

8 September 2021
Our ref: 7564432

Thank you for your request received on 12 August 2021, for the following information:

Under the FOI act, please tell me:

1, For how many office-to-residential permitted developments converted under permitted development rights since 2013 was a developer contribution (S106 or CIL) payment sought by Barnet council?

2, For how many was a developer contribution not sought?

3, Where Barnet council did not seek one, what are generally the main reasons for this? (Please just provide a list of the main reasons why a CIL or S106 would not be sought - I understand PDR conversions are not liable for S106 payments anyway)

Please let me know if there's any way I can make my request easier to answer.

We have processed this request under the Environmental Information Regulations 2004.

Response

I am writing to inform you that we have searched our records and although we hold some of the information requested, some is not held by London Borough of Barnet because we migrated to a new computer system

1, For how many office-to-residential permitted developments converted under permitted development rights since 2013 was a developer contribution (S106 or CIL) payment sought by Barnet council?

16 PNO permission were liable for CIL. 8 of these developments have been implemented and have paid a total between them of £354,498 of Barnet CIL.

35 of these had a s106 agreement or unilateral undertaking.

2, For how many was a developer contribution not sought?

130 PNO permissions were granted. 95 applications did not have a s106. 114 were not liable for CIL.

3, Where Barnet council did not seek one, what are generally the main reasons for this? (Please just provide a list of the main reasons why a CIL or S106 would not be sought - I understand PDR conversions are not liable for S106 payments anyway) .

Changes of use to residential are only liable for CIL if the existing property has not been in lawful use for 6 months out of the 3 years prior to planning permission being granted. CIL will not be charged if the result of the regulation 40 formula is zero.

Planning obligations (s106) are only required to ensure that proposals are acceptable in planning terms.

The s106 agreements/unilaterals for developments such as these normally relate to highways requirements such as not allowing future residents residential parking permits.

Please provide details of information not held, see refusal notice below.

We have been able to access details since the beginning of 2014, by using the PNO reference which signifies a prior approval. Prior to 2014 , a different planning application software was used and it is now not possible for us to search on the application number to find prior notification applications. Therefore there may be some cases registered in 2013 not included in the above statistics.

Please provide details of information not held, see refusal notice below.

R12(4)(a) - Information not held

We consider that regulation 12 (4) (a) (Information not held) applies to the information requested because we do not hold the information requested. The ICO have stated that they do not expect a public authority to undertake a public interest test where they do not hold the information.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.