation and after Greenbelt Energy Ltd was first formed in 2001, whose business was and is, 'Management of Real Estate on a fee or contract basis', it provided an opportunity for the original developer to rid itself of the obligation to Greenbelt Energy Ltd for a once and only agreed fee.

There is evidence that Greenbelt Energy Ltd is walking or has walked away from its obligations relating to other sites, both in Dundee and elsewhere, and it has yet to be forcibly challenged by authorities for its behaviour. The fact that the applicant states that it purchased the site recently at auction, it states this in both its early 2017 and now 2018 applications, it can therefore be assumed that it was purchased in 2016 by CBAC Ltd of St Andrews.

It follows that the original developer, in return for a single negotiated fee, turned over its ownership and obligations for this Colliston Drive site to Greenbelt Energy Ltd, who then, claiming lack of resources to maintain it, sold it to CBAC at auction. This raises a very serious question. Did the agreement between the original developer and Greenbelt energy Ltd allow Greenbelt energy to sell the site on without obligation, or, has CBAC of St Andrews, unwittingly taken upon itself the obligations of the site that once belonged to Greenbelt Energy Ltd when it bought the site at auction, or does it prefer to ignore such obligations?

Fundamentally, it seems that if the current application is to be considered seriously, in the first instance a 'Change of Use' request should be made to the planning authority to change it from a public amenity site to a development site.

On visiting the site, it quickly became obvious that some of the content of C.M. Design & Build's Planning Statement for the site included in the documents supporting the application, was much exaggerated. The trees and shrubbery certainly need care but there is no evidence whatever that the grassed area used by dog walkers and members of the public is 'covered in dog faeces', in fact the opposite is the case. The evidence shows that dog walkers are behaving responsibly and are making use of the dog waste container provided by the Council and situated on the south-west corner of the site, as the attached picture shows



The grass area has been tended sufficient to allow members of the public to make use of the amenity.

A very concerning matter is the applicant's omission, both in the Planning Statement and the proposed new build plans, to refer to the gradient of the site and how it intends to deal with that issue. The following photograph shows the steep extent of the site sloping upwards from north to south.

The proposed North, South, East and West elevations of the new dwelling reveal that substantial excavation works will be required in order to provide a level site before building works can begin.

The planning application is flawed on a number of counts. No attempt has been made to provide evidence that a thorough site investigation, including proof that subterranean conditions would allow such a development. There is a real danger that, because no extensive ground containment measures are included in the plans, that the northern boundary of No. 19 Colliston Drive could be subject to subsidence, which would put this dwelling at risk also.

At this time the site acts as a natural soak-away for surface water from the South flowing North and any interference in this could introduce a risk of flooding to properties North-East of the site.

An overlooking issue is also apparent, especially to properties to the North and South of the proposed dwelling.

However, there is an over-riding factor that needs to be addressed with some urgency and that is the strength of the content of C.M. Design & Build's *Planning Statement for Site at Colliston Drive, Broughty Ferry, Dundee*. It has already been pointed out that it contains exaggerated statements regarding the public's current use of the site. It makes reference to *The area of public space to the east of the footpath*, and continues: *This area will be retained and tidied up, with ongoing maintenance at regular time periods*. It repeats this attractive undertaking with regard to the public space to the North of the proposed site. *This area will be retained and tidied up, with ongoing maintenance at regular time periods*.

Such undertakings are easily made on paper, but they reflect long term commitment which must be tested. C.M. Design and Build is acting as agent for CABAC Ltd of St Andrews of which no mention can be found using simple internet search methods. Further investigation revealed that the address given for this company, 2 West Acres, St Andrews, is a dwelling house from which there is no visible sign of such a company operating. While it may be beyond the scope of the planning department's role when considering this application to come to a judgement on the CABAC's actual motive in making this application which, should it be approved, would provide that company with advantage and, when the dwelling is completed and sold on, the limited company could be closed down and its paper commitments given in its application, even though they may have become conditions within the planning approval, made meaningless, nevertheless, it would be appropriate for the planners to keep this in mind.

In the circumstances, I provide this preliminary view that **Broughty Ferry Community Council object to this proposed development in the strongest possible terms.**

John J Watson
18th February 2018

Craig Swankie
Planning Officer
City Development Department
Dundee City Council
Dundee House
North Lindsay Street
Dundee
DD1 1LS

19th February 2018

Dear Craig Swankie,

**Ref: 18/00056/FULL – Erection of dwelling house-
Land to North of Colliston Drive, Broughty Ferry.**

I refer to our preliminary view in the form of a letter of objection to the above application dated 15th February 2018.

Another important matter has arisen regarding the use of this land to North of Colliston Drive, Broughty Ferry.

The Scottish Rights of Way & Access Society provides the following advice.

To be a right of way, a route must meet **all** of the following conditions:

- It must join two public places (e.g. public roads or other rights of way) and
- It must follow a more or less defined route; and
- It must have been used, openly and peaceably, by the general public, as a matter of right, i.e. not just with the permission of the landowner; and
- It must have been used without substantial interruption for at least 20 years.

Since the dwellings surrounding this land were constructed prior to 1998 and the public have enjoyed the freedom to use the pathways and the grass area for at least the last 20 years, it satisfies all of the conditions advised by the Scottish Rights of Way & Access Society and accordingly should continue to be recognised as a **Public Right of Way**.

John J Watson
19th February 2018

Craig Swankie
Planning Officer
City Development Department
Dundee City Council
Dundee House
North Lindsay Street
Dundee
DD1 1LS

5th March 2018,

Dear Craig Swankie,

18/00115/FULM – Proposed residential development comprising 150 dwelling houses with associated infrastructure, access, landscaping, drainage, SUDS and open space – Linlathen, Linlathen Road, Broughty Ferry, Dundee. DD5 3GL

We refer to planning application **16/00392/FULM** dated 2nd May 2016 refused by notice dated 5th December 2016. This decision was appealed but was upheld by R W Maslin, a Reporter appointed by the Scottish Ministers, in his Appeal Decision Notice dated 20th April 2017.

His decision was clear in that the proposed development was premature and contrary to the content of the Dundee Local Development Plan (2014), which remains in force today.

The current application too must be considered contrary to that plan for the same reasons as R W Maslin set out in his Appeal Decision Notice dated 20th April 2017. We are aware that a new Local Development Plan is now under consideration and is likely to be adopted during December 2018, until its adoption we cannot assume its content as, clearly, the applicant has chosen to do.

A supporting document 191 -P, dated 28th February is a report wherein under a heading, 'Broughty Ferry Community Council,' paragraph 5.5's ultimate sentence reads, 'It is therefore disappointing that the BFCC has chosen not to engage or participate in the process to date.' The applicant, in making such a statement, fails to appreciate that BFCC must defend its independent status in every case and avoid undue influences from third parties, except those exerted by the community, in its decision-making process.

The content of paragraph 5.6 in the same regard, seeks to remind the BFCC why it exists. We find this unfortunate, unprofessional and unworthy of further comment.

We note that the consultation expiry date is 23rd March 2018 and the determination deadline 25th June 2018, both dates are within the life of the current Local Development Plan. According to the Plan Preparation Process regarding the new Plan the Local Authority adoption process is scheduled to begin December 2018. It follows that determinations on planning applications, such as this one cannot be taken until after December 2018 or such date thereafter as may be set by the council for adoption.

In the meantime, **Broughty Ferry Community Council object strongly to planning application 18/00115/FULM on the grounds that it is premature according to the Dundee Local Development Plan current at this date and that it seeks to anticipate the content of a new Local Development Plan before its adoption.**

John J Watson
Planning Secretary
5th March 2018

Ratification of the actions on the application at Colliston Drive was unanimously given and ratification of the objection to the development was proposed by Hugh M Begg and unanimously agreed by members. John advised that the application for development at 23 Elie Avenue will go before Committee on 19th March.

11. Licensing Report

No applications received.

12. Matters raised by Community Councillors

David Easson asked that thanks be extended to all members of the community who helped by clearing paths and driveways during the recent heavy snow.

13. Contributions from Elected Members (ex officio members)

Cllr Duncan: There has been persistent flooding at the roadway outside the Occidental. Cllr Duncan contacted Tayside Contracts and this has been cleared for the present and will now be looked at to identify a solution to this problem.

Various road/potholes/pathways problems have been passed to Tayside Contracts for action. It is hoped that sections of repairs will be completed rather than merely individual holes.

Another site visit to Forthill PS will be done before Easter.

Barnhill Post Office – erratic opening hours have been noted and Cllr Duncan is trying to get an explanation of this.

Graffiti removal is underway at the Scottish Water pumping station at Panmuirfield. The site will be made more secure to try to prevent reoccurrence.

Bailie Derek Scott: There have been 2 occasions where the weight limit on the bridge at Fort Street has been breached. This has been reported to Road Traffic Police, the drivers have been warned and the bridge is to be checked. Difficulties over snow clearing in cul-de-sacs were reported.

14. Matters raised by members of the public (previously intimated)

None.

15. AOCB

None

The meeting closed at 8.30pm

The next meeting will be on Tuesday 3rd April at 7pm in Broughty Ferry Library.

JC