

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL BILL

P E T I T I O N

Against the Bill – On Merits – Praying to be heard by Counsel, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED

THE HUMBLE PETITION of:

HAMMERSON (18 & 19 HANOVER SQUARE) LIMITED
(in respect of 18 Hanover Square and 1a Tenterden Street)

SHEWETH as follows:—

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced into and is now pending in your Honourable House intituled “A Bill to make provision for a railway transport system running from Maidenhead, in the County of Berkshire, and Heathrow Airport, in the London Borough of Hillingdon, through central London to Shenfield, in the County of Essex, and Abbey Wood, in the London Borough of Greenwich; and for connected purposes.”
- 2 The Bill is promoted by the Secretary of State for Transport (hereinafter called the “Promoter”).

Relevant clauses of the Bill

- 3 Clauses 1 to 20 of the Bill together with Schedules 1 to 9 make provision for the construction and maintenance of the proposed works including the main works set

out in Schedule 1. Provision is included to confer powers for various building and engineering operations, for compulsory acquisition and the temporary use of and entry upon land, for the grant of planning permission and other consents, for the disapplication or modification of heritage and other controls and to govern interference with trees and the regulation of noise.

- 4 Clause 50 deals with compensation for injurious affection.

Your Petitioners and their properties

- 5 Your Petitioners are Hammerson (18 & 19 Hanover Square) Limited, a company carrying on business in the ownership and development of property and they hold important interests in properties situated in the City of Westminster.
- 6 Your Petitioners have an interest in the following property that is subject to compulsory acquisition or use under the Bill:

CITY OF WESTMINSTER

Parcel	436 and 437
Numbers	
Property	18 Hanover Square and 1a Tenterden Street
Interest	Leasehold owner
Effect	Acquisition

- 7 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Your Petitioners' concerns

- 8 Your Petitioners, Hammerson (18 & 19 Hanover Square) Limited, whose registered office is situated at 100 Park Lane, London W1K 7AR, are a company

limited by shares incorporated in England in 1999. Your Petitioners' principal business is that of a property company.

- 9 One group of properties belonging to your Petitioners is listed in the Book of Reference for the Crossrail Bill as being subject to total compulsory acquisition.

18 Hanover Square and 1a Tenterden Street

- 10 The affected property is 18 Hanover Square and 1a Tenterden Street in the City of Westminster, which it is proposed to demolish for the purpose of building the eastern entrance to the proposed Bond Street Crossrail station. Your Petitioners are the beneficial owners of a leasehold of this property, for which the legal leaseholders are 18-19 Hanover Square (No. 1) Limited and 18-19 Hanover Square (No. 2) Limited. The property is leased from the trustees of the Oriental Club. The Bill seeks powers to acquire them compulsorily.

- 11 While your Petitioners accept the principle of building the station there, they do not accept that the Promoter, who needs only part of the ground floor and below, is justified in seeking to acquire the freehold above and below the proposed station. The property has the benefit of conservation area consent and planning permission for demolition and construction of a seven-storey building which accommodates the proposed Crossrail station and includes a station entrance on the ground floor, both dated 22 February 2005, subject to an agreement under section 106 of the Town and Country Planning Act 1990 entered into with Westminster City Council. The redevelopment of the site for Crossrail is therefore compatible with the existing plans for the site and your Petitioners should continue to be entitled to redevelop the property above the station, in accordance with the 22 February 2005 planning permission and associated section 106 agreement. Your Petitioners will comply with any reasonable loading or access requirements.

- 12 In any event your Petitioners do not agree with the proposed Land Disposals Policy, as the Promoter should not be entitled to benefit from the development potential for land it acquires for the works. Your Petitioners have the greatest interest in the site and would be willing, as well as the most able in terms of finance and expertise, to undertake its redevelopment.

- 13 The following concerns relate to the property while your Petitioners are still in possession of it.

Noise

- 14 Your Petitioners are concerned about noise during the construction of the works. Your Petitioners wish to see an effective noise mitigation and monitoring system in place before commencement and during construction of the works. There must in your Petitioners' submission be a threshold agreed between your Petitioners and the Promoter. If that threshold is exceeded, the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which will reduce noise levels below the agreed threshold.

Dust

- 15 Your Petitioners are concerned about dust and dirt produced during construction. Your Petitioners would wish to see binding commitments imposed on the Promoter to require adherence to agreed measures to reduce dust, and to carry out additional mitigation if dust continues to be a nuisance to your Petitioners' properties. Your Petitioners request that provision be made to ensure that the Promoter takes responsibility for the reimbursement of your Petitioners for additional expense caused by dust and dirt such as more frequent cleaning of the property and more frequent replacement of air conditioning filters.

Vibration

- 16 Your Petitioners are concerned about vibration during construction of the works. Your Petitioners fear that damage will result from vibration if piles in the vicinity are driven rather than bored or hand-dug. Your Petitioners fear that vibrations caused by tunnelling as the tunnel heading passes beneath their properties for each of the two tunnel drives will cause disturbance to the occupiers of their properties.

Access

- 17 Your Petitioners note the obligation under paragraph 5(2) of Schedule 3 to the Bill to provide reasonable access for pedestrians going to or from premises abutting a highway that has been temporarily stopped up. Your Petitioners request that good

and open access be maintained in all other cases as well, such as in the event of the erection of hoardings and scaffolding, use of the footway next to the property, the placing of equipment and apparatus there, and the parking, loading and unloading of vehicles, either by means of amendment of the Bill or agreement with your Petitioners. Your Petitioners further request that vehicular access to their properties be maintained where practicable and that your Petitioners are reimbursed for any losses incurred through inability to service or park at their properties due to the works.

Compensation

- 18 The provisions contained within the Bill for compensation for the compulsory purchase of property or of subsoil or new other rights will not enable your Petitioners or other landowners to recover the full loss and expenses which they will incur in consequence of the exercise of such powers. Your Petitioners therefore submit that the Bill should be amended to rectify this.

Blight

- 19 Your Petitioners submit that the compensation provisions proposed in the Bill are inadequate to compensate your Petitioners for the loss, damage and inconvenience, attributable to blight to their properties, which they have already suffered or may now suffer as a result of the prospective construction of the proposed works.

Indemnity

- 20 Your Petitioners further submit that the Promoter should be required to indemnify them from all claims and demands which may be made in consequence of the construction of the works under the Bill, or in consequence of any act or omission of the Promoter, his contractors or agents in carrying out the works under the Bill.

General matters

- 21 As a general matter, your Petitioners submit that provision should be made for the Company to repay to your Petitioners all proper costs, charges and expenses (including the proper fees of such professional advisers as they may instruct)

reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.

22 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far as affecting your Petitioners, the Bill should not be allowed to pass into law.

23 There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

Conclusion

24 Your Petitioners submit that, in the respects mentioned and in other respects, the Bill fails adequately to safeguard and protect the interests of your Petitioners and of their subsidiaries.

YOUR PETITIONERS THEREFORE HUMBLY PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by themselves, their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests and in support of other such clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.

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