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# CHESTERFIELD & DISTRICT CIVIC SOCIETY

# NEWSLETTER

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## Campaigning to make Chesterfield a better place to live

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### IS THIS WHAT WE WANT IN BROOKSIDE?

A number of members will probably have seen this picture (reproduced here by courtesy of BNPS), since it appeared in at least two national newspapers on 19 August to accompany a story about a new cycle lane near Wimborne in Dorset. The cost has been met from the same fund which Derbyshire county council proposes to use to build a similar two-way high-speed cycle track along the north side of Chatsworth Road between the junctions with Holymoorside Road and Storrs Road.

The impact on the width of Chatsworth Road would be less extreme than in the Dorset case, but that scheme involved a secondary route, whereas Chatsworth Road is

part of a very busy trans-Pennine trunk route (A623/A619/A617) between the Manchester region and the M1. It carries not only a large volume of private car leisure traffic to and from the National Park, but also heavy goods vehicles transiting the Peak District, including those carrying aggregates. In its present form Chatsworth Road is barely wide enough for the safe movement of the largest size of HGV.

The councillor responsible for the Wimborne scheme is quoted as saying that it was 'time to get more motorists off the roads', and encourage cycling and healthier lifestyles. The Civic Society is all in favour of the second and third of these objectives, but not at the expense of either the tourist industry in the Peak District, or the efficient movement by road of freight which cannot go by rail. Morrisons, Sainsbury and Tesco can hardly make deliveries by bike,

or even a fleet of Ford Transits.

There is still no further news about the Chesterfield cycle route and so the Civic Society is unable to take any further action. Its position remains:

- The county council should reopen negotiations with landowners to try to secure the route from Somersall Lane to Greendale Avenue for cyclists.
- In the meantime, cyclists can use Walton Back Lane as an alternative route from Holymoorside to Somersall Lane.
- Crow Lane should be reopened throughout to motor vehicles, since this is the wish of local residents as expressed in a 700-signature petition.
- The county council has failed to follow its own declared policy when consulting on the scheme by not writing to householders on at least 18 of the 117 roads where it claims to have done so, including the section of Chatsworth Road most directly affected. This failing we consider sufficient to make a complaint to either the Local Government Ombudsman or the Secretary of State (or both).
- If the county council eventually announces its intention to proceed with the scheme as originally proposed, we will call a public meeting to enable all those opposed to this project to discuss how best to continue the campaign against it.



## SECURITY THREAT REDUCED IN CHESTERFIELD?

Members will be relieved to learn that the county council has evidently judged that Chesterfield town centre is no longer under threat of a terrorist attack. When Glumangate, South Place and Corporation Street were blocked off by ugly concrete blocks over a year ago, which were soon made uglier by becoming a target for graffiti, the reason given by the county council for their action (in an exchange of emails between the Civic Society chairman and the highway engineer responsible) was that it was to guard against the threat of terrorism. For that reason, we were told, the blocks were unlikely to be removed 'any time soon'.

This reason was apparently so secret that it could not be revealed to the local press, where it was said that the roads had been blocked to encourage more people to walk, rather than drive, even though none of the three could be described as part of a through route. It was pointed out at the time that anyone using South Place to walk from the car-parks on Markham Road into the town centre for the benefit of their health would return to find that their vehicle had been heavily fined for parking on private property. That discovery might be less good for their health.

The blocks have now gone and so at one level it is possible to laugh at this sort of nonsense. At another level it is possible to be very angry about this completely avoidable waste of public money by a local highway authority which seems to be unable to repair potholes reasonably promptly.

## CONSULTATION ON THE FUTURE OF THE MARKET

A few weeks ago the Borough Council announced a consultation on the future of the Market Place. As is well known, the open market has been in long-term decline for some time, and consultants have been engaged to suggest how it could be revamped.



The Civic Society committee has prepared a response to the document produced by the consultants, which recommends removing the stalls that have spread in recent years to streets adjoining the Market Place and the stalls from New Square, and reducing the number of stalls in the main Market Place from the present figure of 135 to 96. The space freed up in both the Market Place and New Square could be used for food and drink outlets, ad hoc events or simply as a place for people to sit.

Some of the ideas to improve the appearance of the Market Place are welcome, others may not work. For this reason we have urged that all the changes should be reversible in case they are not successful or tastes change. We are also dubious about such a sharp reduction in the number of stalls, since the Thursday flea market, we understand, uses up to 150 stalls in both the Market Place and New Square, and it would be a pity to jeopardise what is by common consent a very successful innovation.

The complete text of our paper is on the Civic Society website.

Like most similar documents, the consultants' report is marred by inaccurate historical details, poor English and in places ludicrously pretentious phrases that on closer examination mean little or nothing. We hope the Borough Council will treat some of

its suggestions with caution and refurbish the Market Place in a way that suits Chesterfield.

## A FUTURE FOR TAPTON HOUSE

Friends of Tapton House, a group established with the aim of securing the former school for community use, is holding its first open meeting on Wednesday 1 September at 7.30 p.m. at St Thomas's Church Centre, Chatsworth Road. Anyone interested in the future of the mansion is welcome, but those planning to attend are asked to contact Di Treece in advance, so that seating can be arranged safely. Her email address is di.treece.is@gmail.com. The Friends of Tapton House are also on Facebook.



Thanks to the Friends and a local borough councillor, Civic Society officers were recently shown over Tapton House by the partner from Knight Frank who is handling the sale of the property for the council.

Our immediate impression was that, although the building has been empty for several years, it has been well looked after by the Borough Council and is in good condition. All the main rooms are carpeted, and are clean and tidy. One small area of water penetration from the roof into the top floor has been dealt with; otherwise there is no sign of damp.

We understand that in the autumn the Borough Council may ask Knight Frank to advertise Tapton House more widely than hitherto, with the suggestion that it could become a private residence (rather than offices). That would not necessarily preclude a community use for the school buildings. The Civic Society has recently received an approach from someone interested in making Tapton House a private home again.





## HURST HOUSE: THE END OF THE ROAD?

We have now received a report from the Charity Commission prepared in response to the Civic Society's latest complaint about Derbyshire county council's scandalous misconduct as sole trustee of the Chesterfield Schools Foundation and in particular its failure to secure the future of Hurst House, which belongs to the Foundation.

It was perhaps too much to hope that the Commission, which has a longstanding and entirely well deserved reputation for being an almost completely useless regulator for the charity sector, would actually take any action, but their report is for the most part a masterpiece in obfuscation.

The only findings that give any comfort to those who have been angered by the mismanagement of the charity in recent years appear on page four of the report, where the investigator agrees that annual returns have been submitted late, the county council has failed to distinguish between the charity's property and its own, and has given money from the charity to a scheme undertaken by the county council as an education authority (i.e. there was a clear conflict of interest). This is gratifying, but the report then supports the line taken when these complaints were raised in 2017, that the county council should, in effect,

be 'warned as to its future conduct', rather than punished for breach of trust.

It is true that since this episode the county council has not given any more of the charity's money to the county council, but the fact remains that since then it has also failed to sell Hurst House, which has been empty since 2014, nor has it made any payments from the charity for the benefit of young people in Chesterfield, which is the declared object of the charity according to the governing scheme of 2002.

Overall, the report explains why the Commission sees nothing seriously wrong with the county council's performance and why it will not intervene in the present impasse in the conveyance of Hurst House to a new trustee. Until this is done, the property cannot apparently be sold.

We have mounted the entire report on our website but, briefly stated, its findings as regards our most recent complaint are these:

- The Commission sees no reason to criticise the county council's head of legal services for failing to transfer the Foundation's freehold interest in Hurst House to the Derbyshire Community Foundation over the period of seventeen months (April 2020 to August 2021) since the county council resolved to make such a transfer. We would be interested to hear from any Civic Society member who considers that this is an acceptable level of performance

for any solicitor, least of all one whose substantial salary is paid from public funds. Most people who instruct their solicitor to convey property for them expect the transfer to be completed in considerably less than seventeen months.

- When the transfer of the assets to the Derbyshire Community Foundation is complete, the Chesterfield Schools Foundation will be removed from the Register of Charities. This will bring to an end a charity which has existed since 1585 and for most of the period between then and 1991, when Chesterfield School was closed, has successfully helped children in Chesterfield from poor homes make their way in life. It remains the second largest charity whose area of benefit includes part or all of the borough. There appears to be no guarantee that the Derbyshire Community Foundation will use the funds acquired from the Chesterfield Schools Foundation for the purposes set out in the Scheme of 2002.
- The Derbyshire Community Foundation will be under no obligation to dispose of Hurst House, and it will more difficult to place pressure on this body to do so, since (unlike local authorities) charities are not subject to the provisions of the Freedom of Information Act. All that can be done is to make a further complaint to the Charity Commission that the trustees of the Derbyshire Community Foundation are not acting in the best interests of the charity by retaining ownership of an empty building.
- Until Hurst House is sold, it will remain empty, potentially deteriorating and likely to be falling in value. It will not produce any income for the charity which owns it. We would be pleased to hear from any reader with greater knowledge of charity law than we have who can explain why it is in the best interests of a charity to retain ownership of an empty building, least of all a grade II listed building in a conservation

area which is probably still worth at least £300,000, even after the county council has left it empty and neglected for seven years.

There appears to be nothing more the Civic Society can do until the transfer of Hurst House has been completed. Once this has been done, unless the Derbyshire Community Foundation immediately places the property on the market, we will do what we can to press the trustees of that body to act in the best interests of the charity they administer.



## DUNSTON HALL: ANOTHER UNHAPPY TALE

We set out in the last Newsletter the unhappy sequence of events at Dunston Hall, whose owner has for several months been carrying out building work at the Hall itself (a grade II listed building) and an outbuilding (which is not listed), with a view to changing the use of the premises from a private residence to a wedding venue with overnight accommodation.

The building work was begun without listed building consent, or planning permission for the proposed change of use.

The Borough Council has now granted listed building consent for the internal refurbishment of the Hall. The officer's report states that, although the work was done in breach of the law, it has not damaged the fabric of the building and for this reason he recommended that retrospective listed building consent should be granted. The Civic Society, and also the county council's archaeologist, unsuccessfully urged that a full archaeological survey of all the buildings on the site (including

the two listed ranges of outbuildings, the unlisted range and the Hall itself) should be carried out before any building work began. We were also unhappy that the owner of a listed building should be allowed to ignore the law relating to such buildings.

It will now, it seems, be very difficult for the council not to grant retrospective listed building consent for the conversion of the outbuilding into a hall for civil wedding ceremonies, or to refuse planning permission for a change of use.

Apart from the building work which has already taken place, the owner of the property has cut down mature trees to create space for a new car-park, which has adversely affected the setting of a listed building.

This case is a particularly regrettable example of how difficult it is for a local planning authority to prevent an owner carrying out unauthorised works on a listed building, or effect a change of use, if the owner chooses not to abide by the law.

It is possible that Dunston Hall is eminently suited to become a wedding venue, but that question should have been decided first, before any building work needed to adapt the premises was authorised by the local planning authority, much less begun by the owner. The task facing those opposed to the change of use, chiefly the owners of neighbouring properties, will now be much more difficult than it would have been had the building work not already been largely completed.

## BRAMPTON MANOR: IGLOOS TO REMAIN, OTHERWISE NO PROGRESS

There has been a minor development in what is now the very long running saga of how Brampton Hall should be re-developed. The tenant of the public house has applied for planning permission to retain (for a further period, but not permanently) the 'winter igloos' erected during the lockdown outside the pub. From this, we infer that the owner's attempt to terminate the tenancy of the pub have



not yet been successful.

The Civic Society committee is happy to support this application but we would be even happier if a long-term solution for the site as a whole, including the gazebo (listed grade II\*) and the cruck-framed barn (a scheduled monument) could be found, preferably sooner rather than later.



## FLAT CONVERSIONS, BUT NOT AT ANY COST

As well as the proposals to convert Saltergate House and the former Holywell Cross Methodist church into flats, both of which we mentioned in the last Newsletter, there are currently two schemes on foot to convert the largely empty upper floors of Burlington House into flats.

One of these envisages turning the rooms into 40 (very small) flats, without altering the building externally. This has been rejected by the Borough Council, mainly because the floor area of the many of the flats was below the legal minimum.

The other one, which involves adding two floors to the existing building, has also been rejected on a number of grounds. Apart from problems of security, privacy, access and nuisance from the licensed premises in the basement of Burlington House, the increased height would have made a hideous building even more conspicuous and would have adversely



affected both the street picture and the roofscape of the town centre between the parish church and the Market Hall.

The Civic Society supports the idea of flat conversions in the town centre in principle, but not at any cost. The flats must be of a reasonable standard (many of those at Burlington House had a combined kitchen and living room, making them more like student accommodation than flats working people would want to live in) and must not damage the appearance of the area in which the building stands.

The ideal solution to the problem of what to do with Burlington House would be to demolish it completely and build a new block of shops, offices and flats that would be an asset, rather than an embarrassment, to the town centre. That seems unlikely to happen. The second best solution would be the conversion of the upper floors into a smaller number of decent flats, without any enlargement of the present building.

If possible, residential conversion should be combined with the removal of the club (with its 2 a.m. licence) from the basement on Church Lane.

## BLUE PLAQUE PROGRESS

Our plaque recording the earlier use of the University of Derby building on Sheffield Road as the Girls' High School is now finished and will be joined in a few weeks by two others destined for the Winding Wheel and Pomegranate.

Once all three are back from the makers we will seek to arrange an unveiling ceremony in the autumn, if possible for all three on the same day.

We are very grateful to the Borough Council for an award which has made it possible to commission three plaques in one year, and to the Civic Society member who kindly made a donation to match the grant.

## SAVE THE DATE: AGM ON THURSDAY 21 OCTOBER

We are pleased also to be able to announce that we will be holding a real annual general meeting in October at St Thomas's Church Centre. We hope as many members as possible will come along to our first full gathering for nearly two years. After the business meeting our chairman will give a short talk with the title '*Still* campaigning to make Chesterfield a better place to live'. This will review the society's work since the last AGM and will aim to provoke a discussion on what the society has been doing and what it should be doing to further its declared aims.

A formal notice with agenda and minutes will go out to members nearer the time.