

**From:** Dillon, Andrew  
**Sent:** 05 December 2019 11:47  
**To:** Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>  
**Cc:** Gould, James <James.Gould@Barnet.gov.uk>  
**Subject:** RE: Millbrook Park Phase 2 Planning Approval and Enforcement

I agree, but was trying to avoid being dragged into it. The basis planning test, would be if the proposal was submitted in this form would it have been approved. The changes are fairly minimal and in my view there would be no planning reason to refuse a planning application for the changes which have been made. As such I would concur that it would not be expedient to take enforcement action in this case.

**Andrew Dillon**  
**Principal Planning Officer**  
**Major Developments Team**  
**Development and Regulatory Services**  
London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW  
Tel: 020 8359 4729  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)

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London Borough of Barnet is working with RE (Regional Enterprise) Ltd,  
a new joint venture between the council and Capita plc.

**From:** Sutherland-Thomas, Iain  
**Sent:** 05 December 2019 11:05  
**To:** Dillon, Andrew <[Andrew.Dillon@Barnet.gov.uk](mailto:Andrew.Dillon@Barnet.gov.uk)>  
**Cc:** Gould, James <[James.Gould@Barnet.gov.uk](mailto:James.Gould@Barnet.gov.uk)>  
**Subject:** RE: Millbrook Park Phase 2 Planning Approval and Enforcement

Andrew,

We visited this site a couple of years ago and concluded that the variations from the approved plan were not sufficiently harmful to justify enforcement action.

Is there any chance you can have quick recce and see if you concur? I'd like to be able to say that we asked the person responsible for the decision.

thanks

**From:** [REDACTED]  
**Sent:** 04 December 2019 16:52  
**To:** Sutherland-Thomas, Iain <[Iain.Sutherland-Thomas@Barnet.gov.uk](mailto:Iain.Sutherland-Thomas@Barnet.gov.uk)>; Dillon, Andrew <[Andrew.Dillon@Barnet.gov.uk](mailto:Andrew.Dillon@Barnet.gov.uk)>  
**Cc:** Building Control <[Building.Control@barnet.gov.uk](mailto:Building.Control@barnet.gov.uk)>; Planning Enquiry <[Planning.Enquiry@barnet.gov.uk](mailto:Planning.Enquiry@barnet.gov.uk)>; Gould, James <[James.Gould@Barnet.gov.uk](mailto:James.Gould@Barnet.gov.uk)>; [REDACTED]  
**Subject:** Millbrook Park Phase 2 Planning Approval and Enforcement

Dear Mr. Sutherland,

In the interests of proper planning and so as to ensure that the Millbrook Park Phase 2 development is carried out fully in accordance with the Linden Homes Planning Permission H/03904/12, all variations to the approved plan are subject to a review by Barnett London Borough under the applicable rules and regulations.

Barnet Planning and Enforcement is requested to provide a timely and professional response to our concerns. The detailed response is requested to identify the current approved conditions of the Millbrook Park Phase 2 and the status of any pending enforcement actions.

In the interest of time, Barnet Planning and Enforcement is requested to escalate the resolution of the itemised issues related to the developer's breach of planning permission. An immediate response will help narrow the issues submitted for consultation and support our pending actions against the maintenance provider.

Please let us know if any of the changes to the Millbrook Park Phase 2 Engineering Layout are being investigated by Barnet Planning and Enforcement.

We look forward to working closely with you to begin resolving the major deviations to the Planning Permission..

Kind regards,

[REDACTED]

[REDACTED]

Dear Mr. Sutherland,

The members of our community, located in Phase 2 of the Millbrook Park Estate, purchased homes "off plan" primarily based on the Development Plan approved by Barnet Planning. The express terms of the purchase agreement required Linden Homes to build the Property: in a good and workmanlike manner, in accordance with planning permission and building regulations. In our view, Barnet Planning and Enforcement has not fulfilled its obligation to document revisions to the approved planning permission or adequately control the performance of the construction of the infrastructure, landscaping, and site features.

The initial list provided a brief summary of the main construction issues that we expect Barnet to begin addressing. The full description of the community is expressly or impliedly incorporated by the sales brochure, sales model, advertisements, similar units, plans, and specifications, planning permission, and building regulations. Our intention is to work closely with Barnet Planning and Enforcement to address the each breach of planning permission.

The completion of the construction in accordance with the Millbrook Park Phase 2 Development Plan approved by Barnet Planning is a contractual requirement. The Code Regulating Plan emphasises the aspirations of the Inglis Consortium to provide a "Coherent and high quality public realm" as an essential and integral element of the overall development at Millbrook Park. The identification of all the deviations from the planning permission and active enforcement will serve to discourage other developers from violating statutory laws and Barnett's established Millbrook Park rules and regulations.

Contrary to the results of Barnet's initial inspection, Linden Homes made significant material changes to the Structural Landscape and Public Open Space represented by the Millbrook Phase Development Plan and detailed on the Engineering Layout without formal authorization from the customers or planning authorities (ref: H\_02823\_14-CH469\_113\_C5 Engineering Layout, attached).

The following major changes to the Phase 2 Southern Court, south eastern open space, are in breach of the Code Regulated Plan and Planning Application:

- Shared Surface Parking Area –major change to approved paving material, pattern, colour.
- Shared Surface Parking Area – deleted all public Vehicle Charging Points (VCPs).
- Perimeter Fence – deleted approved boundary metal fences (Type S 1.8m, Type R 1.0m).
- Public Square Structural Landscape - major changes to stairway and retaining wall system.
- Public Square Site Lighting - deleted site light poles at main stairway.
- Public Square Site Lighting - basic light bollards substituted for specified timber bollards.
- Public Square Landscape Plan – deleted seating areas, bulb planting areas and hedges.
- Public Square Stepped Footpath – bituminous asphalt ramp substituted for specified pavers and resin bound aggregate footpath.

As you will see from our numerous emails, we have made every good faith effort to seek the resolution of the planning violations, regrettably without success. At this stage we are still trying to work with Barnet to initiate enforcement actions against Linden Homes. Absent of your support, documentation may be obtained through the Freedom of Information Act and the filing a detailed Letter of Claim.

We are encourage by your recent responses and look forward to receiving a copy of the enforcement letters sent to Linden Homes.

Kind regards,

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