



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 30th July 2015

Subject: APPLICATION 14/07446/FU – Change of use of film production set to accommodate ancillary visitor tour attraction (Emmerdale village), Land at Stub House Farm, Harewood Estate, Leeds

APPLICANT

Harewood House Trust Ltd,
Harewood Estate And ITV
Studios

DATE VALID

23/12/14

TARGET DATE

13/08/15 (Extended by
agreement)

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

To DEFER and DELEGATE APPROVAL to the Chief Planning Officer subject to:

- a) the suggested conditions below (and any others which he might consider appropriate), and the variation of the Section 106 agreements to repeat the terms of the original agreement, but to allow for the operation of tours in the terms sought;
- b) to review the terms of the Sec.106 Agreement in respect of the mechanism for the allocation of and spending of monies generated for heritage projects in Consultation with the Chair and the Emmerdale Funding Panel; and
- c) referral of the application to the Secretary of State for the Department of Communities and Local Government under the Town and Country Planning (Consultation)(England) Direction 2009 as a departure from the Statutory Development Plan.

In the circumstances where the Section 106 has not been completed within 3 months of any determination of the Secretary of State not to intervene, the final determination of the application shall be delegated to the Chief Planning Officer.

1. Temporary use to be discontinued on 3rd June 2027 or when the site is no longer required for filming.
2. Restoration of land within six months of the use ceasing.
3. Restriction on level of tours to the number and hours applied for (Saturdays/Sundays only, with a maximum 2 coaches per hour).

1.0 INTRODUCTION

- 1.1 This application is brought to North and East Plans Panel because it is a proposal for a development that is a departure from the Green Belt policies of the development plan and has a significant impact on openness. Also, Councillor Rachel Procter has requested that the application should be reported to Plans Panel due to the Green Belt location, local concern and that the Sec.106 Agreement needs to be reviewed, including amongst other matters how to facilitate the spending of monies on heritage and recreational projects within Harewood ward.

2.0 PROPOSAL

- 2.1 The application proposes the change of use of the film production set (Emmerdale Village) to accommodate ancillary visitor tours. Essentially the application seeks permission for a mixed use to allow for film production, and tours, of the ITV Emmerdale Farm film set (currently restricted by legal agreement,) which is located within the grounds of Harewood House. The application proposes weekend tours on Saturdays and Sundays, between the hours of 10.00 and 16.00hrs (April to September) and 10.00 to 14.00hrs (October to March).
- 2.2 It is estimated there will be a maximum of 2 coaches per hour, (50 persons per coach), each tour taking in the region of 2 hours. The proposals will generate 4 vehicle movements (2 arrivals, 2 departures) per hour during the hours of operation, with additional staff movements. The revised proposals detail access from Eccup Lane, taken via the Burden Head Farm access, a private road which currently serves filming operations. From there to the set coaches would follow existing internal private access road which has passing places, but a small section of the route would involve crossing and traveling along a public bridleway (Bridleway 18). No physical development is proposed.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located in an area of farmland within Harewood Estate. The site is screened from the main House to the north-east by Stub House Plantation. The set lies within a small valley with woodland to the south and west preventing long distance views of it. A public right of way runs between the film set and Stub House Farm and its buildings (Bridleway 18). The site is located within the Green Belt and Special Landscape Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/05014/FU Security accommodation building to Emmerdale Village Entrance, Land adjacent to Stub House Farm - **Refused**

- 4.2 13/04675/FU Use of field as temporary film set for 1 year, Stub House Farm Harrogate Road. **Approved**
- 4.3 13/03559/FU Extensions to facilities building and installation of two external propane gas tanks - **Approved**
- 4.4 06/04908/FU Renewal of planning permission ref. 30/165/96/FU (Change of use of land to film production set including the erection of structures and laying out of infrastructure) - **Approved**
- 4.5 30/173/96/LI - Listed building application for restoration of barn and cottages and alterations to cottages – **Approved**
- 4.6 30/165/96/FU Change of use of land to film production set including the erection of structures and laying out of infrastructure – **Approved**

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant entered into pre-application discussions with officers during the summer of 2014. Following pre-application discussions the applicant submitted the application in December 2014. Following the receipt of adverse highway comments and a number of objections on highway safety ground and impact on public rights of way grounds the applicant entered into further discussions on possible alternative access routes. The original route proposed had gone from the House through the estate and out via the Burden Head Farm access, up Eccup Lane and re-entering the Estate via the Low Weardley junction, travelling once more on Estate roads. This not only increased significantly the conflict with public right of way or bridleway users and utilised the Low Weadley junction with very poor forward visibility in a northerly direction when re-entering the estate. The amended route now under consideration avoids Estate roads and the House, significantly reduces the level of conflict with the public rights of way network, and avoids the substandard Low Weardley junction. The amended proposal was submitted to the Council in late June 2015 and a re-consultation exercise undertaken.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was advertised as a major development which does not accord with the provisions of the Development Plan and which affects a right of way on 22nd January 2015. Immediate neighbours were notified in writing. The amended tour route proposed was advertised by way of sites notices dated 03rd July 2015. In response overall 10 letters of objections and 1 representation were received.

- 6.2 Summary of objection received:

- The original planning permission was granted on the condition that the set was not to be used as a visitor attraction.
- When large events such as the Game Fair and the VW Rally take place at Harewood there is an enormous increase in traffic and this creates problems of congestion on local roads and a similar situations could occur as a result of film set visitor traffic.
- The proposal would generate significant additional traffic and would be harmful to highway safety, especially at the Weardley junction (where there is poor forward visibility), and there are better alternative routes.

- The proposal would create conflict with users of the public footpaths and bridleways over which the route passes.
- The submitted survey (November 2014) of walkers and horse riders using the two public footpaths and bridleways the minibuses would be crossing is not representative – in summary there are many more walkers on Saturdays and Sundays – and the timing of traffic/transport surveys is questionable.
- The application fails to adequately describe the significance of the heritage asset. The House is Grade I Listed and many ancillary buildings integral to the historic site are Grade I, II* and II Listed.
- The historic gardens and landscape park are also designated on the Register of Historic Parks and Gardens as Grade I and it is one of only two such Grade I sites in Yorkshire. Harewood House is more than a mere tourist attraction it is a cultural asset.
- Noise, vibration and visual intrusion: The National Planning Policy Framework and Saved UDPR policy GP5 should protect and enhance valued landscapes – the present application gives insufficient consideration to environmental intrusion along the minibus route.
- The frequency of journeys could only adversely impact on the fabric of the historic buildings and their setting and the children's playground.
- The proposed frequency of minibuses would be harmful to the tranquillity and recreational amenity of the locality and would lead to visual intrusion.
- There is no clear linkage between the proposed activity and benefits to the preservation, restoration or conservation of the historic house, gardens and park, and ancillary buildings.
- The Harewood Estate has hosted some very successful events including the 2014 Tour de France which do bring additional benefits to the local community – the current application would not bring the same benefits.
- The application could only be supported if no traffic were allowed to exit via Church Lane.
- Although the revised plan is less intrusive in the historic park vehicles bringing visitors will still use narrow public land and follow or run close to public footpaths and bridleways – there is still no public benefit demonstrated. There is also still no evidence of how income from the increased visits will benefit the historic house – endorse the arguments put forward by the Open Spaces Society.

6.3 Harwood Parish Council does not object to the application, but would like to add the following:

“Harewood Parish Council would like to highlight the concern of local residents regarding the potential impact of an increase in vehicles visiting the village. Particular concern relates to the egress of vehicles from the Harewood Estate via Church Lane. There is also a health and safety concern that the proposed route of the Emmerdale site tours will affect Public Rights of Way.”

6.4 Ward Councillors: Summary: Councillor Rachel Procter has requested that the application should be reported to Plans Panel due to the Green Belt location and local concern. The S106 heritage fund spend should be within Harewood Ward and should be widened to cover greenspace and recreation, given the impact on public rights of way. Clarification is required over the booking mechanism. Councillor Procter also considers that ward Members should be consulted on any changes to the Sec.106 particularly with regard to agreeing a revised mechanism for the allocation of monies for heritage projects.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

7.2 English Heritage: English Heritage has looked over the above planning application after a request by a member of the public and we are satisfied it is not an issue we require to be consulted on.

7.3 Yorkshire Gardens Trust: Summary:

7.4 **Objects** [original proposals] – Whilst the YGT is sympathetic to the need to develop revenue raising activities in order to secure a sustainable future for the Harewood Estate without a thorough heritage assessment which considers the significance of the listed buildings and registered landscape and addresses the impact of proposed traffic flow on this significance we remain to be convinced that the proposed development can be carried out without resulting in harm to the essential character and quality of these internationally important heritage assets.

7.5 **Objection withdrawn** [amended proposals] YGT stated: “Thank you for notifying the Yorkshire Gardens Trust (YGT) about the revised proposals. We consider that the amended scheme would have a much lessened impact on the significance of the historic designed landscape. As such, we wish to withdraw the YGT’s objection and are happy for a decision to be made in accordance with national and local planning policy and on the basis of advice from your specialist conservation advisers.”

7.6 The Garden History Society: Summary: **Objects** [original proposals] - Harewood House is a designated landscape asset on the Register of Parks and Gardens at Grade I. This is a highly selective designation – only some 10% of the 1,600 sites thus being designated at Grade I. In the absence of statutory consultation with English Heritage the Council is not in a position to make a decision. The proposed vehicle movements through the designed landscape will significantly adversely impact upon the special character and interests which provide part of the basis for its national designation. We advise the application conflicts with the National Planning Policy Framework and guidance from English Heritage on the protection of the settings of designated heritage assets from adverse change and advise your Authority to reject this proposal. (No response to the revised proposals has been received following re-consultation).

7.7 The Ramblers Association: Summary: **Objects** [original proposals] – The proposal is a substantial operation with up to 24 traffic movements per hour at weekends when the grounds of Harewood House are most busy with recreational users. These vehicle movements follow or cross existing public rights of way and this increase will have a material effect on the character of the area and use and enjoyment by members of the public. The proposal is incompatible with the Green Belt but, if contrary to these objections permission is granted, benefits should accrue to those who have been affected by the development. Considerations should be given to segregating pedestrians from vehicular traffic, improving the safety of proposed footpath crossings and the creation of additional rights of way some distance away unaffected by the increased vehicular use. (No response to the revised proposals has been received following re-consultation).

7.8 Non-statutory:

7.9 LCC Transport Development Services: Summary: **No objection principle** – Access and parking arrangements are considered adequate for the scale of operation

proposed. Subject to clarification on the scale and management of “walk- up sales” it is considered that the proposals will have no significant impact on the operation of the local highway network.

7.10 Open Spaces Society: Summary: **Objects** [amended proposals] The revised Transport Assessment falls short of dealing with the public use and how the proposals will affect the enjoyment by the public of the countryside and particularly the public rights of way network. It is a matter of concern that there is no information provided about the use by the public of the rights of way crossed or used by the proposal. It is contended that there are public rights of way implications that justify refusal. If the Council is to approve the application there must be some better compensation for the public. A relatively small suggestion is offered that the two newly creative permissive paths be made definitive. The Council is urged to secure some real permanent public benefit as in reality the use is permanent.

7.11 Leeds Local Access Forum:

- Visitor numbers are set to be greatest at weekends as are recreational users of the public rights of way network.
- There will be conflict between visitor tour traffic and users of sections of public bridleways Harewood 12 and 18.
- LLAF Members agreed with and support comments made by Public Rights of Way and Highways in respect of these bridleways.
- The Forum objects to the application as proposed, but if you are minded to grant approval it should be on the basis that the following greater public benefits are provided:
 - The surface of bridleway Harewood 18 to the south of Stub House Farm and its continuation as bridleway Leeds 24 is improved (it forms part of the Leeds Country way).
 - The permissive paths created under the S106s agreement are made definitive.
 - Some areas on the estate are dedicated as access areas as provided by the Countryside and Rights of Way Act 2000.

7.12 LCC Rights of Way Team: Part of the Bridleway 18 affected by the application should be diverted onto a new parallel route and a safe crossing point provided to the north of the affected bridleway.

8 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds District. Some saved policies of the UDP Review also apply. The following policies within them are relevant:

General Policy	Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision the Council will grant planning permission unless material considerations indicate otherwise [taking into account the NPPF presumption in favour of sustainable development].
Objective 6	Promote a diverse, enterprising, and competitive economy supported by a skilled workforce.
Objective 17	Protect natural habitats and take opportunities to enhance biodiversity through the creation of new habitats and by improving and extending wildlife corridors.
Objective 18	Secure development which has regard to its impact on the local environment and is resilient to the consequences of climate change including flood risk.
Objective 21	Protect and enhance Green Infrastructure, strategic green corridors, green space, and areas of important landscape character, taking the opportunity to improve their quality, connectivity and accessibility through the development process.
Spatial Policy 1	Location of Development
Spatial Policy 8	Economic development priorities
Policy G1	Enhancing and extending green infrastructure
Policy T2	Accessibility requirements and new development
Policy P11	Conservation
Policy P12	Landscape
Policy ID2	Planning obligations and developer contributions
Policy N24	Transition between development and the Green Belt

8.4 Saved Policies of Leeds Unitary Development Plan Review (UDPR):

GP1	Land use and the proposals map
GP5	General planning considerations
T24	Parking guidelines
N28	Historic parks and gardens
N32	Green Belt and the proposals map
N33	Development in the Green Belt
N37	Special Landscape Areas

8.5 Relevant Supplementary Planning Guidance:

None specific to the proposal.

National planning policy guidance:

8.6 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:

Achieving sustainable development
 Section 1 Building a strong, competitive economy
 Section 3 Supporting a prosperous rural economy
 Section 4 Promoting sustainable transport

Section 8 Promoting healthy communities
Section 9 Protecting Green Belt land
Section 11 Conserving and enhancing the natural environment
Section 12 Conserving and enhancing the historic environment
Decision-taking
Annex 1 Implementation

9.0 MAIN ISSUES:

- Principle of the development
- Highways and Rights of Way
- Heritage considerations
- Section 106 Legal Agreement

10.0 APPRAISAL:

Principle of the development:

- 10.1 The site is located within the Green Belt and a Special Landscape Area. Saved policies of the Leeds UDP (Review) and NPPF seek to protect them from inappropriate and harmful forms of development. Initially the creation of the set [application 30/165/96/FU] was held to be an inappropriate and harmful form of development in the Green Belt and Special Landscape Area, contrary to Green Belt policies of the then Planning Policy Guidance 2, 'Green Belts', and the Leeds UDP. The proposals were however accepted by the Council and planning permission was granted, on the basis that a number of considerations amounted to the necessary very special circumstances required to outweigh the harm by inappropriateness (and the harm to openness), and because the impact on the Special Landscape Area was minimized in as far as possible. The considerations in summary were that: the use would be only temporary; the use of the land would bring benefits to the area in terms of retaining filming in the Leeds City area, and; would contribute £500,000 over a 10 year period to projects in the area (including works to repair Harewood Castle and a restore number of listed buildings, and the provision of a new wall-side footpath. This permission placed restrictions on visitors/tourists to the site by way of an S106 legal agreement.
- 10.2 A further temporary planning permission was granted for the set for a 20 year period under application reference 06/04908/FU. Under that application the value and benefits of the retention of the film location for the Leeds area, based on the situation then, were assessed by the applicant as being: 17 Estate staff directly attributable to the Emmerdale series; rental income to the Estate contributing to the renovation of derelict buildings which house 170 staff; retention of the Harewood set being a strong reason to retain the indoor film sets in Leeds which employs 142 directly and 42 indirectly; the program employs 50 actors a year, 300 extras a month and has 24 script writers, all of whom contribute to the economy of Leeds; an estimated £55m contribution to the regional economy from ITV, and that retention of Emmerdale in Harewood assists in safeguarding the retention of this in the area. This second permission contributes £52,500 each year to a number of local projects. This permission repeated the restrictions on visitors/tourists to the site, also by way of a further S106 legal agreement.
- 10.3 In reflecting the spatial vision the Core Strategy (CS) seeks to protect and enhance green infrastructure, strategic green corridors, and areas of important landscape (CS Objective 21). The CS also seeks to support the positive use of the historic environment (CS Objective 12). Spatial Policy 8 Economic Development Priorities

states that outside the Main Urban Area, Major Settlements and Small Settlements support should be given to the provision and expansion of tourist and cultural facilities in appropriate locations. In promoting a strong local economy the CS also seeks to prioritise a number of employment sectors, identified in the Leeds Growth Strategy and Employment Land Review. The Leeds Growth Strategy focuses on seven employment sectors, one of which is the digital and creative industries (CS Para 4.7.4). ITV has made significant investments in the City in respect of the Emmerdale product and this is naturally to be welcomed, and these are policy considerations in favour of the proposals.

- 10.4 Leisure and tourism are both employment sectors that are also of significance to the City economy and the Leeds City Region. Section 3 of the NPPF 'Supporting a prosperous rural economy' states that local and neighborhood plans should support sustainable rural tourism which respect the character of the countryside. Albeit on a limited scale, the proposals would contribute to these considerations, and some weight should be given to them.
- 10.5 From the above the principle of and benefits from retaining the film set in Harewood, on a temporary basis, are therefore well established in terms of planning history and CS objectives. The only development proposed which requires further consideration is related to its use – namely the acceptability of the introduction of a further use to allow for tours of the set at weekends, which are currently restricted by way of legal agreement. The National Planning Policy Framework (NPPF) does not state specifically that tourism is an appropriate Green Belt use however, the exception under Paragraph 90 (re-use of buildings) could potentially apply in a wider sense. The new use introduced to the mix does not introduce any further physical development, so in Green Belt terms the proposal in so far as the use of the set for tours is concerned is potentially not inappropriate development.
- 10.6 Whilst it is arguable the proposed use for tours is potentially not inappropriate development in Green Belt terms, the application proposes a new mixed use permission for filming and tours of the existing film set. The new additional use will have some impact by virtue of the activities generated by the use. This should be considered in the context of the already permitted development and ongoing use as a film set. In light of this it is considered that the proposal is inappropriate development in the Green Belt, and is one which harms openness. So in its totality the proposal is considered to constitute inappropriate development, the set still harms openness, and therefore any decision to approve a new mixed use development ought to be referred to the Secretary of State as a departure. In considering the merits of the development regard should be had to the same very special circumstances identified previously that still apply in this regard and the proposals reinforce the identified benefits.
- 10.7 Whilst there is general policy support for the promotion of tourism and the creative industries, the proposal for tours of a film set is a relatively unique one and there are therefore no specific policies relating directly to such proposals. It is general CS policy where there are no policies relevant to an application the Council will grant planning permission unless material considerations indicate otherwise. Therefore provided that any harm does not outweigh the benefits, the development is considered to be acceptable in principle and permission should be granted. Consideration of the impact of the proposal on highways and rights of way, heritage and any other considerations follows below.

Highways and Rights of Way

- 10.8 The Council as highway authority comment that in terms of traffic generation tours will operate on Saturday and Sunday between the hours of 10.00 and 16.00hrs (April to September) and 10.00 to 14.00hrs (October to March). It is estimated there will be a maximum of 2 coaches per hour, (50 persons per coach), each tour taking in the region of 2 hours. The proposals will generate 4 vehicle movements (2 arrivals, 2 departures) per hour during the hours of operation.
- 10.9 It is anticipated that the proposals will employ around 10 staff, who are likely to travel to and from the site by car, arriving between 09.00 and 10.00hrs, departing after 17.00hrs. The application indicates that should there be spare capacity available on tours 'walk-up' sales may be offered to visitors at Harewood House. "Walk-up" visitors being transported from Harewood House to the site, via the public highway, by coach tour operators. Clarification from the applicant regarding pick up/drop off arrangements and numbers has been requested and will be reported at the meeting. However, the number is not anticipated to be significant, and subject to this clarification the Council as Highway Authority considers that the amended proposals will not harm road safety on the local highway network. Parking is to be at the existing facilities building and it is anticipated that a maximum of 5 coaches present at any one time would enjoy adequate parking and manoeuvring facilities.
- 10.10 The Parish Council does not object but highlight the concerns of some residents about the potential use of Church Lane as an egress from the Estate and their safety concerns over the effect on rights of way. A number of objectors, the Open Spaces Society, The Ramblers Association, and the Leeds Local Access Forum, object to the proposal due to conflict created with bridleway users, and if permission is to be granted, suggest conflict should be reduced and the creation of new routes considered. The proposal does not however include any use of Church Lane.
- 10.11 With regard to the bridleway considerations UDP Review policy N10 relating to public rights of way was not saved because it is covered by separate legislation. However, policy GP5 sees to ensure public safety, and criterion (iv) of CS policy G1 on enhancing and extending green infrastructure (in relation to strategic green infrastructure – Map 16) states that, amongst other requirements, development proposals should ensure that opportunities are taken to protect and enhance the Public Rights of Way network, through avoiding any *unnecessary* [my emphasis] diversions and by adding new links. Under Section 8 of the NPPF, Para 75 states that:
- 10.12 *"Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails."*
- 10.13 Objectors comments are therefore supported in planning policy terms and this is clearly an important material consideration. An additional 4 traffic movements per hour will occur under the proposals from coaches and further movements from employees operating the tours. The Council's Rights of Way Team comment that there will be a degree of conflict with Bridleway 18 and that alternative provision should therefore be considered, and a safe crossing point provided to the north of it. Land within the applicant's ownership does exist adjacent to the track coaches would take that could provide an alternative and no less attractive route, which would avoid this conflict, subject to it not impacting upon filming.
- 10.14 This has been raised with the applicant and their response is awaited and will be reported at the meeting. However, it should be noted that under earlier proposals the inconvenience to footpath/bridleway users was held to be outweighed by the benefits and in light of the temporary nature of the permission.

Heritage Considerations

- 10.15 Together CS policy P11 Conservation, Saved UDP Review policy N28 Historic Parks and Gardens and guidance in Section 9 of the NPPF seek to protect, conserve and enhance heritage assets. Harewood House is a Grade I Listed Building and its grounds are a designated landscape on the Register of Parks and Gardens, also as listed at Grade I. A number of other buildings on the East are Grade II* and Grade II Listed Buildings. The House and Estate clearly comprise some of the most important heritage assets within Leeds City's area, the Yorkshire Region, and nationally. However, because no physical development is proposed and as the route of the tour now avoids the House and its Gardens, there is no impact on the historic fabric of the assets or any direct or even indirect impact on their setting. It is important to note with regard to the latter statutory consideration that notwithstanding objections received in this regard, English Heritage (now Historic England) comment that the application is not a matter on which they require consulting.
- 10.16 The Yorkshire Gardens Trust had objected to the original route but following re-consultation has withdrawn their objection. The Garden History Society objected to the original route but has not responded to re-consultation. Both original objections, taken together, were based on the impact of the proposals on the tranquility of the gardens and potential damage to historic fabric due to vibrations, which clearly do not arise from the amended route proposed.
- 10.17 The proposal would not therefore harm or lead to any loss of historic fabric or adversely affect the setting of any heritage asset. The proposal would however help reinforce the significant contribution that ITV makes to the Estate and wider heritage assets and some weight should be given to these considerations. In heritage terms the proposal is considered to be policy compliant.

S106 Legal Agreement

- 10.18 The current S106 agreements restrict the owner and ITV from 'encouraging or promoting tourism' and require that they 'shall not encourage or knowingly permit general visitors to visit the film location sets'. They also sets out a number of other obligations, which included: free access to the estate by school Children; conservation and restoration works of buildings within the Estate; the annual payment of £52,500 annually to the heritage fund to be allocated by a Stakeholder Panel; site restoration; improvements to Harewood village hall; improvements to access to the Castle and the local rights of way network, and; the provision of a play area in Harewood Village. Should planning permission be granted the existing S106 Legal Agreements will be required to be varied, so that they apply equally to the proposed mixed use, but in varied terms to allow weekend tours to take place in the terms sought.
- 10.19 Councillor Rachael Procter has requested that, should Panel be minded to grant planning permission, consideration should given to amending the geographical extent of the S106 clause on contributions, with regard to the heritage fund, so that: funds could be spent within Harewood Ward first before being opened up for spending across the city (as opposed to as currently set out within the Sec.106 that prioritises heritage projects within Harewood Estate and then City wide), and; so that the heritage fund could be widened so that contributions could be spent on green space and recreation projects also (in recognition of the nature of the new impacts and because the proposals affect a public right of way). The argument that supports this is that the effects of the development are greatest upon Harewood ward. The Open Spaces Society comment in their objection that, should Members be minded to

approve the application, the permissive path created under earlier permissions should be made definitive. This has been put to the applicant, however, they simply wish the application to be considered as submitted with a variation to the Sec.106 Agreement to include reference to allocating monies for open space and recreation projects (subject to agreement on what those terms mean).

- 10.20 On the face of it these are reasonable suggestions that could potentially be supported in planning policy terms, subject to being compliant with the CIL Regulations. The applicant has been asked to consider these points and their response and further advice will be provided at the meeting. Nevertheless it is appropriate at this stage to review the mechanism for the allocation and spending of funds and how projects are identified and how decisions are made on what projects should benefit from funding. This forms part of recommendation to the defer and delegate approval to the Chief Planning Officer and it includes consultation with the Chair of this Panel to provide a city wide perspective and with the Harewood Funding Panel whose membership includes a ward Member who chairs the Panel, representatives from the applicant and local community.

11.0 CONCLUSION

- 11.1 The use of the site on a temporary basis for the filming of Emmerdale is well established under existing permissions. Whilst the proposed mixed use is inappropriate development in the Green Belt, and [the set] harmful to openness, the significant benefits of retaining filming of Emmerdale at Harewood have already been accepted as comprising the necessary very special circumstances. Subject to consideration of the terms of the amended S106 agreement, the majority of the same very special circumstances apply.
- 11.2 Subject to clarification and consideration of the walk-up sales aspects, the proposed use will not be detrimental to highway safety, and it is considered that there are potential solutions to overcome the more limited conflict with bridleway users stemming from the revised proposals. The proposals will not damaged, harm, lead to the loss of or diminish the significance of the heritage assets involved, but will reinforce the benefits of ITV's contributions to the Estate, Leeds City area, and the region. The proposals will contribute to the tourism economy and when taken together, significant weight should be given to these benefits.
- 11.3 It is therefore recommended that Members defer and delegate approval of the application to the Chief Planning Officer, subject to the resolution of the outstanding issues, the conditions listed above, the variation of the Section 106 Agreement to repeat the terms of the agreement under 06/04908/FU (but to allow for tours in the terms sought (and as may be resolved by the Panel in light of Ward Councilor's comments)), and referral to the Secretary of State as a departure.

Background information:

Application case files 14/07446/FU, 06/04908/FU, 30/165/96/FU
S106 agreement pursuant to 06/04908/FU
S106 agreement pursuant to 30/165/96/FU
Certificate of Ownership – Certificate A completed.

Location Plan
Emmerdale TV set and proposed route

