

Perth and Kinross Council
Planning & Development Management Committee – 18 December 2018
Report of Handling by Interim Development Quality Manager
(Report No.18/403)

PROPOSAL: Alterations to roundabout, landscaping and associated works.

LOCATION: Swallow Roundabout, Invergowrie.

Ref. No: [18/01770/FLL](#)

Ward No: P1 - Carse of Gowrie

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for alterations and associated landscaping works to the Swallow Roundabout which is located at the junction between the A90 Trunk road, Riverside Drive, Kingsway West and Dykes of Gray Road on the boundary between Perth and Kinross Council (PKC) and Dundee City Council (DCC). Planning permission for works to the entire roundabout was granted by DCC on 22 May 2015 ([15/00076/FULL](#)). This application was subsequently renewed on 29 June 2018 ([18/00149/FULL](#)). The majority of the land subject to the roundabout works is located within DCC with a small area on the southern edge located within PKC which equates to approximately 15% of the total site. This planning application therefore relates to that particular section of the works only.
- 2 The roundabout works were granted by DCC as part of the agreement to develop the Western Gateway/Village, a large scale residential and employment land development to the north west of the roundabout in order to cater for the additional traffic which will be generated by the development. As part of the approved development, the works to the roundabout require to be implemented by the time the 270th house is constructed. The works are proposed to improve traffic flows through the junction to ensure the increased traffic flows as a result of the approved developments can be accommodated without a net detriment to the road network.
- 3 Whilst this application to be determined by PKC only relates to a section of the roundabout, for ease of reference and for clarity, the total works to the roundabout involve physically increasing the size of the roundabout, increasing

the number of approach lanes and signalisation. The overall works may be summarised as follows:

- An alteration to the shape and size of the Swallow Roundabout at the A90/A85, Dundee. The central island of the junction will be more 'lozenge shaped' and it will become signalised.
- Additional lane width will be provided on the roundabout and on the A90 approaches.
- The road to Liff on the west side of the roundabout will be widened to provide an additional lane for eastbound traffic.
- A new footway/cycleway facility with signalised crossings will be incorporated into the scheme.

PRE-APPLICATION CONSULTATION

- 4 No formal pre application was undertaken, however, the application was subject to various discussions prior to submission.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 6 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 7 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;

- The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 11 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 12 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 13 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 14 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 15 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:-

Policy 2: Shaping Better Quality Places

- 17 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.
- 18 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

Policy 10: Connecting People, Places and Markets

- 19 Seek to enhance connectivity of people, places and markets by safeguarding land for strategic transport hubs and related infrastructure including those which are essential to support a modal shift and reduce the need to travel and support a reduction in carbon emissions and air pollution.

Perth and Kinross Local Development Plan 2014

- 20 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 21 The principal relevant policies are, in summary;

Policy TA1A - Transport Standards and Accessibility Requirements

- 22 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 23 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy PM1A - Placemaking

- 24 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 25 All proposals should meet all eight of the placemaking criteria.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 26 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 27 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 28 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area

up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 29 No PKC planning history but the following applications were granted by Dundee City Council

[15/00076/FULL](#) - Works to upgrade the Swallow Roundabout Approved 22 May 2015 by DCC

[18/00149/FULL](#) - Works to upgrade the Swallow Roundabout – Approved 29 June 2018 by DCC

CONSULTATIONS

- 30 As part of the planning application process the following bodies were consulted:

Internal

Environmental Health (Contaminated Land)

- 31 No objection received.

Transport Planning

- 32 It is concluded that without the improvement works to the roundabout the consented development in the surrounding area will only exacerbate any existing traffic issues. The wider impact of this proposal is of significant benefit to residents of the Perth & Kinross Council area commuting to Dundee and further afield along the A90 corridor through improved and more reliable journey times. The proposal also improves facilities for active travel users (walking/cycling) to navigate the roundabout in a safer and controlled manner.

Development Negotiations Officer

- 33 No contributions required.

Structures and Flooding

- 34 No objection.

External

Scottish Gas Network

- 35 No objection received.

Transport Scotland

- 36 No objection subject to informatives regarding procedures for carryout out works to the Trunk Road Network.

Dundee City Council

- 37 Dundee City Council granted planning consent for the upgrade works to the Swallow Roundabout. Subsequent to this it was clarified that a separate planning permission was required from Perth and Kinross Council for a small element of the works.
- 38 The purpose of the development is to enable works to upgrade the capacity of the Swallow Roundabout which will improve traffic flows in the local area and enable the full implementation of the planning permission for new housing at the Western Gateway without detriment to the operation of the trunk road.
- 39 Further housing developments at the Western Gateway are proposed within the TAYplan for the period 2019-2029. Increasing capacity at the roundabout junction will enable this additional house building, helping meet demand for housing in Dundee and the wider TAYplan area.
- 40 The upgrade works will also improve pedestrian and cycle movement across the A90 Kingsway and the A85 Riverside Avenue by completing the footpath and cycleway from Dykes of Gray across the Swallow Roundabout to link with the network on Riverside Drive and Invergowrie.
- 41 Dundee City Council supports the application.

REPRESENTATIONS

- 42 The following points were raised in the 38 representations received:
- Exacerbate rat running through Invergowrie and Carse of Gowrie during morning and evenings and associated impact on road safety and pollution/school and elderly
 - Lack of information relating to potential increased rat running
 - Increased traffic congestion on roundabout
 - Need for a left filter lane/alternative arrangements
 - Need for additional traffic calming in Invergowrie

- No need for traffic lights as there aren't many current delays
- Need for further traffic surveys
- Noise pollution
- Air pollution
- Impact on those leaving Invergowrie to enter Riverside Drive

43 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Modelling and Assessment Report Supporting Statement

APPRAISAL

44 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, which are outlined above.

Policy Appraisal

- 45 Policy TA1A of the Local Development Plan (LDP) refers to traffic and transport and states that encouragement will be given to the improvement of existing transport infrastructure provided they are compatible with adjoining land uses. Policy TA1B relates to new development proposals and requires new development to be designed for the safety and convenience of all users amongst other criteria. For the reasons outlined below I consider the proposed works to the roundabout to comply with policies TA1A and B of the LDP.
- 46 Policies PM1A and B relate to placemaking and seek to ensure that new development respects the character and amenity of place and that the design should complement its surroundings in terms of appearance, scale and finishes.

I consider the minor nature of physical works to the roundabout to be acceptable and in accordance with policies PM1A and B of the LDP.

Traffic and Transport Safety

- 47 As outlined above, the Western Villages development to the north west of the Swallow Roundabout was granted planning consent by Dundee City Council for 738 residential units. The information submitted with that application indicates a predicted vehicle trip generation of 1062 vehicles in the AM period (07:00 - 10:00) & 1346 vehicles in the PM period (15:30 - 18:30). This additional traffic loading and the predicted increase in national traffic growth (National Traffic Forecasts) in conjunction with further development along the A90 corridor will negatively impact on the operation of the existing Swallow Roundabout, increasing journey time, increasing maximum queue length and any associated rat running occurring through Invergowrie. In order to cater for this the improvement measures outlined in this application require to be undertaken.
- 48 Members should note that the application under consideration here does not relate to or allow for consideration of the Western Villages development and the associated increase in traffic generation. That application is outwith the boundaries of PKC and has already been granted planning permission by DCC. This application solely relates to physical improvements to the roundabout for motorised and non-motorised users of only a 15% area the wider roundabout. The alterations are proposed to allow for improved journey times and improved queue lengths through signalisation. As part of this application, traffic impact from the Western Villages application has been modelled using Dundee City Council's traffic modelling to demonstrate the operational benefit of signalling the roundabout. This is considered to be an appropriate manner for modelling traffic impact. The information submitted concludes that journey times through the roundabout, with the additional traffic loading associated with the Western Villages application, will be improved.
- 49 These figures are consistent with the operational differences between a roundabout and traffic signals. The traffic signals apply a set time delay through light phasing as opposed to the normal flow of a roundabout. Through optimisation of the signals, when traffic flows on the A90 are lighter, more signal phasing time can be given to the A85 such as during off peak times to mitigate any impact on journey time at these times.
- 50 It is my view, based upon the information submitted that any rat running routing from the A90 onto the local road network and through Invergowrie would be significantly reduced in comparison with not carrying out any improvements to the roundabout. On the whole this is a very significant operational improvement on this approach.
- 51 Dundee City Council have placed a condition on the Western Gateway development that once the number of residential units exceeds an 800 unit threshold, a traffic modelling assessment should be undertaken to determine the

potential impact of the trips associated with the remaining development plots on the operation of the Swallow roundabout. Transport Planning have concluded that this is a reasonable course of action and will better inform decisions on final residential numbers based on the actual measured traffic impact of 800 residential units and identify any further mitigation requirements in relation to traffic and particularly to rat running through Invergowrie. The applicant has offered to carry out survey work to establish a baseline of rat running traffic levels through Invergowrie and this is welcomed to inform decision making going forward. Perth & Kinross Council being a neighbouring Planning Authority would be invited to input and comment on any further associated planning applications and the resulting mitigation identified through this assessment process including any impact on Invergowrie.

- 52 In summary, without these proposed improvement works the increased traffic from the consented 738 unit residential development sum of 2408 vehicles over the AM & PM periods would likely exacerbate any existing traffic issues within Invergowrie. The wider impact of this proposal is of significant benefit to residents of the Perth & Kinross Council area commuting to Dundee and further afield along the A90 corridor through improved and more reliable journey times. The proposals will also improve facilities for active travel users (walking/cycling) to navigate the roundabout in a safer and controlled manner.
- 53 If this application is not approved the associated impact of the approved residential developments on the Swallow Roundabout would increase traffic congestion and result in associated detrimental impact on the residents of Invergowrie.

It is therefore concluded that application adheres to the requirements and criteria outlined in policies TA1A and B of the LDP.

Left Filter Lane

- 54 There was mention of a proposed dedicated left filter lane from Riverside Drive onto the A90 towards Perth in previous discussions regarding potential upgrades to the roundabout. However, following discussions, it is understood that this is not deliverable as it would not allow for the pedestrian and cycle improvements to allow crossing of the proposed roundabout, there is insufficient space to accommodate it and there is potential impact on the existing filter lane into the A90 filling station. Furthermore there is a requirement to ensure traffic controls on each of the arms of the roundabout to facilitate the pedestrian and cycle movements through the roundabout hence even if a dedicated land could be installed this would still require traffic signal controls.
- 55 The improvements in terms of crossing the roundabout on all arms is considered to be an important aspect of the upgrades as it is very difficult to cross the roundabout currently as a pedestrian or cyclist.

- 56 Nevertheless no filter lane is proposed as part of this application and the Council is required to consider the proposals as submitted and for the reasons outlined above these are considered to be acceptable and in accordance with the Local Development Plan.

Visual Impact

- 57 The physical works proposed to the roundabout are considered to be acceptable and are considered to have a negligible impact on the visual amenity of the area. The proposal therefore accords with the relevant placemaking criteria outlined in policies PM1A and B of the LDP.

Use of Conditions

- 58 Circular 4/1998 outlines the use of conditions on a planning application and states that they require to be relevant to planning, relevant to the development permitted, enforceable, precise and reasonable. There have been discussions relating to the imposition of a condition relating to a financial contribution towards potential traffic calming measures in Invergowrie. It is important to note that this application relates to the physical alterations to the roundabout only rather than the associated wider developments which result in traffic generation on the road network. I therefore do not consider the imposition of a condition seeking a financial contribution to be relevant to this particular development. Consideration of this matter requires to be carried out as part of the assessment of the housing development applications which will impact on the use of the Swallow Roundabout. The assessment of impact of the first application at Western Gateway has been undertaken with the conclusion being that the signalisation of the roundabout and associated works are required to cater for the increase in traffic and this has been conditioned as part of that consent.
- 59 It is noted that the Developer has offered to undertake survey work following completion of the roundabout improvements to establish the potential impact and has indicated that there would be scope for a financial contribution to be made. The works proposed to the roundabout as part of this application will cater for the increase in traffic in the area associated with the Western Villages application. Whilst the survey work and potential financial contribution are welcomed, it is my view that the assessment and consideration of these matters would require to be undertaken by Dundee City Council should any further applications come forward for large scale development where the traffic generation will go beyond that which can be catered for by these roundabout improvements. Perth and Kinross Council would be given the opportunity to comment on these large scale developments, as a statutory consultee, when these applications are received.
- 60 As such I conclude that the imposition of a condition which seeks a financial contribution from the developer associated with this particular application would fail to meet the six tests for conditions outlined in circular 4/1998 and would therefore be *ultra-vires*.

Developer Contributions

- 61 There is no policy requirement for a developer contribution associated with this proposal.

Economic Impact

- 62 Whilst there is potential wider economic benefit associated with the wider developments associated with these improvement works I do not consider the specific improvements to the roundabout to result in any substantial economic benefit beyond those associated with construction operations.

LEGAL AGREEMENTS

- 63 None required

DIRECTION BY SCOTTISH MINISTERS

- 64 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 65 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 66 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road contact should be made with Transport Scotland.
- 5 Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
- 6 Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practise

for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

- 7 The road works which are required will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.
- 8 Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

Background Papers: 38 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 6 December 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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