

21 May 2025

Hinckley and Bosworth Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

For the attention of: Mr. Sullivan Archer

Dear Mr. Archer,

Hinckley House School (formerly The Old Rectory), Rectory Lane, Market Bosworth, Nuneaton, Leicestershire, CV13 0LS

Application under Section 96A of the Town and Country Planning Act 1990 (as amended) for a Non-material Amendment to the approved wording to Conditions 14 and 15 scheduled to planning permission ref: 23/00667/FUL dated 15th December 2023.

Planning Portal Ref. PP-13999560

We the applicant, Witherslack Group Limited, submit an application for a non-material amendment (NMA) to Condition 14 and 15 under Section 96A of the Town and Country Planning Act 1990 (as amended) scheduled to planning permission ref: P23/00605/F to allow for a non-material amendment to the approved wording of the conditions.

In support of this application the following documents have been submitted:

- Cover Letter (including Appendix) – prepared by Witherslack
- TTC Transport Note (including Appendix) – prepared by TTC
- Revised Drawing 210777-01 Rev D – prepared by TTC

The application has been submitted electronically online via the Planning Portal alongside the requisite application fee of £298.

Planning Context and Background

Planning permission 23/00667/FUL (alongside Listed Building Consent ref. 23/00668/LBC) was granted by Hinckley and Bosworth Council on the 15th December 2023 for the following development at the Old Rectory, Market Bosworth (the Site):

“Change of use of the Old Rectory from a dwellinghouse (Class C3) to a Specialist Education Needs (SEN) School (Class F1), erection of two single storey classrooms, a Multi-Use Gaming Area (MUGA), revised parking layout with electric charging points,

Registered Office:

Witherslack Group | Lupton Tower | Lupton via Carnforth | Cumbria | LA6 2PR

widening of access, replacement perimeter fencing and external landscaping, works to trees and other works.”.

Following the commencement of works in March 2024, we have been working with Leicestershire County Council’s Highways Department to complete the required S.278 legal agreement to allow for the implementation of the required highways improvement works, as permitted by the planning permission. These works were minor, comprising of the placing of a one-way sign, new linings on the road and revisions to the pavement kerbing.

An NMA application (ref. 24/00695/NMA) was approved in August 2024 for an amendment to the approved wording of Condition 14 and 15 thereby allowing an extension of time to complete the S.278 works and legal agreement. This was necessary due to the complexities with completing the legal agreement and ongoing dialogue with the affected utility companies.

The approved development was subsequently completed in October 2024 and the school has since been operating. However, the remaining S.278 legal agreement has remained difficult to conclude and faced a number of difficulties. This application therefore seeks a further extension of time and minor revision to the approved highways drawing to allow for the completion of the S.278 Agreement.

Proposed Amendments

Following detailed discussions with the Council in April 2025 (including the Highways Authority) this application seeks minor changes to the approved wording of Conditions 14 and 15 as outlined in the table below:

Approved Wording (24/00695/NMA)	Proposed Wording (this application)
Condition 14: Within six months of occupation of the development approved under application 23/00667/FUL, the offsite works (one-way signing and lining) shown on ttc drawing number 210777-01 Rev C shall have been implemented in full.	Within 12 months of occupation of the development approved under application 23/00667/FUL, the offsite works (one-way signing and lining) shown on ttc drawing number 210777-01 Rev D shall have been implemented in full.
Condition 15: Within six months of occupation of the development approved under application 23/00667/FUL, the access arrangements shown on ttc drawing number 210777-01 Rev C shall have been implemented in full.	Within 12 months of occupation of the development approved under application 23/00667/FUL, the access arrangements shown on ttc drawing number 210777-01 Rev D shall have been implemented in full.

The original proposals included a revised entrance to create a new ‘bell-mouth kerb’ – alongside one-way signage and road markings. Whilst this seemed simple at application stage, the discussions with the highway authority and various utility companies has required that the existing services under the pavement along Old Rectory Lane be ‘dropped’ further than they are existing.

Having completed the necessary NRSWA enquiry process and engaged with various utility companies, the proposed requirement to drop services / diversions have been estimated at circa £100,000 (please refer to Appendix A). In agreement with the local authority, it is deemed that said costs are disproportionate and the proposed works for a bell-mouth kerb is no longer deemed necessary. In addition, the completed Stage II Road Safety Audit (RSA) for the S.278 legal agreement stated that the proposed bell-mouth kerb was not supported due to potential safety concerns to pedestrians. For further detailed information, please refer to the Transport Technical Note prepared by consultants TTC.

Previously approved drawing 210777-01 Rev C has therefore been updated to reflect the removal of the bell-mouth kerb from the approved scheme. For clarity, the required existing one-way signage and road markings / linings will be retained and implemented (as specified in the condition wording).

Legislation for a Non-Material Amendment

The power to make non-material changes to a planning permission is given under Section 96A of the Town and Country Planning Act (1990) which states:

(1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3) The power conferred by subsection (1) includes power—

(a) to impose new conditions;

(b) to remove or alter existing conditions.

(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission relates.

Section 96A of the Act 1990 is clear that, subject to the Council being satisfied that a proposed change is not material, an application may be considered for a change to any planning permission.

The National Planning Practice Guidance (NPPG) states that there is no statutory definition for 'non-material' as it is deemed to be very much dependent upon the context of each scheme – an amendment that is non-material in one context may be material in another. NPPG is also clear that local planning authorities should be pragmatic and take a reasonable approach to possible amendments to ensure the delivery of development.

Conclusion

The proposed amendments to the wording of Condition 14 and 15 would remain consistent with the approved development, the purpose and intent of the original worded conditions (to ensure the required highways works are successfully implemented) and, importantly, would remain compliant with both local and national planning policies. For these reasons, the application and proposed amendments can therefore be considered as 'non-material'.

We trust that the information contained in this letter and revised drawing is sufficient for you to validate and determine this application positively. However, should you have any further queries please do not hesitate to contact the undersigned.

Yours Sincerely

A solid black rectangular box used to redact the signature of Rupert Litherland.

Rupert Litherland

For and on behalf of
Witherslack Group Limited

APPENDIX A: UTILITY BUDGET COSTS (ELECTRICITY AND WATER)

4 Electric

Existing Electricity Network

The electricity distribution network in the vicinity of the development site is under the ownership of Nation Grid, who operates their network within the terms of its Electricity Distribution License issued by Ofgem. The local electricity distribution network in the vicinity of the site comprises of underground cables and associated substations 11,000 Volts (High Voltage) and 415 Volts (Low Voltage).

4.1 Existing Asset infrastructure plan

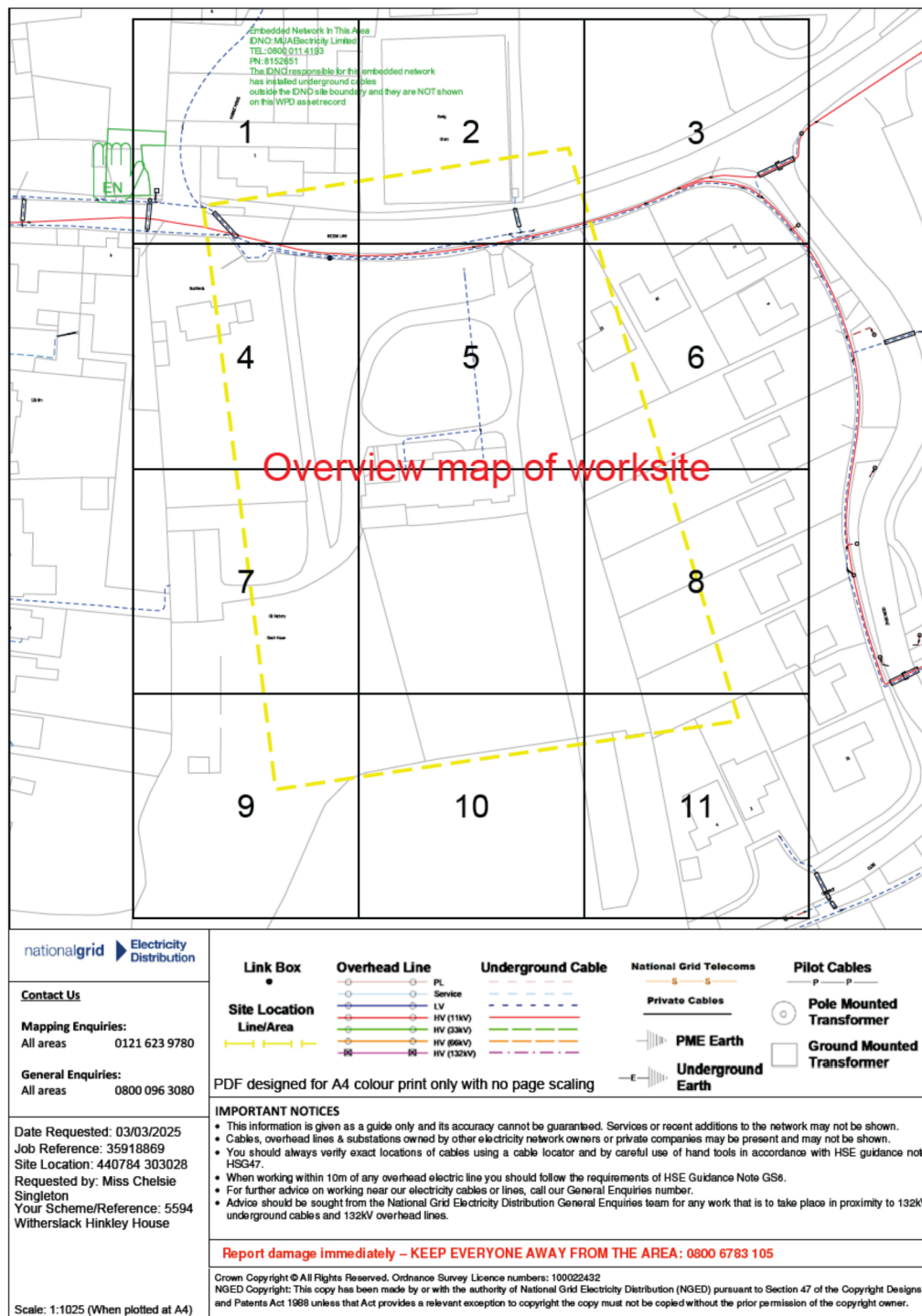


Figure 4 – Existing Electricity Infrastructure Plan

4.3 Budget Cost

NGED proposals are based on the information provided by the Customer below;

- New bellmouth as a result of development works.

Without prejudice to any other provision in this Works Offer, if any information relating to the Customer's requirements (including as arising out of the results of any surveys, studies or investigations carried out by the Customer or by NGED), modifies or deviates from, or has any other impact on, the requirements as confirmed to NGED prior to issuance of this Works Offer, then NGED may, at its sole option, terminate (with immediate effect by notice) the Agreement or require a variation to the Agreement, including the Charge.

Where NGED requires a variation to the Agreement (including, where relevant, the Charge) NGED shall give notice of such required variation to the Customer and the Agreement shall be deemed to be varied accordingly as from the date of deemed service of such notice. For the avoidance of doubt, clause 14 of the General Conditions for Diversion Works does not apply to any such variation. If the Customer does not accept (in accordance with its terms) or disputes any variation to this Agreement required by NGED as notified to the Customer, then NGED shall have the option to terminate (with immediate effect by notice) the Agreement.

Subject to additional costs on traffic management and out of hours working following consultation with local authority following receipt of payment. Any additional costs to be borne by the customer in form of a variation.

Outline of the Works

The Works Offer is based on NGED undertaking the Non-contestable Works and any Contestable Works specified below:

Non-contestable Works undertaken by NGED:

NGED will provide the Proposed Works by performing the following Non-contestable Works:
Lower 2 x LV mains and 1 x 11kV main to road depth

Contestable Works undertaken by NGED

NGED will provide the Proposed Works by performing the following Contestable Works:
All works non-contestable

Contestable Works undertaken by the Customer where the relevant authorisations are held

The Customer, shall, at no cost to NGED, undertake the following: **N/A**

The cost of the National Grids Non-Contestable work is detailed below:

Description	Total Cost
Fees	£1,473.00
Non-Contestable connection works	£39,605.86
Contestable connection works	£0.00
Total Charges (excl. VAT)	£41,074.86

6 Water

Existing Water Network

The local statutory clean water distribution network in the vicinity of the development site is owned and operated by Severn Trent Water, within the terms of its statutory license issued by Ofwat. The clean water network in the wider vicinity of the site comprises of distribution water mains and associated apparatus.

Figure 6 on the following page is an extract from Severn Trent Water statutory records and details the current indicated position of existing infrastructure in relation to the development site, however it may be prudent to undertake a below ground survey to ensure there are no unknown services which are not recorded.

6.1 Existing Asset infrastructure plan

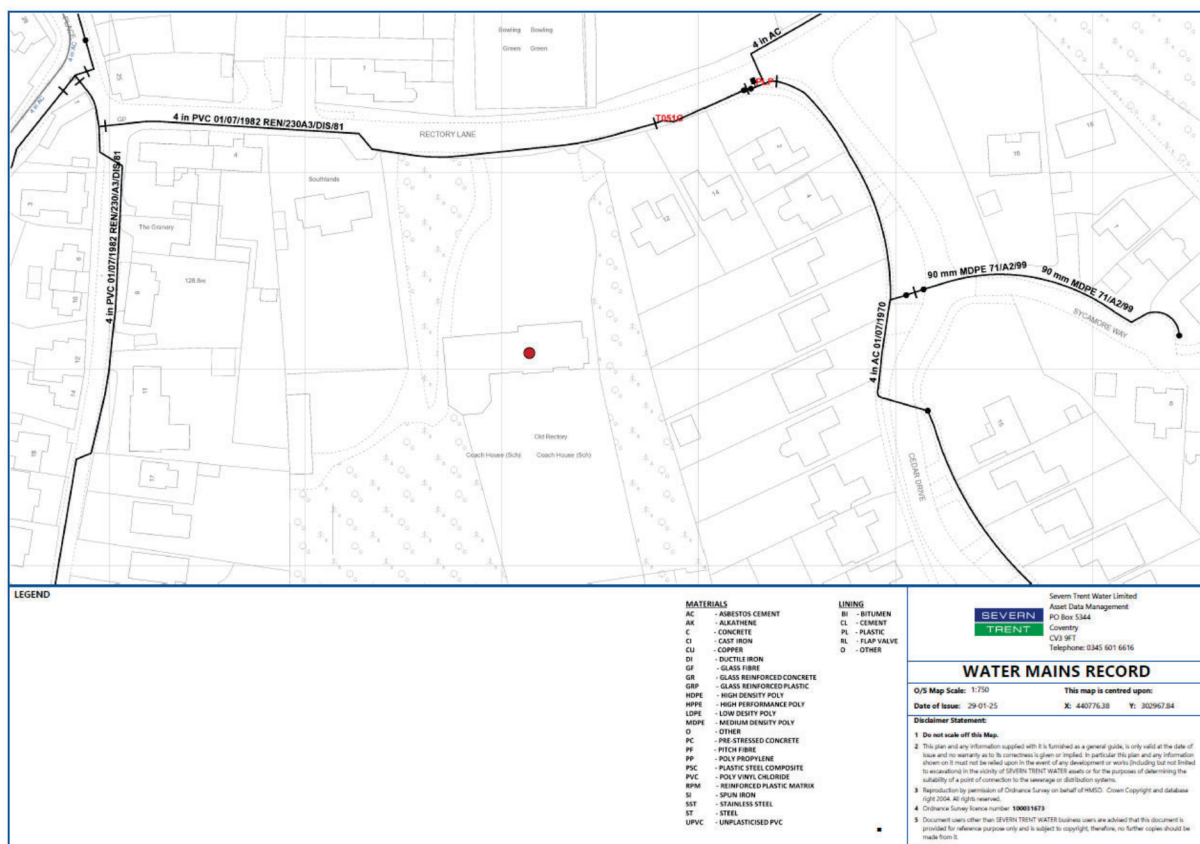


Figure 6 – Existing Water infrastructure plan

6.2 Budget Cost

Description	Total Cost
STW to complete all works	£61,761.38
STW Lay Only Option	£36,681.84

ST Classification: OFFICIAL PERSONAL

WONDERFUL ON TAP



c/o Chelsie Singleton
DACI Utilities Engineering Consultancy Limited
Samin Woods
Crookes Walker Consulting
Bloc
17 Marble Street
Manchester
M2 3AW

Developer Services Finance Team
Severn Trent Centre
PO Box 5311
Coventry
CV3 9FL



Reference no: 1138906

We're here if you need us: Your
dedicated project coordinator: Amy
Hodgkinson



28 February 2025

Budget response for Water Diversion at The Old Rectory Market Bosworth

Dear Chelsie Singleton

We are pleased to confirm we have assessed your application and have produced an estimate for the potential diversion works required at the above site.

The attached estimate is based on a 'worst-case' preliminary budget and does not take into account any site-specific information such as site investigations work, services information or topographical surveys. As such, the costs provided with your estimate may be subject to change.

Should you decide to move forward with the construction phase, we would be happy to provide a formal quotation and design at the cost of £1,141.74 inc VAT before 1st April or upgrade cost of £975.78 inc vat when submitting application from 1st April. You can find more details on how to progress in the next pages.

We look forward to getting you connected to our wonderful water.

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STW complete all works
STW Open-cut

Open Cut		
Category	Description	Cost
Abandonments	6 x Cap off 4-6" in Tarmac/Footway 2 x Under pressure linestop 100mm	£11,347.44
Connections	2 x Under pressure Connections (100mm) 2 x Back to Back connections not exceeding 125mm diameter	£8,123.31
Fittings	5 Spade Valves, 6 SV, 5 WO, 2 Tees	£12,815.02
Metering and Ancillary Equipment	N/A	
Other	Pressure Tests, Pre-starts meetings, Samples and Trial Holes to confirm connection points	£4,260.11
Out of Hours	N/A	
Pipework	30m of 125mm PE	£3,955.48
Service Transfers	N/A	
Traffic Management	Road Closure and Diversion to comply with instruction from Client and / or Street Authority; unlimited	£7,786.97
Bespoke Items	N/A	
Bulk Contingency (12.5%)	To cover changes in route, private land, inflation and capture all small variations	£6,862.38
STW overhead	13.69% Overhead	£6,610.67
Total Cost (excluding VAT)		£61,761.38 + VAT

ST Classification: OFFICIAL PERSONAL

WONDERFUL ON TAP



STW Lay Only

All excavation, bedding and backfill is to be completed by the developer.

Lay Only		
Category	Description	Cost
Abandonments	6 x Cap off 4-6" in Tarmac/Footway 2 x Under pressure linestop 100mm	£11,347.44
Connections	2 x Under pressure Connections (100mm) No Excavation 2 x Back to Back connections not exceeding 125mm diameter	£5,143.90
Fittings	5 Spade Valves, 6 SV, 5 WO, 2 Tees No Excavation	£7,604.34
Metering and Ancillary Equipment	N/A	
Other	Pressure Tests, Pre-starts meetings, Samples and Trial Holes to confirm connection points	£3,943.17
Out of Hours	N/A	
Pipework	30m of 125mm PE No Excavation	£640.97
Service Transfers	N/A	
Traffic Management	Developer to provide own Traffic Management	
Bespoke Items	N/A	
Bulk Contingency (12.5%)	To cover changes in route, private land, inflation and capture all small variations	£4,075.76
STW overhead	13.69% Overhead	£3,926.27
Total Cost (excluding VAT)		£36,681.84 + VAT

Diversion and/or Protection Assessment		
Assets Requiring Diversion		
Affected Asset(s)	Grid Ref or UID	Reason for Diversion
		See below
Assets Requiring Protection		
Affected Asset(s)	Grid Ref or UID	Protection Considerations

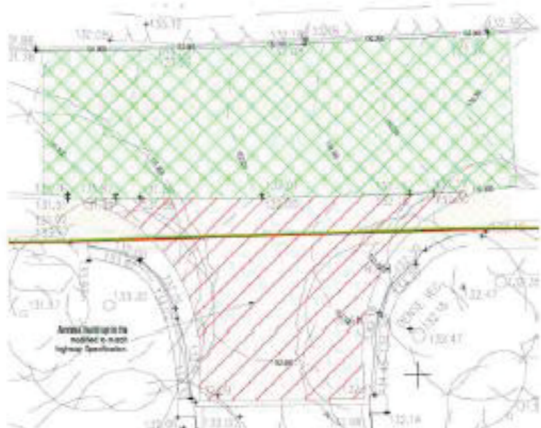
Supporting Information				
New bell mouth for proposed development. 4" PVC main will be impacted by the proposed bell mouth. To take this NA forward and possibly descope the 4" PVC main diversion, can the following be supplied: - Confirmed CBR values. - Trial Holes or non-intrusive pipe location surveys will be required to locate & determine line and level of ALL existing STW assets to confirm water main's location. Line and level of main to be confirmed by trial hole survey.				
Sketch of Affected Assets Assets highlighted red: Diversion required Assets highlighted amber: Diversion may or may not apply Assets highlighted green: No diversion required, STW protection guidance applies				
Client Sketch Showing Impacted Mains.  Customer Sketch Showing Proposed Works. 				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Issue</td> <td style="width: 25%;">1</td> <td style="width: 25%;">Date:</td> <td style="width: 25%;">Monday, 10 February 2025</td> </tr> </table>	Issue	1	Date:	Monday, 10 February 2025
Issue	1	Date:	Monday, 10 February 2025	

Figure 7 – Diversion Sketch