

Corporate Head of Service
Planning Department
Camden Council
5 Pancras Square
London
N1C 4AG

Ref: NM / L001

28 May 2025

Dear Sirs,

Town & Country Planning Act 1990 (As Amended)
Planning Application For Continued Shool Use Within Class F1a Education of the Use Classes
Order at 85-87 Fordwych Road, NW2 3TL

I write on behalf of our client Cognita Schools Ltd the owners of North Bridge House School, to submit a planning application for the regularisation and continued use of 85-87 Fordwych Road for education use within Class F1a of the Use Classes Order (as amended).

The requirement for the application is due to the change in the Use Classes Order on the 1 September 2020 which split the former D1 Use Class which encompassed both nurseries and day schools within the same Use Class to separate and distinct use classes (now Class E for Nursery and Class F1a for School).

Tree Tops Nursery ran the premises from 2012 to 2018 and in that time had 2 OFSTED Inspections and their use was within Class D1 of the Use Classes Order.

North Bridge House School acquired the lease for the premises in May 2019 with its D1 use and following internal and external refurbishment opened to pupils in September 2020. The Site operated as a combined Prep School and Nursery from that date until its closure in July 2024. The nursery comprised the ground floor of the building with the Pre Reception on the first floor, Year 1 on the second floor and Year 2 on the third floor (top level), with all of the children sharing the playground space. There were 40 children in the Nursery and Pre Reception and 37 in Years 1 and 2 in accordance with the legitimate D1 use (converted automatically to E and F1a use in September 2020) so a total of 77 pupils with a DFE cap at 100. This use continued to July 2024, but the premises were no longer required and the school re-housed the children within other existing North Bridge House School premises.

Since August 2024 the premises have been marketed to education providers to continue education use at the site. In our view a CLEUD would only be able to provide a mixed nursery and school use at the site, given that the Use Classes Order changed post the use starting and splitting nursery use into the now E Use Class (Commercial, Business and Service), whereas Education now falls within a new and specific F1a Use Class.

The only interest expressed between August 2024 and now, an 8 month period, is by an education provider requiring 42 SEND pupils aged 4 to 11 (Early Years Foundation Stage, Key Stage One and Key Stage Two). To commit to the premises and sign a lease they require clarity that planning permission has been granted for a pure F1a Use Class of Education, as they do not provide nursery provision as part of

their education offering. All pupils will have an EHCP and be state funded. Placing local authorities will generally be those within a 45 minute travel time.

The application is only for use of the building and there are no internal or external changes to the building or grounds proposed.

Accordingly the application has been submitted via the Planning Portal and comprises the following information:

- This cover letter, which addresses key planning issues
- Site location plan as per planning portal
- Site plan existing and proposed (no change is proposed)
- Floor plans existing and Proposed (no change is proposed)
- Transport Technical Note

Background/Planning History

6660 – erection of single storey rear extension. Conditional grant 02.04.1969

10304 Change of use from a residential hotel to a medical nursing home. Granted 04.03.1971.

8804136 use as a psychiatric day hospital for twenty five people. Granted 07.09.1988.

2019/6296/A display of 2m high x 4m wide non illuminated hoarding sign for a temporary period in connection with refurbishment work. Granted 31.01.2020 to run to 31.07.2020.

The site was used by Tree Tops Nursery from 2012 to 2018. On its closure our Clients Cognita Schools Ltd took on a lease and ran the premises through North Bridge House School from September 2020 to July 2024, with pupils thereafter relocated to other existing North Bridge House Schools.

A FOI Case reference CAM442 was Submitted to the Council regarding use of the premises with a response the 17.09.2020. The Council advised that “the Site has a history of being an unrestricted D1 use. Therefore, the building could be used as a day nursery, medical, dental, education, training, religious assembly, etc.

Site Description

The property is located on the northern side of Fordwych Road, close to its junction with Mill Lane. Edgware Road (Shoot Up Hill - A5) is close by and the local shopping facilities and bus services of Cricklewood Broadway are also nearby. Kilburn Station is approximately 0.3 miles (8 minutes walking) and West Hampstead is about 0.7 miles (15 minutes walking distance). The property is also well located for West Hampstead, Hampstead, St Johns Wood, the North Circular Road and M1 at Brent Cross as well as Central London.

The premises are an imposing, double fronted detached building, set over ground and three upper floors comprising some 668m² (7,190 sq. ft) of internal area. three floors. It is a stucco fronted semi-detached properties, now forming an imposing, detached, double fronted property with ground and first floor bays, set behind a large front garden.

Planning Context

Planning Policy

The Development Plan provides the statutory policy framework against which planning applications should be made. Decisions should normally be made in accordance with the development plan unless material considerations indicate otherwise. Other material considerations such as Ministerial Statements and National Policy Guidance should be taken into account in reaching decisions.

In assessing and determining development proposals, the National Planning Policy Framework December 2024 NPPF states that local planning authorities should apply a presumption in favour of sustainable development. Where the development proposals accord with up-to-date development plan policies they should be approved without delay or where the development plan is absent, silent or out-of-date, planning permission should be granted.

Paragraph 100 advises that 'the Government attaches great importance to ensuring that a sufficient choice of early years, school and post-16 places is available to meet the needs of existing and new communities. Local planning authorities should take **a proactive, positive and collaborative approach to meeting this requirement**, and to development that will widen choice in education. They should:

- **give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications;** and
- work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'.

The statutory Development Plan is the Camden Local Plan 2017. Key policies are:

A1 Managing the impact of development
 A3 Protection, enhancement and management of biodiversity
 Policy G1 Delivery and location of growth
 Policy C6 Access for all
 Policy A1 Managing the impact of development
 Policy D1 Design
 Policy D2 Heritage
 Policy CC1 Climate change mitigation
 Policy CC2 Adapting to climate change
 Policy T1 Prioritising walking, cycling and public transport
 Policy T2 Parking and car-free development
 Policy T4 Sustainable movement of goods and materials

Camden Planning Guidance

CPG Design CPG Amenity

Justification for Planning

Principle of Development

The school provides a present and future economic role not just for teachers at a school but future employment for pupils when they leave school. It lays the foundations for a fully educated and fully active workforce in the future, thereby driving the economic success of the economy. By providing the right facilities for pupils it allows them to develop and to reach their full potential.

The previous school and proposed school both provide a crucial role in educating pupils on their roles and responsibilities and guides them on the path to adulthood and society. The school will continue to support strong, vibrant and healthy communities and by providing the right facilities and teaching it meets the community's needs.

It also meets the key requirement of Paragraph 100 advises that 'the Government attaches great importance to ensuring that a sufficient choice of early years, school and post-16 places is available to meet the needs of existing and new communities. Local planning authorities should take **a proactive, positive and collaborative approach to meeting this requirement**, and to development that will widen choice in education. They should:

- **give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on application**

Existing Use

Tree Tops Nursery ran the premises from 2012 to 2018 and in that time had 2 OFSTED Inspections and the use was within Class D1 of the Use Classes Order.

North Bridge House School acquired the lease for the premises in May 2019 with a D1 use and following internal and external refurbishment opened to pupils in September 2020. The Site operated as a combined Prep School and Nursery from that date until its closure in July 2024. The Nursery comprised the ground floor of the building with the Pre Reception on the first floor, Year 1 on the second floor and Year 2 on the third floor (top level), with all of the children sharing the playground space. There were 40 children in the Nursery and Pre Reception and 37 in Years 1 and 2 in accordance with the legitimate D1 use (converted automatically to E and F1a use from September 2020) so a total of 77 pupils with a DFE cap at 100. This use continued to July 2024, but the premises were no longer required and the school rehoused the children within existing North Bridge House School premises.

The only interest expressed between August 2024 and now, an 8 month period, is by an SEND education provider. To commit to lease the premises they require clarity that planning permission has been granted for a pure F1a Use Class of education, as they do not provide nursery provision as part of their education offering.

Proposed Use

This application seeks a Class F1a use to allow the premises to be used for day education. The operator proposes and requires 42 no. SEND pupils aged 4 to 11 years old.

The requirement for the application is due to the change in the Use Classes Order on the 1 September 2020 which split the former D1 Use Class which encompassed both Nurseries and Day Schools within the same Use Class to separate and distinct use classes. As the last use was a dual use of nursery on ground floor (Class E) and education use on floors one to three (Class F1a), with mixed use of playground space and the prospective tenant wishes to use it for pure education use (Class F1a) this application and planning permission is required to regularise the use.

The proposed numbers are reduced by at least 35 pupils and potentially more from the previous use to 42 children aged between 4 and 11 years of age and the proposal is considered acceptable in use terms having already been used as a school.

Design

Policy D1 (Design) states that the Council will seek to secure high quality design in all cases. This policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; be sustainable and durable and comprise details and materials that are of high quality and complement the local character. It continues to state that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area.

There is no internal or external refurbishment required by the operator.

Amenity

Policy A1 (Managing the impact of development) confirms that the Council will not grant permission for development that would result in harm to the quality of life for surrounding occupiers and neighbours. This includes privacy, outlook, daylight and sunlight. CPG – Amenity provides specific guidance with regards to privacy and outlook.

There are no internal or external changes proposed to the building and no impact on amenity in that respect.

The current DFE cap is 100 and the premises were used until last year for 77 children whereas the current proposal is for 42 children aged four to eleven. This is a considerable reduction.

We consider that the proposal would not result in any undue loss of amenity for occupiers of any surrounding properties and would comply with Policy A1 of the Camden Local Plan 2017.

Highways, Parking and Cycle Parking

I-Transport in their Transport Statement conclude that the site is well located in terms of public transport, with close proximity to a number of bus stops, Kilburn tube station, and Cricklewood rail station. There are footways outside of the site which provide direct connections to public transport services and also a number of local roads surrounding the site which are identified as suitable for cyclists. A review of the PIA data does not demonstrate local highway safety issues or problems relating to the existing site on Fordwych Road.

The greatest vehicle dependency at the property is for the historic use as a 77 pupil nursery and pre-prep school. Should the property be occupied as a 100 pupil primary or secondary school, or 42 pupil SEND school, the impact on the local highway network would be reduced from the recent historic position, or maintained at historically permitted levels.

The significant majority of staff trips will be made using sustainable modes that do not require car parking. The property is well placed to accommodate walking, cycling, and public transport trips from primary and secondary aged pupils.

There will be no loss of highway safety, amenity or environmental conditions as a result.

Ecology

There is no priority habitat which covers introduced planting of this nature or amenity grassland and lawns. A review of aerial images over time suggests these habitats have not recently been created to replace any priority habitats. It is our view that this first condition is met. The second condition is that less than 25 m² of area habitat with a biodiversity value greater than zero and less than 5 m of linear habitat are impacted. The proposals do not include any change to the building footprint and only require consent due to regularisation of the current use. The proposals show all areas of habitats with a biodiversity value greater than zero as defined in the Regulations to be retained. Additionally, there is no linear habitat present. It is therefore our view that the second condition is met. The conclusion is that the application is exempt from statutory net gain requirements.

Overall

We hope this planning application can be supported. It will allow the regularisation of the use due to the change in the Use Classes Order that was outside our clients control. The school will provide much needed SEND education resource within the Borough as well as jobs.

Yours faithfully

Neil Macdonald

NEIL MACDONALD
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