

THE
MONTPELIER
AND
CLIFTON HILL

ASSOCIATION
NEWSLETTER
No. 14 November 2012

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The MCHA Newsletter is edited by Mick Hamer, and published three times a year by the Montpelier and Clifton Hill Association. It is printed by The Printhouse, 26-28 St John's Road, Hove BN3 2FB. The Montpelier and Clifton Hill Association is a registered charity, number 267889



Xmas party at St Nick's

THIS year's Christmas Party will be held in St Nicholas's Church on Dyke Road. Corks will start popping at 7 pm on Friday 7th December. Soft drinks, food and the musical entertainment are all included in the ticket price.

Once again the ever-popular Brighton Vox Community Choir is singing some seasonal carols, while Martin Auton-Lloyd, who won much praise for his catering last year, is once again responsible for the food.

Tickets, priced £10, are available from the membership secretary Alan Legg, at 93 Montpelier Road (tel: 01273-328624) or on the door. Cheques should be made payable to MCHA.

For the first time the MCHA is holding a joint party with two other local groups, the Clifton Montpelier Powis Community Alliance and the St Nicholas Green Spaces Association. The MCHA has been co-operating with both groups over the opposition to the plans for a high-rise hotel on the ice rink site and our concerns over the Seven Dials' traffic scheme.

The Christmas party will be an ideal opportunity to catch up with friends old and new. Nearly 100 people attended last year's party so book your tickets early to avoid disappointment and help us calculate how much wine we have to order. The last thing we'd want to do is to run out of booze.



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The MCHA executive committee consists of **Jim Gowans**, Chairman, **Mick Hamer**, Vice-Chair, **Chris Jackson**, Honorary Treasurer, **Corinne Attwood**, Honorary Secretary, **Alan Legg**, Membership Secretary, **Pauline Messum**, **Michael Fisher**, **Ian Thorburn**, **Graham Towers**, planning group and **Gabi Tubbs**, conservation awards. The co-opted members are **Carol Dyhouse**, **Jane Osler** and **Ninka Willcock**.

MEMBERSHIP SUBSCRIPTIONS: Single membership is £10 and couples £15, corporate £30.

The MCHA's court victory

Former chairman's claims roundly rejected

THE MCHA, in the view of its committee, has fought off an attempt by Roger Amerena, a past chairman, to bankrupt the charity. Mr Amerena claimed in court the MCHA owed him £7,120. In a 10-page written judgment delivered on 2nd November, district judge Vivien Liston threw out the bulk of his claim. Describing parts of his claim as "spurious" and "manufactured", she said that the MCHA had to go to court to ensure its survival.

The MCHA has been locked in a legal dispute with Mr Amerena for more than two years. In October 2010, five months after he resigned as chairman, he made huge expenses claims without supporting receipts.

In January the MCHA started proceedings by claiming £700 because of Mr Amerena's persistent failure to return our property, including the plates for our conservation awards. Mr Amerena responded with a counterclaim for £7,120 – roughly twice what the MCHA has in its bank account.

At a preliminary court hearing in May Mr Amerena returned some, but not all, of our property. The MCHA said that a small number of his claims were legitimate and offered him nearly £600 to settle out of court. He rejected this. He was unwilling to take advantage of the small claims' free mediation service.

The court hearing lasted seven hours and was spread over two days in August and October. The MCHA was represented by our chairman Jim Gowans, treasurer Chris Jackson and vice-chair Mick Hamer. Mr Amerena was supported by Martin Foster, the former treasurer.

The largest part of Mr Amerena's claim arose out of his ill-fated Coach House project. In 2007 the MCHA had bailed out the Coach House company by paying bills totalling £2,938.22. Mr Amerena and Mr Foster, as directors of the company, wrote to the MCHA promising to pay back the money in

the event of the Coach House being sold. The Coach House was repossessed and sold in July 2008. In 2009 Mr Amerena paid back the £2,938.22 to the MCHA on behalf of the company.

In court Mr Amerena claimed this was a loan from him to the MCHA and he wanted it back. His only documentary evidence was a cheque stub referring to a loan. The judge said this had been altered to read "loan for the Coach House". She threw out this claim observing: "this document has no probative value whatever, save to illustrate the propensity of Mr Amerena to alter documents as and when the need arises."



Coach house claims thrown out

Mr Amerena also claimed £2,368.98 in travel and telephone expenses going back to October 2004. He said he had an agreement with Mr Foster allowing him to defer his expenses claims. The MCHA had statements from 14 witnesses, from trustees past and present and our auditor saying they knew nothing about any such arrangement. The MCHA also produced evidence that Mr Amerena had regularly been paid expenses throughout this period.

The judge said: "I remain at a loss to understand why Mr Amerena

claimed for these expenses—which included travel expenses—but did not claim the expenses which he now claims...I found his explanation—which attempted to make a distinction between 'specific' and 'non-specific expenses' wholly unconvincing."

The judge threw out this claim, with the trivial exception of £4.48 for stamps which the MCHA had already offered to pay.

Mr Amerena also claimed expenses for organising the summer garden party in 2010. This was the only part of Mr Amerena's case that had any merit and the MCHA had already offered to pay almost £600. The judge said that just over £600 of this claim was legitimate.

She granted the MCHA's claim for the property that Mr Amerena had failed to return together with interest and costs. "I am at a loss to understand why he did not return all MCHA property to the committee when he resigned in May 2010; it took 21 months for him to start returning MCHA property," she said.

"It is clear to me that it was entirely necessary for the claimant [the MCHA] to bring the claim," she said. "The counterclaim in respect of the expenses claim and the 'loan' were in my judgment wholly spurious. The expenses claim was clearly 'manufactured'."

She said the MCHA was forced to go to court because the survival of the association was at stake. "The trustees have clearly spent a very great deal of time and effort putting together its documentation...In my judgment the counterclaim was made and pursued by Mr Amerena unreasonably." She awarded the MCHA an extra £300 in costs because of his unreasonable counterclaim.

After all the claims and costs have been added up, the result of this judgment is that rather than the MCHA owing Mr Amerena any money he has to pay the MCHA £5.41.

The conservation awards

The MCHA unveils this year's shortlist

THE MCHA's conservation awards are now in their 21st year and the efforts of local householders and developers to improve the area continue to impress the judges.

On this year's shortlist of five are two neighbouring houses in Victoria Street, as well as buildings in Clifton Terrace, Victoria Road and the impressive villa on the corner of Powis Villas and Victoria Road.

This corner of the conservation area has been beautifully maintained. Clifton Terrace is a beautifully conserved street, comments Gabi Tubbs, the coordinator of the MCHA's conservation areas. "The houses are in outstanding decorative order with wonderful front gardens. It is a wonderful advertisement for the conservation area," she says.

The improvements to the facade of 26 Clifton Terrace feature the

replacement of out-of-character casement and fixed windows with sliding sash windows on the two floors above the old shop front.

On the corner opposite this property is 1 Powis Villas, which has had an excellent exterior renovation while just a few yards up Victoria Road, number 11 has been renovated both inside and out.

The work to number 43 Victoria Street was recently completed. A few years ago the previous owner replaced the front windows with uPVC. The new owner has had these removed and replaced with timber matching the other houses in the street. "I think it is a commercial development but nicely done. Deserves plaudits for getting rid of the plastic windows alone," says Graham Towers, who lives in Victoria Street. The committee also

noted the impressive restoration of the front path.

The next door house—number 44—was previously divided into two maisonettes. The lower one had been empty for several years and the whole building was in serious disrepair. It was sold about two years ago and the new owner has gradually renovated it.

The renovation includes a new front door in place of the two front doors that were necessary when the house was divided into maisonettes. Planning permission to replace the twin front doors with the single entrance that the house would have had before it was divided into flats, was granted in 2010.

"The finished facade is the product of months of sustained effort and is a massive improvement to the street," says Graham Towers.



Next door neighbours: 43 and 44 Victoria Street with a close-up of the path at 43 (right)



Clifton Terrace (top), bottom row from left to right, 1 Powis Villas, 26 Clifton Terrace and 11 Victoria Road
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Planning round-up

Alex restoration

TAYLOR Wimpey submitted its detailed proposals for restoring the main Royal Alex building to the council in October. Under the terms of the original planning permission in February 2011 the council must approve to these details.

The restoration plans are based on a thorough survey of the old building, carried out this summer. The building was not well-maintained by the NHS and over the years has suffered from many unsuitable alterations.

The restoration will reverse many of these indignities. The most obvious change will be the removal of the top of the curved balcony, to reveal the Victorian facade, which has been hidden from public view since the construction of this balcony in the 1940s.

The plans show a praiseworthy attention to detail. All the modern uPVC windows will be replaced with timber frames—mostly sliding sashes—and made to match the original windows. Some of the surviving timber windows are too far gone to be saved and they will be replaced with modern timber replicas. Plastic guttering and down pipes will also be replaced with cast iron ones and damaged brickwork behind the pipes will be replaced.

The survey found some quite extensive damage to the original brickwork. Some of this was caused by weathering but much of it is the result of damage to the face of bricks caused by re-pointing with hard modern mortar instead of the original lime mortar.

Restoring the brickwork will be tricky. The developers plan to hack out the modern pointing and re-point with suitable mortar. But this too could damage the surrounding brickwork, so the builders will carry out a series of tests on sections of brickwork to establish the least damaging technique.

Much of the fine detail on the front of the Alex is in terracotta.



The restored Alex as it will look (top) and work in progress on Dyke Road

This too has suffered over the years. In places the terracotta has been repaired with sand and cement. This will be hacked out and specialist contractors will repair the terracotta with resin. Meanwhile work on the

rest of the site continues apace as the new blocks on Clifton Hill and Dyke Road begin to take shape. The two gigantic blue cranes towering over the site can be seen from almost every corner of the conservation area.

Mitre House at a standstill

WORK on Mitre House remains stalled. The developers started work on converting the rundown northern block of Mitre House into a hotel earlier this year. However, the work ground to a halt in April, only weeks after it started, when the builders went bankrupt.

The northern block of Mitre House forms one side of Hampton Street, which is the southern border of the conservation area. The block remains a ghost site, surrounded by scaffolding, green netting and grey-painted hoardings.

In July, a spokesman for Montague Property Management of Beckenham, which manages the site,

told the MCHA that they expected work to restart in August, but this has proved overly optimistic.

In the past month or so scaffolding has also gone up on the southern block, which lies on Western Road. This scaffolding is connected with a planning application to replace the original 1930s metal windows on the south-facing façade with white powder-coated aluminium windows.

The windows on the Western Road façade have been in poor repair for some time. As we go to press the council has yet to make a decision on this planning application but one is expected in November.

Brighton's historic gateway

What the Seven Dials was like before the roundabout

WITH the City Council proposing to spend £550,000 on redesigning the Seven Dials roundabout, Geoffrey Mead's autumn lecture on the history of the junction had a particularly topical flavour for the forty or so members and friends who came to the library of the Brighton and Hove High School on the 26th October, writes *Jim Gowans*.

Dr Mead explained how the physical geography of the area led to the development of the junction's pattern of roads, illustrating his point with a selection of historical maps, drawings and photographs.

Until the late 18th century the main road from London to Brighton did not follow its present-day route from Preston village south through the Steine, which at the time was impossibly boggy ground for horse-drawn coaches. Instead it took a line west of the current London Road to join the Dyke Road a little to the north of the present Seven Dials.

At the time the land around the Seven Dials was mostly used for



In 1905 traffic at the Seven Dials consisted of a tram and a handcart

grazing animals although it was also the site of several laundries and windmills. Most of the buildings in the vicinity of the Seven Dials are still much the same today as when the area was first built up in the 19th century.

Incredibly some of the laundries and windmills were towed to other

sites in Sussex by teams of oxen when the area started to be developed.

With today's traffic engineers suggesting that traffic might be diverted from the Seven Dials onto nearby side streets, some local residents might be wondering if the oxen can be employed to tow their houses away in a similar fashion.

New traffic plans for the Seven Dials

THE COUNCIL is considering a new traffic lay-out for the Seven Dials, in a bid to cut the number of accidents at this junction. According to the council's figures 44 people have been injured in accidents over the past five years, many of them cyclists and pedestrians.

The main feature of the plan is to increase the size of the central roundabout, so that there is only one lane of traffic. Currently, the small central roundabout allows two or more vehicles to take the roundabout side by side.

The council also plans to remove the guard rails that corral pedestrians and to replace the pelican crossings, with zebra crossings. The idea behind this is to make it easier for pedestrians to cross the road.

However, one feature of the plans has caused considerable local controversy and that is the proposal to convert Vernon Terrace to a one-way street for south-bound traffic. In the public consultation this was presented as just one option but many local residents believe that it is the one the traffic engineers prefer.

Drivers heading north towards Seven Dials would find their way blocked at the junction of Vernon Terrace, Montpelier Crescent and Windlesham Avenue.

The most obvious way to reach Seven Dials—and the one that is likely to feature on most satnavs—will be to turn left on to Windlesham Avenue, right into Windlesham Gardens and then right again onto Davigdor Road. However, there are

other options, including the use of Clifton Road. According to the council about 250 vehicles an hour travel north up Vernon Terrace.

The MCHA is opposed to any scheme that diverts this traffic onto neighbouring residential roads and chairman Jim Gowans expressed our disquiet to the council. "Any restriction to the traffic flow at the roundabout is likely to create rat runs but we are particularly opposed to a one-way road being introduced in Vernon Terrace," he told the traffic engineers. "This would inevitably cause traffic, including heavy goods vehicles, to use roads such as Windlesham Avenue, Temple Gardens, Clifton Hill and Victoria Road as routes to and from Western Road and the seafront."

Ice rink ‘shambles’ continues

Approving ice rink plans would be ‘unlawful’

LAWYERS acting for a coalition of local residents, including the MCHA, have warned the city council that it will be unlawful to grant planning permission for a six-storey hotel on the site of the old ice rink at the top of Queen Square.

The ice rink plans have been extremely controversial because of their impact on St Nicholas churchyard and the listed buildings in Wykeham Terrace.

Planning officers recommended approving a six-storey hotel on the old ice-rink site at the top of Queen Square despite more than 140 objections. In a shambolic meeting on 27th June councillors voted first to reject the plan: then they voted down two reasons for rejecting the plan then a quarter of an hour later they voted to approve it.

In the first vote the committee voted five-five with two abstentions. The scheme was then rejected on the casting vote of the chair. Then after the committee had failed to agree on the reasons for rejecting the scheme there was a second vote and this time the plans slipped through by seven votes to five.

One of the key objections to this process is the extent to which officers try to control members of the planning committee, to prevent them from overturning recommendations. After similar problems with the decision on the Royal Alex, the MCHA lodged a complaint with the local government ombudsman.

Lawyers acting with the help of a barrister at the planning bar wrote to the council on 10 September to warn them that it would be unlawful to grant planning permission and that the council’s defective procedure could lead to a high court action.

In the case of the ice rink, officers twice told members of the committee that because they had failed to agree the reasons for refusal after the first vote this amounted to a vote in favour of the scheme. This was misdirection, say the lawyers.



Ancient elm: lopping this tree will jeopardise its survival

One of the reasons that councillors wanted to reject the plan was because of the effect that the high-rise hotel would have on classic sea views from the churchyard. Officers wrongly told the committee that this was not a valid reason because none of the councillors had mentioned it in the debate.

The lawyers said that having two votes in a quarter of an hour on the same subject flouted the procedure laid down in the council’s own constitution, which says the council cannot vote on the same subject twice within six months.

The lawyers also said that the council officers failed to inform the committee about the impact the development would have on the 150-year old wych elm on the boundary of the churchyard. Officers simply said that the developers would be within their rights to lop the branches that protrude over their land. Such drastic surgery on a large part of the tree is likely to kill it.

Hilary Woodward, the council’s senior solicitor, replied a fortnight later after consulting a QC. She argues that the reason for the different votes was simply because two members who abstained on the

first vote decided to support the ice rink plans on subsequent votes.

She says that the six-month rule applies only to the whole council and that members of the committee were adequately informed about the threat to the wych elm, because they could have read all the public’s objections.

The lawyers wrote back on 5 October saying the Ms Woodward was dodging the issue. “The flaws in the planning committee’s resolution...remain unanswered. A misdirection in law by your democratic services officer caused the committee’s re-resolution to grant permission. Your letter makes no mention of the misdirection, it simply asserts that the re-resolution was ‘an informed, unbiased and unfettered judgement on planning merits.’” The lawyers also say that the impact on the wych elm and the churchyard was not properly considered.

Clearly a high court action would be very expensive for both sides. The obvious solution would be for the planning committee to pass a resolution saying that they will reconsider the application. “To do so would be entirely lawful,” say the lawyers. “Only a lack of political will prevents it.”