

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL BILL

PETITION

**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

REALLY USEFUL THEATRES LIMITED

**HARBOTTLE & LEWIS LLP SOLICITORS
Hanover House
14 Hanover Square
London W1S 1HP**

Ref: 17/289/300862/46

SHEWETH AS FOLLOWS:-

1. A bill (hereinafter referred to as the "**Bill**") has been introduced 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 presented by Mr Secretary Darling, supported by The Prime Minister, Mr Chancellor of the Exchequer, Secretary Margaret Beckett, Mr Secretary Hain, Secretary Alan Johnson, Secretary Tessa Jowell and Derek Twigg.

Relevant clauses of the Bill

3. Clause 1 (Construction and maintenance of scheduled works) authorises the nominated undertaker to construct and maintain the works necessary for Crossrail as described in Schedule 1 to the Bill and shown on the plans and sections deposited with the Bill.
4. By Clause 6 (Acquisition of land within limits shown on deposited plans), Clause 7 (Acquisition of land not subject to the power under section 6(1)) and Clause 8 (Extinguishment of private rights of way) of the Bill, the Promoter seeks power to enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as it may require for the purposes of the proposed works or for any purpose connected with or ancillary to its undertaking.
5. Clause 50 (Compensation for injurious affection) of the Bill would require the Promoter to pay compensation to owners, lessees and occupiers of property for any injurious affection
6. Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others hereinafter appearing.

Your Petitioner

7. Your Petitioner is a limited company engaged in the production and presentation of medium to large-scale dramatic theatre and has its main office situated at Manor House, 21 Soho Square. Manor House is adjacent to the proposed development site

for the Tottenham Court Road Crossrail Station. It is also proposed that one of the main tunnels and several station access excavations occur in the subsoil below the building.

Your Petitioner' concerns

8. The matters with which your Petitioner is particularly concerned are the problems of noise, vibration, dust and dirt, hours of working, visual impact, the effect of the works on the Manor House itself and the potential the loss of the ability for Your Petitioner to continue operation of its business at Manor House.

The effect of the works on the Manor House building to the Petitioner's employees

9. Your Petitioner is apprehensive as to the significant, adverse effects Manor House may suffer as a result of the major works proposed in the vicinity of the building and, due to its age, is very uneasy as to the safety of its employees in the event that it is unable to withstand the same. Your Petitioner therefore requests that the property be re-scheduled as an area of surface interest and be acquired.
10. Such concern is supported by the Listed Building Assessments conducted as part of Phase 3 Iteration 1. Whilst the report states that moderate damage should be anticipated in respect of Manor House it should be noted that the Building Response maximum tensile strain for the building is 0.268%. This is only marginally below the level of 0.30% which is classified as "Severe to Very Severe Damage" and accordingly Your Petitioner would submit that the manner in which this report is presented understates the true potential effect of the Promoter's Bill upon Your Petitioner's interest. Settlement in excess of four inches may be expected.
11. Statements of note from the report are that the flat brick arches over the windows are vulnerable to movement, utility services may be interrupted and that Manor House has various significant/potentially vulnerable features including stone facing and stucco details including cornices. Your Petitioner is obviously troubled by the potential for damage to the building and the effect that the same could have on both Your Petitioner's employees and the public at large.
12. In addition, Your Petitioner respectfully requests it be noted that, as stated in the report, Manor House will be affected by not only the construction of the two platform tunnels, but also the Astoria and Goslett Yard open excavations, an escalator tunnel

and the Circle Line link passage. This analysis has considered the effects of these excavations separately and indicates that further assessment will be required to investigate the cumulative effect of the total works. It is therefore possible that the damage to the building could indeed be much worse than the "moderate damage" currently anticipated.

13. Manor House is a Grade 2 listed building and Your Petitioner believes that it has been specifically excluded from the list of properties proposed for demolition due to this fact. However, the protection afforded to this property due to its status, and the potential associated negative publicity in acquiring the same, should not be allowed to take precedence over the personal safety of its occupants or Your Petitioner's ability to trade successfully to the benefit of its employees. The acquisition of the property does not mean it will necessarily be demolished and it may be it will be better protected. Its acquisition would remove the need for Your Petitioner to occupy or tenant it and thereby remove the risk to life and limb in the event the building were to be destabilised.
14. Without prejudice to the contents of paragraph 13, in the event that the above requested redesignation is not possible, Your Petitioner respectfully submits that the nominated undertaker should be required to carry out a thorough condition survey of Manor House and to complete appropriate safeguarding works prior to commencement of the works at the nearby site. During the works, the effect of the same should be monitored at regular intervals and the methods of construction utilised in the area should be selected so as to cause the least possible damage to the building.
15. In addition to the above, in respect of the works generally, Your Petitioner seeks assurances that codes of construction practice will be enforced and that the utmost mitigation of the effects of noise, dust and vibration will be implemented during the construction period.
16. Your Petitioner is also concerned to ensure that the working hours of operation for the worksite are set with consideration of and in sympathy with the relevant environment. Acceptable hours of work should be agreed with the businesses and residents in the area.

Access to Manor House

17. Vehicular access to Manor House is made via Falconberg Mews which represents the border of the Tottenham Court Road Station worksite. The current width of the street is the absolute minimum required to enable vehicles to access Manor House. This entry point is used not only for storage of vehicles on a daily basis but also by service engineers and for storage of materials that need to be accessed regularly for the running of Your Petitioner's business. Your Petitioner is concerned that any hoarding of the worksite encroaching on the street will prohibit use of this area causing a material detriment to Your Petitioner.

The proposition of an indefinite period of uncertainty

18. Your Petitioner sublets parts of Manor House to third parties. Your Petitioner asserts that the prospect of substantial works taking place directly adjacent to Manor House will have a severely detrimental effect on their ability to sublet Manor House and rental value obtainable.
19. Clause 6(3) and Parts 2 and 3 of Schedule 6 apply certain legislation relating to compulsory purchase compensation, subject to modification. The power of compulsory acquisition is subject to a five year time limit, extendable by order of the Secretary of State. Further, Clause 11 provides that deemed planning permission for the scheduled works will be subject to a 10 year time limit, extendable by order of the Secretary of State.
20. Your Petitioner submits that the provisions within the Bill regarding compensation in respect of compulsory acquisition and other matters are already insufficient to compensate your Petitioner adequately for the potential impact upon it. The proposed time extensions will only serve to prolong the period of uncertainty affecting Your Petitioner and thus cause further injury through loss of rental income until the issue is settled.
21. Your Petitioner submits, that in the light of the recent recommendation of the Law Commission that the time limit for the implementation of compulsory purchase orders in general should be reduced so as to speed up the process and reduce the period of uncertainty for those affected, it would be unreasonable to grant powers that would enable the opposite to happen.

Costs, charges and expenses in consequence of the Bill

22. In addition, your Petitioner submits that provision should be made for the Promoter to repay to your Petitioner 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.

Other

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

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 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 PETITIONER WILL EVER PRAY, &c

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