

Bollo Lane, Chiswick Business Park and Colonial Drive, Chiswick

in the London Borough of Ealing

planning application no. PP/2015/5442

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Construction of a pedestrian footbridge between Chiswick Business Park and Bollo Lane/Colonial Drive.

The applicant

The applicant is **Chiswick Park Unit Trust Ltd c/o Blackstone Property Management** and the structural and civil engineer is **Expedition** and the agent is **CBRE Ltd**.

Strategic issues

The principle for the proposed bridge has been established by the extant permission and it is therefore acceptable. Whilst it is generally supported in strategic planning terms, there are significant issues in regard to **transport and the removal of existing Section 106 obligations** relating to the construction of the footbridge.

Recommendation

That Ealing Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 34 of this report; but that the possible remedies set out in that paragraph of this report could address these deficiencies.

Context

1 On 21 October 2015 the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 1 December 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan,

and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Paragraph 2 of the Schedule to the Order 2008:

"If the local planning authority receive an application for planning permission for development, which they consider forms part of more substantial proposed development, on the same land or adjoining land, they must for the purposes of this Schedule treat that application as an application for planning permission for the more substantial development."

3 Once Ealing Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site of the proposed pedestrian footbridge is triangular in shape and spans a designated Site of Importance for Nature Conservation, the Gunnersbury Triangle Nature Reserve, and Network Rail tracks, and connects to Chiswick Business Park to the west and the Colonial Drive Development (Colonial Drive/Bollo Lane) to the south-east. This bridge is intended to improve access for employees of and visitors to the Chiswick Business Park to/from Chiswick Park station and to alleviate any detrimental impact the development will have on the capacity of Gunnersbury station nearby.

6 The A315 Chiswick High Road, located 175m to the south of the site, forms part of the Strategic Road Network, with the nearest part of the Transport for London Road Network being the A4/A406 Chiswick Roundabout junction, approximately 900m to the south-west.

7 Chiswick Park London Underground station, on the Ealing Broadway branch of the District line, is located 200m to the east of the site; however this station cannot be accessed directly from the site due to the surrounding physical railway lines and therefore requires a lengthy detour by foot. Gunnersbury station, offering services on the Richmond branch of the District line and London Overground rail services between Richmond and Stratford, is a 900m direct walk to the south-west of the site.

8 Although only one bus service (Route 27 from Chiswick Business Park to Chalk Farm) is located within the recommended maximum 400m walk from the site, four services are located within the maximum 640m public transport access level (PTAL) walk distance (H91, 267, 237 and 391). As such the site records a moderate PTAL of 3, on a scale from 1 to 6b where 6b is considered excellent.

Details of the proposal

9 The proposal involves the construction of pedestrian footbridge between Chiswick Business Park and Bollo Lane/Colonial Drive.

10 The application also consists of a renewal of the previously consented planning application for the footbridge. This bridge was deemed necessary as part of the original consent for Chiswick Business Park to mitigate the impact of the redevelopment on Gunnersbury station, by shifting the additional demand onto Chiswick Park station. The delivery of the proposed pedestrian bridge was secured through the Section 106 (S106) agreement linked to the planning permission for Buildings 6 and 7 at Chiswick Business Park, at a specific trigger point corresponding to the prior occupation of Building 7. The applicant intends to submit a deed of variation of the S106 agreement to enable the occupation of Building 7 in advance of the delivery of the bridge, arguing there will be no detrimental impact to Gunnersbury station capacity in the period between the occupation of Building 7 and the completion of the bridge.

Case history

11 Planning applications for a pedestrian footbridge between Chiswick Business Park and Bollo Lane/Colonial Drive, dating to 2003, 2006 and 2012, were all approved.

12 The most recent planning permission was approved on 25 June 2012 with a non-material application subsequently approved on 28 September 2012.

13 Though the applicant had extant permission for a footbridge in this location granted in 2007 (and initially in 2003) by both Ealing and Hounslow Councils (given the bridge spans the borough boundary) they submitted a new planning application for the bridge in 2012. Although the podium of the bridge had already been constructed by this stage, advancements in engineering and building technology since the original application led the applicant to seek new planning permission so a more sustainable and efficient design can be achieved.

14 On 13 March 2012 the Mayor considered one planning report PDU/2857&2857a/01, for two applications for a residential-led mixed use development on Bollo Lane/Colonial Drive and the new Chiswick Park Footbridge. The two applications were determined separately by the Mayor.

15 On 16 May 2012 Ealing Council decided that it was minded to grant planning permission for the residential-led mixed use development and footbridge and on 24 May 2012 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor consented for Ealing Council to determine the case itself. Ealing Council resolved to grant permission for the tandem applications, with the application for the residential-led mixed use development also being subject to the satisfactory completion of a legal agreement under S106.

16 This planning application is being resubmitted subsequent to the recent expiry of the 2012 planning permission.

Strategic planning issues and relevant policies and guidance

17 The relevant issues and corresponding policies are as follows:

- Land use principles *London Plan;*
- Urban design *London Plan;*
- Transport *London Plan; the Mayor's Transport Strategy;*

- Access

London Plan; Accessible London: achieving an inclusive environment SPG.

18 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Ealing Development Strategy 2026 (Core Strategy DPD) (2012), Ealing Development Sites DPD (2013), Ealing Development Management DPD (2013), Hounslow Local Plan (2015) and the London Plan (consolidated with alterations since 2011). The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework and the draft Further Alterations to the London Plan (2015) are also relevant material considerations.

Principle of development

19 The principle for the proposed bridge, providing enhanced links between the wider Chiswick Business Park site and Chiswick Park station has been established by the extant permission and it is therefore acceptable.

Inclusive design

20 The applicant has worked with an access consultant to ensure the footbridge is inclusive and this is welcomed. The applicant states that the bridge has been conceived to be a natural extension of the landscape and walking surfaces around it to ensure access for all. The applicant states they have worked to ensure the minimum change (while still meeting regulatory clearances) in height, and to cover distances with continuous ramps where possible. The gradients over the footbridge vary and are at ramp gradients for the initial approach at each end of the footbridge. The applicant states that the walkway is a consistent 2400mm width between the canted balustrading, exceeding current standards and providing space for people to pass easily, whether they are in a wheelchair or using sticks. The applicant states that the bridge will have level access on the Chiswick Business Park side but that there will be stairs and a lift on the Colonial Drive end of the bridge. The applicant states that the lift will be suitable for wheelchair users, users of small motorised buggies and families with pushchairs. It will be maintained to the same standards as Chiswick Business Park and the existing public lift to the west side. The applicant states that the management will ensure that if the lift is out of order signs will be put in place to notify users. The Council should continue to secure the appropriate management and maintenance of the lift through the existing S106 agreement.

Transport for London's comments

21 While there are no objections to the renewal of the bridge consent itself, TfL is extremely concerned by the applicant's parallel intention which seeks to vary the original S106 agreement. The proposed variation would allow the occupation of Building 7 before the pedestrian footbridge had been constructed and opened to the public.

22 The applicant's submission forecasts that as a result of the occupation of this specific building, an additional 717 peak period rail and London Underground trips will be generated at Gunnersbury station. TfL accepts this quantum, but foresees a more problematic impact on the station's operation than the applicant. The station is already operating at capacity and specific measures are regularly put in place by TfL to manage passengers crowding and ensure the safe

operation of the station. Queuing, particularly at the morning peak for passengers exiting the station, is experienced regularly, as identified by the applicant. TfL therefore considers that that relaxing this obligation will exacerbate those issues.

23 It is understood that the applicant, Ealing and Hounslow Councils are committed to deliver the bridge as being the only infrastructure intervention that will support the occupation of the full scheme built out, in that it would draw a significant proportion of Chiswick Business Park users to start or end their journey at Chiswick Park London Underground station (Zone 3). This would hence alleviate capacity pressures on Gunnersbury station. The applicant has indicated that there is already an agreement in place with National Rail to construct the bridge through 'possession' of the railway line in September 2016. In addition, the applicant is willing to enter into an overbridge agreement, albeit at the time of writing and despite repeated requests, TfL has not been supplied with any transparency on those agreements and any other drafts legal documents related to the bridge delivery, namely the 'adoption' agreement with Hounslow Council; the 'minor adoption' with Ealing Council; the 'buildings' contract with Lendlease for the bridge; the ESCROW agreement (guarantee deposit); and any technical approval of the design of the bridge.

24 TfL would expect that the prior sharing of all of the above documents, as understood to be simultaneously signed off, including the variation S106 if allowed - to which TfL has to be a signatory to, should provide sufficient assurance of bridge delivery. In the meantime, TfL would request alterations to the S106 (deed of variation) to ensure the risk related to the station overcrowding and queuing can be mitigated to a certain extent during the temporary period of construction.

25 Notwithstanding the above, TfL appreciates the pressure that all parties are under to agree the relaxation and is therefore considering to agreeing to it in principle subject to reaching agreement on the varied S106 wording related to the requirement for:

- Funding of additional staffing at Gunnersbury station to assist in controlling the further crowding and alleviating the additional stress put onto the station. This is estimated to require 3 full-time staff members at an approximate cost of £9.5k per month until the opening of the bridge, which assuming 6 to 8 months of construction would total c£70k.
- A contribution of £7m be paid through an ESCROW agreement to Hounslow Council, the precise sum to be confirmed on receipt of draft, for the construction and opening of the bridge to the public. This would need to be transferred to TfL if the Council could not commit to the delivery.
- Providing an undertaking to allow the private roads within the business park to be opened and used by local buses in perpetuity. If such an undertaking is not forthcoming, routes for future bus services into the site will not be guaranteed thus limiting any potential demand shift from rail to buses.
- Providing an undertaking to provide two bus stops within the applicant's landownership at nil cost to TfL, along the necessary rights of way, without which bus route 27 cannot serve Chiswick Park to achieve a balance of sustainable transport options in its locality.

26 Subject to the above S106 variation requirements and associated legal agreements guaranteeing the delivery of the bridge, TfL might be willing to support the applicant's accelerated occupation whilst ensuring that public transport impacts have been sufficiently mitigated for the period between building occupation and bridge delivery. This will ensure the overall application remains compliant with the transport policies of the London Plan.

Biodiversity

27 London Plan Policy 7.19 states that developments should wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. As highlighted above the site spans the Gunnersbury Triangle Nature Reserve, which is a Site of Importance for Nature Conservation. It is owned by Hounslow Council and managed by the London Wildlife Trust.

28 Policy 7.19 states that on Sites of Importance for Nature Conservation development proposals should give strong protection to sites of metropolitan importance for nature conservation. These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance and when considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

1. Avoid adverse impact to the biodiversity interest;
2. Minimize impact and seek mitigation;
3. Only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

29 Gunnersbury Triangle is a relatively small and isolated nature reserve, but it is strategically important because it comprises an area of semi-natural linked to habitats along the adjacent railway corridors. Although it lies within a relatively suburban part of London with a typical residential layout of semi-detached housing with gardens it is one of the few areas of semi-natural habitat in the locality.

30 The bridge and its lighting have been designed with the Gunnersbury Triangle Nature Reserve taken into consideration. The applicant states that with the position of the bridge, at the narrow edge of the reserve, its slender arch structure and the topography of the site, any sense of form is limited to a glance of colour in and amongst the tree canopy. In regard to potential light pollution, the lighting for the bridge has been focused on the deck area to ensure a clear and safe journey for pedestrians, without highlighting the superstructure. Any impacts the bridge may have on the Gunnersbury Triangle Nature Reserve due to its close proximity should continue to be properly addressed and sufficiently mitigated.

Local planning authority's position

31 Ealing Council's position on the development is not known at this stage.

Legal considerations

32 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the

Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

33 Financial considerations are highlighted above.

Conclusion

34 London Plan policies on transport are relevant to this application. The application broadly complies with the London Plan however further information and/or confirmation, as detailed below is additionally required to be fully compliant:

- **Land use principles:** The principle for the proposed bridge, providing enhanced links between the wider Chiswick Business Park site and Chiswick Park station has been established by the extant permission and it is therefore acceptable.
- **Inclusive design:** The inclusive design provisions are welcomed.
- **Transport:** While there are no objections to the renewal of the bridge consent itself, TfL is extremely concerned by the applicant's parallel intention which seeks to vary the original S106 agreement. TfL may be willing to support the applicant's accelerated occupation of Building 7 subject to the above S106 variation requirements and associated legal agreements guaranteeing the delivery of the bridge whilst ensuring that public transport impacts have been sufficiently mitigated for the period between building occupation and bridge delivery.
- **Biodiversity:** Any impacts the proposed footbridge may have on the Gunnersbury Triangle Nature Reserve should continue to be properly addressed and sufficiently mitigated.

35 On balance, the application does not yet comply with the London Plan, for the reasons set out above; however the possible remedies set out above could address these deficiencies.

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