

HOUSE OF COMMONS
SESSION 2005-06

CROSSRAIL

PETITION

Against the Bill – 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 Targetfollow (Centre
Point) Limited

SHEWETH as follows :-

1. A Bill (hereinafter called "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. Clauses 1 to 20 set out the Bill's objectives in relation to the construction and operation of the railway transport system mentioned in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 21 to 44 of the Bill establish a regulatory regime for the railway transport system and clauses 45 to 59 of the Bill deal with miscellaneous and general provisions.

3. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").
4. Your petitioners are Targetfollow (Centre Point) Limited who are a limited company. Your petitioners are, at the time of the depositing of this petition, in the advanced stages of acquiring the freehold of certain land which lies within the limits of deviation and of land which may be acquired under the Bill. On completion, the land would be transferred to your petitioners. The plots of land in which your petitioners are interested are the plots numbered 8 (in part) and 12 (in respect of part of subsoil) in the London Borough of Camden as shown on the plans deposited with the Bill. Your petitioners and their interests will be injuriously affected by the provisions of the Bill and they object to the proposals in the Bill insofar as they affect your petitioners' interests, for the reasons, amongst others, hereinafter appearing.
5. The plots described in paragraph 4 above comprise a Plaza ("the Plaza") to the front of the Centre Point Tower ("the Tower") at 103 New Oxford Street on the corner of Charing Cross Road and New Oxford Street, together with a pool and fountain and basement level properties including a snooker club, internet cafe and gymnasium. Additionally, and of prime concern to them, your petitioners are also in an advanced stage in purchasing the freehold of the Tower itself and a block of residential and retail property on St Giles High Street to the east of the Tower. That block and the Tower are connected by an underground car park which extends under St. Giles High Street and a link bridge structure over that street. In this petition, the land described in this paragraph is referred to as "the Premises"
6. The Premises will be severely, and your petitioners would allege, uniquely affected by the proposals in the Bill. Your petitioners have grave concerns that the enormous investment which they are proposing to make in the property will, as a result of those proposals, be put at risk.

7. The Tower is a well-known, iconic and monumental structure in the very heart of London's west end and is listed grade 2. The Plaza is also listed grade 2.
8. The Tower consists of 32 floors of offices plus two floors of viewing galleries, together with a ground floor and mezzanine. Tenants include the Confederation of British Industry and the Learning and Skills Council for England. The ground floor and mezzanine of the building is the reception and the first floor upwards consists of offices. Access to the Tower is enjoyed via the west front facing onto the Plaza and also via the east side facing onto St Giles High Street. Of particular importance is the fact that there are two additional fire escape exits, one of which gives onto New Oxford Street and the other onto St Giles High Street.
9. The potential effect of the Bill's proposals on the Tower can be seen by studying sheet number 10 in volume 1 of the plans deposited with the Bill. The Tower itself is carefully excised from the limits of deviation and land to be acquired and used, leaving it in a totally self-contained island surrounded on all sides, potentially, by construction activity, road closures and road diversions.
10. Of particular concern to your petitioners is the fact that the whole of the Plaza is liable to compulsory acquisition under clause 6 of the Bill, right up to the very edge of the Tower. The environmental statement explains that the Plaza will be used as a construction site for Tottenham Court Road Station for a period of at least five years. It is simply unacceptable to your petitioners that the promoter should be empowered to acquire the whole of the Plaza at any one time. The fact that the two fire escapes may be put out of use causes your petitioners grave concern. For such a tall building, the reasons for those concerns are self-evident. The Bill should be amended to ensure that both fire escapes are capable of full use at all times during the construction period, and that there will be sufficient space available to muster evacuees in the event of a fire or other emergency or a fire drill and for the emergency services to gain access and park their vehicles. Furthermore, only one year ago, a major refurbishment of the Tower was completed, which included a completely

new front entrance giving onto the Plaza, upgrading the Tower to 21st century standards. Under the Bill's proposals, the front entrance would become unusable and those working in the building, and visitors would presumably be expected to use the unattractive rear entrance on St Giles High Street. This is totally unacceptable to your petitioners. Your petitioners are also extremely concerned about access for vehicular deliveries. The impact of the closure of Charing Cross Road is dealt with later in this petition, but the Bill empowers the promoters to close St Giles High Street and use it as a work site. Any such closure would prevent deliveries being made to the Tower. Your petitioners cannot accept that as a possibility. Your petitioners request that the Bill should be amended to safeguard vehicular and pedestrian access (including emergency escape routes and mustering areas) at all existing locations and to ensure that emergency services will be able to access the property in case of an emergency.

11. Your petitioners are gravely concerned about the impact of the proposed working site at the front of the Tower for such a long period. That, combined with the effect of the proposed closure of the northern end of Charing Cross Road and the diversion of traffic to the rear of the Tower on St Giles High Street and the inevitable congestion which will occur on that street and New Oxford Street, will mean that the Tower will be surrounded by intolerable construction activity and traffic activity for a number of years.
12. Your petitioners anticipate that the Tower will be seriously affected by noise (both ground and airborne), vibration and dust and there will be serious visual impacts for the occupants of the Tower. All of this will seriously affect the ability of your petitioners to let property in the Tower and to re-let property to existing tenants, the majority of whose leases fall in during or before the commencement of the construction period.
13. Your petitioners note that this is the third attempt in 15 years to reconstruct Tottenham Court Road station. The original Crossrail private bill authorised no compulsory acquisition of your petitioners' property, and nor did the London Underground (Safety Measures) Act 1991. Your

petitioners remain to be convinced that the Plaza should be acquired and used as a worksite at all. Furthermore, your petitioners see no reason why they should not be entitled to retain the freehold ownership of the surface and above ground part of the Plaza during and after construction.

14. Your petitioners are concerned about road traffic management in the streets immediately adjacent to the Premises. The Environmental Statement envisages that the whole construction process will consist of a number of stages, namely stages A to H. When stage E is reached, the section of Charing Cross Road between Andrew Borde Street and Oxford Street will be closed. Site construction traffic will be routed via a temporary road from Charing Cross Road to St. Giles High Street. The Environmental Statement acknowledges that as a result of this, "the delays for road users will represent a significant impact". Your petitioners suggest that this is an understatement on a grand scale. Some of those road users will be those tenants of your petitioners who use the underground car park owned by your petitioners and will also include those making deliveries and collections to and from the Premises and those visiting the Premises either via bus or taxi. There may also be additional noise impacts resulting from the heavier concentration of traffic.
15. Your petitioners are particularly concerned about the impact of noise from the construction works and from the increased levels of traffic concentrated around the Tower. The Tower is single glazed throughout, so airborne noise is likely to be a significant problem particularly in its lower floors. As the building is listed, listed building consent would be required for the installation of secondary glazing, which is an unattractive option for your Petitioners in any event. Your petitioners note from the environmental statement that the nominated undertaker's chosen method of mitigation at work sites is the use of hoardings. Hoardings will provide no protection for tenants of any of the floors above the height of the hoardings, particularly the lower floors of the tower.
16. It is anticipated, due to the deep piles upon which the Tower is constructed, that there will also be problems from structure borne noise.

During a recent refurbishment of the ground floor and mezzanine levels of the Tower, the hours of working had to be restricted stringently, by agreement with the tenants, so that no works took place during the day. This was because of the effect of structure borne noise, which could be detected to a significant height within the building.

17. Your petitioners are also concerned about the effect of ground borne noise from the operation of the railway once it is constructed. Your petitioners submit that the eastbound railway line should be constructed using a floating slab track design in the vicinity of the Tower.
18. Your petitioners are most concerned that they will have no effective input in the construction methodology for the worksite. They quite understand that the local authority should be able to place controls and restrictions on the methods of working, but given the proximity of the worksite to their building, the length of time during which the worksite will be used and the enormous impact which is will have on the Tower, your petitioners believe that they should have a direct influence on working practices, particularly hours of working, lorry movements and noise and dust control.
19. Moreover, the direct disruption to the users of the Tower which will be caused by the sheer scale and proximity of the construction works is, in your petitioners' view, not fully reflected in the approach adopted for the environmental statement. Most importantly, the extended timescale of the construction works is such that disruption will take place, to varying extents and in different phases, over at least 5 years. Clearly, this is not a normal construction situation, where works can, to a large degree, be confined to a defined and vacant or unused property.
20. Because of these special factors, your petitioners consider that, in respect of the construction impacts, the environmental statement is deficient in two respects.
 - (a) First, there is no proper attempt to quantify in detail the construction impacts. Your petitioners accept that this is a difficult exercise without the existence of detailed construction method statements, but in view of the extreme nature and extended period of the construction effects,

your petitioners consider that reliance on a standard code of construction practice applied across all of the Crossrail works, without full consideration of the local circumstances, is not appropriate. Neither does it reflect the requirements of the regulations and guidance on environmental impact assessment. A basic need is for the environmental statement to provide sufficient information to enable the environmental effects to be properly appreciated and evaluated. Your petitioners do not believe that this has been achieved.

(b) Secondly, and related to the above, the format of the Environmental Statement is such that the potential construction impacts (for example, noise, dust, traffic, congestion, road closures, access restrictions, pedestrian disruption, vibration and loss of visual amenity) are considered as separate topics. In reality, however, the overall effect to your petitioners will involve combinations of factors, which will, in their view, inevitably cause a severe loss of amenity to tenants, users and visitors at Centre Point over extended periods. The combined effects are not addressed in the environmental statement, which again does not allow the environmental effects to be properly assessed, as is required by the environmental impact assessment process.

21. In short, Centre Point will, as the environmental statement acknowledges, be significantly affected during the extended construction period but the way this has been treated in the environmental impact assessment process leads to a substantial understatement of the duration and magnitude of the environmental effects at Centre Point.
22. Your petitioners are extremely concerned about the permanent effect of the works. The environmental statement shows that there will be two station entrances constructed in the Plaza. Your petitioners submit that if those entrances are required at all, they should be located in such places and designed to such standards so as to complement the architecture of the Tower and to cause the least impact possible on those resorting to and occupying the Tower. Your petitioners understand that there have been a number of different plans for the station entrances in the Plaza,

some more acceptable than others. If a station entrance needs to be constructed in the Plaza at all, of which your petitioners are not convinced, then certain minimum requirements should be met. The height of the entrances should not exceed the height of the ground floor of the Tower and passengers should not be disgorged directly out towards the front of the Tower. Your petitioners believe that the promoters should design the entrance in accordance with plans which they understand were previously produced by London Underground Limited. They showed one entrance on the plaza in front of the building and another on the proposed extended plaza to the south-west of the Tower

23. Your petitioners' concerns are not limited to the Tower. The shops and residential premises on St. Giles High Street will also be badly affected by the construction activities over a long period. In particular, the closure of the north end of Charing Cross Road, the routing of construction traffic onto St. Giles High Street combined with the possibility of other road closures in the area and all of the highway alterations proposed by the promoters will mean that St. Giles High Street will become extremely congested and a most unattractive place for shoppers. Your petitioners are concerned about access to the shops on St. Giles High Street for deliveries and they are very concerned about the possible effect of increased traffic noise, and noise from the Charing Cross Road construction site on the residents of the residential block. They seek protection from the Promoter in respect of these matters.

24. There are a number of other general concerns arising from the Bill which are of great importance to your petitioners. In your Petitioners' submission, the Bill is deficient in various respects, in relation to the Premises, as detailed below. They submit that the Bill should be amended to provide them proper protection in these respects. The matters in relating to which protection is requested are –
 - (a) The construction of the works could cause damage to the Premises. Your petitioners would wish the promoter to agree that a schedule of condition should be prepared and agreed with your

petitioners, in accordance with a specification to be agreed with your petitioners, at the expense of the nominated undertaker, before the works commence. The effect of the works on the premises should be regularly monitored at the expense of the nominated undertaker, in accordance with arrangements to be agreed with your petitioners so as to minimise interference with business at the Premises and at the conclusion of the works a further schedule of condition should be prepared at the nominated undertaker's expense and agreed with your petitioners, to ascertain what matters require to be remedied;

- (b) Your petitioners are particularly concerned that the Premises may suffer settlement effects as a result of construction of the nominated undertaker's proposed works. Your petitioners submit that the nominated undertaker should be obliged to carry out suitable protective and preventative measures in relation to the Premises, and the services thereto, to your petitioners' satisfaction, to minimise settlement effects;
- (c) If, during the course of the construction of the works your petitioners notice damage occurring to the Premises which requires attention, the nominated undertaker should be obliged, on request, to carry out the works of repair and suitable protective works, to your petitioners' satisfaction, without waiting until the conclusion of the construction of the works;
- (d) Your petitioners are concerned about impact of the proposed works on the foundations of the Premises and about prejudice to future development of the Premises. The nominated undertaker should be required to construct the underground works at such depth or in such a way that the foundations of and subsoil under the Premises are unaffected and so that the load bearing capacity of the foundations and subsoil stratum underneath is not reduced;
- (e) The construction of the works and exercise of other powers under the Bill could interfere with or cause disruption to services to and from the Premises including power, drainage and

telecommunications services. The nominated undertaker should be required to ensure that these services will be suitably protected and secured, that supplies and services will not be interrupted and that the capacity of supplies and services will not be impaired by reason of the works;

- (f) Your petitioners are concerned about the exercise by the nominated undertaker, in relation to the Premises, of the powers contained in paragraphs 4, 5 and 6 of Schedule 2 to the Bill relating to mitigating and safeguarding works to buildings including the associated powers of entry. Your petitioners would wish to have control over such works, have the works overseen by independent engineers, be satisfied as to the quality of such works and be assured of proper and adequate access to your petitioners' premises being maintained at all times. Your petitioners seek assurances accordingly;
- (g) As regards the nominated undertaker's powers of entry under the Bill, your petitioners submit that these should be restricted such that they cannot be exercised during working hours at the Premises. Furthermore, the time of day when major structural works may be carried out should be restricted to outside working hours;
- (h) Your petitioners are concerned about exercise by the nominated undertaker of the powers of paragraph 9 of Schedule 2 to the Bill with regard to preparatory works, and in particular the making of trial holes, and that the nominated undertaker could seek to do this at the Premises. This power should only be exercisable with the consent of your petitioners;
- (i) Your petitioners have already mentioned the potential effect of the acquisition of the Premises as regards access. They are equally concerned that exercise by the nominated undertaker of the powers of the Bill in relation to street and pavement closures or openings in streets or pavements could result in vehicular access to the Premises being denied or pedestrian access being impeded. Your petitioners are particularly concerned about the adverse impact of

possible access difficulties on your petitioners' tenants. Your petitioners require that access to their premises should be safeguarded at all times and that emergency services' access points and escape mustering areas be protected. They also require to be notified sufficiently in advance of any temporary road closures or obstructions in the vicinity of New Oxford Street, Charing Cross Road, Andrew Borde Street and St Giles High Street;

- (j) Your petitioners are concerned about the possible duration and programming of the proposed works. Your petitioners require assurance that the nominated undertaker will notify them of the construction programme and timetable so far as practicable and that the nominated undertaker will arrange the construction programme and timetable so as to minimise disruption and disturbance to the Premises;
 - (k) For compensation purposes, your petitioners submit that the nominated undertaker should be obliged to treat separately a claim for injurious affection from any claim which may be made in respect of land taken compulsorily under the Bill. The nominated undertaker should be obliged to indemnify your petitioners fully against costs or loss to your petitioners by reason of material damage to your petitioners' premises or otherwise occasioned as a result of the Bill and its proposals
 - (l) If, as is proposed in the Bill, the northern end of Charing Cross Road is to be closed to traffic for a considerable length of time, then there will be severe consequences for traffic flows in the area. Your petitioners consider that this proposal needs to be rethought.
25. The cumulative impact of all of the proposals under the Bill is such that your petitioners believe that there is a strong possibility that their ability to retain tenants and re-let the Tower will be seriously impaired. Your petitioners take the view that they are so uniquely and badly affected that your Honourable House should consider whether the promoter of the Bill should be required to acquire all of the Premises, including the Tower, on

Royal Assent, or to make up for any shortfall in rental income caused by the construction and operation of the works.

26. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE
HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they 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 of your petitioners and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray,
&c.

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CROSSRAIL

PETITION

of

Targetfollow (Centre Point) Limited

AGAINST,

BY COUNSEL, &c.

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