

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:

KNIGHT FRANK PROPERTY COMPANY

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 Clauses 45 to 59 of the Bill together with Schedules 11 to 14 contain miscellaneous and general provisions. These include provision for the making of transfer schemes, the designation of nominated undertakers, the devolution of functions and as respects other actions to be taken by the Secretary of State. Provision is also made in particular for the disapplication or modification of various additional miscellaneous controls, for the treatment of burial grounds, for the application of provisions of the Bill to future extensions of Crossrail, for the particular protection of certain specified interests and as respects arbitration.

*Your Petitioners and their property*

- 5 Your Petitioners are Knight Frank Property Company, a private unlimited company and a wholly owned subsidiary of Knight Frank LLP. Your Petitioner carries on a real estate business, dealing in both residential and commercial property, with their registered office at 20 Hanover Square, London W1S 1HZ. The business was founded in London over a century ago and has been based in 20 Hanover Square since 1910.
- 6 Your Petitioners hold the leasehold interest in the Grade II\* listed building at 20 Hanover Square in the City of Westminster (plot 441, which in fact includes the building known as Dering Yard, and plot 442 on the deposited plans). Your Petitioners also hold the leasehold interest in the car park and premises at Dering Yard in the City of Westminster (plot 440 on the deposited plans). Both of these properties (which are joined and used, in effect as a single property by your Petitioners) are subject to the compulsory acquisition of the subsoil beneath the buildings, as is the subsoil beneath the adjoining public highway, Hanover Square, and the subsoil beneath the car park at Dering Yard. The leases in both 20 Hanover Square and Dering Yard expire in 2010.
- 7 Your Petitioners also own interests in three other properties in the square, namely numbers 5, 7 and 21a Hanover Square. There are approximately 450 employees

who work in premises in the square in total, around 180 of which are located in the premises at 20 Hanover Square and Dering Yard.

- 8 Your Petitioners properties and their rights, interests and property are injuriously affected by the Bill to which your Petitioners object for the reasons, amongst others, here stated.

*Your Petitioners' Concerns Generally*

- 9 The Bill provides for a number of works which are set out in Schedule 1 to the Bill, including the construction and operation of an underground railway beneath your Petitioners' properties (Work Nos. 1/3A and 1/3B). In addition, the Bill provides for a new Crossrail station at Bond Street, which would include the construction of new Eastern and Western Ticket Halls. The proposed Eastern Ticket Hall will occupy the site currently occupied by 18/19 Hanover Square. A substantial number of related surface works and operations are also proposed in the surrounding areas, including a work site occupying a section of Hanover Square garden and the road and footways on the western side of the square.

- 10 Your Petitioners approve of the concept and desirability of an East-West rail link, and of the improvement of the provision of public transport in London and the surrounding areas. They are therefore supportive of the Bill in principle.

- 11 Your Petitioners do however have some substantial concerns respecting the provisions of the Bill as affecting their properties and their interests in them. Your Petitioners are concerned that no adequate provision has been made to secure that damage and disruption are kept to a minimum or to secure that in other respects their property interests are reasonably safeguarded. Accordingly, they object to the Bill for these reasons and having regard to the more detailed particulars referred to below.

*Compulsory purchase and subsoil acquisition generally*

- 12 Your Petitioners object to the provisions of clauses 6 and 7 of the Bill in their application to your Petitioners' properties. Under these provisions, the Promoter would be able to acquire compulsorily so much of the subsoil thereof or such new

rights therein, under or over your Petitioners' properties set out in paragraph 6 as they may require for the purposes of the construction and use of the proposed works. Your Petitioners appreciate the need for the Promoter to obtain appropriate subsoil interests for tunnelling purposes but are concerned that the application of the powers as proposed in relation to their properties is excessive and that their application could lead to damage to these properties and a serious detraction from your Petitioners' quiet enjoyment of them.

13 Your Petitioners are especially concerned that the proposed limits of lateral and vertical deviation in clause 1 of the Bill would permit the route for Works Nos 1/3A and 1/3B to be varied so as to bring the works closer to (either vertically or horizontally) some of your Petitioners' properties. The provisions of clause 1 of the Bill could therefore well result, your Petitioners believe, in an inadequate vertical distance between the soffit of the tunnels forming part of Works Nos. 1/3A and 1/3B and the bottommost part of the basements of some of your Petitioners' properties. The resulting noise, vibration and, possibly, damage could therefore cause your Petitioners great inconvenience and loss. Your Petitioners therefore submit that such deviation could and should be more closely restricted wherever possible. Your Petitioners are also concerned that no provision has been made to take into account the fact that all predictions of settlement effects on building would require revision as a result of vertical or lateral deviation from the assumed position and therefore submit that such provision should be made.

14 Accordingly your Petitioners submit that the Promoter should demonstrate and be put to strict proof of the need for and desirability of the proposals in the Bill, as affecting your Petitioners' properties and that the limits of deviation of Works Nos. 1/3A and 1/3B, the resulting powers for the compulsory acquisition of land or of interests in land, the power to construct works and the exercise of works and ancillary powers within the limits of deviation should be restricted in relation to your Petitioners' properties to the extent (if any) to which they can be strictly justified and so as to minimise or prevent interference with those properties. In particular, your Petitioners contend that any interest in its properties acquired by the Promoter (in terms of the area over which it is to subsist and the form in which it is to take at law) should be strictly limited only to that which is absolutely

necessary for the construction, safe operation and maintenance of the proposed works.

*Noise, vibration and disruption and disturbance during the construction period*

- 15 The noise and vibration arising from the construction of the railway and its associated works and structures (such as ventilation shafts) is a matter of significant concern to your Petitioners. Your Petitioners submit that the Promoter should be compelled to use best available techniques in the construction of the railway and its associated works and structures to ensure that these adverse effects are minimised. Your Petitioners submit that strict standards should be set beyond those currently envisaged by the Promoter and to which the Promoter must be made liable to comply.
- 16 Your Petitioners therefore submit that provision should be made such that noise and vibration are minimised by reference to such prescribed thresholds. If those thresholds are exceeded, the nominated undertaker should be obliged to cease construction until such time as remedial measures are in place which will reduce noise and vibration levels below the agreed threshold.
- 17 The surface works, particularly the use of working sites and the removal of spoil, will particularly impact upon your Petitioners' properties. Major increases in lorry movements during the construction period are to be expected, the disruptive effect of which will be compounded by the permanent and temporary stopping up of nearby roads, including most significantly the western side of Hanover Square, and the use of one way routing.
- 18 Your Petitioners are also concerned to ensure that disruption to access to their property, both vehicular and pedestrian, caused by the construction of Crossrail is kept to an absolute minimum during the construction period. 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 also note from paragraph 5.38 of Volume 8b of the Environmental Statement that it is intended to maintain pedestrian access to 20 Hanover Square. Your Petitioners request that acceptable

access be maintained in all cases, including the placing of equipment and apparatus there, and the parking, loading and unloading of vehicles.

- 19 Your Petitioners are also concerned about dust and dirt produced during construction. Your Petitioners wish to see the nominated undertaker undertake to adhere to strict measures to reduce dust and to carry out additional mitigation measures if dust continues to be a nuisance to your Petitioners' properties. Provision should be made for additional cleansing of properties and replacement of air conditioning filters, or for compensation to be paid in respect of the additional expenses which will be incurred in undertaking such operations.

*Proposed demolition of 18/19 Hanover Square*

- 20 Your Petitioners are particularly concerned about the effect of the proposed demolition of 18/19 Hanover square and the site's subsequent redevelopment as the Eastern Ticket Hall for Bond Street Station on their property at 20 Hanover Square. While your Petitioners note the assurance given at 8.6.32 of the Environmental Statement that appropriate restraints to party walls will be provided during the demolition of 19 Hanover Square to protect 20 Hanover Square, your Petitioners submit that they have been provided with inadequate information regarding the detail of the demolition and construction works.
- 21 Your Petitioners submit that there should be additional measure in place to those requested above to account for the proximity of the proposed works at 18/19 Hanover Square to mitigate noise, vibration, and disturbance to your Petitioners' property and the business located at 20 Hanover Square. Your Petitioners further submit that the Promoter, or nominated undertaker, should be required under the Bill to provide detailed plans, method statements and other particulars of work including the work programmes in advance of the commencement of demolition and construction works. Your Petitioners also seek consultative arrangements with the Promoter, or nominated undertaker, in relations to the works at 18/19 Hanover Square, given the proximity of these works to their property.

*Subsidence, settlement and associated damage to properties during and after construction*

- 22 Your Petitioners are concerned about settlement effects on their properties. Your Petitioners' property at 20 Hanover Square is particularly sensitive by reason of the general nature of its construction, its age and the incorporation of fragile architectural features such as ornamental plasterwork. The building is a Grade II\* listing building. In order to reduce settlement damage to a minimum, your Petitioners contend that the running tunnels should be constructed at the greatest practical depth and that the freedom under the Bill to deviate upwards should be strictly limited.
- 23 Your Petitioners would wish to see an effective and agreed monitoring system in place before commencement and during construction of the works, to determine reliably the effect of any settlement on all properties subject to significant settlement. There must in your Petitioners' submission be a set of criteria agreed between your Petitioners and the Promoter for ground movement within the vicinity of the properties. If that such criteria are exceeded then it is imperative that the undertaker nominated to carry out the works is obliged to cease construction until such time as remedial measures are in place which will minimise settlement and consequently avoid distress to the building. Your Petitioners request that they be given notice of the intended passage of the tunnel boring machines beneath their properties. Any necessary safeguarding or remedial measures are to be agreed between your Petitioners and the nominated undertaker.
- 24 Your Petitioners are particularly concerned at effect of the proposed demolition and subsequent redevelopment of 18/19 Hanover Square on their properties.

*Noise and vibration from the running of the trains after completion*

- 25 The operation of the railway (including the use of ventilation shafts and other ancillary uses) must also be expected to give rise to air and ground borne noise and vibration in respect of which the Promoter is subject to no limitations in the Bill or the Environmental Statement. Your Petitioners submit that the Promoter should be compelled to use best available techniques in the construction and

operation for the railway to ensure silent running of the railway and to ensure that these adverse effects are minimised. Your Petitioners submit that strict standards should be set to which the Promoter must be made liable to comply.

- 26 In addition to the running of the trains, your Petitioners are particularly concerned at the noise impact of the ventilation shaft which is to be constructed towards the rear of the proposed Bond Street Station Eastern Ticket Hall at 18/19 Hanover Square. Again, your Petitioners submit that strict standards should be set to which the Promoter must be made liable to comply.

*Deterioration of condition*

- 27 Your Petitioners are concerned that the condition of their properties will deteriorate as a result of the works. Your Petitioners submit that provision should be made to their reasonable satisfaction for a condition survey of their properties shortly before the commencement of the works and shortly after their completion. The costs of rectifying any deterioration in the condition of their properties found to be due to the works should also be reimbursed by the Promoter.

*Compensation grouting in Dering Yard*

- 28 Your Petitioners note in particular that a compensation grouting site is proposed to be located in Dering Yard. The result of this is that parking in the yard and access to the rear of 20 Hanover Square will be completely suspended. While your Petitioners accept that this compensation grouting is considered essential by the Promoter, they request that when the site is no longer needed, it will be restored to good order promptly.

*Summary of disturbance to business*

- 29 Your Petitioners have severe reservations about the effect upon the business of the construction works and the general disturbance and loss of amenity to the areas surrounding their properties. In particular, your Petitioners are concerned with the following matters:

- (a) the location of a major work site directly outside your Petitioners' property at 20 Hanover Square. This building not only accommodates a significant

number of staff but is your Petitioners' "flagship" building and portrays, your Petitioners consider, the company in a positive light to its customers and potential customers not least on account of its elegant appearance;

- (b) the proposed temporary closures of the western side of Hanover Square, severely disrupting access to your Petitioners' property at 20 Hanover Square;
- (c) the generation of unacceptable levels of construction traffic and of construction noise, vibration and dust (described in more detail above);
- (d) the proposed compulsory acquisition of Dering Yard to be used as a site for compensation grouting, currently used as a car park for your Petitioners' employees and as an access point in particular for deliveries;
- (e) the proposed demolition of 18/19 Hanover Square and subsequent redevelopment of that site to build the Bond Street Station Eastern Ticket Hall; and
- (f) the construction of a ventilation shaft at the rear of the proposed Bond Street Station Eastern Ticket Hall;

30 Your Petitioners are very concerned about the combined effect of these matters on their properties and the business and having regard to the scale of disruption and disturbance envisaged. Your Petitioners fear that working conditions for their staff in their properties will be intolerable and therefore seek protection in relation thereto.

*Loss and Compensation*

31 The provisions contained within the Bill for compensation for the compulsory purchase 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.

- 32 Your Petitioners further 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 and subsequent use of the proposed works.
- 33 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, use or maintenance of the works under the Bill, or their failure or want of repair, or in consequence of any act or omission of the Promoter, his contractors or agents in carrying out the works under the Bill.
- 34 As a general matter, your Petitioner submit that provision should be made for the Promoter 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.
- 35 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*

- 36 Your Petitioners submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and should not be allowed to pass into law without these issues being addressed.

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, Counsel or Agents and with 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 other such clauses and provisions as may be necessary or expedient for their protection or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND YOUR PETITIONERS WILL EVER PRAY, &c.

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