

## LONDON BOROUGH OF WALTHAM FOREST

<b>Committee/Date:</b>	7 <sup>th</sup> July 2026
<b>Application reference:</b>	261097
<b>Applicant:</b>	London Borough of Waltham Forest
<b>Location:</b>	Chapel End Early Years Centre, Brookscroft Road, Walthamstow, London, E17 4LH
<b>Proposed development:</b>	Change of use from Early Years Centre for (Use Class F1(a)) to Special Education Needs and Disability (SEND) school.
<b>Wards affected:</b>	Chapel End
<b>Appendices:</b>	None

### 1. RECOMMENDATION

1.1 That Planning Permission be **GRANTED** subject to conditions and informatives.

### 2. REASONS REFERRED TO COMMITTEE

2.1 The case has been referred to Committee due to the applicant being the Council.

### 3. SITE AND SURROUNDING AREA

3.1 The application relates to Chapel End Early Years Centre at Brookscroft Road, Walthamstow, London, E17 4LH. 3.2 The School building is single-storey consisting of one main building, and a smaller classroom block which sits to the southern part of the site adjacent to the onsite car-park.

3.3 The current maximum cohort of the school is 175 pupils (aged 2-5) and 36 staff on site.

3.4 Pedestrian and vehicle access is provided via two separate gates on Brookscroft Road. To the east and the south of the site is the Sir George Monoux College, and to the west and north there are residential properties. There is a carpark to the rear of the site for use of the School only. The site has a Public Transport Accessibility Level (PTAL) rating of 2.

3.5 The site is not located within a Flood Zone but is within a critical drainage area. There are numerous trees on site but none that are protected by a tree preservation order.

*Figure 1: Ariel View of subject site (in red)*

### 4. APPLICATION PROPOSAL

- 4.1 The application seeks planning permission for the change of the school from an Early Years Centre to a Special Educational Needs School (SEND). The maximum capacity of the school will be up to 40 pupils with 32 staff.
- 4.2 The site will be open to staff from 05:30 to 18:00 Monday to Friday with pupils arriving from 07:45 and leaving by 18:00.

## **5. RELEVANT SITE HISOTRY**

### **Pre-Application**

- 5.1 There is no formal pre-application history for this site, although some informal discussions were held in the pursuit of a cross-team Council approach.

### **Planning**

- 5.2 The application site benefits from planning permission for the following:

- 000619 – Retention of garage on eastern boundary – Approved 29/03/2000
- 990673 – Retention of mobile classroom – Approved 16/11/2000
- 950357 – Retention of a mobile classroom – Approved 01/01/2001
- 940947 – Retention of two mobile classrooms – Approved 01/01/2001
- 031258 - Erection of a single storey extension to north and west side, erection of four canopies including pram shelter and entrance lobby. Extension and rearrangement of vehicular and pedestrian access road. Erection of a single storey extension to north and west side, erection of four canopies including pram shelter and entrance lobby. Extension and rearrangement of vehicular and pedestrian access road. – Approved 13/08/2003
- 030864 - Formation of a car park as shown on drawing number(s) JI16ED53/C01 and CO2 received on 15 October 2003 and as amended by additional document(s) being the Chapel End Early Years Centre - Centre Travel Plan dated January 2004 received on 17 February 2004. – Approved 11/03/2004
- 040346 - Erection of a concrete shed as shown on drawing number(s) JI16ED53/S100, and S101 received on 10 February 2004.- Approved 21/04/2004
- 111621 – Erection of canopy and double entrance doors – Approved 06/10/2011
- 121201 - Erection of a single storey building to form nursery unit with attached canopy, and freestanding canopy adjacent. – Approved 17/05/2012
- 261244 - Replacement of existing 1.8m high chain-link fencing along the northern boundary of the site with 2.4m high 358 weld mesh fencing and replacement of existing timber picket fencing and gate to the western side of the site, within the school boundary, with 2.4m high 358 weld mesh fencing and matching gate. – Still under assessment as of 03/06/2026

### **Enforcement**

5.3 There is no enforcement history for this site.

## 6. PUBLIC CONSULTATION

### (i) Pre-application stage

6.1 The applicant undertook their own public engagement exercise, as set out in section 3.0 of the Planning Statement.

### (ii) Formal Planning Application Consultation

6.2 The Council carried out the required statutory public consultation which included consultation letters sent out on the 18<sup>th</sup> March 2026 to the following surrounding properties:

- 32-56 (even) Brookscroft Road, Walthamstow, London, E17 4LY
- Flat 1 and 2 of Stanward House, 58 Brookscroft Road
- 58A, B, C, D Brookscroft Road, Walthamstow, London, E17 4LY
- Sir George Monoux College, 190 Chingford Road, Walthamstow, London, E17 5AA
- School House 200 Chingford Road, Walthamstow, London, E17 5AA
- Site of 18 to 20 Sturge Avenue
- 2-16 (even) Sturge Avenue, Walthamstow, London, E17 4LQ
- Flat 4, 20 Sturge Avenue, Walthamstow, London, E17 4LQ
- Flat 1,2,3 20 Sturge Avenue, Walthamstow, London, E17 4LQ
- 20-36 (even) Sturge Avenue

6.3 The application was also advertised via a site notice on the **25<sup>th</sup> May 2026**.

6.4 The Council did not receive any responses as a result of the public consultation.

## OTHER CONSULTATIONS

6.5 The following internal and external consultees were consulted, with comments provided below:

*Table 2: Summary of other internal responses*

<b>Consultee</b>	<b>Response</b>
Transport Policy	No comments received.
Highways	In support of the proposal.
Energy and Sustainability	No comments received.
Urban Greening and Arboriculture Officer	No comments received.
Design	No comments received.

Environmental Health	No comments received.
Public Health	No comments received.
Waste Management	No comments received.
Education and Schools	This is the applicant team. No comments received.

*Table 5: Summary of External Comments*

<b>External Consultee</b>	<b>Comment Received</b>
London Fire Brigade	No observation to make of the proposal.
Metropolitan Police	In support of the proposal and would want to ensure that development meets Secure by Design requirements.

## **7. DEVELOPMENT PLAN**

7.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- a. the provisions of the development plan, so far as material to the application;
- b. any local finance considerations, so far as material to the application; and
- c. any other material considerations.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Waltham Forest comprises the adopted Local Plan (2024) and the London Plan. The NPPF does not change the legal status of the development plan.

### London Plan (2021)

7.3 The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041.7.4The policies relevant to this application are considered to include and not limited to:

- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D14 Noise
- E11 Skills and opportunities for all

- S1 Developing London’s social infrastructure
- S3 Education and Childcare facilities
- S4 Play and informal recreation
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car Parking
- T6.5 Non-residential disabled persons parking

## Shaping the Borough – Waltham Forest Local Plan LP1 (2024)

7.5 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1. The relevant policies are:

- Policy 1 – Presumption in favour of sustainable development
- Policy 3 – Infrastructure for growth
- Policy 11 – North Waltham Forest
- Policy 24 – Supporting Economic Growth and Jobs
- Policy 33 – Local Jobs, Skills, Training and Procurement
- Policy 46 – Social and Community Infrastructure
- Policy 47 – Education and Childcare Facilities
- Policy 53 – Delivering High Quality Design
- Policy 57 – Amenity
- Policy 58 – Making Places Safer and Designing Out Crime
- Policy 60 – Promoting Sustainable Transport
- Policy 61 – Active Travel
- Policy 63 – Development and Transport Impacts
- Policy 93 – Waste Management

## **8. MATERIAL PLANNING CONSIDERATIONS**

### National Planning Policy Framework (2024)

8.1 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.

8.2 For decision-taking the NPPF states that the presumption means “*approving development proposals that accord with an up-to-date development plan without delay*” and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting

permission unless “...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

- 8.3 The NPPF gives a centrality to design policies; homes should be locally led, well designed, and of a consistent and high quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish ‘between permission and completion, as a result of changes being made to the permitted schemes’.
- 8.4 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Achieving sustainable development
  - Promoting healthy and safe communities
  - Making effective use of land
  - Achieving well-designed places

### **Other relevant guidance**

#### Design for Schools Charter (2018)

- 8.5 The Design Charter for Schools sets out the London Borough of Waltham Forest’s ambitions for the quality of design in its schools.

#### Waltham Forest Supplementary Planning Document - Planning Obligations (2017)

- 8.6 The Planning Obligations SPD document seeks to provide transparent, clear and consistent information for the negotiation of planning contributions.

#### Local Finance Considerations

- 8.7 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- There are no grants which have been or will or could be received from central government in relation to this development.

## **9. ASSESSMENT**

9.1 The main issues for consideration, in relation to the proposed development are as follows:

- A. Principle of the Development
- B. Urban Design
- C. Quality of Facilities
- D. Neighbour Amenities
- E. Highways and Transport Impact
- F. Sustainable Design and Energy Efficiency
- G. Trees, Landscaping and Local Ecology
- H. Environmental Impact
- I. Safety and Security

### **A. Principle of the Development**

- 9.2 The National Planning Policy Framework (NPPF) (2024) seeks, amongst other things, to make effective use of land. Paragraph 100 outlines that it is important the sufficient choice of a range of schools of 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: a) 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.
- 9.3 London Plan Policy S3 seeks to ensure that there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice. Part C of Policy S3 states that development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need. This is also reflected in policy 47 of the Waltham Forest Local Plan (2024).
- 9.4 The historic use of the site has been as an infant school and early years centre. The proposal is to change the use of the whole school site (0.93 hectares) for a SEND school to accommodate up to 40 pupils and 32 staff. The borough is expecting an increase in the number of residents requiring Special Education and Disability (SEND) provision and access to alternative educational provision. The proposal for a SEND school will result in the full continuation of the educational use of the building/site whilst addressing the shortage of SEND places within the Borough as confirmed by Policy 47 of LP1 (2024) and Waltham Forests' education team. The development would allow more children in the Borough to reduce their travel time to school rather than travel further out of the Borough to receive the for educational provision they require.
- 9.5 The proposal requires decanting of the existing (175) pupils of Chapel End Early Years Centre into Chapel End Infants School to optimise the efficiency of space based on current spare pupil capacity spaces currently available in both schools. As set out in the Planning Statement the reception children relocated in the summer of 2025, and the remaining children will be fully transferred this summer

of 2026. As such, there will be no net loss in educational provision as all of the existing capacity of school places (175) will be absorbed in its partner Infants School which currently has capacity for this volume of students. 9.6 The proposed use of the school for SEND pupils would significantly increase the provision of much needed specialist places within Waltham Forest through a dedicated specialist facility. The nature of the care, building and requirements for SEND provision means that a reduced capacity of pupils is required to ensure that the required level of care can be provided. 9.7 There is no physical development or change proposed as part of this application, as no extensions or access changes or so forth have been proposed. The physical element of the site will remain entirely the same as existing.

9.8 As part the longer-term vision for the site, the provider of the SEND School aims to increase provision for up to 100 pupils in the future.

9.9 In conclusion, the proposal would ensure the provision of much needed SEND pupil places to meet the demand in the Borough for the range of school places required without compromising the existing educational provision for the early year's pupils. The proposal is considered to be inclusive, to provide educational range and choice and to meet the needs of the existing and future community within the Borough, supported by the NPPF (2024), the London Plan (2021) and the adopted Waltham Forest Local Plan LP1 (2024).

## **B. Urban Design**

9.10 The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities. Policies D4 and D6 of the London Plan states that development should be of a high quality of design and placemaking. Waltham Forest's Design Charter for Schools (2018) outlines that Schools should be located where they are needed, where additional school places are required, and where there is suitable access and sustainable transport.

9.11 The school is to remain as existing without any physical alterations which require planning permission, or any extensions. The school has existing benefits from a large site with range of internal and external facilities which creates a welcoming and safe environment for learning.

9.12 The existing school accommodates up to 175 pupils and 35 staff and therefore the existing fabric of the school is more than capable in terms of size to cater for a reduced number of 40 pupils with SEND.

9.13 In the future, if any increases in capacity are proposed, further design considerations will be required to be accommodated and assessed to support

the increased amount of SEND pupils who are likely to require additional space and bespoke facilities.

- 9.14 Conclusions on Design: In conclusion, the design of the school is to remain as existing which is suitable and acceptable to remain without further adjustments due to its new reduced capacity and is therefore supported by Policy 53, and 58 of Waltham Forests LP1 (2024).

### **C. Quality of Facilities**

- 9.15 Paragraph 100 of the NPPF states that local authorities should give great weight to the need to expand or alter schools through decisions on applications. Policy S3 of the London Plan requires that proposals should ensure new developments are accessible and inclusive for a range of users, including disabled people, by adopting an inclusive design approach; and incorporates suitable, accessible outdoor space. Policy 53 of the Local Plan (2024) requires that, amongst other things, development facilitates inclusive, safe and accessible environments for all.
- 9.16 The school is to remain as existing. Its internal and external environment and access is already a high standard and is already in operation as an educational use. The quality of the facilities will be unchanged by the proposal. The de-intensification of use through a reduced number of pupils will mean that the school will benefit from plentiful space to provide the required SEND provision which, by nature, requires additional space for the additional needs of the pupils.
- 9.17 The proposed change of use of the school for SEND provision would not prejudice the security of the school which has been designed to limit risk from crime. The existing development does so by incorporating measures including (but not limited to) providing CCTV, providing secure cycle storage within the gated access of the site, reducing opportunities for climbing onto the flat roof and accessing hall windows, clearly distinguishing public and private space, having no external staircases and access control on doors. These measures will continue to operate to reduce crime.
- 9.18 Conclusion on Quality of Facilities: In conclusion, the school already achieves a good quality of accommodation, and it will continue to remain in such way, in accordance with relevant planning policies including the NPPF and policy 53 of the adopted local plan.

### **D. IMPACT ON AMENITY**

- 9.19 The NPPF requires that places have a high standard of amenity for existing users. Policy 57 of the Local Plan (2024) states that new development should respect the amenity of existing occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook, and daylight/sunlight.
- 9.20 The site will be open to staff from

05:30 to 18:00 Monday to Friday with pupils arriving from 07:45 and leaving by 18:00. Overall, opening times remain the same as current operations.

- 9.21 There are no physical alternations involved with the proposal to create new amenity impacts by way of overlooking, shadowing, loss of sunlight or privacy concerns.
- 9.22 The use of the site as a SEND school for 40 pupils would be of smaller scale and intensity than the former infant school and early years centre (180 pupils). With regard to noise and disturbance, the school will be operating with a reduced capacity and therefore is expected to create less noise, disturbance and traffic compared to the existing situation. Further details on parking and transport generation will be discussed in the next section of this report. Opening hours will remain operationally the same as existing.
- 9.23 Conclusion on Amenity: In conclusion, there is expected to be less noise, disturbance and amenity impact to the neighbouring occupiers compared to the existing scenario.

## **E. Highways and Transport Impacts**

- 9.24 The National Planning Policy Framework at paragraph 109 sets out that transport issues should be considered at the earliest stages of development proposals in order to ensure that the impact of development on the transport networks can be assessed and that opportunities to promote the use of active travel and public transport are prioritised. This is carried forward in paragraphs 110 to 118 which amplify these priorities in a placemaking context, harnessed to need to ensure safe and suitable access to the site for all users.
- 9.25 Policy 63 of the Waltham Forest Local Plan LP1 (2024) sets out that for minor development, a Transport Assessment, a Travel Plan, and a Construction Logistics Plan and a Delivery and Servicing Plan are sometimes required to assess the impacts of development.

### (i) Highway Network

- 9.26 The vehicular and pedestrian access points are to be retained as part of this application.
- 9.27 The application has submitted a Transport Assessment and a Travel Plan. The information outlines that 90% of students are expected to be transported to site by minibus and 10% via car. Consequently, the amount of private car use would reduce considerably as a result of the scheme. The Transport Statement anticipates 16 total two-way vehicle trips per day, to drop off and pick up 36 students. The remaining four students are expected to be dropped off/picked up by parents in individual cars. Due to the decrease in pupils and the use of minibuses, two-way vehicle trips to site are expected to decrease from 176 to 44, with the 44 two-way trips representing 16 pupil set-down trips by car, 16 pupil set-

down trips by minibus, plus 12 staff trips. The overall impact to the Highway Network as a result of this proposal would be a significant decrease in trip generation and congestion to the surrounding roads in both the am and pm. The Transport Assessment and the Travel Plan will be conditioned into any permission granted to ensure compliance.

9.28 The site has an internal vehicle drop-off loop which can accommodate minibuses. This application proposes reversing the direction of traffic around the internal loop road to provide circulation within the site for vehicles. Highways have been consulted on this and have not raised any concerns.

#### (ii) Car-parking

9.29 The roads adjoining the site are within CPZ 'CE' which operates Monday to Friday from 8am to 9pm, and the roads to the east of the site are within CPZ 'FRN' which operates Monday to Friday from 10am to 4pm. The site has a PTAL score of 2. This score indicates that the site has a moderate level of accessibility when compared to the other areas of London.

9.30 A total of 24 on-plot parking spaces inclusive of two disabled bays are currently available within the site boundary which can accommodate staff parking from the proposed change of use application. Electric Vehicle chargers are not proposed at this stage as no new development is proposed. The site will retain its existing carpark which sits at the rear of the site, without any adjustments or any increase in parking.

9.31 In SEND school settings, typical travel plan related activities and car usage/reduction targets can be difficult to achieve. The travel characteristics associated with SEND schools are materially different to mainstream settings owing to the significant challenges and acute safeguarding requirements associated with SEND pupils. A travel plan has been submitted to encourage staff to travel to site sustainably. This includes the commitment to, as a minimum, carry out a Travel for Life compliant pupil and staff travel plan monitoring survey every academic year. Further enhancements are to be made in the future where the capacity is intended to increase, subject to another planning application.

#### (iii) Cycle Parking

9.32 Policy T5 of the London Plan (2021) requires 1 space per 8 FTE staff + 1 space per 8 students for long-stay cycle parking and 1 space per 100 students for short-stay cycle parking.9.34 Contained within Waltham Forest's LP1 (2024), the following cycle standards are outlined: 1 space per 4 pupils and 1 space per 4 staff with 1 short stay per 100 students.

9.33 Owing to the special transport considerations for a SEND school, the Waltham Forest long-stay cycle parking standards will result in a significant overprovision and requiring the school to meet these would be overly onerous and a waste of resources. The Travel Plan outlines that no pupils will cycle to school due to the requirements of pupils who will attend this school.

9.34 However, there are currently eight Sheffield stand spaces providing 16 secure bike parking spaces adjacent to the building entrance. These spaces are proposed to be retained as part of the change of use application. This level of cycle parking provision for the 35 staff exceeds Waltham Forest's standards for staff (9 would be required) and thus there are 8 additional spaces for visitors. (iv) S73 Works

9.35 There are not any S73 works required to make the development proposal acceptable.

#### (iv) Construction Logistics Plan

9.36 A Construction Logistics Plan is not required for this change of use development proposal.

9.37 **Conclusions on Highways and Transport Impacts:** The proposal would result in de-intensification of transport generation. The retention of the existing car-parking, and cycle-parking to remain as existing is acceptable for the SEND school. The overall impact to the Highway Network as a result of this proposal, subject to the conditioning of the travel plan, would be a significant decrease in trip generation and congestion to the surrounding roads at peak periods and is thus acceptable with regard to Policy 63, Waltham Forest LP1 (2024) Policies and London Plan (2021) policies.

### **F. Waste Management**

9.38 Policy SI7 of the London Plan (2021) seeks to reduce waste and support the circular economy.

9.39 Policies 57 and 93 of the Local Plan states the requirement that new development should ensure that waste is managed in the most environmentally friendly way in order to protect human health and the environment from pests and other environmentally damaging effects.

9.40 The existing waste storage and collection logistics will remain. The reduction in pupils on site will thus create a reduced amount of waste and therefore the existing arrangements will more than suffice for the change of use.

9.41 Conclusions on Waste Management: In light of the retention of the existing waste logistics and de-intensification of the site, the proposal would comply with the objectives of adopted Local Plan policies 57 and 93.

### **G. Sustainable Design and Energy Efficiency**

9.42 The NPPF encourages proposals, which support renewable and low carbon energy and associated infrastructure.

9.43 Policy 87 of Waltham Forest's LP1 (2024) ensures that non-residential development greater than 100sqm achieves a minimum of BREEAM 'very good' (or equivalent) standards and encouraging major non-residential development to achieve 'excellent' (or equivalent).

9.44 Policy SI2 of the London Plan (2021) sets out a carbon dioxide reduction target for regulated emissions of 35% against Building Regulations 2013. This policy also requires major developments to be net zero-carbon.

9.45 This position is also reflected in policies 85, 86 and 87 of the Adopted Local Plan. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

-Be lean: use less energy and manage demand during operation.

-Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.

-Be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site.

-Be seen: monitor, verify and report on energy performance.

#### (i) Water Consumption

9.46 A sustainability statement was submitted referencing water consumption. The reduced number of pupils will result in lower water consumption on site; however, it also proposes to replace WC's and taps to lower water use alternatives to minimise water consumption when required, which is welcomed.

#### (ii) Energy Efficiency

9.47 An energy statement was submitted. This statement outlines that energy demand and carbon emissions for the site remain unchanged as no new works are proposed although measures will be put in place to reduce energy demand where possible, such as use of LED light bulbs. The proposal seeks to reuse an existing educational building supporting the Local Plan's emphasis on climate resilience and sustainable development. The continued use for education will result in no significant increase in energy demand or carbon emissions.

9.48 Due to the nature of the proposal, no further detailed information is required with regard to the be-clean, be-green or be-seen. In any future submission whereby capacity is increased, thorough provision and assessment of these measures would be required in line with Waltham Forests' LP1 (2024).

9.49 Conclusions on Energy and Sustainability: The submitted information is sufficient for the nature of the proposal which involves a change of use only. Therefore, the development would not contradict Policy 85 and 87 of LP1 (2024) or S1 5 and S1 2 of London Plan (2021).

## **H. Trees, Landscaping and Local Geology**

9.50 The NPPF (2024) states that developments shall contribute to and enhance the natural and local environment.9.53 Policies G1 and G5 of the London Plan (2021) require new development to incorporate urban greening features such as street

trees, green roofs, green walls, raingardens and nature-based sustainable drainage.

9.51 Policy 79 of the Local Plan sets out proposals should seek to protect and enhance biodiversity and geodiversity resources in the borough and achieve biodiversity net gain.

#### (ii) Urban Greening and Trees

9.52 There are a number of trees on the site's periphery, although none are protected by a Tree Preservation Order. These trees will be maintained by the proposal, as there is no proposal for these to be pruned or removed.

#### (iii) Landscaping and Biodiversity

9.53 The existing landscaping consists of hard-landscaped PE area, a green soft-landscaped area surrounded by trees, and a soft play area. Overall, there is already a mix of landscaping to provide a range of uses for all pupils which makes the outdoor space purposeful, and encourages social interaction, sports and learning.

9.54 The landscape strategy will remain as existing, which already provides a high-quality landscape and a visually attractive environment with planting and functional amenity space, which also facilitates biodiversity and ecology.

#### (iv) Biodiversity

9.55 Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) specifies that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: All planning permissions granted in England have to deliver at least 10% biodiversity net gain, effective from 12 February 2024.

9.56 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

9.57 Policies GG1, G1 and G5 of the London Plan (2021) require new development to incorporate urban greening features such as street trees, green roofs, green walls, raingardens and nature-based sustainable drainage.

9.58 This is subject to exemptions; an exemption applies in relation to whereby less than 25m<sup>2</sup> of habitat land would be impacted. In this case, 0m<sup>2</sup> of habitat land would be impacted due to there being no physical development as a result of this application. As such, a 10% biodiversity net gain is not required by the Environment Act (2021).

9.59 The existing site includes a range of planting, soft-landscaping and trees which will all be retained. Given the scale of the proposal, it is not required at this stage for further enhancements to be made.

#### (iv) Ecology

9.60 An Ecological feasibility report would not be required due to the scale of the proposal. Any increases in capacity or proposals for new development on site, would trigger this requirement in a future planning application.

9.61 Conclusions on Trees, Landscaping and Geology: Overall, the proposal which retains the existing nature and greenery on site is acceptable in accordance with Policies 46, 47 of the Local Plan (2024).

### **H. Environmental Impact**

9.62 Policy 50 of the Waltham Forest Local Plan Part 1 seeks to control and mitigate pollution in all its forms, including noise, vibration, light, smell as well as land, water, and air-based considerations.

#### (i) Flooding and Sustainable Drainage

9.63 Paragraph 170 of the NPPF requires that inappropriate development in areas at risk of flooding should be avoided. The 'sequential test' seeks to steer new development away from land at risk of flooding. Policy SI12 of the London Plan states that development proposals should ensure that flood risk is minimised and mitigated and residual risk addressed. These principles are also reflected in Policy 91 of the Local Plan which requires a Flood Risk Assessment for all development in flood zones 2 or 3.

9.64 The site is within a Critical Drainage Area only, and not in flood zone 2 or 3.

9.65 As the proposal involves a change of use only, with no new built development, it will not result in an increased risk of flooding either on-site or elsewhere. Therefore, a surface water assessment or sustainable drainage plan is not warranted.

#### (ii) Noise and Vibration

9.66 As the proposal involves a change of use only for a reduced number of pupils, with no new built development, it will not result in an increased noise and vibration. The reduced capacity of the school from 175 to 40 is a significant reduction which would reduce any noise that is currently caused by general school activities.

#### (iii) Air Quality

9.67 As the proposal involves a change of use only, with no new built development, the requirement for an Air Quality assessment to be submitted is not warranted. With a reduced trip generation, the change of use is likely to have either a positive, or a neutral impact on local air quality.

#### (iv) Contaminated Land

- 9.68 The NPPF paragraph 189 requires that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability or contamination. Policy 90 of the adopted local plan (2024) states that in order to manage contaminated land and prevent the spread of contamination site investigation and desk-based research should be submitted with all planning applications.
- 9.69 As the proposal involves a change of use only, with no new built development, the requirement of a ground assessment is not warranted as there would be no impact to the ground.
- 9.70 Conclusions on Environmental Impact: Overall, there is no conflict with the NPPF or the Waltham Forest Local Plan LP1 (2024).

### **I. Safety and Security**

#### (i) Fire Safety

- 9.71 The London Plan (2021) Policy D12 'Fire Safety' states that all major development proposals should be accompanied by a Fire Statement in the interests of fire safety and to ensure the safety of all building users. As per criterion B of policy D12, the Fire Statement should be produced by a third-party, independent and suitably qualified assessor. This should be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers.
- 9.72 Vehicle, pedestrian and emergency access to the site is retained from Chapel End Road.
- 9.73 A Planning Fire Safety report has been carried out and submitted. This demonstrates that appropriate consideration has been given to fire risk at application stage suitable to the scale of the development. The report confirms that the proposed Chapel End SEND School provides suitable fire appliance access, a clearly defined external evacuation assembly area, appropriate active and passive fire safety measures, safe and convenient means of escape for all occupants, and a robust and inclusive evacuation strategy appropriate to the nature and use of the premises.

#### (ii) Crime Prevention

- 9.74 Policy D11 of the London Plan (2021) set out policy which requires all new developments to design out crime and incorporate an acceptable level of safety and security measures and ensure development is resilient to emergency. Policy 58 of the adopted local plan seeks to make places safer and design out crime, requiring all major development to seek to achieve for Secured By Design accreditation via the Secured by Design scheme.

9.75 As the proposal involves a change of use only, with no new built development, the requirement of further safety measures for the continuation of an educational use would not be warranted.

9.76 Conclusions on Safety and Security: In conclusion, the proposal would not raise concerns about fire safety or security, and it is considered that the proposed development acceptable in accordance with London Plan (2021) Policy D12.

## **10. ADDITIONAL CONSIDERATIONS**

### (i) Public Sector Equality Duty

10.1 The public sector equality duty (PSED) under s.149 of the Equalities Act requires the Council to have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

10.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors. 10.3It is considered that the recommendation to grant permission in this case would benefit those with protected characteristic of disability and not have a disproportionately adverse impact on any other protected characteristic.

### (ii) Human Rights

10.4 Under the Human Rights Act 1998, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights. It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to

grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **11. CONCLUSIONS**

11.1 The principle of the change of use from an Early Years School to a SEND school is acceptable. The proposal would significantly increase provision of SEND pupil places to meet the demand in the Borough for the range of school places required without compromising the existing educational provision for the early year's pupils. The proposal is considered to be inclusive, to provide educational range and choice and to meet the needs of the existing and future community within the Borough, supported by the NPPF (2024), the London Plan (2021) and the adopted Waltham Forest Local Plan LP1 (2024).

11.2 The conditions (set out in paragraph 12.1 of this committee report) would ensure that any adverse impact of the scheme is mitigated against and the positive aspects of the proposal advanced by the applicant are carried out through the implementation. 11.3 Overall, officers have given careful consideration to the material considerations and where impacts are forecast to arise from the proposed development, adequate mitigation measures have been introduced to make the proposed development acceptable in planning terms

## **12. RECOMMENDATION**

12.1 The Planning Committee is recommended to grant planning permission subject to the conditions and informatives below.

### **Planning Conditions**

1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To adhere to the statutory timeframes for the commencement of development.

### **Approved Plans and Documents**

2.The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development:

Drawing Reference(s):

EVO-XX-00-D-A-0001 Location Plan

EVO-XX-00-D-A-0002 P1 Existing Site Plan

EVO-XX-00-D-A-0003 P1 Proposed Site Plan

EVO-XX-00-D-A-0005 P1 Existing Building Plan

EVO-XX-00-D-A-0006 P1 Proposed Building Plan

Planning Fire Safety Strategy

Norse Group - Sustainability Statement – 30/04/2026 V1

Norse Group - Energy Statement – 30/04/2026 V1

Norse Group - Planning Statement (including Design and Access Statement, Community Consultation Statement and Photographs) – 30/04/2026 (June 2026 uploaded to IDOX)

CIL Form

Paul Mew Associates – Framework School Travel Plan – May 2026

Paul Mew Associates - Transport Statement – May 2026

**Informatives:**

1. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website and which have been followed in this instance.
2. This notice is without prejudice to your responsibilities under any other legislation.