
CHESTERFIELD & DISTRICT CIVIC SOCIETY

NEWSLETTER

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Campaigning to make Chesterfield a better place to live



CHATSWORTH ROAD: THE END OF A SAD STORY

AS MANY of our members who live in the area will already be aware, the county council has now begun work on the two-way high-speed cycle track along the north side of Chatsworth Road between the junctions of Holymoore Road and Storrs Road.

This comes at the end of a long campaign by the Civic Society and others to prevent this happening. Despite convening a public meeting at which over 300 people expressed their opposition to the scheme, enlisting the support of Toby Perkins MP, securing extensive press coverage, writing numerous letters to the county council, the Department for Transport and the Local Government Ombuds-

man, we failed to stop the scheme.

Apart from the inconvenience that will be caused to local residents during the period of construction, once the cycle track is built, anyone entering or leaving private driveways on the north side of Chatsworth Road will be faced with the additional hazard of avoiding virtually silent pedal cycles travelling in both directions at a speed that could cause serious injury, if not death, to pedestrians.

In addition, the movement of traffic on Chatsworth Road, especially heavy goods vehicles, will become more difficult than it is already, and crossing the road will become more dangerous for pedestrians.

We have rehearsed all the arguments against the road in our Newsletter and elsewhere many times, and no useful purpose would be served by repeating them again in detail.

We must now wait to see what the

consequences of this scheme prove to be in practice, but it seems unlikely that they will be beneficial to the vast majority of road-users, much less local residents.

This long saga has angered many people for different reasons. One of the more general points is that the scheme has gone ahead solely because the Government offered taxpayers' money to local highway authorities who could come up quickly with some way of spending it on anything that could be described as contributing to their 'Active Travel Programme'.

In practice, this seems to have meant building new cycle tracks. There was already a perfectly good 'walking route' along Chatsworth Road (i.e. the pavement), which continues into the town centre.

As we have repeatedly argued, the vast majority of Chesterfield residents do not cycle, and are not going to start doing so because a cycle track is built along Chatsworth Road.

All that has happened is that the county council has spent at least £1.68m. of taxpayers' money on a project that will benefit the very small proportion of the population who have the resources and inclination to engage in a relatively expensive form of outdoor recreation.

In one sense, this is another example of the way in which 'The Blob' has won, where a small number of people in authority can spend with impunity other people's money in a way that most people do not wish to see it spent.



HURST HOUSE: IS THERE NO END TO THIS SAGA?

LAST month, more out of curiosity than in the expectation that we would be told anything constructive, the Civic Society asked the county council cabinet member responsible over a lengthy period for the maladministration of the Chesterfield Schools Foundation whether there had been any progress in dealing with the complaints we have raised at intervals since 2017.

We received a reply from an officer confirming our suspicion that little has happened since we last asked the same question.

The county council is continuing to make funereal progress towards selling Hurst House by auction, and is apparently continuing to behave as though it owned the property. It does not, as we have repeatedly told the Charity Commission.

The Commission has in turn repeatedly refused to instruct the county council, as the sole trustee of the charity which does own Hurst House, to discharge its legal obligation to behave with reasonable competence.

Meanwhile, Hurst House remains empty and is therefore a listed building at risk. It has presumably fallen in value since 2018, when the cabinet member responsible resolved to sell the property by auction and then decided not to do so. Any resulting loss to the charity is entirely attributable to this decision.

Only when Hurst House is finally sold will we know how much money the charity has lost, bearing in mind that in 2018 the property was offered for sale by private treaty at £420,000.

The other aspect of this saga is less obvious but equally serious. Some years ago the county council registered itself as the owner of the

land on Chatsworth Road on which the greater part of Brookfield School stands.

The county council does not own this land and never has done. It belongs to the Chesterfield Schools Foundation. When Brookfield School became an academy the county council appears to have granted a long-term lease of this land at a peppercorn rent to the academy trust. It had no power to make this lease, since it did not own the land.

By granting this lease, which the Charity Commission has refused to deem invalid, the county council has deprived the Chesterfield Schools Foundation of a significant source of income for (we understand) a term of 125 years from the date of the lease.

Clients who suffer because of the professional negligence of their solicitors have a well-established means of redress. In this case, the Chesterfield Schools Foundation (as the client) has no means of redress because its sole trustee is the county council, whose legal staff were responsible for this error.

The county council's email of 11 May 2023 stated that its officers were in the process of obtaining approval to rectify the register of title for the land at Brookfield School, adding that it had proved a 'surprisingly complicated business to sort out this error'. This comes more than three years after Civic Society officers were told at a meeting at County Hall that this was a minor problem that could be dealt with by an exchange of emails with HM Land Registry.

We would be interested to learn of any Civic Society member who is happy to allow their solicitor to not execute their instructions for more than three years.

Even after both these matters have been resolved, there remains the question of the long-term future of the charity.

The Charity Commission agreed some time ago that the trusteeship of the Chesterfield Schools Foundation should be transferred to Foundation Derbyshire, a Derby-based charity none of whose trustees appears to have any connection with Chesterfield and only one with anywhere else in north-east Derbyshire.

It remains to be seen whether Foundation Derbyshire retains the

separate identity of the Chesterfield Schools Foundation or whether its funds disappear into a pot of money which seems to be spent mainly in the Derby area.

This is a very sad end to the long history of the second largest charity in Chesterfield, which originated in a bequest by Sir Godfrey Foljambe of Walton Hall in 1585 and in modern times did a great deal to support secondary and technical education in Chesterfield. It could easily have continued to do so, managed by a competent group of interested local trustees.

The charity has effectively been destroyed by a combination of the incompetence of the county council and the refusal of the Charity Commission, as the sector regulator, to regulate. Once again the Blob triumphs.



WOODALL HOMES SCHEME DELAYED

THERE has been an unfortunate delay in determining the application by Woodall Homes to build 84 houses, 61 flats and a number of commercial units on the land between Brimington Road and the Rother once occupied by S. & J. Kitchin, the light engineering company. The site lies immediately to the south of the larger area, once occupied by the timber merchants Arnold Laver, which is now largely developed with new housing.

Negotiations between the developer and the local planning authority appear to have broken down, with the result that Woodall Homes have appealed to the Secretary of State on the grounds that the council have failed to determine the application. A public inquiry is to be held, starting on 19 September.

The issues are complex, as is re-

flected in the six days set aside for the inquiry and the large number of documents on the electronic file for the application (reference CHE/22/00604/FUL), but centre on two aspects on the application about which the local authority is unhappy.

The first is the failure of the applicant to take account in their own scheme of the council's overall masterplan of 2011 for the redevelopment of the whole of the Waterside area. There are complaints, also made by some of the voluntary organisations which have made representations about the application, that Woodall's proposed layout is not properly linked up with existing and proposed footpaths and cycle routes in the area, and is confined too closely to the boundary of the land the company has purchased.

Woodall has obtained an opinion from counsel arguing that the masterplan of 2011 should carry no weight in the council's determination of their application, whereas the council's view is that the plan must remain the basis for the redevelopment of the entire Waterside area.

There is a related problem created by the presence of small parcels of land, which have no registered owner, between the development site and the river. These the council wish Woodall to take into their scheme and at the same time improve the two footpaths and a footbridge which flank the western and northern edges of their site. Woodall are reluctant to do this.

The second main problem concerns the type of 'affordable' (i.e. cheaper) accommodation which is to form 5 per cent of the total provision, and the way this is to be managed.

The council's current housing policy is that the greatest need is for affordable rented accommodation for families. This translates into providing two-, three-, and four-bed houses, not the one-bedroom units which Woodall wish to build.

Woodall are proposing that the properties should be managed under an 'affordable home ownership' arrangement, which would not improve the supply of good quality rented accommodation in the town. In its present form the scheme therefore conflicts with the council's statutory Local Plan.

For these reasons the council has

failed to determine the application within what Woodall regard as a reasonable period and the company has asked the Secretary of State to intervene.

The Civic Society committee's view was that Woodall's scheme was basically sound and would bring back into beneficial use an unsightly piece of former industrial land on one of the main roads into Chesterfield, at the same time providing good quality houses and flats within walking distance of the town centre. We were less concerned than some of the consultees about access to the development from existing footpaths or cycle routes.

There were no 'heritage' implications to consider, since the site was unoccupied until after the Second World War, when Kitchin's works was built, and there is no reason to believe that the area contains anything of archaeological interest.

We did suggest that there were too many very small one-bedroom flats in the mix of accommodation, but when we made a representation nothing was known about the proposed tenurial arrangements for the cheaper units.

Neither of the problems which have arisen should be insoluble, although the fact that the matter is having to go to a six-day public inquiry does rather illustrate the point often made that one reason why new houses cost so much is that it takes so long to get permission to build them.

BLUE PLAQUE AT ROSE HILL CHAPEL



THE PLAQUE to be erected at Rose Hill United Reformed Church, sadly now in the process of closure, has arrived from the manufacturers and will be unveiled

probably in July. As soon as the church has fixed a date for the event we will let all Civic Society members know.

The future of the building, which requires extensive and expensive roof repairs, remains uncertain. It is essential, on several grounds, that an appropriate new use be found for this important monument to nonconformist worship in Chesterfield, and the Civic Society committee will be doing all it can to secure the building's future.



AND ONE FOR 87 NEW SQUARE

LEVERTON UK LTD, the company responsible for the careful restoration of 87 New Square and its conversion into flats, have very generously agreed to sponsor a replacement for the present plaque on the house, which has worn badly and is factually inaccurate.

We have made renewed efforts to work out the history of the house and the plot on which it stands, and are now satisfied that an account published in the *Derbyshire Times* of 10 December 1881 (in their series of 'Reminiscences of Old Chesterfield', which are not always very reliable) is correct.

The present house appears to have been built by Dr Richard Milnes sometime between 1765 and his death in 1795. After he died the house passed to a local solicitor, William Waller, whose descendants practised there till 1870. It was acquired by Chesterfield Corporation in the 1920s, and the council later built what is now their public enquiry office behind and to one side of the original property.

The history of the site can be traced from a purchase by Henry Foljambe of Walton Hall from the Ashe family, probably in 1491. Henry left

the property to his younger son, Roger Foljambe of Linacre Hall (in Brampton), and it was Roger's grandson, Hercules Foljambe of Moor Hall (in Barlow), who sold this and a number of other houses in Chesterfield to Bess of Hardwick and her son William, later 1st Earl of Devonshire, in 1599. The Cavendish family remain-

ed the freeholders until the 6th Duke of Devonshire sold the property to the younger William Waller in 1850.

The plaque at 87 New Square is due to be unveiled at the formal opening of the new apartments on 15 October.

Less happily, we are still trying to

make contact with Wetherspoons to secure their permission to install a plaque on the Portland Hotel to commemorate the old Market Place station, which has been sponsored (together with the replacement plaque for North Midland House) by East Midland Railways.