

Approved by His Justice Long
Roderic A. U. Long



IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

CO/3044/2019

BETWEEN:

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Claimant

-and-

MAYOR OF LONDON

Defendant

-and-

- (1) QUEENSGATE BOW UK HOLDCO LIMITED
- (2) QUEENSGATE BOW PROPCO LIMITED
- (3) QUEENSGATE BOW OPCO LIMITED
- (4) SOCIETE GENERAL, LONDON BRANCH
- (5) SECRETARY OF STATE FOR HOUSING, COMMUNITIES, AND
LOCAL GOVERNMENT
- (6) CLAUDIA BRONDA
(on behalf of the Ashburn Courtfield Garden Residents' Association)

Interested Parties

CONSENT ORDER

Upon the Claimant, the Defendant and the Interested Parties having agreed the terms of this Order for the reasons set out in the attached Schedule,

BY CONSENT IT IS ORDERED THAT:

1. The Claim is allowed, for the reasons set out in the attached schedule.
2. The challenged Decision of the Defendant dated 21 June 2019 to grant planning permission (reference PP/18/03461) is quashed.

3. In the event that the Defendant is minded to grant planning permission when redetermining the Application, he shall give the Fifth Interested Party immediate notice thereof and shall not issue any decision notice granting planning permission until at least 21 days after giving notice to the Fifth Interested Party, or such earlier date as agreed in writing by the Fifth Interested Party.

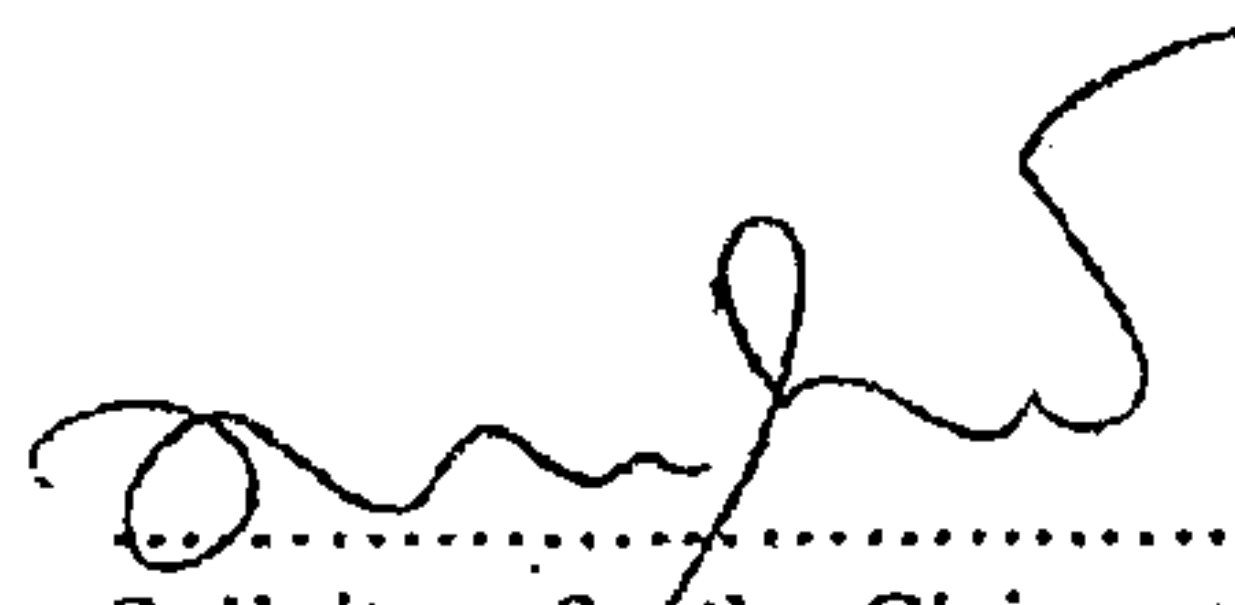
4. The Defendant shall pay the costs of the Claimant in respect of this Claim to the sum of £90,000.

Dated: 13 MAR 2020

By the Court

SCHEDULE

- 1 The Claimant challenges the decision by the Defendant ("the Decision") to grant planning permission (reference PP/18/03461) on 21 June 2019 for the *"comprehensive redevelopment and erection of a part 30, part 22 and part 9 storey building comprising hotel bedrooms and serviced apartments (Class C1) with ancillary bar, restaurants, conferencing and dining areas, leisure facilities and back of house areas; residential accommodation (Class C3); with associated basement, energy centre, plant, car parking, cycle parking, refuse stores, servicing areas; associated highways works and creation of new publicly accessible open space with associated hard and soft landscaping"* ("the Development") on land known as the Holiday Inn, Kensington Forum Hotel, 97 - 109 Cromwell Road, London SW7 4 ("the Site") pursuant to an application ("the Application") made by Queensgate Bow UK Holdco Limited ("the First Interested Party").
- 2 Following an order for disclosure made on 27 November 2019 by Lang J and a review of the documents disclosed pursuant to that order, the Defendant has conceded the Claim in light of the: (i) particulars set out in the Claim Form including the Claimant's Replacement Statement of Facts and Grounds of Claim filed by the Claimant dated 2 August 2019; and (ii) evidence in support of the Claim.
- 3 The Defendant concedes that the Decision should be quashed on the basis of Ground 4, in particular that the decision to grant planning permission was made for an improper purpose and having regard to irrelevant considerations; namely that the Secretary of State should not be given the opportunity to call in the Application for his own determination.
- 4 We confirm agreement to an Order in the terms set out above.


.....
Solicitors for the Claimant

Date: 6/3/20

Tasnim Shawkat
Director of Law
Bi-Borough Shared Legal Services
The Town Hall
Hornton Street
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JMS (JAKE STAFFORD)
.....
Solicitors for the Defendant

Date: 11 March 2020
.....

Transport for London Legal
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London E20 1JN

.....
Solicitors for the First to Third Interested Parties

Date:.....

Roy Pinnock
Dentons UK and Middle East LLP
One Fleet Place
London EC4M 7WS

.....
Fourth Interested Party

Date:.....

Chenaab Randawa
Societe Generale, London Branch
One Bank Street
Canary Wharf
London E14 4SG

.....
Solicitors for the Fifth Interested Party

Date:.....

Government Legal Department
102 Petty France
Westminster
London SW1H 9GL

.....
Sixth Interested Party

Date:.....

Claudia Bronda
Secretary, Ashburn Courtfield Gardens Residents' Association
Flat 5, 14 Ashburn Gardens
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.....
Solicitors for the Defendant

Date:.....

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*W. J. Smith
T. J. Smith*

.....
Solicitors for the Fifth Interested Party

Date: *6 March 2020*

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Date:.....

Claudia Bronda on behalf of ACGRA Date: *6th March 2020*
.....
Sixth Interested Party

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C. Randawa
.....
Fourth Interested Party

Date: 11/03/2020

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Date: 6 March 2020

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