

Meeting	Planning Committee
Date	9 October 2025
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, B Burton, J Burton, Melly, Steward, Whitcroft, Moroney (Substitute), Widdowson (Substitute) and Waudby (Substitute for Cllr Cullwick)
Apologies	Councillors Clarke, Cullwick and Watson

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### **1. Apologies for Absence (4:35pm)**

Apologies for absence were received and noted for Cllrs Clarke, Cullwick and Watson.

### **2. Declarations of Interest (4:36pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Concerning agenda item 5b Spark York, Piccadilly, York [25/01151/FUL], Cllr Ayre noted that he had been Executive Member responsible for the lease of Spark at the time.

### **3. Minutes (4:36pm)**

Resolved:

- i. That the minutes of the Planning Committee A meeting held on 19 June 2025 approved as a correct record subject to the Chair and Vice Chair clarifying with the Democracy Officer regarding clarification regarding speakers speaking in a personal capacity or as a Town or Parish Councillor.
- ii. That the minutes of the Planning Committee B meeting held on 9 September be approved as a correct record.

### **4. Public Participation (4:39pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

## **5. Plans List (4:39pm)**

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

## **6. Site to the West of the A1237 and South of North Lane, Huntington, York [23/02257/REMM] (4:39pm)**

Members considered a major reserved matters application from Redrow Homes Limited for the appearance, landscaping, layout and scale of 314 houses ('Redrow Northern' Phase 1A and 1B) pursuant to outline planning permission Site to The West of The A1237 And South Of North Lane Huntington York.

The Head of Planning and Development Services outlined and gave a presentation on the application. In response to Member questions, she was asked and explained:

- Where the green wedge was on the landscape masterplan.
- [In answer to a question from a Member the Chair explained the planning history of the site].
- On the screen showed which houses would be accessed from North Lane and where the access roads to the site were.
- Cycle and pedestrian access to the site.

The Senior Planning Officer gave an update on the application, noting that there had been two additional representations Lead Local Flood Authority and Foss Internal Drainage Board and amendments to paragraph 4.5 of the published report. She further noted an update to paragraph 5.4 of the published report in which the second sentence not being a reserved matter. The Chair highlighted paragraphs 5.1 to 5.4 of the report and noted what was in the scope for the committee to consider.

### Public Speakers

Cllr Chris Cullwick (Huntington and New Earswick Ward Cllr) spoke in objection to the application. He explained that that the Ward Cllrs

supported the development of the site. He noted that North Lane was unsuitable and they shared the concerns of the highways officer. He noted their concerns regarding the housing mix and that the scheme would exacerbate challenges for schools and the highway networks. He added that the application was premature. In answer to Member questions, he explained:

- The impact of larger houses putting pressure on primary schools.
- Smaller properties were in demand and there was no provision for younger, older and first time buyers.

Jennie Hanbidge, Agent for Applicant, spoke in support of the application. She noted that the application was submitted in 2023 and that Redrow had worked with officers and had fostered a positive working relationship. She noted that the proposed scheme was a result of collaborative working with officers. She added that it was an allocated strategic site in the Local Plan and she noted the housing mix on the site. In response to Member questions, she explained that:

- The country park application was a separate submission.
- There were opportunities in the development for recreational use.
- They had numerous conversations with officers and they had addressed the considerations of the highways officer.
- There had been discussions with the case officer and highway officer.
- The housing mix for the scheme had been discussed with officers and there had been an assessment by Savills for that particular area. It was felt that the housing mix was suitable for that type of area.

Members then asked Officers questions. Officers explained that:

- Regarding the housing mix, the officer's view was outlined in the report and they had asked the developers to show what would be delivered in other phases.
- The southern phase would provide apartments but that phase had not come forward yet.
- The country park application had not been submitted but there was a phasing strategy in the conditions for the outline planning permission.
- There was an informal route for exercising dogs and there were opportunities for people to exercise dogs in the country park as part of the wider scheme.
- There was 8 years remaining for the reserved matters.
- The S106 set out the triggers and it was noted that the mitigations were dealt with at the outline stage.

[The Chair added that the reserved matters timescale was 8 years from 2022.]

- Regarding whether hedges could be put in instead of fences, the houses had permitted development rights and hedges could be put in under permitted development.
- Garth Road was outside the boundary.

During debate, the Chair noted that the S106 contribution to schools was set out in the outline planning permission and offered flexibility based on the demand for a new school to be built and he noted that paragraph 4.8 of the report gave the detail of that.

A Member asked if the Committee could ask the Applicant to come back with a different housing mix. The Chair advised that if the Committee was minded to defer the application it would need to have justifiable grounds. He added that the application had come to Committee as it was near the determination deadline and any decision made would need to be reasonable and proportionate. The Head of Planning and Development Services explained that she would advise deferral, not refusal and she noted the officer view of the application and the assessment by Savills for the type of housing on the site. She was further asked and explained that the application could be deferred but it had to be determined by 5 November 2025 and an appeal could be taken to the inspector. The Senior Solicitor clarified that refusal was an option open to Members and she noted that officers advised would be to defer.

Following debate, Cllr Whitcroft moved the officer recommendation to approve the application. This was seconded by Cllr Melly. Following a vote with seven Members voting in favour, three against and one abstention it was:

Resolved: That the application be approved.

Reasons:

- i. The proposed layout, appearance, scale, access and landscaping of the residential development for 314 dwellings including 8 self build dwellings at land to the north of Monks Cross is considered acceptable. The development provides a range of affordable and market house types and tenures, and the mix reflects the LHNA expectations for a suburban site of this typology. The density and building heights comply with the parameters agreed at the outline stage. Self and custom build housing plots are provided in accordance with the outline permission conditions and the s106 legal agreement for the site.
- ii. The layout provides an attractive, legible development which will help to promote active travel through the provision of

infrastructure for walking and cycling as well as providing suitable access to public transport, reflecting and enhancing the arrangements already made at outline stage. There will be an extensive central greenway providing an attractive and inviting open space for recreation and amenity, with several different play features (LEAP, LAPs and trim trail). This will be further enhanced through an informal perimeter circulation pedestrian route, offering a route within a landscape setting.

- iii. In terms of landscaping, there are some areas of the site that the Council's Landscape Architect considers could have been improved, although this is balanced against the delivery of housing and appropriate infrastructure. Overall, there are many merits to the site layout and landscape masterplan. The planting scheme is largely supported, with scope for change within a detailed planting plan. Conditions are required in respect to details relating to the protection of appropriate measures to protect retained trees and hedgerows and to address matters in respect of tree pit details and construction details for feature tree locations. Other matters are already dealt with via conditions on the outline permission.
- iv. The reserved matters therefore accord with the policies of the Local Plan, notably the site allocation (SS10) as well as the relevant policies of the Huntington Neighbourhood Plan. Approval is therefore recommended subject to conditions.

[The meeting adjourned from 5:58pm until 6:10pm]

## **7. Spark York, Piccadilly, York [25/01151/FUL] (6:10pm)**

Members considered a full application from Samuel Howarth-Leach for the Continued use of multi-unit mixed-use development, including commercial, business and service uses (Class E), food and drinking establishments and multi-purpose event space (Sui Generis) for a temporary period of 5 years (until September 30 2030) at Spark York Piccadilly York.

The Head of Planning and Development Services outlined the application and gave a presentation on it. The Principal Planning Officer gave an update noting that proposed condition 3 was amended to as drafted in the published report. This was to alter the cut off time for amplified sound from 9pm to 10pm. He explained that there had a representation in objection from Cllr Wartens.

### Public Speakers

David Chatfield, resident in the former FR Stubbs building, spoke in objection to the application. He noted that the previous application was on a temporary basis and that Spark was going to be a temporary 3 year use. He noted the impact of Spark on residents' using their outdoor space and the impact on property value. He noted that his preference would be a hard stop for Spark. He was asked and explained why residents' use of their outdoor space was impacted by Spark.

Franz Wallmann spoke in objection to the application. He explained that from 2018 until 2025 Spark had generated community complaints. He noted the complaints and breaches of the condition regarding amplified music. He added that there had been four temporary applications over 13 years. In response to Member questions, he noted that:

- The noise from Spark was beyond the noise expected in the city centre. The amplified music and increased number of people raised the noise levels. He noted that a neighbour wore earplugs to get to sleep.
- He expected Spark to move as it was temporary and confirmed that it would be more acceptable if it was in a building and that four times approval was not temporary.

Matthew Laverack spoke in objection to the application. In answer to a comment from him, the Chair noted that the Committee was not predetermined on the application. He explained that shipping containers did not belong on the site. He expressed concern regarding the abuse of the planning system to which the Chair advised that the planning authority operated independently of the council and he asked Mr Laverack to consider the assertions being cast. Mr Laverack noted that a car park would generate more income and he noted the number of times there had been planning applications for the site. He added that Spark was not needed for another five years. He was asked if he considered Piccadilly to be an industrial part of the city and he noted that it was a site inside the city walls in a conservation area.

Cllr Clarke, Guildhall Ward Cllr, spoke on the application. He noted that Spark supported businesses and the community and brought economic and public benefit. He explained that residents in Lawsons Court and Nelsons Yard were negatively impacted by Spark and there had been breaches of regulated noise. He noted the effect of this on the amenity of residents and asked for a number of mitigation measures for sound. He added that the operators should produce a new noise management plan.

Members asked Cllr Clarke questions to which he answered that:

- There had been complaints regarding noise on the Spark WhatsApp group and mitigations needed to be considered.

- Spark was a poor neighbour in terms of noise to residents and they were not doing anything to mitigate noise to neighbours.
- Residents in Nelsons Yard had contacted Ward Cllrs, who had advised them to make a complaint to the council.
- He was not aware of any noise monitoring.
- Regarding whether as a Ward Cllr he felt there had been a lot of complaints, there had been from residents in close proximity, especially in Nelsons Yard. There had historically been noise management plans which did not work and there should be a more proactive approach with residents.

The Applicant, Sam Leach, spoke in support of the application. He explained that there were 92 jobs (58 full time equivalent roles) at peak and he noted the financial return. He listed the community events at Spark and noted that there had been a residents' meetings about the application. He noted that the proposal for six events a year had been withdrawn. He added that there was cross party support for Spark and that it was a York success story.

Members asked Sam Leach questions to which he explained that:

- There was a sound check twice a year from Nelsons Yard and sometimes factors like wind affected noise. They had set up the WhatsApp group which had allowed to build the community, even with objectors. 90 jobs at the venue would be lost if it was to shut and the intention was to move to a different site. The reasons for the application being for five years was noted.
- The WhatsApp group was monitored by managers all day. There was a noise check at Nelsons Yard when the roof was on or off. It was explained how the noise level was set up and how it was checked throughout the day.
- There was no limiter on the speaker system, there was a set amount of volume.
- All ten speakers were passive and pointed opposite to the neighbours.
- The speaker system was variable and it had a set sound within it.
- There had been communication with council leaders and officers about the application.
- There was 250 people at Spark when it was busy.
- There were 15 to 16 businesses at Spark, as well as studios and co-working space.
- There were three bars at Spark.
- The actions taken when people were in touch on the WhatsApp group regarding the volume of music was explained.
- Regarding criticisms, there were some neighbours that did not want Spark there and the operators refuted the argument that Spark was a noise nuisance and there were residents that supported Spark.

- They had no objections regarding the recommendations to mitigate noise. Spark was not trying to be a music venue.
- Concerning whether they had sought expert advice to be a better neighbour, starting with noise, they did not believe there was evidence for noise complaints and the noise monitoring that had taken place identified no issues.

Members then asked questions to officers who responded that:

- Regarding conditioning a noise limiter, the Head of Planning and Development was drafting a condition on a noise management plan.
- The reason why the application was recommended to be granted was because Piccadilly was identified as an area of regeneration in the Local Plan and it was not inappropriate to have temporary consent.
- The site was not an affordable housing site allocation.
- There was a condition on vertical drinking on the application and the previous application.
- When the application was first granted there was a condition regarding odour, which would be dealt with by public protection.
- The advice from public protection that background music was amplified music. They could play music but it could not exceed background noise levels.

[The meeting adjourned from 7:30pm until 7:36pm]

- The playing of amplified music had changed from 9pm to 10pm as it had been 10pm at the last approval. This could be conditioned to be 9pm.
- There had been one complaint about a music event in January 2025 received by public protection.

During debate, the Head of Planning and Development advised that it was not reasonable to have an odour condition as the first planning permission had the condition for the lifetime of the development and odour management was covered by other legislation.

Following debate, Cllr Ben Burton moved the officer recommendation to approve the application subject to the addition of a noise mitigation condition.

This was seconded by Cllr Whitcroft. Following a vote with nine Members voting in favour and two abstentions this was carried.

Following further debate Cllr Melly proposed approval of the application subject to:

- The conditions in the report.
- Amended Condition 3 for amplified music until 10pm Sunday to Thursday and 11pm on Friday and Saturday for the lifetime of the

development, the wording of which to be delegated to Officers and the Chair and Vice Chair.

- Amended condition that within two months of the date of the permission, details of a sound management system that ensures that no amplified sound will exceed the agreed background noise levels, (LA sound levels to be inserted) shall be submitted in writing and approved by the planning authority. The approved details shall be implemented within one month of the approval and retained for the lifetime of the development.

This was seconded by Cllr Ayre. Following a vote with eight Members voting in favour and three voting against it was:

Resolved: That the application be approved subject to:

- The conditions in the report.
- Amended Condition 3 for amplified music until 10pm Sunday to Thursday and 11pm on Friday and Saturday for the lifetime of the development, the wording of which to be delegated to Officers and the Chair and Vice Chair.
- Amended condition that within two months of the date of the permission, details of a sound management system that ensures that no amplified sound will exceed the agreed background noise levels, (LA sound levels to be inserted) shall be submitted in writing and approved by the planning authority. The approved details shall be implemented within one month of the approval and retained for the lifetime of the development.

Reason: The continued use of the site is considered acceptable; the land use is consistent with policy, public benefits outweigh the conservation area harm identified and the recommended conditions are deemed sufficient on amenity grounds, in particular in respect of noise from the venue and the amenity of surrounding residents. Condition 3 is necessary to ensure amplified or live music played at the venue is not unduly detrimental to neighbouring residential amenity whilst condition 4 restricts the opening times of the venue.

Cllr J Crawshaw, Chair

[The meeting started at 4.35 pm and finished at 8.42 pm].