



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

9 July 2026



S24/2218

Proposal:	Section 73 application to remove Condition 21 (Pennine Way Bridge) and vary Condition 36 (Off-site highways works) of planning permission S08/1231 to remove the obligation to deliver the Pennine Way bridge
Location:	Poplar Farm Grantham
Applicant	Norwich Hub Ltd and Buckminster Trust Estate
Application Type:	Section 73 planning application
Reason for Referral to Committee:	At the discretion of the Assistant Director – Planning & Growth; and due to the application requiring a Section 106 Agreement to secure financial contributions
Key Issues:	<ul style="list-style-type: none"> • Impact of the proposal on highways safety and capacity • Impact of the proposal on overall design quality • Infrastructure for Growth
Technical Documents:	<ul style="list-style-type: none"> • Statement on behalf of the Landowners • Viability Appraisal Report

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Grantham Arnoldfield

Reviewed by:

Phil Jordan, Development Management & Enforcement Manager

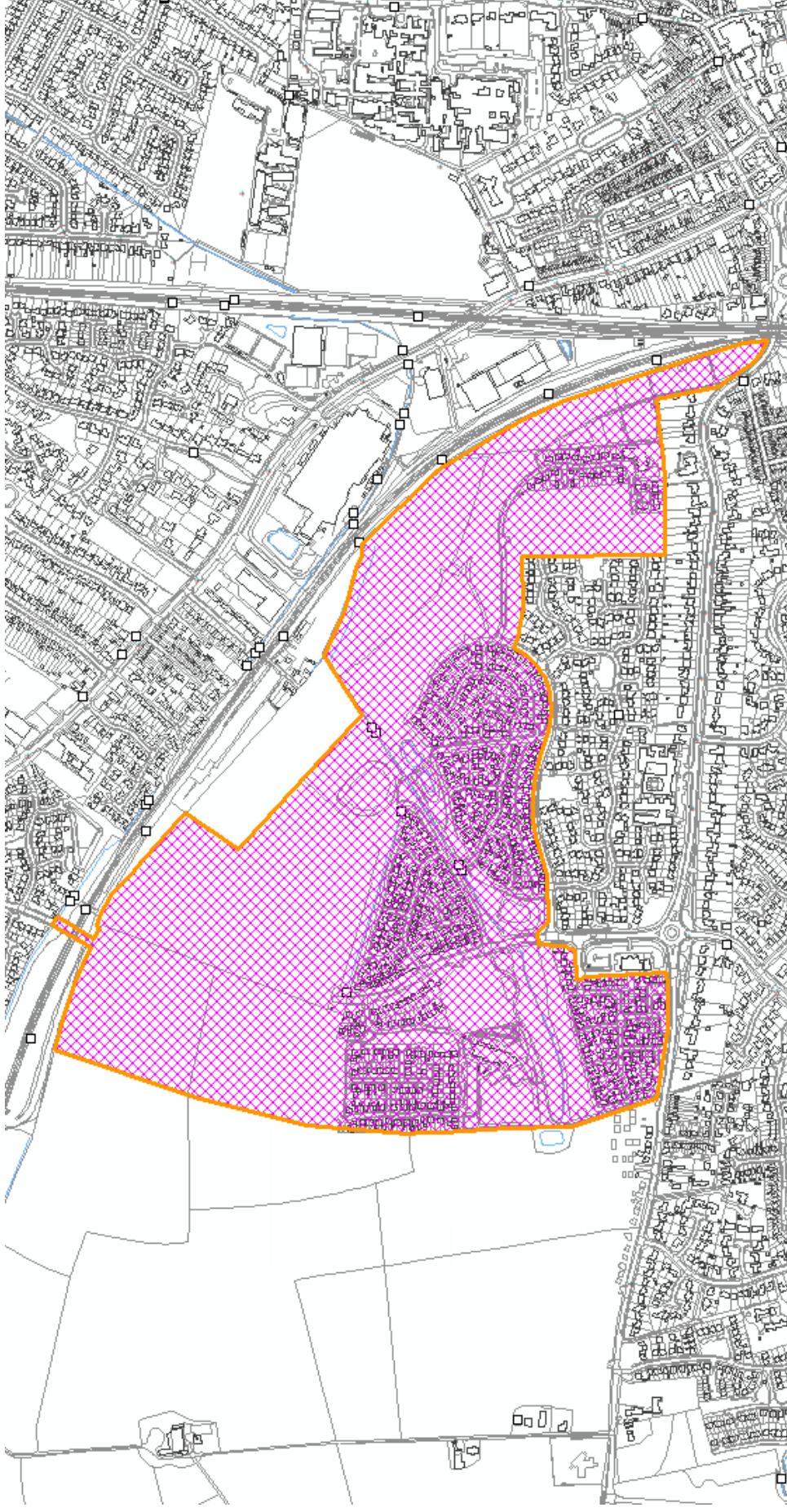
1 July 2026

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning and Growth to refer the application to the Secretary of State with a resolution to REFUSE planning permission; and

In the event that the Secretary of State does not call-in the application, the Assistant Director – Planning and Growth is authorised to REFUSE planning permission.

S24/2218 – Poplar Farm, Grantham



Key



Application
Boundary



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Addendum to Committee Report S24/2218 – Poplar Farm, Grantham

1 Introduction

1.1 Members will recall that this application was previously discussed at the Planning Committee meeting on 19 March 2026, and further at the meeting on 14 May 2026. At that meeting, the Committee resolved that it was minded to GRANT planning permission, subject to conditions and the completion of a Section 106 Agreement, which retained the obligation to deliver the bridge together with a reduction in affordable housing and financial contributions.

1.2 The relevant minutes of the meeting stated:

“It was proposed, seconded and AGREED to resolve to approve the application that removed the condition, subject to a Section 106 Agreement which secured scenario four: retaining the bridge obligation and 750 dwellings with a Section 106 package of a total of £4 million, retaining the sports pitches and with an overall affordable housing requirement of 8% across the remainder of the site.

It was noted that Councillor Harish Bisnauthsing, Sarah Trotter and Mark Whittington were unable to vote as they were not present for the entirety of the item at the previous meeting before it was deferred”.

2 Updates since May 2026

2.1 Following the resolution at the May 2026 Committee meeting, Officers have engaged with the Applicant and the relevant infrastructure providers in respect of the drafting of the required Section 106 Agreement. This has included discussions with Lincolnshire County Council (as Local Highways Authority and Local Education Authority), NHS Lincolnshire and the District Council’s Street Scene team (in respect of grounds maintenance) to understand the potential redistribution of funds as part of the revised Section 106 Agreement. Copies of the correspondence received from the infrastructure providers has been published on the Council’s planning portal.

2.2 Notwithstanding the above, the Applicant’s have confirmed that they are unwilling to enter into a Section 106 Agreement which secures the Heads of Terms identified in the May 2026 resolution.

2.3 In view of the above, Officer’s have sought further legal advice in respect of how to proceed. The result of this legal advice has informed the position set out below.

2.4 Given that the Applicant has confirmed that they are unwilling to enter into a Section 106 Agreement, which secures the Heads of Terms identified in the May 2026 resolution, Members are invited to reach an alternative resolution on the application.

2.5 In this respect, Members’ discussions on the application, and resolution during the previous Committee meeting, confirmed that they consider the bridge to be necessary and, therefore, the obligation to deliver the bridge should remain. If Members’ position remains that they consider the bridge to be necessary and the bridge obligation should remain, then the legal advice is that Members should refuse the application on the basis that the bridge is necessary for connectivity purposes, which would be supported by comments received from Lincolnshire County Council (as Local Highways Authority) and Active Travel England on the application.

- 2.6 In addition, as previously advised, the original planning permission was subject to a viability assessment, and the policy compliant Section 106 contributions were reduced in light of the infrastructure costs associated with delivering the development, including the obligation to deliver the Pennine Way Link Road and the associated costs to Network Rail. Therefore, any planning permission for the removal of the obligation to deliver the bridge would require a new Section 106 Agreement to secure the revised heads of terms, which would include an increase in the financial contributions payable. Given that the Applicant has confirmed that they are unwilling to proceed with a Section 106 Agreement at this time, the legal advice is that Members should also refuse the application on the basis that a Section 106 Agreement securing the required infrastructure contributions has not been completed.
- 2.7 Further, Members are advised that the host outline planning permission for the Poplar Farm development expired on 23rd June and, therefore, no further reserved matters applications can be submitted as part of the original permission. Prior to the expiration of the permission, a reserved matters application was submitted for a phase of 75 dwellings, which is now being considered by the Council.

3 Crime and Disorder

- 3.1 It is concluded that the proposals would not result in any significant crime and disorder implications.

4 Human Rights Implications

- 4.1 Article 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is concluded that no relevant Article of the Act will be breached in making this decision.

5 Conclusions

- 5.1 To summarise, Members resolved at Planning Committee in May 2026 that the Pennine Way Link Road is necessary to mitigate the impact of the development of Poplar Farm and, therefore, the obligation to deliver the Bridge should remain. However, in doing so, it was concluded that a reduction in affordable housing and the overall Section 106 financial contributions would be required to viably deliver the Bridge.
- 5.2 Following the May 2026 meeting, the Applicant has confirmed that they are unwilling to enter into a Section 106 Agreement which retains the obligation to deliver the bridge. As such, Officer's have taken further advice from Counsel in respect of how to proceed with the application.
- 5.3 Consequently, Members are now invited to reach an alternative resolution on the application and, in light of the previous resolution and debate. Based on the position reached at 14 May Planning Committee, it is recommended that this should be a resolution to refuse the application on the basis that (i) the Bridge is necessary to mitigate the connectivity impacts of the development; and (ii) a Section 106 Agreement required to secure the necessary infrastructure contributions has not been completed.
- 5.4 Members are advised that because the application relates to a development of more than 150 dwellings, any resolution to refuse the application would be required to be referred to the Secretary of State due to the updated consultation directions set out in the Town and Country Planning (Consultation) (England) Direction 2026.

- 5.5 In the event that the Secretary of State resolves to call-in the application, the application would be determined by the Secretary of State following a public inquiry. However, if the Secretary of State resolves not to call-in the application, the Local Planning Authority would continue to determine the application, which would result in the application being refused.
- 5.6 It would then be the decision of the Applicant as to whether they would elect to appeal against any refusal of planning permission.

6 Recommendation

Recommendation

- 6.1 To authorise the Assistant Director – Planning and Growth to refer the application to the Secretary of State with a resolution to REFUSE planning permission; and
- 6.2 In the event that the Secretary of State does not call-in the application, the Assistant Director – Planning and Growth is authorised to REFUSE planning permission for the following reasons:
- (1) The removal of the obligation to deliver the Pennine Way Link Road bridge would significantly and demonstrably undermine permeability and active travel connectivity between the site and the surrounding area, without a suitable alternative point of connection. This would result in harm to the permeability of the development and the attractiveness and safety of active travel options, contrary to the principles of Building for a Healthy Life, and as a result conflicts with Policy DE1 and ID2 of the adopted Local Plan, the adopted Design Guidelines SPD and Section 12 of the National Planning Policy Framework. The material considerations in this case, including the public benefits associated with the delivery of housing, would not outweigh the identified harms and the conflict with the Development Plan.**
 - (2) The Applicant has failed to enter in a planning obligation to secure the necessary affordable housing, open space, healthcare, education and highways contributions required to mitigate the impact of the development on local infrastructure, as required by Policy ID1, H2, OS1 and ID2 of the adopted South Kesteven Local Plan 2011-2036.**