

30th May 2018

Alison Comley
Executive Director of Communities City Hall
Bristol City Council
PO Box 3176
Bristol
BS3 9FS

By Email and Post

Dear Mrs Comley,

**Proposed New Perimeter Fence
Stoke Lodge Playing Field, Shirehampton Road, Bristol, BS9 1BN
Bristol City Council Freehold Ownership**

I am instructed by the community group 'Save Stoke Lodge Parkland' to bring to your attention the proposed erection of a structure, being a 2 meter high perimeter fence, that will harm to the Stoke Lodge Parkland, and to request the City Councils assistance as land owner to ensure that such harmful development does not proceed.

The Lease

During 2010 the local community expressed concern about a proposal that the Parkland be fenced, leading to discussions between the Council and the community, culminating in a, where former Executive Member Clare Campion-Smith (at that time was Cabinet Executive Member for Children and Young People) confirmed the she recognised that fencing on the site was not wanted by the community and that she was pleased that there was strong support for her suggestion to form a Working Group to steer future changes to the site. The attached minutes of the meeting confirms that the Cabinet agreed that no fencing should be erected and that a working party be set up to provide dialogue between the different users of the field, that the capital programme for CYPs would be amended to reflect this decision and that It was envisaged that Stoke Lodge could be seen as a 'flagship' for shared use/access for other sites in the city.

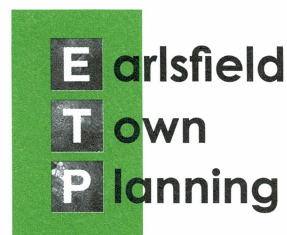
The City Council granted the Cotham Academy (School) a 125 year lease over the Parkland on 31/08/2011 (copy attached), retaining the freehold interest in the land.

The lease, at clause 3.5.2, requires the Tenant 'Not to erect any buildings or other structures on the Property'. Fencing would of course constitute a structure and therefore the erection of the fencing is in breach of the terms of the lease.

The City Council therefore has full control over the erection of the fencing.

It was re-assuring to the local community that the lease incorporated this provision, reflecting the Cabinet decision referred to in the attached Neighbourhood Partnership meeting minutes dated 15th September 2010 at section 8 on pages 6 – 8.

I am not aware of any resolution of the City Council to reverse the Cabinet's decision in 2010 not to fence the Parkland and instead to use Stoke Park as a 'flagship' for shared use/access for other sites in the city.



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Imminent Development

Save Stoke Lodge Parkland has become aware that the Academy proposes to erect the fence prior to the commencement of the Autumn term in early September;

1. Cotham Academy Governors were advised, at the December 2017 Governors meeting, that *'work is being done on the design for the fencing, which may not need planning permission'*;
2. In early May 2018 the Academy's Newsletter advised Parents that they had successfully challenged City Council's registration of the Parkland as a town or village green, and went on to advise;

"We have been unable to use our playing fields at the Stoke Lodge site since 2014 and now look forward to students playing sports on the fields again in the very near future. We also recognise that these playing fields are a valuable community resource and welcome the opportunity, as we always have, to work with local residents to produce a cohesive plan for sharing use of the space in the future.

Obviously, this is the best news possible but there is some work to do in terms of making the site secure before we are able to make use of the playing fields again. Therefore, we will keep you posted on developments, including on the planning permission that we now hope will be granted for our new sports pavilion funded by the Education Funding Agency."

3. Jo Butler (Head Teacher), Sandra Fryer (Governor), Nathan Allen (FM Manager) and Susan Priest (Business Manager) advised Cllr John Goulandris (Stoke Bishop) and Alan Preece and David Mayer of Save Stoke Lodge Parkland, that the School are proceeding to install the perimeter fence approximately 2 - 3 metres inside the line of their lease to exclude the public from the pitches and to create an external perimeter walkway around the field under permitted development rights. I attach a copy of Save Stoke Lodge Parkland's Newsletter dated 22.05.18 confirming the receipt of this advice.

It is clear that the Academy propose to erect the fence in the very near future.

Potential Harm

The proposed fence will cause severe harm as described below;

1. Stoke Lodge House is a Grade II listed building and is therefore an important Heritage Asset:
 - a. The erection of the fence will cause significant harm to the setting and character of the listed building, physically severing the Parkland from the House for the first time ever;

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2. Stoke Lodge Park is the curtilage of Stoke Lodge House;
 - a. The Parkland was developed as a landscaped garden for the house and forms its curtilage, a point confirmed by Peter Insole (Principal Historic Environment Officer).
3. Stoke Lodge Parkland accommodates 14 trees with individual Tree Preservation Orders (TPO's) and ten groups of trees with Group TPO's;
 - a. The fence will cause significant harm to many trees due to it cutting through their canopies and root protection areas. The trees were planted when the Parkland was formed as the curtilage to Stoke Park House and thus have significant historic, cultural and amenity value;
4. The Parkland is important foraging for a large population of Badgers, and may include Badger setts;
 - a. Severing Badgers from their setts and essential foraging will cause them considerable harm;
5. The Parkland is an important Green Space that is used widely by local residents and others in the Bristol area. To sever the green space from the local residents will permanently harm the character of the area.

Conclusion

Save Stoke Lodge Parkland anticipated that the Parkland would continue to be used as it has since the 1940's; as playing fields by the Academy and other sports clubs and organisations, by the local population as green space, so important to local amenity, and by ecology, such as badgers and foxes, as essential foraging space.

It is a significant disappointment to the local community that the Academy would wish to sever the Parkland from the community by erecting a security fence and that, given the Cabinet decision which has not been reversed, it would even be considered by the City Council.

I hereby request, on behalf of Save Stoke Lodge Parkland, that the City Council as land owners upholds the former Cabinet decision and;

1. Reminds their tenants of the terms of the Lease and that to erect any structure, including the proposed fence, is in breach of these terms;
2. Takes the appropriate action to secure the prompt removal of the fence if the tenant proceeds to erect the structure in breach of the Lease;
3. Confirms to the tenant that they do not agree to the erection of the fence due to the significant harm it would cause as resolved by Cabinet in 2010.

Save Stoke Lodge Parkland has asked me to again confirm that they do not wish to deny anyone use or access to the Parkland, but simply wish the status quo, which has continued for over 70 years without harm, to continue.

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I thank you for your assistance with this matter and look forward to hearing from you with confirmation that the City Council has been in touch with the Academy and has confirmed the above.

Yours sincerely

A large, stylized handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the left.

Rob Duff
Director

C.c Save Stoke Lodge Parkland
 Jim Bowyer Cotham Academy Chair of governors
 Jo Butler Cotham Academy Head teacher
 Nathan Allen Cotham Academy FM Manager
 Jacqui Jensen BCC Executive Director of Care and Safeguarding
 Shahzia Daya BCC Head of Legal
 Cllr John Goulandris
 Cllr Peter Abraham