



Please help by calling for transparency and democracy

Bristol City Council (BCC) officers appear to have told Cotham School that they can build a 2 metre high security fence around the boundary of Grade II listed Stoke Lodge without making a planning application. Cotham School has said that it intends to start work before Christmas 2018. We believe that the BCC officers decision is legally incorrect - the law and Planning Portal guidance are clear that planning permission is required **before** a fence can be built on the boundary of a listed building.



So far, we have:

- Worked with our MP and many local Councillors who have also raised concerns directly with BCC at the highest levels.
- Instructed legal Counsel so that, if required, appropriate legal action can be taken quickly.
- Written to various stakeholders at BCC with detailed legal arguments, asking the Council to suspend the alleged permitted development rights **immediately**.

What impact would suspending permitted development have on the school and its pupils?

There are several reasons why Cotham's pupils will not be able to use the field at Stoke lodge in the foreseeable future, and so there is no urgent need to erect a fence. Whilst the school might bus pupils already in their PE kit, there are no toilet facilities on the field so they can't play sport there until such facilities are provided, presumably through their intended plan to redevelop the Pavilion. Bus access is very restricted, the only possible safe drop off point being on Shirehampton Road; the pitches are in a really poor state as they haven't been maintained for four years. As the school does not currently have planning permission (or a live planning application/ appeal) for the Pavilion redevelopment, this could take many months during which the field will remain unused by Cotham pupils and the community fenced out.

We have written to the school to advise them of the very real risks they take if they go ahead with the fence without the appropriate tree protection measures and a licence to carry out development works near active badger setts. We are concerned that the school could commit criminal offences, which carry potentially unlimited financial penalties and for which the Governors would be personally liable. Complying with due process would protect the school, not harm it.

Please consider adding your voice and ask BCC to formally suspend permitted development rights.

BCC has wide discretion to suspend rights and ensure that a fence goes through the proper planning process. This would give elected Councillors the opportunity to make a transparent and democratic decision. Surely a decision of this sensitivity and magnitude should be taken transparently, with elected Councillors taking control? Our cash strapped Council needs to consider the serious implications if they do not suspend the alleged permitted development rights. The proposed fence could lead to significant direct and in-direct liabilities and financial losses in addition to other risks for the Council.

Please make your views known! It is in everyone's interests - the school governors, the schools' pupils, the

Council, the taxpaying public and our future generations. Email any person you think should hear your voice, however key email addresses include:

Democratic.services@bristol.gov.uk

Development.management@bristol.gov.uk

You can just add your voice and ask them to suspend the alleged permitted development rights or you can include some additional thoughts, such as those below:

Legal, financial and other risks and issues

1. Liabilities for Council - the Council has fully indemnified the school in relation to any matters relating to boundaries, fences or trees, so they (or we as tax payers) are liable for all costs related to tree damage.
2. Stoke Lodge has many notable trees that are protected by Tree Preservation Orders. Protected trees on the school's own site have previously been 'accidentally' cut down in the course of development work.
3. The fence may have to be adjusted or taken down in response to validated applications for Public Rights of Way and the pending Town or Village Green application which could create further liabilities and wasted monies.
4. Stoke Lodge Playing Fields are designated as Important Open Space. As such, development must not conflict with the open space use.
5. The school's lease is 'subject to all existing rights and use of the Property, including use by the community'. The Council has a duty to protect the public interest by ensuring that the school does not exceed its rights under the lease.
6. We have provided clear guidance to BCC from the School Standards Minister, Nick Gibb to show that Stoke Lodge is NOT the school premises so they should not be allowed to build a two meter high fence.
7. A fence would sever Grade II listed Stoke Lodge house from its historic estate for the first time, damaging a heritage asset and reducing a source of income for BCC.
8. No consideration has been given to the equalities impact or risks of a fence such as access for physically impaired members of the community and our emergency services
9. The Council has a public duty to exercise appropriate control over the potential annexation of its real estate assets. The last plans published by the school show the fenced areas extending outside its lease.
10. There is clear evidence of active badger sett/s so any development work would have to be carried out under licence.
11. The school's proposal also risks putting the Council in breach of its duties to third parties by interfering with an underground gas pipe and other utilities.