

**S62A/2025/0133 Stoke Lodge Playing Fields, West Dene, Shirehampton, Bristol BS9 2BH**

**Objection submitted by: Matthew Fletcher,** [REDACTED]

I am writing in objection to the above mentioned planning permission.

The grounds for my objection are 1) an invasion of privacy to my property which contravenes my privacy rights under Article 8 of the Human Rights Act; and, 2) Visual Harm.

### **Objection – Invasion of Privacy**

As I will explain below, two of the proposed cameras will have the potential to see into my property. The legal grounds which support my objection include, but may not be limited to, the Human Rights Act and the principle of nuisance as common-law tort.

The **Human Rights Act 1998** (Article 8) protects the right to respect for private and family life and a person's home. Having the proposed level of surveillance into my property is completely contrary to the human rights of my family.

The principle of **Nuisance** is a common-law tort, developed through case law.

A person commits nuisance if they cause substantial and unreasonable interference with the use or enjoyment of one's land. This is well established in case law, with examples such as:

Bamford v Turnley (1862) 3 B&S 66

Defines the principle of "reasonable user" of land and when interference becomes actionable.

Hunter v Canary Wharf Ltd [1997] AC 655 (HL)

Confirms nuisance covers interference with quiet enjoyment of property.

Foster v Warblington UDC [1906] 1 KB 648

Reinforces that nuisance protects a person's right to peaceful enjoyment of land.

From the plans submitted in the application I note that:

Cameras [REDACTED] will be able to see into my bedroom and the bedroom of my [REDACTED] son and have a clear view into my back garden.

The submission makes reference to “privacy hatching” and “privacy screening” to protect privacy of neighbouring properties.

*The inclusion of Privacy Screening / Privacy Zones will be required to account for areas where potential new cameras may have the ability to view private areas outside the ownership of the school and so a number of these Privacy Zones will need to be set up in order to protect neighbouring residences privacy.*

*Ref: P16 of CCTV Specification document*

This is inadequate protection because:

1. Privacy hatching only applies to video recordings, it does not apply to direct viewing from the monitoring screens. **Consequently, any person with access to the monitoring system could still view our property, including our bedrooms.**
2. Privacy hatching is a software feature, so there is no way of telling if it has been implemented correctly.
3. Even if it is implemented correctly, it can be subject to change, following software upgrade or manual change by the operator.
4. Given the proximity of the school’s fence to my property and the typical capability of the types of cameras being deployed, the implementation of the privacy hatching will not be of a suitable fidelity to exclude my property whilst also protecting the fence. It therefore seems unlikely that the school will not include my property within their recordings.

The documentation also refers to deploying Infra-red (night vision) capabilities. This would potentially create an even bigger risk to my family’s privacy as unclothed bodies emit more heat.

The images below show a scale representation of where the cameras are proposed to be located and the expected height based on the six-metre elevation in the planning application.



Camera [redacted] as would be seen from my bedroom window.



Camera [redacted] as would be seen from my bedroom window.

Standing in either of those camera locations using a standard smartphone I am able to see in through my bedroom windows. It seems highly unlikely that the expensive equipment being installed by Cotham school won't be able to do the same, although I note that the specific capabilities of the cameras is not included.

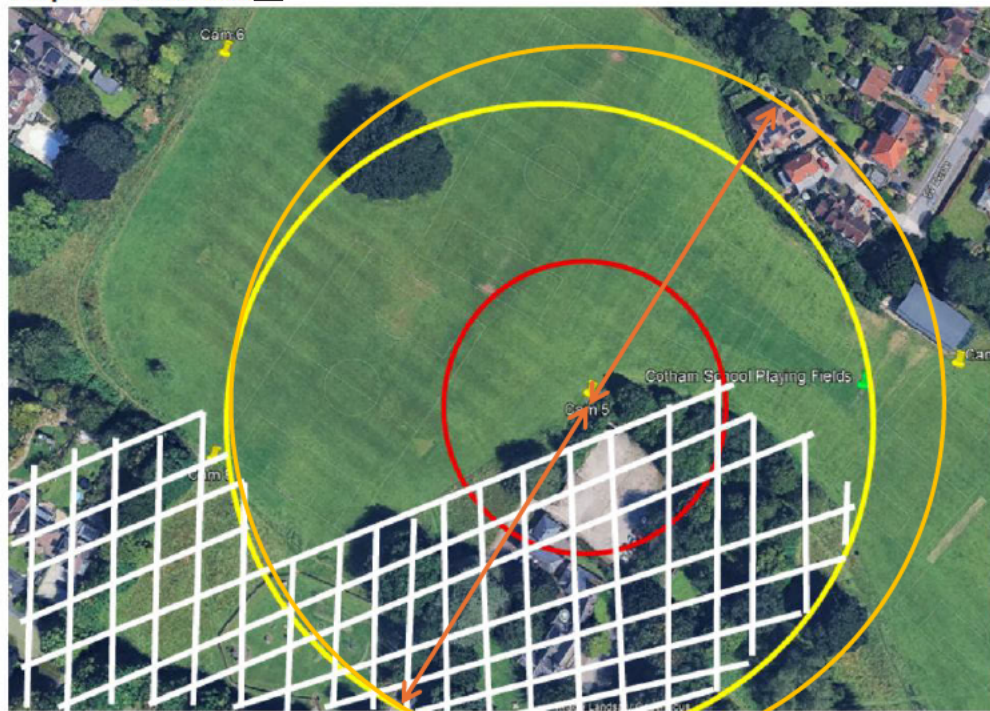
The significant height of the poles (6 metres) will give them a clear view into my back garden. This is completely unnerving for me and my family and, as already stated, would go against my right to enjoy a family life in my home.

It is difficult to see what absolute guarantees there can be that these cameras won't be able to pry into my property. Whatever protections may or may not be put in place my family and I would be left with two cameras staring straight into our home.

### **Apparent Inaccuracies in the equipment capability**

The image below is taken from the planning application which demonstrates the proposed field of vision of the camera. The yellow and red circles are on the image provided. I have superimposed the orange arrows of identical length which show that the circle in the image is not centred correctly. I don't see anything in the application which refers to the camera having an asymmetric field of vision, however it repeatedly mentions that they will 360 degree view. Taking the orange arrows to create a perfect circle based around the same centre point shows that the camera will clearly have a range into my property and potentially all four properties along Ebenezer Lane depending on tree cover and precise positioning of the camera.

### Proposed New CAM



(Red circle denotes area where recognition of persons is achievable under good lighting conditions, yellow circles denotes area where persons can be detected and observed, white hatch denotes privacy screening).

As noted in section 3.2 of the Planning Statement document, one of the grounds for rejecting the previous application was a lack of precise technical information being provided.

*3. Owing to a lack of detailed information pertaining to the precise technical specifications of the proposed surveillance equipment as well as illustrative supporting information such as field of vision diagrams, there is insufficient supporting information by which it can be satisfactorily demonstrated that there would not be a detrimental loss of privacy or perception of overlooking experienced by surrounding residential properties and their private amenity spaces. Accordingly, proposals conflict with the NPPF, Policy BCS21 of the Bristol Core Strategy (2011) and Policy DM29 of the Site Allocations and Development Management Policies (2014).*

Given my privacy concerns raised above I still don't believe the application gives anywhere near enough assurance to me and my family that we will not be subject to surveillance in our own home.

## **Concerns around onward management of the system**

If the planning permission is granted, will there any guarantee that the camera devices won't be changed to different specification devices in the future without any further consultation? I can't imagine Bristol City Council will be able to enforce that this doesn't happen as the physical presence of the cameras wouldn't need to be altered. but I would like to have a regular right of inspection of the CCTV recording equipment to so I can ensure it is correctly installed.

Cotham School have breached the public guidelines in the past. In January 2022 they installed covert CCTV cameras in a junction box on the field. In January 2023 the Information Commissioner's Office ruled this to be unlawful and ordered them to be removed and footage deleted. As this was clearly in breach of their Data Protection Impact Assessment, I do not believe the school can be trusted to maintain the CCTV equipment in a way that does not invade my privacy.

## **Proportionality**

The use of this CCTV equipment in such an invasive way is completely disproportionate and overly intrusive and does not serve the public safety.

The application makes multiple references to the need for safeguarding of the school's children. Child safety is very important and as a parent myself I would never argue against it. However, the deployment of the school's fence is not necessary for ensuring safeguarding, there are many other means available and I believe that argument has been made by others.

I won't go into a full argument of how this planning application would not pass the balancing test under Article 8 of the Human Rights Act, but if the application is approved and the cameras installed I will seek to do so via legal means.

Paragraph 9.24 of the planning statement seeks to set out public benefits. All of the arguments are about the need for a fence, not the need for CCTV. The argument goes that the CCTV is required in order to protect the fence. If there was no fence, then there wouldn't be a need for the CCTV.

Before looking at the arguments from paragraph 9.24, it's worth remembering that the school's lease of the site is expressly 'subject to all existing rights and use of the Property, including use by the community'. Community amenity use of this designated important open space is ongoing and has been commonplace for decades.

Taking some of the 9.24 arguments in turn:

*(quotations from the statement in italics).*

*“Help to deliver a secure, supportive, safe environment for users within the premises of Cotham School Playing Fields;”*

Incorrect. The environment is perfectly safe without the fence. It has been used by the public and local sports teams for years without any major safety issues. Sports teams and members of the public up and down the country use playing field which aren't fenced in and protected by CCTV.

*“Help to strengthen and identified area of vulnerability around the school's perimeter which undermines the ability of the school to operate a secure site and fulfil their legal safeguarding requirements;”*

Misleading. There is no need legal need for the school to fence in the field in order to operate a secure site. Many other schools use playing fields which are not fenced in. Less than 1 mile away the Combe Dingle Sports Complex is used by school children every week without the need for complete exclusion of the public.

*“Supports development which enhances community uses;”*

There is absolutely no need for the fence to be in place for the use of the fields by community sports clubs. In fact, community uses are completely inhibited by the fence being in place. If the school locks the gates once again as they did when the previous fence was in place then community use is diminished or completely prohibited.

*“Supports the recreational use of existing open spaces;”*

Patently untrue, for all the reasons stated above. Neither a fence nor CCTV is required for the public or community sports team to make use of the field.

*“Supports development which enhances the quality and usability of the space;”*

There is no argument for how the fence and therefore the CCTV would enhance the usability of the space for anyone apart from a small number of pupils from Cotham School who use a small proportion of the field a for a small number of hours a week.

*“Fulfil the Council's obligations under Section 17 the Crime and Disorder Act 1998 (as amended) to do to do ‘all they reasonably can’ to prevent crime and disorder;”*



This is a circular argument. The only crime and disorder cited by the applicant is damage to the fence. The fence is not necessary for the school's educational purposes, and inhibits the public right to use the field (as per the terms of the lease). So, removing the fence would remove the likelihood of crime and therefore the need for any CCTV equipment.

## **Objection 2 – Visual Harm**

The school claims that its poles and cameras will not be visually intrusive, but they are wholly unsympathetic to the heritage parkland surroundings. At paragraph 3.1 the application notes previous applications 16/06304/F (New perimeter fence to playing fields); 18/05206/A (Retrospective application for installation of sign); and 20/01826/F (Works to install a CCTV pole and camera adjacent to the gate behind the neighbouring Stoke Lodge Adult Learning Centre). Each of these previous applications was refused (or withdrawn after officers recommended refusal in the case of the perimeter fence application) for reasons that included the impact on the listed building, its setting and the heritage parkland character of the site.

Cameras [REDACTED] will be intrusive to me from my windows and my back garden. Their ugly design and finish will give the impression of living in a prison camp rather than beautiful and well-loved green space in the heart of our great city.

## **Summary**

The psychological distress and detrimental impact on my enjoyment of my home from having CCTV cameras permanently pointed at it demonstrate substantial and unreasonable interference, meeting the test for nuisance under established case law.

These cameras will be a breach of my human rights, as set out in the Human Rights Act 1998 (Article 8) which protects the right to respect for private and family life and the home.

There are no cast iron guarantees set out the application that give me and my family any comfort that the capabilities of the surveillance system will be installed as defined in the application, nor that they will be maintained in that way.

For all of the reasons stated above I respectfully request that the application be refused.

If, notwithstanding the above, the Inspectorate is minded to grant permission, it should only do so on a temporary and time-limited basis and subject to stringent conditions including: the prohibition of illumination or additional equipment without separate consent; enforcement of some means of permanent right of inspection of the CCTV controlling equipment and the recordings at no notice by myself and the other residents who are overlooked by the camera poles – this being the only way we could be satisfied



that the cameras have been installed and configured in a way that completely guarantees that no CCTV operator could see into our property.

If the Planning Inspectorate decide that a hearing is necessary then I wish to be invited to speak at the hearing.