

Application No: 20/3156M

Location: Sparrow Park, Churchside, Macclesfield, SK10 1EA

Proposal: Erection of stone monument to commemorate the Silk Route which extends from China to Macclesfield

Applicant: Macclesfield Town Council

Expiry Date: 04-Dec-2020

### **SUMMARY**

The application site is 'Sparrow Park', a small area of public open space to the rear of St Michael and All Angels Church in Macclesfield Town Centre. The proposal is for a new monument, to be located at the north side of the park, together with minor landscaping changes.

The application is considered to represent an appropriate form of development within Macclesfield Town Centre and is acceptable in terms of design, effects on heritage assets, the landscape, trees and residential amenity, public spaces and nature conservation, subject to matters controlled by condition. It is not considered that the proposal would give rise to any other material planning considerations.

### **RECOMMENDATION**

**APPROVE WITH CONDITIONS**

### **REASON FOR REFERRAL**

This application is being considered by the Northern Planning Committee following call-in by Cllr Braithwaite for the following reasons:

- the scale and height of the proposed monument*
- the impact on the Conservation Area*
- impact on the street scene*
- residential amenity of residents in nearby streets adjacent and below Sparrow Park*
- stability of the ground "*

### **SITE DESCRIPTION AND CONTEXT**

The application site is 'Sparrow Park', a small area of public open space owned by Cheshire East Council, located to the rear of St Michael and All Angels Church in Macclesfield Town Centre. The park comprises planting beds, bushes and trees, benches and pathways. The

park provides views out over the east side of Macclesfield and the landscape beyond. The site is designated as Existing Open Space in the Macclesfield Borough Local Plan.

The park is in the setting of St Michael and All Angels Church, a Grade II\* listed building, and 9-17 Churchside and 31, 33 and 35 Churchside, two Grade-II listed blocks of terraced houses, all of which are set to the immediate west of the park. The site is within the Town Centre (Macclesfield) Conservation Area. Mature trees on and around the site are protected by virtue of being located within the Conservation Area. The site lies within an identified Area of Archaeological Potential.

There are dwellings to the west of the site on either side of the church. Otherwise the site is surrounded at the east by commercial buildings on Waters Green.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for a new monument.

The structure would comprise a 7.5m stylised stone column, set within a new hard landscaping arrangement at the northern side of the park. The monument is described in the application as being 'to commemorate the Silk Route which extends from China to Macclesfield'. The design is intended to represent a stylised silk bobbin. The monument would replace an existing sunken paved area hosting several benches.

The monument is to be donated by the People's Republic of China to Macclesfield Town Council.

## **RELEVANT PLANNING HISTORY**

**64959P** - FORMATION OF NEW DISABLED PEDESTRIAN ACCESS GATE INTO SPARROW PARK. Approved, 07-Nov-1990

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS):**

MP 1 Presumption in Favour of Sustainable Development  
SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 Green Infrastructure  
SE 7 The Historic Environment  
SE 12 Pollution, Land Contamination and Land Instability  
SE 13 Flood Risk and Water Management

### **Macclesfield Borough Local Plan (MBLP) Saved Policies:**

NE3 Landscape Conservation  
NE11 Nature Conservation  
NE15 Habitat Enhancement  
BE16 Setting of Listed Buildings  
BE21 Sites of Archaeological Interest  
BE23 Development Affecting Archaeological Sites  
BE24 Development of Sites of Archaeological Importance  
DC3 Design – Amenity  
DC9 Design – Tree Protection

### **Other Material Considerations**

National Planning Policy Framework (2019)  
National Planning Practice Guidance  
Cheshire East Design Guide

### **CONSULTATIONS (External to Planning)**

**Equality, Diversity and Inclusion Officer** – Object from an equality, diversity and inclusion perspective. Historical links to slavery aside, given the current conversation around the treatment of the Uighur Muslim community in Xinjiang, China, construction of the monument, paid for by the Peoples Republic of China, would constitute tacit endorsement of the human rights abuses taking place there.

**Macclesfield Town Council** - Support this application which commemorates the silk industry of the town and given that Macclesfield is the Western end of the Silk Road. The location of the monument will encourage visitors to the town centre.

**Macclesfield Civic Society** - Support the idea of a monument to acknowledge the European end of "The Silk Road" and consider the location appropriate. Note the expressions of concern regarding scale and appearance. The scale is monumental and the design industrial. Suggest a monument celebrating Macclesfield at the Asian end of "the Silk Road" is appropriate.

**Environmental Protection Unit** – No objection subject to informatives on working hours and land contamination.

**Lead Local Flood Authority** – No objections - if any groundwater problems are evident on-site the applicant should contact the Flood Risk Manager.

### **REPRESENTATIONS**

Nine letters of representation were received comprising seven letters of objection and two letters supporting the proposal.

Objections mainly related to the design and location of the proposed monument, it's effect on views out of and towards the park and on the park environment itself, and effects on the views of the adjacent church building.

Concerns were also raised about historical connotations of the Silk Road and political issues associated with the present day Chinese government.

These objections are summarised as follows:

### **Political, historical and cultural sensitivity**

- Concerns with Silk Road's historical links to slavery. Consideration should be given to educating people on the dark side of Macclesfield's industrial history as well as the great aspects.
- Concerns about associating Macclesfield with Chinese government, given human rights record. Against current government policy.
- Basis of the monument is factually inaccurate – Silk Road didn't end in Macclesfield, it ended in Turkey. Silk cocoons used in Macclesfield came from Italy, not China.

### **Design**

- Contrary to character of historic area
- Far too big and dominant
- Design should be reduced in height and size
- Will spoil views outwards from the park and upwards from the surrounding area towards the Church
- Will crowd sightlines of the historic buildings
- Will be apparent from the railway station, as a gateway to Macclesfield, spoiling views of the Church.
- Will give the general public a totally different image of Macclesfield
- Large and vulgar, won't encourage tourists
- Park is small for such a large and imposing monument, size of monument will dominate the space
- Bobbin reel is apparent

### **Location**

- Would be better located elsewhere – could form focal point of a Station Gateway or one of Macclesfield's larger parks (West Park or South Park). Christ Church and the Silk Heritage Museum have more logical connections to Macclesfield's silk history.
- Will crowd monuments and historic buildings into one area instead of spreading them around the town

### **Antisocial behaviour**

- Might be graffiti'd particularly given secluded location. Could attract vandals.
- Park has history of ASB, littering and drug use. Tourists attracted by the monument would encounter this.

### **Other matters**

- Flood lights – who will pay for this. CEC used to pay for the Church to be floodlit.
- Who will pay for the monument?
- Civil engineering works and associated traffic, noise and disruption would be intrusive, affecting my enjoyment of my property
- Concerns about general maintenance of the park.

**Supporting comments** noted that:

- A Chinese garden in an urban setting should be in a secluded setting such as this
- The site is appropriate as the park is dedicated to Francis Dicken Brocklehurst of the famous silk family.
- The monument is potentially of significant benefit to the development of the visitor and broader economy of Macclesfield.

## OFFICER APPRAISAL

### Principle of Development

Policy MP1 Presumption in Favour of Sustainable Development of the Cheshire East Local Plan Strategy (CELPS) notes that:

1. *When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*
2. *Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.*
3. *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 permission, unless material considerations indicate otherwise, taking into account whether:*
  - i. *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
  - ii. *Specific policies in that Framework indicate that development should be restricted.*

The application site is an existing public space within the centre of Macclesfield, one of two towns identified as being a Principal Town in the CELPS.

Policy SD 1 Sustainable Development in Cheshire East notes that ‘*Development should wherever possible... Prioritise investment and growth within the Principal Towns and Key Service Centres...*’

It is not considered that there are any policies within the development plan or within the National Planning Policy Framework or Guidance which would stand against the principle of development of a new monument in the centre of one of the borough’s Principal Towns, subject to acceptability in terms of all relevant planning issues.

## Design

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELPS Policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

The Council's Design Officer initially advised that:

*"The scale and position seem appropriate to the surroundings but my concern would be that the location of the monument would detract from the view to the church from the lower levels of the town. A montage showing the monument as proposed from this perspective would reveal whether or not this would be an issue, particularly the night view where both would be lit and therefore highlighted further."*

In response, the applicant submitted day and night photo montages of the monument set within the existing scene. The Design Officer provided revised comments to confirm support for the proposal as follows:

*"They (the montages) confirm that the visual impact of the structure, both in the day and lit at night would be minimal. They also illustrate that the proposal is in scale and character to the surrounding context and would therefore enhance the existing street scene and amenity value of far reaching viewpoints."*

It is considered that the proposal and surrounding hard landscape arrangement would be sympathetic to the character of the park and the wider surrounding area. Whilst the monument would be contemporary in form, its overall appearance, owing to the use of stone, is considered to be neutral and as such would not be incongruous with the appearance of the site and wider area. Whilst the height of the proposal is noted, its overall scale and the resulting visual impact would be limited by its general narrow proportions. It is considered that it would be appropriate to require approval of specific materials prior to commencement of development in order to ensure the final appearance of the monument and hard landscaping is acceptable.

The public objections in design terms are noted. Subject to the condition noted above, it is considered that the proposal would contribute positively to the area's character and would reinforce local distinctiveness, and would therefore accord with the design requirements of SE 1 and SD 2, and be acceptable in design terms.

## Open Space

CELPS Policy SE 6 Green Infrastructure notes that:

*"Cheshire East aims to deliver a good quality, and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. This will be done by:*

...

3. *Working with partners, to support the potential of strategic green infrastructure assets to contribute to the aims of the wider green infrastructure. The strategic green infrastructure assets identified in Cheshire East are:*

...

iv. *Heritage town parks and open spaces of historic and cultural importance*

...

4. *Strengthening the contribution that sport and playing fields, open space and recreation facilities make to Cheshire East's green infrastructure network by requiring all development to:*

i. *Protect and enhance existing open spaces and sport and recreation facilities;*

ii. *Encourage multiple use and improvements to their quality;*

..."

Comments from the Council's Parks Officer included the following points:

*"The proposed monument is substantial. Standing at 7.5m and with a base of 4m, this has been placed in one of the main viewing areas of the park. The section shows the scale of the monument in relation to surrounding properties and I am concerned about scale and impact in such a small space. The monument will tower above those at the base and unfortunately it seems hinder the all important views out. The area to the base becomes a little cramped and the seating not necessarily in the right place. Anti Social Behaviour is also a concern*

...

*Whilst not an obvious planning issue as such, all our open spaces must be welcoming and inclusive spaces for all. Sensitivity and awareness is needed when introducing elements into a public space about the message they send to an increasingly aware and diverse community. They must not deter or disenfranchise parts of our community. Our open spaces should be designed and enhanced to make all feel welcome. The Silk Road also transported and traded enslaved people."*

It is considered that the proposed development would support the objectives of Policy SE 6. The monument would enhance the appearance of Sparrow Park, a heritage town park, and provide an attraction which would encourage use of and visits to the park. The issues noted by the Parks Officer are noted. Whilst the monument will have some effect on the outward views enjoyed from within and to the rear of the park, it is not considered that the impact will be substantial, given the position of the monument towards the northern side of the park, largely surrounded by trees which compromise the outward views from that part of the space.

Whilst the monument would have some impact on the sense of openness of the park due to it's height, this would be mitigated by it's generally slender proportions and as such, it is not considered that this effect would be significant given the general orientation of the park and it's open aspect over the surrounding landscape which would be retained.

Issues raised in terms of the historical connotations of a monument to the Silk Road are noted. No representations have clarified the extent or significance of slavery within the broader history of the Silk Road, which spanned nearly 2000 years and multiple countries and cultures. Whilst it is considered that such historic links are worthy of debate and

consideration, including in terms of whether public spaces are welcoming and inclusive, in this case it is not considered that significant weight can be attributed to this consideration in planning terms.

Concerns raised in relation to anti-social behaviour at the park are noted. Whilst a new monument could potentially attract such behaviour, it is not considered that this would be a sustainable reason to resist any proposals for improvements and new developments within an existing public space.

## **Trees**

CELPS policy SE 5 notes that:

*“Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted...”*

The application is supported by an Arboricultural Impact Assessment relating to the trees on-site and the impacts of the proposal which has been reviewed by the Forestry Officer. The officer notes that:

- The development will not require the removal of any existing trees;
- Will require pruning of lower branches of one tree during construction;
- There is some potential for disturbance to the roots of four trees resulting from the removal and replacement of existing hard surfaces, but subject to the proposed methodology for this work, that there will be no additional impact on the health and well being of the trees

Subject to the implementation of the proposed tree protection measures, which would be secured by condition, it is considered that the impacts on trees would be acceptable and that the development would therefore accord with policy SE 5.

## **Heritage – Conservation Area, Listed Buildings and Archaeology**

CELPS Policy SE 7 notes that:

*“All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment*

*...*

*The council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal...*

Saved policy BE16 of the MBLP notes that:



*“Development which would adversely affect the setting of a Listed Building will not normally be approved.”*

The development site is within the Macclesfield Town Centre Conservation Area and within the setting of the Grade II\* St Michael and All Angels Church, and the Grade II listed terraced houses to the north and south of the church.

A Heritage Statement was submitted with the application which assesses the significance of the Conservation Area and considers the impact of the proposal, noting that the proposal will provide a focal point for the Conservation Area, and that the materials specified for the refurbishment of the park (in the area around the monument) will enhance the setting of the Conservation Area.

The Heritage Officer has advised as follows:

*“The property is adjacent to a Grade II\* church (and) as such in considering whether to grant listed building consent for any works the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

*This property lies within the Macclesfield Town Centre Conservation Area, the main consideration is whether or not the proposed development would preserve or enhance the character or appearance of the Conservation Area.*

*The proposal is for the erection of stone monument to commemorate the Silk Route which extends from China to Macclesfield. Having had discussions on this some time ago I am satisfied that the introduction of this memorial in this location will be acceptable with the character and appearance of the Conservation Area and setting of the listed building. Although this monument will be adjacent to numbers 9 to 17 Churchside and within sight of numbers 31, 33 and 35 Churchside all of which are listed I would consider that they are at such a distance that this new iconic monument will not affect the setting of the listed buildings.”*

The Heritage Officer has offered no objection to the proposal, subject to a condition requiring the development be undertaken in accordance with the submitted details. General facing materials details are described in the application, but it is considered necessary that details or samples of specific materials be approved prior to implementation to ensure that the effect on the setting of the listed buildings and Conservation Area is acceptable, and that this should be secured by condition.

The public comments regarding the effect of the proposal upon the setting of the church are noted. However, the proposal is considered to comply with the requirements of policy SE 7.

Saved Policy BE21 of the MBLP notes that:

*“The Borough Council will promote the conservation, enhancement and interpretation of site of archaeological importance and their settings. Development which would adversely affect archaeological interests will not normally be permitted.”*

The Development Management Archaeologist has advised as follows:

*“There is likely to be archaeological remains located under the proposed development area which may be impacted by this development. There are buildings shown on the first and second edition OS Maps, located directly below the proposed location of this monument. A programme of archaeological observation during construction will allow for any of these archaeological deposits to be identified and recorded, this work may take the form of a developer funded watching brief during the excavation of foundations for this monument. This may be secured by condition.”*

Subject to a condition to this effect, it is considered that the development would not adversely affect archaeological interests and would therefore be accord with saved policy BE21.

## **Landscape**

CELPS policy SE 4 notes that:

*“The high quality of the built and natural environment is recognised as a significant characteristic of the borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.”*

The proposed development will be visible from the surrounding areas to the east side of Macclesfield Town Centre. Given the acceptability of the proposal in terms of design, heritage considerations and effects on trees set out above, it is considered that the proposal would conserve the landscape character of the local area. The Landscape Officer does *not consider that the proposed monument will result in any adverse impacts and has offered no objection*. Accordingly it is considered that the proposal would be acceptable in terms of Policy SE 4.

## **Impacts on Residential Amenity**

Saved MBLP Policy DC 3 requires that new development should not significantly injure the amenities of adjoining or nearby residential property or sensitive land uses due to loss of privacy, overbearing effect, loss of sunlight or daylight, or other forms of disturbance and nuisance.

There are a number of residential properties in the vicinity of the site. Whilst the scale and height of the proposed monument is noted, it is not considered that this will result in harm to amenity of any of the nearby dwellings, including in terms of visual intrusion, overbearing effect, or loss of sunlight or daylight. No. 17 Churchside, located at the immediate west of Sparrow Park, has windows facing towards the park and which would look out onto the monument, but taking into account the distance, difference in levels (the park is set at a slightly lower elevation than the house), height and overall profile of the monument, it is not considered that the arrangement would result in any amenity harm to occupants of the house, including in terms of overbearing effect. There would also be views of the monument from other dwellings on the south side of the park (and in areas further to the east of the site), but for similar reasons the development would not result in amenity harm to occupants of these houses.

A public comment relating to disruption arising from the development phase is noted, but does not relate to the acceptability of the proposal in planning terms.

### **Flood Risk**

The application site does not fall within a Flood Risk Zone 2 or 3. As such no flood risk concerns are raised. In terms of surface water management the proposal would mainly involve the replacement of existing hard surfaces with new hard surfaces. The Council's Flood Risk Officer has raised no objections, recommending that development should be drained in accordance with the hierarchy of drainage set out in Building Regulations. The application is deemed to comply with policy SE 13 of the CELPS, which broadly requires that new development should reduce flood risk.

### **Nature Conservation**

Policy SE 3 of the CELPS notes that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. The Nature Conservation Officer has advised that lighting to be used to illuminate the monument would have potential to cause light disturbance to protected species and requested that details of the lighting scheme be submitted and approved prior to commencement of development. Subject to a condition to this effect (and approval of the details) it is considered that the proposal would be acceptable in terms of effects on biodiversity and nature conservation and would therefore support the objectives of policy SE 3.

### **Other matters**

The political matters relating to the People's Republic of China referred to in public comments and by the Equality, Diversity and Inclusion Officer are noted. However, it is not considered that this matter relates to any material planning matter.

Comments relating to the location of the monument are noted. Given that the impact on all relevant material planning considerations is considered to be acceptable, potential other locations for the monument would not be a sustainable reason for refusal.

Cllr Braithwaite's reference to land stability is noted but it is not apparent that the development would have any impact on stability.

### **CONCLUSIONS**

The proposed development is considered to be acceptable in principle and to be acceptable in terms of design and flood risk and effects on heritage assets, public open spaces, landscape, trees and amenity.

Public objections in terms of design, effects on the setting of the heritage assets, visual impacts, the location of the monument, and political and cultural matters are noted. However, for the reasons set out above, it is considered that the proposal would accord with the

relevant policies of the development plan and is therefore recommended for approval, subject to the conditions that follow.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

- 1) 3-year commencement**
- 2) Development to be carried out in accordance with approved plans**
- 3) Details / samples of facing materials to be submitted for approval**
- 4) Details of lighting scheme to be submitted for approval**
- 5) Trees – implementation in accordance with Arboricultural Impact Assessment and Tree Protection Measures**
- 6) Archaeological watching brief to be implemented during development**

***In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Acting Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.***

