



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

CO/3997/2019

BETWEEN:

R
- ON THE APPLICATION OF -
DOREEN GILL

Claimant

and

BRENT COUNCIL

Defendant

CONSENT ORDER

UPON READING the Claim Form filed on behalf of the above-named Claimant

AND UPON READING the attached Statement of Reasons for the making of this Order and the Consent Order

AND UPON the Claimant and Defendant indicating their consent to the making of this order.

AND UPON reading a HMCTS Customer Counter Receipt acknowledging receipt of the Claim Form on 11 October 2019

BY CONSENT

IT IS ORDERED that:

1. The application for permission to apply for judicial review be granted;
2. The claim for judicial review be allowed;
3. The decision of Brent Council to grant outline planning permission for redevelopment of Preston Library, including erection of a part 2 to part 4 storey building, comprising a library on ground floor and 12 self-contained flats (6 x 1 bed, 2 x 2 bed and 4 x 3 bed), provision for private amenity space, parking, cycle and refuse storage, new access and associated landscaping at Preston Library, Carlton Avenue East, Wembley HA9 8PL (application ref: 19/1305), ~~to~~ be quashed;
4. The Defendant pay the Claimant's costs of the proceedings in the agreed sum of £4,461.80 (including VAT) and within 14 days of the Court sealing the Consent Order.

By the Court

JAMES STRACHAN QC
SITTING AS DEPUTY HIGH COURT JUDGE

28. xi. 2019

Signed *Richard Buxton Solicitors* Dated *25/10/19*

Doreen Gill (Claimant)
c/o Richard Buxton Solicitors
19B Victoria Street
Cambridge CB1 1JP

Signed *[Signature]* Dated *26/10/19*

Debra Norman, Director of Legal, HR, Audit & Investigations
for and on behalf of Brent Council (Defendant) (and applicant)
Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

By the Court

RICHARD BUXTON SOLICITORS
Ref: BQC1-001/LF

STATEMENT OF REASONS FOR THE MAKING OF THE CONSENT ORDER

1. This statement sets out the agreed matters justifying the making of a Consent Order for the application for judicial review, the quashing of the Defendant's decision and the payment of the Claimant's costs by the Defendant (contingent upon the quashing of the planning permission and in the agreed sum).
2. On 30 August 2019 the Defendant granted outline planning permission for the proposed development for redevelopment of Preston Library, including erection of a part 2 to part 4 storey building, comprising a library on ground floor and 12 self-contained flats (6 x 1 bed, 2 x 2 bed and 4 x 3 bed), provision for private amenity space, parking, cycle and refuse storage, new access and associated landscaping at Preston Library, Carlton Avenue East, Wembley HA9 8PL (application ref: 19/1305).
3. The Claimant challenged the Defendant's decision by way of a pre-action protocol letter dated 1 October 2019, which set out three grounds of claim.
4. In relation to Ground 3, the Defendant accepts that the report to Committee erred in concluding that the proposal would result in an amenity space provision of 24sqm per unit which exceeded the guidance contained in Council policy DMP 19. As a matter of fact there would be an overall deficit of some 39sqm of amenity space and this deficit and the fact that the 20sqm per unit norm would not be provided should have been referred to in the report.
5. The Defendant does not accept that Grounds 1 and 2 raise any arguable error of law. However, it accepts that the error which forms the basis of Ground 3 was made and that, in consequence, it erred in law in resolving to grant planning permission.
6. For the above reason, and without prejudice to the parties' positions in all other respects, the Defendant consents to the planning permission reference 19/1305 being quashed.
7. In the light of the above, and to avoid the need and cost of further litigation, it is requested that the Court makes the Consent Order sought without the need for attendance by the Parties.

RECEIVED

19 DEC 2019

BY: _____