

The College needs a library. It does not need this building: the harm every heritage assessment found could have been avoided, has no justification, and is not outweighed (25 September 2026)

CLAG's alternatives, justification and public benefits paper: the evidence for the three findings the heritage chapter of the National Planning Policy Framework of 17 August 2026 ("the NPPF") requires under HE4(1)(b), HE4(2) and HE6(4), on the College's own record. The harm could be avoided by a lower library that meets every requirement the College has stated. That library is the design the College itself had consented in 2013 and 2016, which the Council found met its needs; Christ's College's ("the applicant") own documents give it a floor area of 1,539 sq m against a present brief of 1,050 m² (GIA). No clear and convincing justification of the building's volume, mass and bulk is on the file. The reasons given justify a library; the archaeology and the carbon were answered by conditions on the consented design; and the applicant's own words remove the reason it gave the Council's members. No public benefit resulting from this proposal outweighs the harm. The entries on the applicant's list are the incidents of any library on the site, the advantage of one college's members, or promises the application does not contain; the access offer is unsecured and severable. The harm itself is carried by CLAG's harm register (Annex C) and the plan by CLAG's design and development plan paper. CLAG's case officer letter carries the chain whole. Each is filed with this paper.

Submitted for the public register of application 26/02109/FUL, to be recorded under the heading above and displayed on the day it reaches the Council, Friday 25 September 2026: the Council's notice of 19 August 2026 states that views are "published onto the website promptly" (document 9499001), and the applicant's letters of 5 and 27 August 2026 were displayed within a day (documents 9486713 and 9506331).

Application 26/02109/FUL: Christ's College Library, St Andrew's Street, Cambridge. Christ's Lane Action Group (CLAG). It states every point it relies on, so that it stands on its own, with the register document number of every source and the record of every benefit the applicant has offered since September 2025 and what entered an application. Each source is cited where it is used, with its register document number and its paragraph or page; the exhibits are listed in section 10. Quotations are verbatim from the document cited. Where a document is on the register of the earlier application, 25/02161/FUL, or of the applications of 2011 and 2016, and not of this one, the paper says so. The documents cited from Historic England's disclosure under reference 26/04173 are cited as held on Historic England's file. Exhibits H2 (pages from Historic England's disclosure under reference 26/04173), D6 (pages from the College's own publications and web pages), D7 (the Council's email of 9 April 2026 on the benches), D8 (the College's adopted masterplan, on the College's own report and its architects' published page), D9 (the published report of the closure of the café at 6 Christ's Lane on 26 October 2025), J1 (the Statement of Matters relied on in support of the agreed final order in AC-2025-LON-004656) and D10 (the Create Streets review of October 2025, filed again with this paper) are filed with this paper.

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stated as its accepted point of service).

From: Christ's Lane Action Group (residents@christs-lane.com).

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1. The need is for library space, on the College's own brief; the harm is in this design's bulk, on every heritage assessment; this paper supplies the three findings that follow the harm

1.1 We do not oppose a new library. The College needs more library space, and CLAG accepts every requirement the College has stated. The question for the Council is not whether the College may have a new library. It is whether those requirements need this building's bulk, on a site where the College itself has twice held permission for a lower library that the Council found met its needs. The applicant's public benefits case was restated in two letters from its agent to the case officer, dated 1 August 2026 (document 9481026) and 5 August 2026 (document 9486713), and defended in a letter of 27 August 2026 (document 9506331).

1.2 The paper follows the order of the heritage chapter of the NPPF, because its policies depend on one another in that order. HE4(1)(b) asks first whether harm can be avoided and, only if it cannot, whether it has been minimised. HE4(2) permits a justification of harm only "in accordance with the policies in this chapter", so a justification is available only for harm that could not be avoided. HE6(3) provides that any harm to a designated heritage asset "should be dealt with in accordance with paragraphs 4 to 6" of HE6, so the weights attach before the balance is struck. The Council reopened consultation on this application after the NPPF was published; its own landscape officer records that the reconsultation "relates to the updated NPPF which was

published on 17 August 2026 and is a material consideration which must be taken account where it is relevant to a planning application" (document 9504134).

1.3 What this paper supplies, and what its companions carry. The harm is found by every heritage assessment on the register, in the building's bulk, and CLAG's harm register, Annex C, filed with this paper ("the harm register") carries each finding whole (section 3). This paper supplies the three findings that follow the harm, each on the College's own record:

1. Avoidance (HE4(1)(b)). The harm could be avoided by a lower library that meets every requirement the College has stated. The College itself had such a library consented in 2013 and 2016; the Council found it "would meet the needs of Christ's College"; the applicant's own documents describe it as "New library (1539 sq m)" against a present brief of "1050m2 (GIA)", and record that its basement's accommodation "has been distributed throughout the new library on the upper floors". No document on the file finds that the harm could not be avoided, and the 2025 answers, "assessed on its own merits" and "at this stage", cannot be given again on a fresh application whose content and timetable the applicant chose (section 4).
2. Justification (HE4(2)). The reasons on the file justify a library, not this bulk. The archaeology and the foundations of the historic ranges were assessed on the consented design and answered by conditions, and the county archaeologist's advice on this application is the same as on that one. The carbon reason attaches to a basement the scheme keeps and to concrete it pours, and no document compares the two designs. The reason given to the Council's members, "to avoid further digging into the ground", concedes that the scheme digs, and the Master accepted of the stacks that "That height can begin beneath the ground." (section 5).
3. The balance (HE6(4)). Only public benefits resulting from this proposal enter the balance, and the harm enters it at the weight section 66(1), HE6(1) and HE6(3) give it. Tested entry by entry, the applicant's list holds the incidents of any library on the site, the advantage of one college's members, works already consented, an effect the buildings already have, and an access offer that is unsecured, revisable and severable. Nothing on the list is the "substantial public benefit" the applicant's own plan policy requires, and the applicant's own ratings are "Moderate" and "Minor" (section 6). Outside the heritage balance the scheme takes daylight from the shops opposite, encloses the lane, and closes and diverts the lane's footpath during the works (section 7).

1.4 The findings this paper does not argue are carried by its companions, each filed with it:

1. the harm and its degree, by the harm register and CLAG's conservation officer letter, filed with this paper ("the conservation officer letter");
2. the conflict with the development plan and Policy 60, by CLAG's design and development plan paper, filed with this paper ("the design and development plan paper");
3. the first decision and the sequence of determination, by CLAG's determination timing letter, filed with this paper ("the determination timing letter");
4. the chain whole, finding by finding, by CLAG's case officer letter, filed with this paper ("the case officer letter").

Section 8 states the findings the report has to make on this paper's three questions, and what follows on each course. The step that resolves the matter is at section 9.

2. The tests: harm to a Grade I setting must be avoided, justified and outweighed, in that order, and the first decision on this scheme is before the Court on the Council's own agreement

2.1 The statute weights the balance against harm to a Grade I setting

2.1.1 In considering whether to grant planning permission for development which affects a listed building or its setting, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". For a conservation area, section 72(1) requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". The NPPF's footnote 2 provides that it "does not displace the statutory obligations placed on decision-makers by virtue of, among other things, section 38(6) of the Planning and Compulsory Purchase Act 2004, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990".

2.1.2 The courts have settled what section 66(1) does to the balance. Parliament's intention was that decision makers "should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise" (*East Northamptonshire DC v Secretary of State* [2014] EWCA Civ 137, [2015] 1 WLR 45 (*Barnwell Manor*) at [29]); the duty "applies with particular force if harm would be caused to the setting of a Grade I listed building, a designated heritage asset of the highest significance" (at [28]). A finding of harm "gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so" (*R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin), [2015] JPL 22 at [49]). "It is not open to the decision-maker merely to give the harm such weight as he thinks fit, in the exercise of his planning judgment" (*R (Kinsey) v London Borough of Lewisham* [2021] EWHC 1286 (Admin) at [82]).

2.1.3 A balance struck without that weighting is a quashing error even where the section is recited. In *Wyeth-Price v Guildford BC* [2020] EWHC 3355 (Admin) the report described the heritage harm as "at the lower end of less than substantial" and the benefits as "substantial", "significant" and "modest"; the Court held that the committee "was left in the position of weighing "less than substantial harm" against "substantial", "significant" and "modest" public benefits in an untitled planning balance. The effect was to repeat the error made in *Barnwell*" (at [41]), and the permission was quashed (at [55] to [56]).

2.2 The chapter asks whether the harm is avoided, justified and outweighed, in that order

2.2.1 HE5, the assessment. HE5(2)(c) requires an assessment to identify whether a proposal would "Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified". HE5(4): "Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals." The first finding is the harm and its degree, for each asset, as the consultees found it (section 3).

2.2.2 HE4(1)(b), avoidance. Development proposals which would affect the significance of heritage assets should "Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance." The policy asks first whether the harm can be avoided; minimising is the course it permits only "if that is not possible". The word "possible" refers to the harm and the design, not to the applicant's willingness to change its

scheme. The NPPF's own usage of "avoided" is an alternative with less harmful impacts: in the natural environment chapter, harm that "cannot be avoided (through locating on an alternative site with less harmful impacts)" (N2(2)). The second finding is whether the harm could be avoided by a lower or distributed design that meets the College's requirements (section 4). *Forge Field* at [61], on a development for which there is a need but which would harm heritage assets: "the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives."

2.2.3 HE4(2), justification. "Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter." A justification "in accordance with the policies in this chapter" accords with HE4(1)(b): harm that could have been avoided has no such justification. It is a justification of the harm, which on this file is the building's bulk: it has to state why the bulk is needed (section 5).

2.2.4 HE6(1) and HE6(3), the weights. HE6(1): "substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance." HE6(3): "Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy." The Government's response to the consultation on the NPPF states that paragraph (3) was added "To make the importance of designated heritage assets absolutely clear". The weights attach before the balance is struck (section 6).

2.2.5 HE6(4), the balance. "Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed." The Planning Practice Guidance states the test for a public benefit: "Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework paragraph 8. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit" (Historic environment, paragraph 020, Reference ID 18a-020-20190723). The NPPF's Introduction, paragraph 18, states of the objectives that they "are not criteria against which every development proposal can or should be judged". Three questions govern each claimed benefit:

1. does it result from this proposal rather than from any library on this site;
2. is it of a nature or scale to benefit the public at large rather than a private interest;
3. is it secured, a commitment members can weigh rather than a hope.

A benefit that answers all three has entered the balance; it has not levelled it (section 6).

2.2.6 The internal heritage balance. A balance of heritage benefits against heritage harm within an asset is lawful, but it is "quite different from balancing an admitted or found adverse impact . . . against separate beneficial effects" (*City and Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 320, [2021] 1 WLR 5761 at [81], with [80]). Setting a found adverse heritage effect against the scheme's claimed planning benefits, so as to declare "no harm", conflates the two stages. The Council's own conservation officer confirms that "NPPF policy HE6 (4) is engaged" (26 August 2026, document 9505685).

2.2.7 Working through the chapter's policies in this order "in accordance with their terms" is how the section 66(1) duty is shown to have been performed. *Jones v Mordue* [2015] EWCA Civ 1243 at [28], of the corresponding former paragraphs: "Generally, a decision-maker who works through those paragraphs in accordance with their terms will have complied with the section 66(1) duty". The interpretation of the policies is a matter of law (*Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13 at [18], "*Tesco*").

2.3 The Council has agreed before the Court that its 2025 decision be quashed on all four grounds, and the grounds await a reasoned judgment

2.3.1 The judicial review of the permission of 7 November 2025 for the identical scheme (25/02161/FUL) is *R (Christ's Lane Action Group) v Cambridge City Council*, Christ's College Cambridge interested party, claim AC-2025-LON-004656. Permission to apply was granted on all four grounds by the order of Kimblin J signed on 6 March 2026 and served on 9 March 2026, which the Court documents call the Order of 9 March 2026: "Permission to apply for judicial review: Permission is granted on all grounds." (document 9462886; also at document 9462822, pages 11 to 14). On 28 April 2026 the Council and the College signed a draft consent order agreeing that the permission be quashed on all four grounds; the Court did not make the order on the papers. The order and the Council's covering letter to the Court of the same date are on the register (document 9462822, pages 15 to 19, attachment 2 to CLAG's letter of 15 July 2026). The letter states: "The Defendant and Interested Party have agreed to a Consent Order quashing the Council's decision on all four grounds, with a supporting Statement." (paragraph 6), and invites the Court to make a final order "where both the Defendant and Interested Party agree that the grant of planning permission can be quashed on all grounds relied upon by the Claimant" (paragraph 10). At paragraph 12 it states: "The position is not materially different from if the Defendant and Interested Party had conceded the claim on all grounds in its Acknowledgement of Service." The letter is also on the register within CLAG's objection of 10 July 2026, as Document 3 of that objection (document 9475597, pages 50 to 52 of the document). The supporting statement is the Statement of Matters relied on in support of the agreed final order, drafted on 8 April 2026 under paragraph 17.1 of Practice Direction 54A and sent by the Council to the Court on 8 June 2026. It is filed with this paper as Exhibit J1, and it states at paragraph 12: "Having reviewed its position following the grant of permission, the Defendant accepts that the Decision Notice should be quashed on the basis of the Grounds above." CLAG did not sign the order, so that the grounds receive a reasoned judgment; the claim is listed for a one day hearing on Tuesday 20 October 2026 (document 9475597, pages 1 and 55).

2.3.2 The four grounds, as the Statement of Facts and Grounds states them (on the register within CLAG's objection of 10 July 2026, document 9475597; the headings to paragraphs 51, 59, 72 and 78):

1. "Ground 1 – The Committee was materially misled as to Historic England's advice."
2. "Ground 2 – The Committee was materially misled as to the existence and/or extent of harm to the significance of designated heritage assets"
3. "Ground 3 – The Committee took into account an irrelevant consideration – optimum viable use."
4. "Ground 4 – The Committee failed to take into account a relevant consideration – the existence of less harmful alternative modes of development."

The fourth ground as pleaded (paragraph 78, pages 43 to 44): "Where a proposal would cause harm to a heritage asset then the possibility of the harm being reduced or avoided by development on an alternative site, via an alternative design or "mode of development" is a material consideration". The third as pleaded (paragraphs 75 and 76, page 43): "The Council fell

into error by applying the concept of optimum viable use (“OVU”) to the 2025 scheme.”; “Simply put, OVU was just not a relevant consideration in this case”. The NPPF of 17 August 2026 contains no policy on optimum viable use; HE6(4)’s example is “securing the long-term reuse of a vacant or underused listed building”, and the listed buildings here are in continuous use. HE4(1)(b) now states the duty the fourth ground concerns in terms.

2.3.3 A benefit that a less harmful design on the same site would equally deliver is weighed accordingly. In *Bramshill* the inspector accepted the benefit, and the dispute lay in “the weight to be attributed to that benefit given the alternative development proposed” (at [66]); where “an acceptable use for the mansion ... which would not require cross-subsidy” existed, the inspector saw “no justification for allowing appeal 6 with its associated harm” (at [68]); the Court of Appeal held: “That approach cannot be faulted” (at [83]). Under HE6(4)’s own words such a benefit does not result from this proposal.

2.3.4 The applicant told the Council’s members that the four grounds would be met in this application, and its own documents place that task on the report. The Council’s minutes of the Development Control Forum of 29 July 2026 (the DCF), published on 21 September 2026 in 114 numbered items (“the minutes”, cited by item number; CLAG’s minutes letter, filed with this paper, asks for their correction at the items it lists, and nothing in this paper depends on it), record at item 5 that the College “looked at the substance of the Judicial Review which did not touch on the merits of the project but looked at the procedures and found four shortcomings”; item 6: “The College had looked at those shortcomings and thought that they could all be addressed in a second application so that should a second Planning Application be granted the Council could be confident that it met the standards of the JR.” The application changed nothing: “It should be noted that no changes have been made to the detail of the drawings nor consequently to the reports submitted in support of that application.” (Covering Statement, document 9423967, paragraph 1.7); and “The points raised in the Judicial Review in this case are capable of being addressed in the Planning Officer’s report when the Planning Committee re-consideres the application.” (paragraph 2.2). Each of the four grounds at 2.3.2 is a matter the heritage chapter governs. So on the applicant’s own statement the report must answer each ground by name, on the register as it stands, and sections 3 to 6 set out what the register holds on each.

2.3.5 The first decision is not put aside by the second application. The reasoning of an earlier decision on the same site remains material to the later one, and a change of position has to be addressed: “The principle of consistency is not limited to the formal decision but extends to the reasoning underlying the decision” (*R (Davison) v Elmbridge Borough Council* [2019] EWHC 1409 (Admin) at [56], “*Davison*”). Where identical applications on the same site produced different findings, “it was incumbent on the Officer and the Planning Committee to address the change in position on openness between the two reports” (*Davison* at [67]). Where a duplicate application was resolved on while the first grant was under challenge, the permission granted on it was quashed. The officers’ report “still did not inform the Planning Committee of the true extent of the harm which was likely to result from the proposed development”, when the committee “must be properly informed of the various factors which have to be weighed on each side of the balance” (*R (Midcounties Co-operative Ltd) v Forest of Dean District Council* [2015] EWHC 1251 (Admin) at [100] and [101]). So the report on this application has to answer each of the four grounds by name, on the record as it now stands, and sections 3 to 6 set out what the record holds on each.

3. The harm as found, and two corrections the Council's own officer's response needs before the chain starts

3.0 The harm is found, and it is found in the bulk. Every heritage assessment on the register finds harm to the settings of Grade I buildings or to the conservation area, and each finds it in the building's bulk. The applicant alone finds none, on a heritage statement the Council's own officer has twice recorded as superseded. The harm register carries each finding whole, with its date and document number, and the conservation officer letter carries the four corrections the Council's own officer's response needs. This section states the findings in one sentence each, because the three questions this paper answers, avoidance, justification and the balance, start from them. It states two of the corrections in short, because the first of them is the comparison with the consented design on which section 4 turns.

3.1 The findings, in the words of each assessment:

1. Historic England, the statutory consultee, 29 July 2025, adopted for this application on 8 July 2026 and confirmed for the NPPF on 27 August 2026: "we are of the view that the building is too big for its location"; the proposals "would result in certain levels of harm to the significance of the listed building, primarily as a result of the excessive bulk of the new building, which we consider would detract from the setting of the surrounding buildings"; "The proposals would be bulkier than those that were previously granted consent." (sic). (Documents 9457102, 9457100 and 9508056; the harm register, section 1, item 1.)
2. The Council's conservation officer, 26 August 2026: "The harm arises from the relative scale and proximity of the stair tower."; "the positive effects are not considered to fully outweigh the harm. On balance, the harm is considered to be at the lower end of the scale, and therefore NPPF policy HE6 (4) is engaged." (Document 9505685, page 4; the harm register, section 1, item 2.)
3. The Victorian Society, 6 July 2026: "The design, as it stands does offer a low-to-moderate level of less-than-substantial harm."; and 9 July 2026: "Harm is attributed to this scheme, and this has not been mitigated in the resubmitted design. It is important that alternatives be considered in line with the harm identified." (Documents 9455369 and 9464487; the harm register, section 1, item 3.)
4. Cambridge Past, Present & Future, 9 July 2026: "This resulting bulk causes, multi-layered harm to highly sensitive designated heritage assets and stands in conflict with Policy 61 (Conservation and Enhancement of Cambridge's Historic Environment) of the Cambridge Local Plan" (sic); it asks for "a lower and less bulky design". (Register public comment; the harm register, section 1, item 4.)
5. The expert heritage appraisal by Alec Forshaw IHBC MRTPI filed with CLAG's objection of 10 July 2026: "The proposals, by reason of their height, bulk and massing cause the following degrees of harm to designated heritage assets:", with less than substantial harm "at the upper end of the scale" to the setting of the Grade I listed Bodley Library. (Document 9458570, paragraph 58; the harm register, section 1, item 5.)
6. The applicant alone finds no harm: "that is why we find no harm" (the Covering Statement, document 9423967, paragraph 3.11). It finds none on a Heritage Statement dated May 2025 that describes the design before the amendment of August 2025, a statement the Council's own conservation officer has twice recorded as superseded (documents 9462719 and 9505685; the harm register, section 2).
7. The Council's own 2025 report on the listed building consent for the same works records a second harm, to the fabric of the Grade I listed building itself, and no 2026 document

carries it. The report records that the 1913 building “forms part of the Grade I listed College buildings” and that the scheme removes its roof “to allow for an upward extension forming part of the new library building”. It continues: “It is acknowledged that this element of the scheme would result in the “loss” of historic fabric, however, it is on balance, considered to be acceptable in heritage terms due to the less significant fabric impacted and its facilitation of improved efficiency of the buildings.” The upward extension is part of the building applied for, and the Council’s own 2025 report on the planning application states that elements requiring planning permission “must be considered on the basis of this application” while finding the harm “restricted to the setting of the Bodley Library”. So the loss of fabric is harm “from work affecting the asset itself” under HE5(2)(c), enters the balance beside the harm to the setting, and the report has to state it with its degree. (The public reports pack of 29 October 2025, the report on 25/02162/LBC, paragraph 11.27, printed pages 231 and 232; the 2025 report, paragraph 14.15, page 152.)

The harm HE4(1)(b) asks the Council to avoid, HE4(2) asks it to justify and HE6(4) asks it to weigh is that bulk. A report that finds less than the assessments find must give reasons for departing from the Council’s own conservation expert (*R (Kinsey) v London Borough of Lewisham* [2021] EWHC 1286 (Admin) at [89]). It must give cogent reasons for departing from the statutory consultee (*Visao Ltd v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 276 (Admin) at [23]). No reason for either departure is on the file. The Council’s own case officer stated the findings to the Council’s members at the DCF (the minutes, items 79 to 81). A report that gives “no objection” as the consultees’ position gives members less than its own appendix: a note that is “factually correct” can still be “sufficiently misleading to invalidate the committee’s decision” (*R (Loader) v Rother District Council* [2016] EWCA Civ 795 at [56] and [57]).

3.2 The first correction: the comparison with the consented design is wrong for the building above ground, where the harm arises. The Council’s conservation officer compares the two designs in one sentence, on 13 July 2026 and again on 26 August 2026: “The current proposal is smaller overall than the earlier approved scheme (refs: 11/0495/FUL and 11/0516/LBC, renewed under refs: 16/0405/FUL and 16/0406/LBC), omitting the basement and Bath Court roof and thereby avoiding these harmful impacts.” (documents 9462719 and 9505685). Above ground the sentence is contradicted by the Council’s own advice, the Council’s own 2025 report, the applicant’s own documents and the statutory consultee:

1. the Council’s own advice of 19 December 2024, the conservation officer and the urban design officer commenting, found that “The proposal is higher and larger in scale than the consented schemes, and the proposed scale and massing of this raises concern. The proposed building would not appear smaller in section than the consented scheme.” (Planning Statement, document 9423963, Appendix 3, page 55);
2. the Council’s own 2025 report: “It is now considered that given the archaeological potential of the site and the sustainability issues arising from extensions to the basement that increasing the size of the building above ground is preferable (as currently proposed).” (paragraph 9.1, page 138);
3. the applicant’s own Design and Access Statement records that the accommodation the consented design placed below ground has been moved into the upper floors: “This accommodation located in the basement in the 2011 proposal has been distributed throughout the new library on the upper floors. While the originally approved plans proposed a four storey library and the new library retains this number of floors, the upper floors have extended, with a longer 37.5m elevation at this scale facing Christ’s Lane.” (part 1, document 9423960, section 3.2, page 9);

4. the statutory consultee: "The proposals would be bulkier than those that were previously granted consent." (sic; document 9457102, page 4);
5. the applicant's own Heritage Statement: "the proposed library will be of a greater scale than the existing and previously approved scheme" (document 9423964, paragraph 6.9, page 43).

So the officer's sentence is wrong for the building above ground: the Council's own officers found the proposal "higher and larger" and "would not appear smaller in section", the Council's own 2025 report found it larger above ground, and the applicant's own documents and the statutory consultee say the same. If the report states the comparison above ground, the consented design stands on the file as the lower building above the lane, and section 4 starts from it. If the report carries the sentence as it stands, it adopts a mistake as to an established fact, established by the applicant's own documents and the Council's own (*E v Secretary of State for the Home Department* [2004] EWCA Civ 49 at [66]), and gives members a comparison that misleads on the central comparative fact (*R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314, [2019] PTSR 1452 at [42], "*Mansell*"). The conservation officer letter, section 4, asks the officer to correct it, and CLAG's Historic England FOI schedule, Annex H, filed with this paper, section 3, lists the respects.

3.3 The second correction: "lower end" is stated after four positive effects are set against the harm, and the degree before that weighing is stated nowhere. The response of 26 August 2026 lists, under "Heritage balance", the harm and four "positive heritage effects", the third "An enhancement to the Central Conservation Area through the introduction of an architecturally superior building" and the fourth "Sustaining the ongoing use and conservation of the grade I listed building by providing improved, accessible library facilities", and then concludes: "the positive effects are not considered to fully outweigh the harm. On balance, the harm is considered to be at the lower end of the scale" (document 9505685, page 4). Read as written, "lower end" is what is left after the four effects have been set against the harm. HE5(2)(c) requires the degree of harm to be identified. A benefit to another asset "would not prevent "harm" being sustained by the heritage asset in question" and is weighed against it under HE6(4), not subtracted from it (*City and Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 320, [2021] 1 WLR 5761 at [78]). Continued use is the consideration the third ground concerns (2.3.2; 6.4). The second ground the Council has agreed to is "Ground 2 – The Committee was materially misled as to the existence and/or extent of harm to the significance of designated heritage assets", and the Statement of Facts and Grounds states at paragraph 60 that the officer's approach "needed to be clear and consistent to ensure that the committee was correctly advised as to the existence and degree of any harm and able to correctly weigh the benefits" (document 9475597). The report has to state the degree of harm to the Bodley Library's setting before any positive effect is set against it. It has to leave the conservation area enhancement to HE6(4) and the continued use out of account, and carry the harm so found into the balance at the weight HE6(1) and HE6(3) give it. The conservation officer letter, sections 2 to 5, sets the corrections out in full. The balance at section 6 starts from the harm as found, not from the net figure.

3.4 The bulk assessed is the bulk now before the Council. Historic England's finding of 29 July 2025 was made on the building as submitted. After the amendment of 27 August 2025 to the chimneys and the wash up area it recorded on 1 September 2025 that "The overall massing of the building remains unchanged" (document 9457105). The 2026 application carries the same drawings: "no changes have been made to the detail of the drawings nor consequently to the reports submitted in support of that application" (the Covering Statement, document 9423967, paragraph 1.7). The Victorian Society, 9 July 2026: the harm "has not been mitigated in the resubmitted design"; Cambridge Past, Present & Future, 9 July 2026: "disappointed that this

guidance has been ignored, and that no amendments have been made". The building's dimensions above the lane, each with its source and its point of measurement, are stated once in the design and development plan paper, section 2, item 7, and this paper refers to them there.

4. The harm could have been avoided by the College's own lower or distributed library, for which its own documents give the larger floor area figure

4.0 The harm could be avoided, on the College's own record. Two kinds of library meet the College's requirements with less harm, and both are the College's own. The first is the lower building with part of its floor area below ground, which it had consented in 2013 and 2016 and which the Council found met its needs. The second is a library run across several buildings, which its adopted masterplan provides for and which it operates today. The College dismisses the first as too carbon intensive and the second as inefficient, while its own scheme excavates and pours concrete and its own estate distributes study space. The one thing it insists on, every function in one building on this site, is a preference on its own record, and that decision, not the need, produces the bulk. Five lower or distributed designs stand on the file; the application assesses none; no document on the file finds that the harm could not be avoided. The answer of the Council's report to its Planning Committee of 29 October 2025 on the earlier application for the identical scheme, 25/02161/FUL ("the 2025 report", cited by paragraph and by the page of the public reports pack of 29 October 2025), that the application must be assessed on its own merits and that change was not possible at that stage, cannot be given again. The Council has accepted before the Court that leaving less harmful alternatives out of account was an error; HE4(1)(b) now asks the question in terms; and a fresh application has no stage that rules out change: this application is a new one, received on Friday 5 June 2026 with the same drawings, on a timetable the applicant set for itself (4.1.3, item 6). If the report finds that the harm could be avoided, HE4(1)(b) is not met and HE4(2) permits no justification of it. If it finds that the harm could not be avoided, it must say so on evidence against the College's own record. If it makes no finding, it repeats the error the Council has accepted.

4.1 The 2025 answers, "assessed on its own merits" and "at this stage", cannot be given again: the applicant filed the same design as a new application on a timetable it set for itself

4.1.1 No response on this file answers the question HE4(1)(b) asks first, whether the harm can be avoided; the only answers on the file are the 2025 report's, and they cannot be repeated. HE4(1)(b) asks first whether the harm can be avoided and, only if it cannot, whether it has been minimised (2.2.2). The Council's conservation officer's response of 26 August 2026 (document 9505685), written for the NPPF of 17 August 2026, records the second and not the first. On minimisation: "The design has skilfully responded to the constrained context and has minimised adverse impacts through articulation of the facades and setbacks at the upper levels between the chimneys." Its conclusion names the policy without a finding under it: "When considering the above heritage effects with reference to NPPF policies HE4 (1, 2), HE5 (1-4), HE6 (1-3) and HE9, the positive effects are not considered to fully outweigh the harm." No sentence in either 2026 response states whether the harm could be avoided by a lower or distributed design.

4.1.2 The 2025 report on the identical scheme answered the question of alternatives in two places (the reports pack of 29 October 2025). To the objection "Lack of assessment of alternative locations." it answered: "Whilst the applicant has provided a site selection process as part of the design and access statement. The application must be assessed on its own merits including the library in the currently proposed location." (Table 3, page 170). On the concerns raised at the Development Control Forum of 11 September 2025 it said: "Whilst larger, more significant issues

were raised at the forum, including concerns with the overall scale and design of the development, officers do not consider it would be reasonable or indeed possible for the applicant to undertake fundamental changes to the scheme at this stage.” (paragraph 12.28, page 148). Those sentences were the whole of that report’s treatment of alternatives.

4.1.3 That answer cannot be given again, for six reasons on the record:

1. The Council has accepted before the Court that its 2025 decision should be quashed on the fourth ground, that the Committee “failed to take into account a relevant consideration – the existence of less harmful alternative modes of development” (2.3.2); its own letter to the Court says so in terms (2.3.1). A report on this application that gives the same answer repeats, on the same drawings, the error the Council has accepted.
2. HE4(1)(b) now states the duty in terms, and its word “possible” refers to the harm and the design (2.2.2). An applicant’s unwillingness to change its scheme does not bear on whether the harm can be avoided; it bears only on which of the Council’s two courses, grant or refusal, follows.
3. The applicant itself says the point is for the report. The College signed the consent order on 28 April 2026 and filed this application in June 2026 with the same material: “the material submitted is almost entirely the same as for 25/02161/FUL” (Covering Statement, document 9423967, paragraph 1.5). Its Covering Statement states: “The points raised in the Judicial Review in this case are capable of being addressed in the Planning Officer’s report when the Planning Committee re-considers the application.” (paragraph 2.2). The applicant has filed no assessment of any alternative. The report has to make the finding on the file as it stands, and what the file holds is at 4.2 to 4.5.
4. “At this stage” describes a choice. The same 2025 report records, of the statutory consultee’s recommendation to reduce the stair tower: “The applicant however has chosen to retain the current height of the proposed staircase tower.” (paragraph 14.14). A month before that report was written, the applicant’s architect told the Development Control Forum of 11 September 2025, in the Council’s own minute, that “the application was not at a detailed design stage yet” (the reports pack, page 212). In August 2025 the applicant amended the scheme at that stage, reducing the chimneys and relocating the wash up area (document 7357152, on the register of 25/02161/FUL). It made that change because the least harmful option test was applied to that one component: Historic England’s response of 29 July 2025 (document 9457102) asked that “The Council should be satisfied that the proposed solution represents the least harmful option, and that other more sympathetic solutions are not possible”, and the applicant’s amendment letter of 27 August 2025 records Historic England as “requiring the College to show that there is no more sympathetic solution” (paragraph 1.9) and states that the dishwasher area “will now move into the main kitchen” (paragraph 1.23). The one time the test was applied to a component, the design changed. A fresh application has no stage that rules out change: the applicant chose to file the same drawings.
5. The same reasoning was held unlawful in *R (Langley Park School for Girls Governing Body) v Bromley LBC* [2009] EWCA Civ 734, where a report answered an alternative siting within the application site “by the mantra – “each planning application must be considered on its merits”” (at [43]). The Court held: “The fact that Option 1 was not included in the Interested Party’s planning application was not a sound reason for not considering the objectors’ Point (b). It is hardly surprising that the application did not contain an alternative siting option.” (at [48]); impracticability did not save the decision

because it “was not the basis on which the Respondent had determined the application” (at [57]); the permission was quashed (at [65]).

6. The stage of this application is the applicant’s own choice, and so is its timetable. The 2025 report tied its answer to “the process of the live application” (paragraph 12.28, page 148). A change that makes a development in substance a different one cannot be granted on a live application and needs a fresh application (*Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982) 43 P&CR 233 at 241). If “possible” in the 2025 answer meant that limit, the limit does not exist on this application, which is the fresh application. If it meant the applicant’s willingness, it is not the finding HE4(1)(b) requires (item 2). The record of the applicant’s choices, in date order:
 - (a) on 28 April 2026 the College agreed to the quashing of the 2025 permission on all four grounds (2.3.1). On 14 May 2026 its agent wrote to Historic England, copying the Council’s case officer and conservation officer: “Submission of a duplicate application will allow reconsideration by the Committee with the report seeking to address the points raised by the claimant in their challenge. This should be possible before October.” (CLAG’s Historic England FOI schedule, Annex H, section 2, item 1; Exhibit H1.3);
 - (b) the application was received on Friday 5 June 2026 and validated on Wednesday 10 June 2026 with, in the Covering Statement’s words, “no changes ... to the detail of the drawings” (paragraph 1.7). The Covering Statement gives the purpose: “Christ’s College have taken the unusual step of submitting a second planning application so that this can be reconsidered by Planning Committee more quickly.” (paragraph 1.3); “Timescales are important for the College.” (paragraph 2.3);
 - (c) the Bursar’s letter to all City Councillors of 11 June 2026 (document 9465769) states: “The College has therefore submitted a second application, to enable the Council to consider our project afresh. The details of the project have not changed, as the Judicial Review relates to the Council’s decision-making process, not the details of the College’s project.” The fourth ground, in the Statement of Facts and Grounds’ words, concerns “the existence of less harmful alternative modes of development” (2.3.2), which is the design and not the process;
 - (d) on 8 July 2026 the Bursar declined a Development Control Forum “given that the details of the College’s initial and second application are unchanged” (document 9456113, page 1), and the College then attended it. At the DCF the Master said of the four grounds that “they could all be addressed in a second application” (the minutes, item 6; the words spoken, “we have looked at those four shortcomings and think they can all be addressed in this second application”, are in CLAG’s record of the DCF, filed with this paper (“the DCF record”, cited by entry number, with the place in the Council’s webcast in hours, minutes and seconds), entry 4.17, webcast 0:23:14 to 0:23:43). The chair said the meeting’s purpose was “to try and enable the engagement between petitioners and the applicants and possibly achieve amendments to the scheme”, that “there will be dialogue between the case officer and the applicants after this meeting”, and that amendments were “entirely up to the applicants” (the DCF record, entry 3.4, webcast 1:26:00 to 1:27:12; the minutes, item 88, record the councillor’s question and not the chair’s answer). The Council’s own Statement of Community Involvement of March 2024 states the aim of a Development Control Forum as “to seek to resolve concerns” (paragraph 4.22);

- (e) on 1 August 2026 the applicant's agent wrote: "no one could now argue that all four were not comprehensively discussed during consideration of the second planning application." (document 9481026, page 1). On the applicant's own case the report must consider the less harmful alternatives, and the applicant has filed no assessment of any (4.4);
- (f) the only amendment notice since the DCF is the Council's letter of 19 August 2026 (document 9499001), whose amendment is "To allow further representations to be made on the implications of the updated National Planning Policy Framework (NPPF) (17th August 2026) relating to the proposal." No change to the scheme followed;
- (g) the timetable is the applicant's own. Refusing expedition on 6 March 2026, the Court recorded: "However, the College chose to enter contracts before the permission was legally secure. That was a risk which it chose to take." (the order of Kimblin J, document 9462886, page 3). A timetable the applicant set for itself is not a reason under HE4(1)(b) why the harm cannot be avoided, and it is not a clear and convincing justification of harm under HE4(2);
- (h) the NPPF's decision making policies expect the same. DM1(1)(a) requires major development proposals to be informed by engagement with the local planning authority and statutory consultees "to identify and seek to resolve key planning matters prior to the submission of a planning application". DM1(1)(b)(ii) requires the planning statement to set out "the extent to which the proposal has changed in response to this engagement". DM3(1)(c) requires the Council to "Take account of planning matters raised during any pre-application engagement". The Council's own report of 29 October 2025 classes the application as major development (the reports pack, page 128). The matter raised before submission was the massing at the Bodley Library (4.3.1, items 1 and 2), and the extent of change is nil on the applicant's own statement.

A report that repeats the 2025 answers, "at this stage" or "assessed on its own merits", answers HE4(1)(b) with the applicant's choice. Such a report states as a fact a stage that does not exist (*E v Secretary of State for the Home Department* [2004] EWCA Civ 49 at [66]) and repeats the fourth ground on the same drawings (*Langley Park* at [48]). The report must state that the 2025 answer does not apply to this application and make the finding at 4.6.

4.2 The consented design met the College's needs on the Council's own finding, carries the larger floor area figure on the applicant's own documents, and passes the applicant's own test for a serious alternative

4.2.1 The College's requirements are floor area and fittings, not a bulk. CLAG accepts every requirement the College has stated. The brief on the applicant's own page (Design and Access Statement part 1, document 9423960, page 9) is:

1. "Study Seating: 110-130 desk seats and 20-30 spaces of informal seating, with 20-30 group study seats: 140-180 seats total";
2. "Shelving: 2200-2500 linear meters total";
3. "Four meeting rooms/group study rooms".

To these the College adds full accessibility and sustainability ("a 100% increase in study space compared with the current Working Library", Pieces 48, Autumn 2025, Exhibit D6.1). Each of those requirements is a quantity of floor area and fittings. None is a volume, a mass or a bulk.

The question HE4(1)(b) puts is whether those quantities can be provided on this site with less harm than this building causes.

4.2.2 Two kinds of design meet those requirements with less harm, and both are the College's own. Either part of the floor area is placed below ground, so that the building above the lane is lower; or part of the study space is placed in the College's other buildings, so that the building on the lane carries less. Neither is CLAG's proposal. The first is the design the College applied for and had consented in 2013 and 2016 (4.2.4 to 4.2.7). The second is the plan the College's Governing Body adopted in October 2023, and the way the College runs its library today: "the Y Building, Lloyd Room and Plumb Auditorium; to that we now add... the existing library" (the Master, Pieces 49, Lent Term 2026; Exhibit D6.2); the Third Court Library "provides more than 50 study spaces" and "will remain in use for the next three years" (the College's page of 29 October 2025; Exhibit D6.7); the Plumb Auditorium "during the summer term ... is normally made available as an additional quiet study space" (the College's page; Exhibit D6.9). This application distributes study space on the same model: the Upper Hall is linked to the library "providing additional study areas at key moments during term time" (Planning Statement, document 9423963, paragraph 5.16); reading rooms in the Bodley Library are "reactivated as part of a separate contract already underway by others" (Design and Access Statement part 1, page 9); for the duration of the works the working library runs in two buildings, the Y Building and the Lloyd Room (Planning Statement, paragraph 5.29). The first kind keeps company with this scheme's own basement: the 2026 drawing list carries "002705 REV P02 BASEMENT FLOOR PLAN"; the basement under the 1913 building is retained with plant, storage and electrical rooms; and "New plant housed in the basement serving the new building contributes to the overall upfront carbon" (Sustainability Statement, document 9423735, page 11).

4.2.3 The College dismisses both, and its preference for one building is what produces the bulk. The lower building with part of its floor area below ground is dismissed on carbon grounds: "We rejected the design given planning permission in 2011 because it included a basement. These days we are more aware of the disruption to a historic site that digging entails, and the massive extra carbon." (the Master, the College Magazine 2025, page 4; Exhibit D6.4). The scheme itself excavates, piles and pours concrete, keeps a basement with new plant in it, and no document on the file compares the carbon of the two designs (5.2.4). The reasons the College gave the Council's members at the DCF for setting the consented design aside are in the minutes: "However, funding was not available at the time." (item 13); "Since then, the building environment had changed with sustainability and accessibility concerns being a different place with things that people did not care about 15 years ago they do now." (item 14); and the decision against a basement, which "made the previous design no longer fit for purpose" (item 15). None of the three is a reason for volume, mass or bulk. Roof panels and heat pumps need none of the bulk and can be carried by any of the designs at 4.5; step free access is a matter of lifts and levels, and the consented design provided "a lift" and "disabled access to the South Range via a new bridge" (5.2.7). The statutory consultee records where the added bulk came from: "In order to meet the requirements of the brief and compensate for the loss of the basement, the building needs to extend further above ground." (Historic England, 29 July 2025, document 9457102). The distributed library is dismissed in the letter of 1 August 2026 as "the massive extra building costs and permanent organisational inefficiency of dividing the working library" ("No Fellow suggested building two libraries"; document 9481026), against the College's own adopted masterplan of five study and library places (4.5.2, item 3), its own application and its own arrangements for the works (4.2.2). The "massive extra building costs" are asserted with nothing filed; DM5(4) of the NPPF requires a viability assessment to "fully evidence all inputs and assumptions used in the assessment" and to be "made publicly available". What the College insists on is one building holding every function. The Master gave the Council's members the reason: alternatives on the College site "had been rejected for both the historic reason of keeping

things together on First Court and secondly, as the library connects Bodley" (the minutes, item 11). That decision, and the decision to build nothing below ground, are what produced the bulk, on the applicant's own account (3.2, item 3), and they are the College's decisions, not needs (5.2). A requirement of floor area and seats does not select a bulk; the decision to hold every function in one building here does, and HE4(1)(b) asks whether the harm that decision causes can be avoided.

4.2.4 The Council cannot say that the consented design carries no weight, because its own 2025 report treated it as a material consideration and used it. A library on this site was granted permission on 5 July 2013 (11/0495/FUL) and again on 7 September 2016 (16/0405/FUL). The 2025 report on the identical scheme treats those permissions as a material consideration and uses them:

1. "Both 11/0495/FUL and 11/0516/LBC were granted in 2013 for an alternative scheme for the redevelopment of the current library within the site ... Whilst all permissions on site for the replacement of the library have since lapsed, the planning history is a material consideration for members." (paragraph 4.1, page 126).
2. "It is important to note that previous planning permissions have been granted at the site for alternative replacement library buildings. Initially granted in 2013 with an identical permission also granted in 2016, both permissions have since expired and therefore are not a fall-back position. They are, however, a material consideration and established certain aspects of this proposed development in what is a largely unchanged context, including the significance of the surrounding heritage assets. In certain aspects, this application is considered to be a significant improvement over the previous permissions, namely the removal of the atrium covering Bath Court that was previously proposed, attaching directly to historic fabric, and the extension of the basement previously proposed." (section 9, page 137).
3. "It is now considered that given the archaeological potential of the site and the sustainability issues arising from extensions to the basement that increasing the size of the building above ground is preferable (as currently proposed)." (paragraph 9.1, page 138).
4. "Firstly, when considering the impact of the proposed demolition and replacement of the existing library, the principle of this in heritage terms has previously been approved and continues to be supported." (paragraph 14.8, page 151; and to the same effect paragraphs 1.4 and 1.7, page 119).

The Council's report the same day on the listed building application, 25/02162/LBC, says the opposite: "Initially granted in 2013 with an identical permission also granted in 2016, both permissions have since expired and therefore carry no weight in the planning assessment." (paragraph 9.1, page 226). On the Council's own 2025 file, then, the consented design counted where it favoured the scheme. It was the precedent for the principle of demolition and replacement. It was the comparator on which the scheme was credited as "a significant improvement" for removing the atrium and not extending the basement, both below ground or behind the frontage where no effect on any setting arises. And it was the design against which the report recorded that "increasing the size of the building above ground is preferable", which is where every heritage assessment found the harm (section 3). The report did not then ask whether the harm found above ground could be avoided by the lower consented design, the design its own words call "an alternative scheme"; it answered the alternatives point with "must be assessed on its own merits" and "at this stage" (4.1.2), and the listed building report gave the same permissions no weight at all. The fourth ground, on which the Council has agreed that the 2025 permission should be quashed, is that failure (2.3). The report on this application should state which of the Council's two 2025 positions it takes. If the consented design is a material

consideration, the report must assess whether the harm found at section 3 could be avoided by it, under HE4(1)(b), on the Council's own findings about that design (4.2.5). If the report says the consented design carries no weight, it repeats the fourth ground on the fullest notice.

4.2.5 What the Council found about the consented design, on its own file (the Council's report to its Planning Committee of 31 August 2016 on application 16/0405/FUL, document 2008719 on that application's register ("the 2016 report", cited by paragraph)):

1. Its form: "The new library is sited along Christ's Lane. It incorporates a basement, ground, first, second and third floors." (paragraph 8.13); "The basement contains racking space, a double height reader space and a plant room." (paragraph 8.14); "The new library incorporates a basement and four storeys from ground level upwards and is higher than the South and West Ranges." (paragraph 8.22).
2. The needs it met: "a lack of shelf, archive space and associated reading room space; inadequate study, social/meeting room areas and staff space; and poor access arrangements. The library facilities also suffer from poor temperature regulation and exposure to noise." (paragraph 8.3); "The needs are recognised and accepted and have not been questioned by any of the consultees or third parties. The principle of the development is acceptable" (paragraph 8.4); "The various floor levels of the new library provide all the necessary requirements of the College." (paragraph 8.20); and the summary finding, "The proposed new library would meet the needs of Christ's College".
3. First Court: "The new library would not be visible from the northern extreme at first floor level of First Court." (paragraph 8.22).
4. The statutory consultee's predecessor on its lane elevation, on Historic England's own file (Exhibit H1.6): "the illustrative material accompanying the application suggests that a well detailed building in this form will offer real enhancement to this part of the Cambridge Central Conservation Area"; and Historic England on this design, 29 July 2025 (document 9457102): "The proposals would be bulkier than those that were previously granted consent." (sic).
5. The Council's own Urban Design and Conservation team on the 2016 application (document 1967605 on that register): "Concern remains that the new building is far too bulky for the narrow space of Christ's Lane and the settings of the LBs. It is at least one storey too tall and is likely to be oppressive and overbearing in this part of the CA." That finding does not help the present design. The question HE4(1)(b) asks is whether the harm this design causes could be avoided, and the harm found on this application is harm from a building "higher and larger" than the consented one on the Council's own advice (3.2). A lower building that the Council's own team still thought needed care at the lane is the measure of what the added volume, mass and bulk adds to the harm. It is not a design CLAG asks the Council to approve, and the consented design was approved with that comment on the file.

4.2.6 The applicant's own documents give the consented library the larger floor area figure. The Planning Statement's own planning history table records the consented applications as "New library (1539 sq m), the enclosure of Library Court (201 sq m) and the provision of bridge access between the first floor of the new library and the South Range and Bodley Library. Demolition of the existing library (809 sq m).", approved on 5 July 2013 and, in the same terms, on 7 September 2016 (document 9423963, the planning history table, pages 10 and 11). The Design and Access Statement states the present brief: "To meet the present and future needs of College, it is proposed to demolish the current working library of 680m² to be replaced with a new building extending to 1050m² (GIA)." (part 1, document 9423960, section 3.3, page 9). Both figures are the applicant's, and the applicant has not said whether they are on one measure. The

report has to state both figures on one measure before it finds that the consented design does not meet the present brief. On the applicant's own documents as they stand, the design the Council found "would meet the needs of Christ's College" carries the larger figure, and the accommodation it placed below ground "has been distributed throughout the new library on the upper floors" (3.2, item 3).

4.2.7 The consented design was designed by the architects of the College's own 2010 feasibility study (Rick Mather Architects; Exhibit D6.16, pages 12 to 14). That study compared a combined shops and library option with a library only option on this site and chose the library option because "the library is lower than the shop option" and "It does not interfere with the sight lines from First Court"; the combined option "ends up dwarfing Christ's lane and compromising views from First Court". Those were the College's own tests for a building on this site in 2010, and its diagram (Exhibit D6.16, page 14) draws the sight lines from First Court and keeps the library option below them. The consented design met those tests on the Council's own 2016 finding (4.2.5, item 3).

4.2.8 The applicant's own test for a serious alternative is met by the consented design and has been applied to nothing. The Master told the Council's members what the Create Streets design lacked (the minutes, item 40): "It also had no back elevation, so that the relationship with the Grade One listed building was absent nor did it have any floorplans. Therefore, it was not at all certain that the college could achieve what it needed inside the building and was not a serious alternative. The Council were invited to look at it and reject it as a consequence." That test has three parts: plans; the relationship with the listed building; and the College's needs met inside. The consented design has full plans and elevations, was assessed against the listed buildings by the Council and by the statutory consultee's predecessor, and met the College's needs on the Council's own finding (4.2.5). By the applicant's own test it is a serious alternative, and the application assesses it nowhere. The College itself treated it as the alternative: the Master told the Council's Planning Committee of 29 October 2025 that the College had "considered dusting off the initial design by Rick Mather for which planning permission was granted in 2011 and 2016, but rejected it" (the Statement of Facts and Grounds, document 9475597, paragraph 82). The reasons for rejecting it are at 4.2.3, and none is a need. Nor does the applicant say that its needs cannot be met in a lower building: it says of one design that this was "not at all certain", and it has tested the question against no design on the file.

4.2.9 The College's written answer on the distributed library confirms the two sites and answers a claim CLAG did not make. At the DCF the Master gave notice of a written reply: "I will follow up in writing but when our opponents materially misrepresent our own master plan, I give you notice we will reply in writing. That was a total misrepresentation" (the DCF record, entry 4.9; webcast 1:57:24 to 1:57:36; not in the minutes). The written reply is the applicant's letter of 1 August 2026 (document 9481026). On the masterplan it quotes nothing said at the DCF and does not say which statement misrepresented the masterplan; it names the architects of the masterplan as "MACE", against the applicant's own Planning Statement, which records the masterplan as "produced by MICA architects" (paragraph 1.3); and it confirms that the College's architects put two sites for the library to the Governing Body: "This architects who drew up the document (MACE) suggested two possible sites for the library: the existing site in Bath Court or on the Hobson Street carpark. After extensive debate, Governing Body voted to rebuild on the existing site (with only one Fellow dissenting)." (sic). The claim the letter answers, that the College would build two libraries, is not the masterplan's account (4.5.2, item 3) and is not CLAG's. The report should record the notice given at the DCF and the content of the reply, and should not carry the letter's account of the masterplan forward unexamined.

4.3 The applicant was told how to reduce the harm and chose not to

4.3.1 The statutory consultee asked in writing four times for the massing to be reduced, the Council's own officers once, and the Victorian Society once; the massing was not reduced; and no document on the register or in the disclosure records a reason for going no further (Annex H, section 1). The record, in date order:

1. 20 December 2024, Historic England (Exhibit H1.1; cited as held on Historic England's file): "Our strongest concerns relate to the massing of the building, particularly on its encounter with Bodley Library, which at the moment feels rather uncomfortable, given its proximity and height. We strongly recommend this area is revised, maybe receding, scaling down this end and relating more to the alignment of the library might improve this relationship."
2. 19 December 2024, the Council's own officers: the building "higher and larger in scale than the consented schemes", and "Further work is needed in regard to the proposed building and its relationship, siting and design in regard to the Bodley Library." (Planning Statement, Appendix 3, page 55; quoted at 3.2).
3. 3 February 2025, Historic England (Exhibit H1.2): "A slight reduction in height would be beneficial to ensure a more sympathetic integration, if possible."
4. 29 July 2025, Historic England (document 9457102): "would strongly encourage that massing is further reduced so it sits better within this context."
5. 22 August 2025, the Victorian Society (document 7355397, on the listed building application): "it would not be unreasonable for the scale of the proposed to take its lead from the floor heights of the Bodley, opting to align the floors with the oriel window of the Bodley structure; thus, reducing the height by approximately half at each floor". A building rescaled floor by floor in that way is a different building (4.5.2, item 2).
6. 1 September 2025, Historic England (document 9457105): "The overall massing of the building remains unchanged"; and: "if the height of the staircase turret could similarly be slightly reduced, this would better retain the prominence of the reduced chimney/ventilation stacks. This in turn would improve the relationship of the building with the Bodley library and its perceived bulk in views from St Andrew's Street. We would encourage this is considered."

4.3.2 The applicant's answer is on the Council's own 2025 report: "The height of the staircase tower has been raised as an issue by both the internal Conservation Officer and the Historic England officer, with the latter recommending that a reduction in height would improve the relationship of the proposed building to the Bodley Library." (paragraph 14.13); "The applicant however has chosen to retain the current height of the proposed staircase tower." (paragraph 14.14). On 6 July 2026 (document 9455369) the Victorian Society recorded that the previous scheme "still achieved the volume needed for the College's growing student body but mitigated visual harm", and stated the duty: "Heritage harm has been identified, and the College has a duty to consider less harmful alternatives." Harm the applicant was told how to reduce and chose to retain is not harm that could not be avoided, and a report cannot find it so on this file.

4.4 The College examined alternatives and did not file them

4.4.1 The site decision, on the College's own documents:

1. "The Governing Body considered two options for the location of a replacement library and decided it should be built on the site of the current working library." (Annual Report 2023 to 2024, page 21; Exhibit D6.3).

2. The applicant's letter of 1 August 2026: the two sites its architects put to the Governing Body, "the existing site in Bath Court or on the Hobson Street carpark" (quoted at 4.2.9).
3. "In April 2023 the college asked MICA Architects to undertake a strategic masterplan for its estate: the lack of study spaces and the inadequacy of the current working Library emerged as a pressing problem and feasibility studies were undertaken to establish the best location." (Design and Access Statement part 1, paragraph 3.2).
4. At the DCF, the minutes, item 11: "Alternatives had been looked at on the current college site which had been rejected for both the historic reason of keeping things together on First Court and secondly, as the library connects Bodley which was a building from the 1890's and was the old library and had not been in use since the current student library was built." The words spoken were "We looked at alternatives on the college site and rejected them both" (the DCF record, entry 4.1; webcast 0:25:05 to 0:25:24).

4.4.2 The application's published treatment of those alternatives is one sentence: "Other sites were felt more peripheral and therefore discounted." (Planning Statement, paragraph 1.8). No feasibility study is on the register of either application. The College's masterplan is on the file because CLAG placed it there (Exhibits D6.6 and D8); the Hobson Street site is on the file because the applicant's letter of 1 August 2026 named it. A report cannot find that no less harmful alternative exists while the applicant's own feasibility studies are withheld and its own letter names the second site.

4.4.3 The College's own designs for this site are withheld too. The Master told the Council's members: "The college had organised an architectural competition with six entries." (the minutes, item 16). The site was fixed before the competition: "Prior to the architectural competition, It was decided by the College that this was the most appropriate location for the new library extension" (Design and Access Statement part 1, section 1.2; sic). The brief appears on the register as an extract only, a building of "1050m2 (GIA)" with "140-180 seats total" (part 1, page 9; 4.2.1). The statutory consultee ties the bulk to that brief: the proposals "follow an architectural competition for a new library within the site", and "In order to meet the requirements of the brief and compensate for the loss of the basement, the building needs to extend further above ground." (document 9457102). Neither the brief in full nor any entry but the winner's is on the register. So the alternatives HE4(1)(b) asks about were generated by the College itself, for this site, and the Council has seen none of them and not the brief that shaped them. The comparison the Council's own officers asked for is withheld too. The applicant's own Design and Access Statement records the request made at the pre application stage: "A comparison of the previously approved scheme with the new proposal was requested so that Officers could clearly consider and compare the two schemes in relation to height, scale, mass, size and overall visual impact." (part 3, document 9423962, the account of the pre application process). The applicant made the comparison and showed it to officers and to Historic England: its second pre application presentation, of 18 December 2024, lists among its contents "Comparison drawings of the 2011/2016 Rick Mather scheme with the current proposals" (as held on Historic England's file; Annex H, section 3). No comparison drawing is on the register of either application. CLAG's avoidance and justification letter, section 2, asks the Council to obtain the brief and a schedule of the six entries. A report cannot find that no less harmful design exists on a file from which the applicant's own designs for the site are withheld.

4.5 The consented design is the particularised alternative on the record, four further lower or distributed designs stand beside it, and the application assesses none

4.5.1 The harm every heritage assessment finds is the building's bulk. Avoidance under HE4(1)(b) means a design of materially lower volume, mass and bulk on this site, or a library whose

study space is not all in one building here. The consented design is the alternative on the record that is worked up in full, and the application assesses it nowhere:

1. The consented design of 2013 and 2016 (4.2): the building lower above the lane on the Council's own file, with a basement and four storeys above ground. It "would meet the needs of Christ's College" on the Council's own 2016 finding. It carries the larger floor area figure on the applicant's own documents (4.2.6), it met the College's own architects' tests for the site (4.2.7), and it passes the applicant's own test for a serious alternative (4.2.8).

4.5.2 Four further designs stand on the record, each in one sentence, because each shows the same thing: the College's requirements can be met with less bulk on this site, and no document on the file says otherwise:

1. The Create Streets variant of the consented design, commissioned by CLAG: the same lower envelope under a contemporary facade (Create Streets, Christ's College Library: Critical review and alternative design proposal, October 2025, submitted with CLAG's objection of 21 October 2025 on application 25/02161/FUL and filed again with this paper as Exhibit D10, pages 6 to 9). The Statement of Facts and Grounds records that "The Create Streets material was expressly advanced to illustrate a feasible approach to massing aligned with the previously consented schemes. The fact that it was not a fully worked up scheme did not absolve the Defendant from taking it into account" (document 9475597, paragraph 83).
2. The rescaled building the Victorian Society specified in writing on 22 August 2025: a library on this site scaled to the Bodley Library's floors, "reducing the height by approximately half at each floor" (quoted whole at 4.3.1, item 5).
3. A library on this site as one of the five study and library places of the College's own adopted masterplan. The masterplan's published diagram lists under "Study & Library": "1. Bodley library", "2. Working library", "3. Hobson Street library", "4. The Nest" and "5. Todd Study Hub" (MICA Architects' masterplan page, Exhibit D8.2). The College's Annual Report 2023 to 2024 records: "Governing Body adopted a comprehensive masterplan for the domus site in October 2023" (page 12, Exhibit D8.1). CLAG does not say the plan proposes two working libraries; the plan is one library and study places in more than one building, and no document the applicant has filed mentions the plan's "new library and study constellation" (Exhibit D6.6).
4. The Hobson Street library, the masterplan's own third study and library place (Exhibit D8.3) and, on the applicant's own letter, the second of the "two possible sites for the library" its architects put to the Governing Body (4.2.9), whose published treatment in the application is one sentence (4.4.2).

4.5.3 Each of the five would place less bulk on this site than this building. Whether each meets the College's requirements, floor area and fittings, is the assessment HE4(1)(b) calls for; the applicant has made none, and the Council's own 2016 finding answers it for the first.

4.6 The finding on avoidance, and what follows on each course

4.6.1 The finding HE4(1)(b) requires is whether the harm found at section 3 could be avoided by a lower or distributed library meeting the College's requirements. On this file the answer is on three records. The Council's own: the consented design "a material consideration", and one that "would meet the needs of Christ's College". The statutory consultee's: a lower building rated "real enhancement", and this one "bulkier". The College's own: the consented library recorded with the larger floor area figure and its basement's accommodation "distributed throughout the new library on the upper floors"; two sites; an adopted masterplan with five study and library places; a library

run across buildings today; study space distributed in this very application. No document on the file assesses any of the five designs against the harm, and none records a reason why the harm could not be avoided as the consented design avoided it above ground. By the applicant's own test for a serious alternative, stated to the Council's members, the first of the five passes (4.2.8). The one reason on the record for the bulk is the decision to hold every function in one building on this site, and that decision is the College's own (4.2.3).

4.6.2 What the law requires, what the file holds, and what CLAG has placed on the register: HE4(1)(b) requires a finding whether the harm can be avoided before minimisation is reached, and the fourth ground the Council has agreed to concerns "the existence of less harmful alternative modes of development" (2.3.2). The file holds no such finding and no assessment of any alternative by the applicant (documents 9423960, 9423963 and 9423967 assess none; the conservation officer's responses, documents 9462719 and 9505685, record minimisation and not avoidance, 4.1.1). CLAG places on the register, on the day this paper is filed, the consented design's own record (4.2.4 to 4.2.8), the applicant's own floor area figures (4.2.6) and the four further designs (4.5.2). A decision made without the finding is a decision that applies the second course HE4(1)(b) permits without the first, on a consideration the Council's own 2025 report called material.

4.6.3 What follows on each course:

1. If the report finds that the harm could be avoided, HE4(1)(b) is not met. Under HE4(2) no justification "in accordance with the policies in this chapter" is available for harm the chapter required to be avoided, and the recommendation that follows is refusal.
2. If the report finds that the harm could not be avoided, it should say so on evidence, naming the five designs and the requirement each fails to meet. It should apply the applicant's own three criteria (4.2.8) and state the two floor area figures on one measure (4.2.6). It should place on the register the feasibility studies the applicant says were undertaken (4.4.1, item 3) and, where the reason given is carbon, the comparison of embodied carbon with each. A finding that departs from the Council's own 2016 finding that a lower building met the same needs has to give reasons for the departure (*Davison* at [56] and [67]).
3. If the report makes no finding on avoidance, whether by relying on "minimised", on the stage of the application, on the applicant's timetable, or on "assessed on its own merits", it applies the second course HE4(1)(b) permits without the first. That is not the policy in its terms (*Tesco* at [18]). It also leaves out of account a consideration the Council's own 2025 report called material and the Council has agreed was material before the Court. The fourth ground repeats on the same drawings, and the answer "each planning application must be considered on its merits" is the answer the Court of Appeal held "was not a sound reason" (*Langley Park* at [43] and [48]). The stage of this application and its timetable are the applicant's own choices (4.1.3, item 6), and a report that gives either as its reason states as a fact a stage that does not exist.

The report should state which course it takes.

5. The bulk has no justification: it is the College's choice, not its need, and the archaeology and the carbon were answered by conditions on the consented design

5.0 The bulk has no justification. HE4(2) requires a clear and convincing justification of the harm, and the harm is the bulk. The five reasons on the file, the replacement of the 1970s library, sustainability, consolidation, this site and the students' needs, are each a reason for a library and

none a reason for this bulk. A replacement need not be larger than the building it replaces or the design already consented. The sustainability reason is given for building nothing below ground, and the scheme carries both: a piled concrete substructure below ground, whose foundations and piling are, with the vertical frame, the two largest items of the scheme's own upfront carbon, and the consented basement's accommodation moved above ground; no document compares its carbon with the consented design or with any of the five lower or distributed designs on the record. Consolidation and this site are the College's preference for one building here, stated twice. The students' need is met by the consented lower building on the Council's own finding and by a distributed library on the College's own plan and practice, and the capacity the bulk provides is peak capacity, which the College already provides outside the library. The reason the applicant gave the Council's members at the DCF, "to avoid further digging into the ground", concedes that the scheme digs, so the reason is one of degree. No document states the degree or compares it with the harm of building higher and longer, and the advice on which the basement was rejected is on no register. If the report finds a clear and convincing justification, it must say what the bulk is needed for, on evidence, against the College's own record. If it finds none, HE4(2) is not met and the recommendation that follows is refusal.

5.1 The five reasons offered justify a library, not the bulk

5.1.1 HE4(2): any harm to the significance of a designated heritage asset "should have a clear and convincing justification in accordance with the policies in this chapter". The harm on this file is the building's bulk (3.1). A justification of the harm is a justification of the bulk: it has to state why the College's requirements, which are floor area and fittings (4.2.1), need this volume, mass and bulk on this site rather than the lower or distributed designs at 4.5.

5.1.2 The 2025 report and the applicant's documents offer five reasons: the replacement of the 1970s library; sustainability; consolidation on one site; this site; and the students' needs. Each is answered on the College's own documents:

1. Replacement. A spent building may justify a replacement. It does not justify a replacement of greater bulk than the building replaced or than the design already consented. The College has reopened the building for its own students; the Master describes it as "safe, clean, and vacant" (Pieces 49; Exhibit D6.2).
2. Sustainability. The reason is given for building nothing below ground, and it is answered at 5.2.4: the scheme itself excavates, piles and pours concrete, keeps a basement, and no document on the file compares the carbon of the two designs.
3. Consolidation, this site and the students. These three reasons are one reason stated three ways: every function in one building on this site. The need is for floor area and seats, and CLAG accepts it in full; the Council found in 2016 that a lower library on this site met the same list of needs (4.2.5); the College's own adopted masterplan, application and practice distribute study space (4.2.2; 4.5). Need justifies a library. It does not select this building's bulk.

5.2 The bulk is the College's preference for one building, on its own record

5.2.1 The one thing the College insists on, every function in one building on this site with nothing below ground, is a preference on its own record, and that decision, not the need, produces the bulk. The record of that preference, and of the reasons the College gives for it, is set out below. None of the reasons is a need, and each could have been decided the other way with less bulk on this site.

5.2.2 The site. Two sites were considered (4.4.1). This one was chosen “given the opportunity for improvement of Bath Court, Upper Hall and the kitchens” (Design and Access Statement part 1, paragraph 3.2): for the works to the other buildings, which are authorised already. The listed building consent for them, 25/02162/LBC, was granted on 7 November 2025 and was not challenged (“For the avoidance of doubt, the Claimant does not seek to challenge the LBC decision.”, the Statement of Facts and Grounds, document 9475597, page 11, paragraph 4). The application’s own plans carry the annotation “INTERNAL WORKS GRANTED LISTED BUILDING CONSENT (25/02162 LBC)” (Design and Access Statement parts 1 and 3, documents 9423960 and 9423962). The applicant describes them as “achieved with very little impact on existing listed buildings” (part 1, section 3.3, page 9). None is a work of the library’s bulk, and “the opportunity to tackle the library, dining, kitchens and Bath Court in one project” (Planning Statement, paragraph 1.5) is a programme, not a need.

5.2.3 One building for every function. The building holds the library, the social and study spaces and the group rooms, with the Upper Hall linked to it as overflow (Planning Statement, paragraph 5.16). The reason the College gives is “keeping things together on First Court” (4.2.3), against its own adopted masterplan of five study and library places and its own practice (4.5.2, item 3; 4.2.2). No document on the file tests whether any of the floor area could be carried, as the masterplan provides and as the College carries study space today, in its other buildings.

5.2.4 Nothing below ground. The floor area the consented design placed below ground was placed above ground in the same building, on the applicant’s own account: “This accommodation located in the basement in the 2011 proposal has been distributed throughout the new library on the upper floors.” (Design and Access Statement part 1, section 3.2, page 9; quoted in full at 3.2); “The extent of the volume at this height is extended for a further part along Christs Lane to accommodate some of the area that was otherwise housed in a basement of the 2016 scheme.” (the architects to the Victorian Society, document 9458386; sic). The applicant’s own heritage consultant said the same at pre-application stage: this design “markedly reduces harms and risks below ground, but as a consequence adds to the volume of the project” (cited as held on Historic England’s file; Exhibit H2.3). Historic England, 29 July 2025 (document 9457102): “In order to meet the requirements of the brief and compensate for the loss of the basement, the building needs to extend further above ground.” The file holds the following on the reasons for that decision:

1. The reason given differs by date and audience. December 2024, to Historic England (Exhibit H2.4): “The rationale for eliminating the basement is based on the wish to avoid interfering with the existing below ground conditions where possible, and the potential need to underpin or protect the delicate foundations of the historic structures addressing Bath Court. Apart from economic reasons and the inefficiencies in the construction of a small basement area, on the grounds of sustainability alone, basements require significant amounts of concrete and waterproofing which attract disproportionate quantities of embodied carbon.” July 2025, the Bursar’s published answers (Exhibit D6.10): “the new plans do not include any new basement space. And although the need for additional study space has not diminished, the nature of the required space has shifted, particularly since COVID.” September 2025, the Council’s notes of the Development Control Forum of 11 September 2025, appended to the 2025 report (“the Council’s 2025 notes”), item 2 (the reports pack, page 206): “The College undertook no building work in 2016 due to lack of funds but the urgency of replacing the library had grown.”; and the applicant’s summing up, item 46 (page 212): “Technical advice cautioned against including a basement in the design so a higher building was proposed instead.” October 2025, the Council’s own report: “increasing the size of the building above ground is preferable” (paragraph 9.1; quoted at 4.2.4). 8 July 2026, the Master’s

comment on the register: basements “are very carbon intensive, requiring large amounts of concrete to tank them”. 29 July 2026, the DCF, the minutes, item 13: “However, funding was not available at the time.”; item 15: “On reconsidering the colleges needs, it was concluded that on advice this would be the least ‘Green’ thing that could be done for three main reasons: • Firstly the amount of embedded carbon. Typically, in a modern building 40% of embedded carbon was in the basement which the college wanted to avoid.” (sic); the words spoken were that a basement “would be about the least green thing we could do” (the DCF record, entry 4.10; webcast 0:29:06 to 0:29:45). The figure is “Typically, in a modern building”, not this building’s, and the advice on which the basement was rejected is on the register nowhere.

2. No quantitative comparison exists anywhere on the file between the consented basemented design and this one, on embodied carbon or on anything else. The only embodied carbon figures on the register are the scheme’s own, for the new library alone (Design and Access Statement part 3, document 9423962, paragraph 10.3; Sustainability Statement, document 9423735, page 11); no figure exists for the consented design, for the comparison, or for any of the five designs at 4.5. The Statement’s own breakdown of its figure (page 12) shows where the scheme’s own carbon lies: the two largest items by building element are “1.1 Foundations and piling” and “2.1.1 Frame (vertical)”, the resource types include “Ready-mix concrete for foundations”, “Reinforcement for concrete (rebar)” and “Ready-mix concrete for structures”, and the breakdown lists no demolition element. The point was put on the record of the earlier application before the 2025 report was written, in the objection of 21 October 2025 by CLAG’s planning consultant, hgh Consulting (on the register of 25/02161/FUL): “Concrete below ground has simply been replaced with concrete above ground. No comparative evidence has been provided to show that the proposed structure performs better in terms of whole-life energy use.” The 2025 report answered it with paragraph 9.1 and no figure. The Council’s own Design Review Panel suggested the comparison on 13 February 2025: “It was suggested to review the operational benefits of chimneys versus their embodied carbon impact for a more balanced approach.” (Planning Statement, Appendix 4); no document on the file makes that review. A councillor asked at the DCF for data (the minutes, item 95: “What was the justification for demolition and could the existing building be revamped.”; the words spoken: “I would like to see some data on whether it’s more effective to reuse the existing structure or if you really do need to get rid of the existing structure”, the DCF record, entry 4.12, webcast 1:43:21 to 1:43:43). The applicant’s letter of 1 August 2026 answers with “the ‘circular economy’ and reuse of materials from dismantled buildings” (document 9481026, page 3). No data has been supplied.
3. The scheme itself digs and pours concrete, on its own documents: “there are some external works including excavation for the raised terrace and service runs. The accompanying plans identify that the excavation works would be no deeper than 1 m.” (Planning Statement, paragraph 7.117); “The new library will be supported on a piled raft foundation.” (Design and Access Statement part 3, paragraph 10.3); “Piled concrete sub-structure with concrete foundation and ground slab”; “Structural ‘strong wall’ along the Christ’s Lane side comprising masonry walls & chimneys with connecting concrete slabs to all floors” (Sustainability Statement, page 11); “Concrete Deliveries (during the substructure phase)”; “Largest concrete pour twenty-two loads, 1 day” (the construction plan, document 9423970).
4. The scheme keeps a basement (4.2.2). A councillor put it to the DCF that “The existing library already had a partial basement.” (the minutes, item 93), and the Master answered: “there is a slight difference between the level of [Bath] Court and Christ’s Lane, which is why the petitioner says there’s a basement, but there is no digging in the new building” (the DCF record, entry 4.6; webcast 1:41:01 to 1:41:22; the answer is not in the minutes).

Of the consented basement the Master said “The only way to make a basement watertight is by pouring concrete.” (entry 4.10; the minutes, item 15: “The only way to ensure a basement was watertight was to use concrete”). The petitioners put the applicant’s own section to members: “the current proposed structure does have half a basement” and “It is going to be half a story below ground” (the DCF record, entries 4.14 and 4.15; webcast 1:02:26 to 1:02:57 and 1:05:38 to 1:05:46; the minutes, items 61 and 64). A second councillor asked whether “the new basement” would be at the same level as the existing building (the minutes, item 99), expected digging (“It might arrive at the same level but there would be digging”, entry 4.16), and the chair undertook that officers would “make that information available to members” (the DCF record, entry 4.16; webcast 1:47:53 to 1:48:50); nothing on the register records the information given.

5. The ventilation reason rests on the same decision, on the applicant’s own words to the Council’s members. The minutes, item 101: “The green credentials of the proposed building were substantial which was why the design included chimneys. The height of these was to aid ventilation and to avoid further digging into the ground. The height had also been cut back as much as possible.” (sic). “Further” concedes that the scheme digs, so the reason is one of degree, and no document on the file states the degree or compares it with the harm of building higher and longer. The words spoken in the Master’s summing up were: “the chimneys need to be a certain height in order to achieve that ventilating effect. That height can begin beneath the ground. But as I’ve said many times, we do not want to dig into the ground. So in order to get this green effect, the chimneys need to be the height they are.” (the DCF record, entry 4.13; webcast 1:49:16 to 1:49:58; the second sentence is not in the minutes). On those words the building’s bulk above the lane follows from the decision not to build below ground, not from a need of the building.
6. The heat pumps and panels of this scheme are the systems of any library on the site: the consented design carried ground source heat pumps (the 2016 report, paragraph 6.9). Of its water measures the applicant’s own weight is “a modest benefit” (Planning Statement, paragraph 8.15), and its own words for the demolition are “in embodied carbon terms, it is regrettable that a building which is only around 50 years old is to be replaced” (paragraph 8.2).
7. The archaeology and the foundations of the historic ranges, the two reasons for no basement given in December 2024 (item 1), were assessed on the consented design and answered by conditions. The county archaeologist’s advice on this application is in the same form as its advice on that one. On the 2016 application the Council’s report recorded the county council’s archaeology advice as “The site has high archaeological potential. Recommends a condition to secure a programme of archaeological works/recording.” (the 2016 report, paragraph 6.12) and recommended it as condition 11 (“No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation”). On the basement’s piling beside the South Range the same report found: “The applicants have submitted a Stage C Structural report which assesses the potential for ground movement in relation to the proximity of the development to the listed buildings. It proposes a secant piled wall and concludes that ground movements around the basement perimeter due to basement excavation are likely to be modest (5-10mm) and that movements of this order are unlikely to affect adjacent structures. Subject to conditions to ensure that the construction is carried out in accordance with these recommendations and that the buildings are monitored before, during and after construction for any such movement, I am satisfied that the works would not result in any significant damage to the listed buildings.” (paragraph 8.58). On this application the Cambridgeshire County Council Historic

Environment Team's advice of 24 June 2026 is a condition in the same form: "Due to the archaeological potential of the site a further programme of investigation and recording is required ... Usage of the following condition is recommended" (document 9441278), confirmed on 26 August 2026 for the NPPF (document 9505262). Its advice on the identical 2025 application stated in terms: "We have previously commented on application 16/0405/FUL within similar bounds, and our advice remains similar. Whilst we do not object to the development proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a condition" (document 9505261). HE10(2) of the NPPF puts archaeological interest to preservation in situ "where feasible" and, where an asset cannot be preserved on site, to "appropriate provision" for investigation and recording. So on the Council's own file the archaeology and the foundations were, and are, matters answered by conditions on either design. Neither is a reason on the record why the harm above ground could not be avoided, and the present scheme piles beside the same buildings on "a piled raft foundation" (item 3).

On that record the scheme carries both: the concrete below ground, in a substructure whose foundations and piling are, with the vertical frame, the two largest items of its own upfront carbon, and the consented basement's accommodation above ground. The carbon reason attaches to a basement the scheme keeps and to concrete it pours, and no document quantifies it against the design it is said to rule out, or against any of the five lower or distributed designs at 4.5, two of which reuse existing buildings, which is what CC2(1)(d) of the NPPF asks proposals to take advantage of.

5.2.5 The peak. The building is sized for its heaviest use. The Master's summing up at the DCF (the DCF record, entry 4.24; webcast 1:50:01 to 1:51:05): "We will look at how we can share this new facility. It will not be an exam term when it has the heaviest use by our own students. But there are 52 weeks in the year and our students are only there for about 26." The minutes, item 102, record "The college would look at how it could share its facilities in the future."; item 108 records "Students only used the library for 26 weeks of the year." under the petitioners' summing up, and the applicant's own letter attributes the statement to the Master. That letter qualifies the figure and keeps the point: "To be clear, when the Master said the library is only used for half the year, he was referring to the undergraduate use as postgraduates use it at other times too. However wider access can be facilitated at these times as use is less." (document 9481026, page 3). The College's own model, in this application and in its practice, is a library with peak overflow in other buildings. Its own fundraising page describes the Upper Hall extension as one that "can be, in periods of peak demand such as exam term, opened up as additional study space accessible from the library" (Exhibit D6.17), and the Plumb Auditorium is made available as additional quiet study space in the summer term (4.2.2). The harm the bulk causes is present every day of the year. No document on the file states why the capacity needed at the peak must be built permanently into the building on the lane rather than provided, as the College already provides it, by overflow in its other buildings.

5.2.6 The programme's growth inside the one building. "The Library facilities have grown, and as a consequence, the Plant room and public toilets, which were formerly within the Library, have been relocated to existing Catering spaces." (Design and Access Statement part 2, document 9423961, printed page 47). A programme that grows inside one building grows the building; it does not make the bulk a need.

5.2.7 The claim that the College's needs have changed since 2016 names no need that requires the bulk. The claim: "Since that time the needs of the College have changed and grown, not only for an expanded library to meet future needs, but also encompassing other much needed works to the Upper Hall dining areas, kitchen areas on ground floor, in order to expand these facilities,

providing greater accessibility for persons with disabilities while meeting Colleges updated targets in terms of sustainability and environmental goals.” (Design and Access Statement part 1, paragraph 1.2). The library’s requirements are the floor area and fittings at 4.2.1, and the 2016 need was the same list of needs, met by the consented design on the Council’s own finding (4.2.5). The works to the dining areas and kitchens are authorised under 25/02162/LBC (5.2.2). Accessibility and sustainability attach to any new library on the site: the consented design provided “a lift” (the 2016 report, paragraph 8.15) and “disabled access to the South Range via a new bridge” (paragraph 8.20), and carried ground source heat pumps (5.2.4, item 6). Student numbers are unchanged: “post-development, staff and student numbers will remain as per existing” (Planning Statement, paragraph 7.99); “not forecast to result in any increase in student numbers” (the 2025 report, paragraph 23.6).

5.3 The finding on justification, and what follows on each course

5.3.1 The justification HE4(2) requires is of the bulk, and the reasons on the file justify a library:

1. the need is met by the consented lower design and by a distributed library, on the Council’s own and the College’s own records;
2. the sustainability reason attaches to a basement the scheme keeps and to concrete it pours, the scheme carries the consented basement’s accommodation above ground as well, and no document quantifies the reason against the consented design or against any of the five lower or distributed designs at 4.5;
3. consolidation, “this site” and the students’ needs are the decision to hold every function in one building here, stated three ways;
4. the bulk is the product of the College’s own preference for one building on this site, which is not a need, and no document on the file justifies it against the designs at 4.5.

5.3.2 What follows on each course:

1. If the report finds that the harm has a clear and convincing justification, it must state what the bulk is needed for, on evidence, and must answer the applicant’s own sections 3.2 and 3.3 of the Design and Access Statement, part 1, the Council’s own 2016 finding, the College’s own distributed library, the scheme’s own substructure and the accommodation it carries above ground in place of the consented basement. A justification found on “no digging”, “to avoid further digging” or “the least green thing” adopts premises the applicant’s own Planning Statement, engineer’s description and construction plan contradict. A report that carries them misleads members on a matter of fact (*Mansell* at [42]; *E v Secretary of State for the Home Department* [2004] EWCA Civ 49 at [66]). A finding that departs from the Council’s own 2016 finding that a lower design met the same needs has to give reasons for the departure (*Davison* at [56] and [67]).
2. If the report finds no such justification, HE4(2) is not met and the recommendation that follows is refusal.

The report should state which is the case.

6. No benefit that results from this building outweighs the harm

6.0 The weights are set before the balance is struck. Harm to the setting of Grade I listed buildings carries considerable importance and weight under section 66(1) and HE6(3), and substantial weight under HE6(1); the balance is struck inside those weights, not instead of them. The degree carried into the balance is the degree the consultees found, not a figure left after heritage benefits have been set against it. Nothing on the benefits side results from this building.

HE6(4) weighs only public benefits resulting from the proposal, of a nature and scale that benefit the public at large. Tested entry by entry, the applicant's list consists of the incidents of any redevelopment, the private advantage of one college's members, works already authorised under the standing listed building consent, an amenity its own documents contradict, and an effect the buildings already have, which is optimum viable use under another name. What remains is the access offer: unsecured, expressly revisable, less than the existing practice of neighbouring colleges, largely deliverable without any building, and kept out of the application. Every benefit that survives the tests attaches equally to the lower or distributed designs on the College's own record, and benefits of that character are not powerful enough to displace the statutory presumption. If the report applies HE6(4) in its terms, the balance concludes against the scheme. If it reaches "outweighed" by leaving out the weights, the alternatives, the applicant's own weights or the offer's status, it misapplies HE6(4) on its words.

6.1 The weights come first, and only benefits that result from the proposal count

6.1.1 The harm side. The balance is struck inside the weights, not instead of them. The harm enters the balance as found at section 3, at the degree found for each asset and not a net figure (3.3), and at the weights at 2.1 and 2.2.4: considerable importance and weight by statute and by HE6(3), and HE6(1)'s substantial weight at the top of its gradient. The assets harmed are listed at Grade I ("Only around 2.5% of listed buildings are Grade I", Historic England, "What Are Listed Buildings?", historicengland.org.uk, updated 11 February 2025, read 9 September 2026). A report that gives "significant weight" to educational, accessibility or low carbon benefits and describes the harm as "at the lower end" writes the sentence quashed in *Wyeth-Price* (2.1.3).

6.1.2 The applicant's own weights are recorded once, here, because they are the ceiling of its own case and the report cannot exceed them without reasons. Its own table of public benefits (Planning Statement, document 9423963, printed page 51, under "Public benefits") lists:

1. design quality and streetscene improvements, "Moderate";
2. sustainability enhancements, "Moderate";
3. economic benefits, "Moderate";
4. access for all, "Moderate";
5. ecology, "Minor";
6. no line for an educational benefit.

Its aggregate claim, at paragraph 8.22, is "the proposed development will have significant public benefits and overall will also result in heritage benefits. Although in the balance, the latter will be relatively small". The Council's own 2025 weights: the gate and the bench "limited positive weight" (paragraph 24.7); the facade "a tangible public benefit" (paragraph 14.20). The Council's own case officer told its Planning Committee of 29 October 2025 what the public benefits were and why they sufficed: "The public benefits ... are the enhancements to the public realm along Christ's Lane, including the provision of a public bench and public art with increased public views from Christ's Lane and through. Given the overall neutral heritage impact, these are considered to be sufficient to outweigh the harm in the planning balance." So the 2025 balance was struck on a bench, public art and views, and it was struck on "neutral", the method of the second ground (2.3). A member of the committee answered: "I'm really not convinced by the claimed benefit to the public realm in this application. I think if we're just talking about a bench compared to what is surely a, I assume a hundred million plus project, that seems very trivial and almost insulting to some residents." (CLAG's transcript extract of the Council's webcast of that committee, Exhibit S24_2 to the design and development plan paper, entries 7 and 8, at 3:23:02 and 3:24:17 of the recording; the ellipsis stands for the officer's reference to the report.)

6.1.3 The definition of a public benefit. HE6(4) weighs “public benefits resulting from the proposal”, and the guidance’s test is at 2.2.5: benefits “should flow from the proposed development” and “should be of a nature or scale to be of benefit to the public at large and not just be a private benefit”. The letter of 1 August 2026 (document 9481026) defines the term otherwise: “public benefits are anything which delivers the economic, social and environmental objectives in Para 8 of the NPPF”. The same definition was given to the Council’s members at the DCF: “It must be remembered that public benefits are those that are included in the National Planning Policy Framework paragraph 8 which was anything which delivered economic social and environmental objectives.” (the minutes, item 36). That premise is answered by the NPPF itself: its Introduction, paragraph 18, states that the objectives “are not criteria against which every development proposal can or should be judged”. The guidance also provides, as *Tower Hamlets LBC v Secretary of State* [2019] EWHC 2219 (Admin) at [39] records: “However benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.”; invisibility alone does not make a benefit private. The applicant’s own planning consultants stated the causation point at the College’s public meeting of 6 July 2026, answering whether paragraph 3.16 of the Covering Statement means that no public benefit is required: “where you have no overall heritage harm, then that doesn’t need to be balanced against any public benefits. We are providing public benefits anyway.” The Master’s answer to the same question was: “The answer is it is not necessary, but it is being provided.” (CLAG’s record of the meeting, prepared from the audio transcript, Exhibit R3 to CLAG’s register integrity letter, filed with this paper.) Benefits the College provides “anyway” are provided whether or not this building is built, and do not result from the proposal.

6.1.4 Each claimed benefit is tested at 6.2 in the order the three questions at 2.2.5 put: causation first, because a benefit that a lower library on the same site delivers equally does not result from this proposal (2.3.3); then nature and scale; then security. What each entry is, on those answers, is stated at its end; no weight is put on any of them, because none survives the questions as a public benefit resulting from this proposal.

6.2 Nothing in the letter of 1 August 2026 results from this building

6.2.1 Each entry of the letter fails at least one of the three questions at 2.2.5. The questions are causation (does it result from this proposal rather than from any library on the site), nature (does it benefit the public at large rather than the College’s members) and security (is it a commitment members can weigh). The entries are taken in the letter’s order, each in its own words, and each closes with what it is on the record:

1. Construction spending: “an economic benefit also during the construction of the library with jobs, material and other supplies and spending in the local economy”. Causation: any redevelopment of the site, including the consented design, brings the same spending. It is the incident of any construction on the site.
2. Education: “Sustaining educational facilities in Cambridge cannot be swatted away as a benefit solely to the College”; “this new library will serve the 700+ students of the library. Not just for one year but for potentially two centuries.” Causation: any library on the site; the consented design “would meet the needs of Christ’s College” (4.2.5). Nature: the members of one college, on the letter’s own naming of the beneficiaries, and on four records. (a) The applicant’s own Planning Statement: “The significantly improved facilities in new library and the associated social and dining facilities will similarly largely only benefit the Fellowship and guests.” (paragraph 8.16). (b) The same Statement: “post-development, staff and student numbers will remain as per existing” (paragraph 7.99). (c) The 2025 report: “not forecast to result in any increase in student numbers” (paragraph 23.6). (d) The Master to the Council’s members at the DCF: “It was for the colleges 700

students over generations.” (the minutes, item 42; sic). (e) A member of the Council's Planning Committee of 29 October 2025, opening the members' debate on the balance: “so there's a balance to be made here between the benefits, which I think we all have to agree are to the benefit of Christ College.” (Exhibit S24_2 to the design and development plan paper, entry 5, at 3:20:15 of the recording.) It is the continued educational use of the College's own buildings, the use they have today, which is optimum viable use under another name (6.4): private, met by any library, and not a public benefit resulting from this proposal.

3. Accessibility and fire safety: the works “make the new library and the related social and dining facilities fully accessible for the first time”; “lifts etc can ensure access to parts of the College never previously accessible”. Causation: the works within the listed buildings are authorised already under 25/02162/LBC (5.2.2); the library's lifts are those of any new building; the consented design provided “a lift” (5.2.7). Compliance with fire safety law is what the building regulations secure for any building: DM7(1) of the NPPF directs decision makers to assume, “unless there is clear evidence to the contrary, that those separate regimes will operate effectively”, so it is not a benefit of this one. Nature: the College's members. For the public, the applicant's Demolition and Construction Environmental Management Plan (document 9423970) removes the tactile paving on both sides of the St Andrew's Street site access “to facilitate safe and unobstructed HGV access and egress”, resurfaces the area in “mass concrete”, and reinstates it only “upon completion of the works”, with no fixed date on the file; the plan's one reference to disabled people is the provision that removes their crossing, and no equality assessment, no alternative crossing and no reinstatement date exist on which the Council could discharge its duty of due regard under section 149 of the Equality Act 2010. The gains are the College's members', under a consent that already exists or in any new library; the one accessibility effect on the public is the removal of a crossing, and the report has to identify the material on which it discharges the section 149 duty before the accessibility benefit is weighed.
4. The facade: “replacing this with a high-quality building, designed by a leading architectural practice which gives better animation to the street is very clearly an environmental benefit”. Causation: any replacement of the 1970s building removes the present frontage, and the consented design's lane elevation was rated “real enhancement” (4.2.5, item 4). Nature: the frontage's lowest window sits above the first floor level: “New windows are introduced at upper levels in the wall” (Design and Access Statement part 2, document 9423961, page 30) and “Views into the library will be possible from Christ Lane, looking diagonally upwards” (page 44). On the applicant's own section across the lane on the same page, the lane is at level 10.335 and the library's first floor, where the sill of the lowest lane window is drawn, at 12.160. So the lowest window sill stands 1.825 metres above the lane, CLAG's subtraction of the applicant's two levels. The Council's own Design Review Panel, whose report the applicant's Planning Statement reproduces, wrote of the lane elevation: “This cannot be an active frontage with spill outs but more could be made of visual connections into the body of the library” (document 9423963, Appendix 4, the Panel's report). The ward councillor's words at the DCF were “at pedestrian level it is really still a wall” (the DCF record, entry 4.19; webcast 1:17:23 to 1:19:21; the minutes, item 86). The expert appraisal on the file: “Good design, in any event, is a basic requirement of all development, and not in itself a public benefit” (document 9458570, paragraph 62). A new frontage is the incident of any replacement of the 1970s building; the design and development plan paper, section 3, carries the frontage against the plan's own criteria.
5. Biodiversity, effective use of land and sustainability: enhancement of biodiversity, effective use of land and superior sustainability, “as endorsed by the Council's

Sustainability Officer". Causation: the systems of any library on the site; the consented design carried ground source heat pumps (the 2016 report, paragraph 6.9). CC2(2) of the NPPF gives substantial weight to the benefits of "renewable and low carbon sources (including through the installation of heat pumps and solar panels ...)", which is weight for the measures, and the measures need none of the bulk (5.2.4, item 6). The one measure the applicant ties to the building's height, the ventilation stacks, works the same wherever the stack starts: the Master accepted that "That height can begin beneath the ground" (5.2.4, item 5), and the register holds un rebutted expert evidence to the same effect (CLAG's sustainability evidence, filed with this paper, section 1). So the height the stacks add to the building carries no sustainability benefit that a lower building lacks. The biodiversity gain claimed is the statutory minimum that Schedule 7A to the Town and Country Planning Act 1990 imposes as a deemed condition on every permission (CLAG's conditions paper, Annex G, filed with this paper, section 6). The endorsement relied on is the response of 10 July 2025 reissued unaltered under another officer's name (document 9435149), conditional on its face ("If the application were to be granted permission, I recommend the following conditions"). Security: by condition, as for any scheme. The applicant's own rating for its sustainability enhancements is "Moderate" (6.1.2), and the scheme's own concrete and piling are the largest items of its own upfront carbon figure (5.2.4, item 2).

6. The gate and the bench (the Bursar's letter to all City Councillors, document 9465769): "there will be a public bench along the wall of the new Library, and an artist-designed replacement of the current solid wooden gate will offer passers-by views into the College's Bath Court". Causation: either attaches to any building on the frontage. Nature: at the applicant's own rating, the bench is "a minor improvement to the public realm" (Planning Statement, paragraph 7.40) and "a possible gift to the city" (Design and Access Statement part 1, document 9423960), and the gate gives "a sneak view into the attractively-relandscaped Bath Court" (Planning Statement, paragraph 5.21). Security: no condition or obligation of this application secures either, and the applicant has proposed none (6.3.3, items 6 and 7). The Council's public art officer's comments of 18 June 2026 are "No objection, Condition recommended" and name the gate as "One potential location" for public art (document 9435675), so the public art the applicant offers is identified nowhere and would be left to a condition. The 2025 permission on the identical scheme carried a public art condition and a landscaping condition covering "Street furniture and artifacts" (conditions 13 and 15 of the decision notice, document 7405037 on the register of 25/02161/FUL). The 2025 report gave the gate and the bench "limited positive weight" (paragraph 24.7, page 172). The Council's own case officer named the bench, the public art and the views to the committee of 29 October 2025 as the public benefits, sufficient only on a "neutral" heritage impact, and a member's answer is at 6.1.2. Both are "minor" and "possible" on the applicant's own documents, and nothing in this application secures either.
7. Light into the lane at night (document 9465769): "Light from the windows of the new Library will cast light on Christ's Lane in the dark, improving the sense of security for pedestrians." Causation: the applicant's own documents say the windows are "not considered to be large enough or in locations where diffused light from within would cause disturbance to the residents on the opposite of Christ's Lane" (Planning Statement, paragraph 7.74), and "Light will be controlled so that residents are not disturbed at night" (Design and Access Statement part 2, page 44). CLAG's technical note on the light, Exhibit E3b to the DCF record, shows from the applicant's own section across the lane that light from windows set that high goes mostly to the building opposite, and little of it reaches the pavement. Security: the Council's environmental health officer requires a lighting assessment before any light is installed (documents 9468203 and 9499190), and

P3(2)(e) of the NPPF requires proposals to “Limit any adverse impact from artificial light on local amenity”. Either the windows will put enough light into the lane to serve as a safety benefit, or they will not. If they will, the assurance at paragraph 7.74 does not hold and the effect of that light on the residents opposite must be assessed. If they will not, the claimed benefit does not exist. The report should state which is the case, and can make nothing of the claim until it does.

8. The economic benefit: “This boosts the local and national economy” (paragraph 8.16). Causation: whatever economic effect a library has is the effect of any library on the site. Nature: the scheme’s own economic effect on the public is the loss of daylight to the shops opposite, taken for good on the applicant’s own figures (the design and development plan paper, section 4). Nothing in the entry results from this proposal.

6.2.2 A councillor put the balancing question at the DCF: “I can see some public costs. So I can see loss of light on Christ’s lane. We already heard about the vertical sky component being damaged. We also got a potentially economic cost and the general perception of the canyon effect. Against which I’ve heard a gate and a bench quoted and now possibly public access to the library.”; and: “Now these public benefits are for the public. They’re not for the members of the college or is that not the case. That’s the area that I’m trying to explore” (the DCF record, entry 4.8; webcast 1:45:09 to 1:46:06; not in the minutes). Answered as the councillor’s question requires, no entry in the letter results from this building rather than from any library on the site, benefits the public at large rather than the College’s members, and is secured. What remains of the applicant’s case is the access offer of 5 August 2026.

6.3 The access offer is unsecured, revisable, small and severable

6.3.1 What remains of the applicant’s case is the access offer, and it is a small, unsecured programme that any library on the site could carry. The College can open its library to bookable tours out of term, in the existing building, without planning permission for anything. So the offer does not result from this building (6.3.5 and 6.3.6); it is private in nature on the Master’s own account (6.3.13); it is small on its own figures (6.3.2); and it is secured by nothing (6.3.7). The size of a concession is measured by what the public receives, not by what the College gives up. It began at the DCF as two words. A councillor asked “Have they considered making any public access to this library?” and the Master answered “We will.” (the DCF record, entry 4.29; webcast 1:41:47 to 1:42:32; the minutes, item 94, record the question only: “Has the College considered public access to the library.”). A councillor said “Great to see that in the application.” (webcast 1:42:10) and the chair said “Officers will follow up on that particular point.” (webcast 1:43:04); neither sentence is in the minutes. The follow up was the case officer’s email of 4 August 2026, which is not on the register, and the applicant’s letter of 5 August 2026 (document 9486713), which is. The offer, in the letter’s own words, answering that email’s request for “some clarifications / further details on the proposed public access to Bath Court and the new library”:

1. “currently Christ’s College is open every morning of the year, apart from Christmas week and exam term. Bath Court is not. After the library is built, the College will open Bath Court to the public whenever the college is open.”;
2. “during term time, they will have exclusive use. Outside term time (and undergraduates are not in Cambridge for about half the year) the College will make the library accessible to the public.”;
3. “on three days each week outside term time (initially Monday, Wednesday and Friday) we will arrange two, 30-minute tours of the library (at 10 and 11 o’clock)”, “bookable online via the College website, for up to 15 people, first come, first served”;

4. "on Tuesdays and Thursdays outside term time, the library will be open to groups of students/pupils from Cambridgeshire schools", "groups of up to 30 children", visits of "up to 90 minutes";
5. "We recognise that this is uncharted territory for a Cambridge college. We would aim to develop the detail in light of experience but the offer will always be at least as generous as described.";
6. "As now, Christ's would not charge for any of this public access."; and it describes the whole as "a very significant benefit to the wider public".

6.3.2 On the letter's own figures, the interior element is two 30 minute tours on three weekday mornings outside term time, for up to 15 people each, and school visits on two weekdays outside term time for groups of up to 30 children. Every figure is a ceiling ("up to 15", "up to 30", days "initially"); no figure is a floor. On the letter's own days and numbers, and on the half year out of term the letter itself gives, the tours amount to about 78 hours a year and at most about 2,340 places, and the school visits to at most about 1,560 children a year. The letter of 1 August 2026 fixes the ceiling: "To keep the student community and staff safe, completely free access in these times is sadly not possible." (document 9481026, page 3). The two letters differ on the exhibition room: the letter of 1 August 2026 commits the College "to allowing public access into Bath Court and a new exhibition room next to the Bodley at all times when the College is open" (page 3), and the letter of 5 August 2026 makes the exhibition room a stop on the bookable tours. The offer is in no drawing, statement or plan; no condition or planning obligation is proposed to secure any part of it; it was put before no consultee.

6.3.3 Nothing the College has offered since September 2025 has entered an application, so nothing in the offer is a benefit of the proposal until it does. What the College has said it would do, where it said it, and what entered an application:

1. 26 September 2025, the agent's letter (document 7378931, paragraph 35, on the register of 25/02161/FUL): "there is a desire for the College 'to give more back' to the city and we will therefore explore in detail what this could involve". No document records the exploration or its results.
2. 26 September 2025, the same letter, paragraph 38: "A condition which encourages working with the head leaseholder, Jesus College and the City and County Councils to develop a strategy for enhancing activity in and beauty of the lane, would be happily considered by Christ's College." No such condition was proposed in either application; no strategy is on either register.
3. 26 September 2025, the same letter, paragraph 39: the solid gate by the Bodley gable to be replaced by an open metalwork gate: "The College would be willing for this gate to be an artistic installation and this could be secured by condition." No such condition was proposed in either application; the gate reappears as words in the Bursar's letter to councillors and at the DCF.
4. 26 September 2025, the same letter, page 10: "The College will also commit to host an exhibition in the New Library Lounge (Ground Floor) and guided tours of the new library, Bodley Library and Darwin's Room one day per year as part of Open Cambridge." In no drawing, document, condition or obligation of either application.
5. 9 April 2026, the Council's senior planning lawyer to CLAG (Exhibit D7): the Council's public benches on the lane removed at the College's request; "it is understood that there is no intention from the College to reinstate them". The one public amenity the lane had was taken away while the claim was before the Court.

6. June 2026, the Bursar's letter to all City Councillors (document 9465769, placed on the register on 16 July 2026): "there will be a public bench along the wall of the new Library, and an artist-designed replacement of the current solid wooden gate will offer passers-by views into the College's Bath Court". The application's own documents, the May 2025 originals unamended (Covering Statement, paragraph 1.7), describe the bench as "a minor improvement to the public realm" (Planning Statement, paragraph 7.40), "a built-in bench feature" (paragraph 7.37) and "a possible gift to the city" (Design and Access Statement part 1), and the gate as giving "a sneak view into the attractively-relandscaped Bath Court" (Planning Statement, paragraph 5.21). No condition or obligation is proposed for either; the Council's public art officer recommends a public art condition (document 9435675, 18 June 2026).
7. 29 July 2026, the DCF. The ward councillor asked what options had been considered for a more active frontage (the minutes, items 86 and 87). The Master answered with a wall of windows, "a bench for public use that runs along it" and a commissioned gate design: "the Committee was very interested in the gate" (the DCF record, entry 4.20; webcast 1:20:44 to 1:21:51; the answer is not in the minutes). The applicant's planning consultant placed the plan's active frontage on the other side of the lane: "the animation as shown on the current local plan is just on the south side" (entry 4.23; webcast 1:21:57 to 1:23:20). Neither the bench nor the gate is in a proposed condition.
8. 29 July 2026, the DCF: the access offer as two words, "We will.", with a councillor's "Great to see that in the application." and the chair's undertaking to follow up (6.3.1). In the summing up: "The library was a private space, although certain areas of the college were open to the public who could enjoy the Courts. The college would look at how it could share its facilities in the future." (the minutes, item 102).
9. 5 August 2026, the agent's letter to the case officer (document 9486713): the access offer at 6.3.1, answering the case officer's email of 4 August 2026, which is not on the register. In no drawing, statement or plan; no condition or obligation proposed; put before no consultee.

6.3.4 The applicant had ten months between the two applications to include any of these in a drawing or a proposed condition. The second application was filed with the May 2025 documents unamended. On the register of either application, no benefit the College has offered in correspondence since September 2025 has been secured by any drawing, condition or obligation, and the one public amenity the lane had was removed at the College's request: "The decision to request the removal of the benches was made to the City Council by Christ's College. The land on which the benches were installed belongs to the College and the Council agreed to the request for their removal." (Exhibit D7). A report that weighs any item in that list as a benefit of the proposal weighs a promise the application does not contain.

6.3.5 The offer does not result from this building. HE6(4) weighs "public benefits resulting from the proposal". The record:

1. Bath Court can be opened "whenever the college is open" without a building;
2. the Old Library exhibition room is "open by appointment to the public" already (the College Guide, July 2026, page 4; Exhibit D6.11);
3. the College's own librarian gave free public tours of the Bodley Library on Friday 11 September 2026 under Open Cambridge, arranged independently of this application ("Visitors will be given a 20 minute tour of the historic Bodley Library by a Librarian from Christ's College", the Open Cambridge programme page; Exhibit D6.15).

6.3.6 The interior tours and school visits attach to whatever library stands on the site, including the consented design and the distributed designs; nothing in a tour, a school visit or an opened

courtyard requires this building's bulk. A benefit weighed "given the alternative development proposed" (*Bramshill* at [66]; 2.3.3) is a benefit the lower building delivers equally, and under HE6(4)'s words it does not result from this proposal. The one element of the offer that is new is entry to the new working library's interior, by bookable tour on three weekday mornings out of term and by school session on two weekdays: small, unsecured, and available to any library on the site. The tours themselves "will start at the Great Gate and include the new library, the Bodley and the new Exhibition Room" (document 9486713); the Bodley Library's reading rooms are "reactivated as part of a separate contract already underway by others" (Design and Access Statement part 1, page 9; 4.2.2), so two of the three places on the tour need no part of this building. The application itself provides for no visitors: "it will not generate any additional visitors" (Planning Statement, paragraph 7.48), and Bath Court is "the private amenity space" (paragraph 7.40).

6.3.7 Securing the offer would change nothing about the bulk. A condition or obligation secures delivery; it does not make a severable benefit a product of this design rather than another. The tests:

1. a planning obligation relied on as a reason to grant must be "necessary to make the development acceptable in planning terms" and "directly related to the development" (regulation 122(2) of the Community Infrastructure Levy Regulations 2010);
2. a condition must be "Necessary" and "Sufficiently precise to make them capable of being complied with and enforced" (DM6(1)(a) and (c)), and a condition requiring the applicant to enter into a planning obligation "is unlikely to pass the test of enforceability" (Planning Practice Guidance, Use of planning conditions, paragraph 010, Reference ID 21a-010-20190723);
3. the applicant has proposed no condition in either application.

6.3.8 The Council knows what such a benefit is worth when secured: its 2025 permission on the identical scheme carried a public art condition and a landscaping condition covering street furniture (6.2.1, item 6), and its 2025 report gave the gate and the bench "limited positive weight" (paragraph 24.7). The decided comparators say the same:

1. At *Bramshill* a signed section 106 agreement secured "public access on no less than 28 days of the year into several principal rooms" of the Grade I mansion; the appeal carrying that secured access was dismissed, and permission went to the use causing least harm (decision letter of 31 January 2019, DL 18, 29, 62; upheld at [2021] EWCA Civ 320, [66], [68], [83]).
2. In the *Tulip* decision (11 November 2021) a section 106 secured education programme was given "no more than moderate weight in the overall balance" (DL 56), because of "the limitations to both school visits and community groups, and the uncertainty of whether visits would be at the expense of other school trips" (DL 55), and "the heritage balance is firmly against the scheme (IR14.125)" (DL 58).
3. In the *Marlow Road* recovered appeal an undertaking that failed regulation 122(2) was left out of account (decision letter of 26 November 2025).

6.3.9 CLAG does not invite the Council to secure this offer. Machinery for securing benefits arises only after a decision maker has concluded that benefits are capable of outweighing the harm; on this record that conclusion is not open (sections 4 and 5; 6.2), and a benefit that fails causation and scale does not become capable of outweighing harm by being deeded. If, contrary to this submission, any weight were given to the offer, it could be given only to a secured version.

6.3.10 The baseline, against the College's own pages. The letter states: "currently Christ's College is open every morning of the year, apart from Christmas week and exam term." The College's visiting page (read 9 September 2026; Exhibit D6.11) states:

1. "Apart from the Chapel, visitors are not able to enter any College buildings.";
2. "College Grounds 09.00-12.00, 7 days a week";
3. "The College may be closed to visitors at short notice.";
4. the closure is longer than "exam term": "the Quiet Period runs from early May to the end of June".

As late as 5 July 2022 the same page advertised "College Grounds 09:00 - 16.00 7 Days a week" and "Old Library 14.00 - 16.00 Tuesdays and Thursdays only" (the Internet Archive capture of 5 July 2022; Exhibit D6.12). The College's existing access is the baseline against which the offer's "As now" is measured, not a benefit of this proposal, and it has already been reduced. The applicant accepted as much in September 2025. Its agent's letter of 26 September 2025, having listed the College's daily public opening, its two exhibitions a year and the archives open by arrangement (paragraphs 59 to 61), states: "We accept that these benefits already exist and do not, strictly speaking, stand to be weighed in the planning judgement on these proposals." (document 7378931, paragraph 62, on the register of 25/02161/FUL).

6.3.11 The novelty claim, against the University's own list. The letter: "We recognise that this is uncharted territory for a Cambridge college." The University's own list of "the colleges with libraries that are regularly open to the public" (Cambridge University Libraries, LibGuides, "Cambridge colleges library and archive exhibitions and events", read 8 September 2026; Exhibit D6.13) names:

1. the Wren Library at Trinity, open free "Monday-Friday 12pm-2pm (last admission 1.50) all year round" ("The Wren Library has been open to visitors since 1695", Trinity's own page; Exhibit D6.14);
2. the Parker Library at Corpus Christi;
3. Queens' Old Library;
4. St John's Library Exhibition Area.

A Cambridge college library has been open to the public free, on weekdays, all year, without booking, since 1695, within a few hundred metres of the site; the offer is less than that existing practice.

6.3.12 The status of the offer, and its weight. The Council may take an offer made in a letter into account, but this one is secured by nothing, so it binds no one, neither the College today nor whoever holds the site after it. For that reason it carries less weight:

1. benefits whose delivery is uncertain attract weight "reduced accordingly" (*Tower Hamlets* at [47]); "planning benefits do not have to be certain to be material. The objective likelihood of a benefit being enjoyed in future must be relevant to weight, even short of certainty" (at [63]); and a decision maker "could have decided that the benefits were too remote" (at [67]);
2. in *Holborn Studios Ltd v Secretary of State* [2025] EWHC 1852 (Admin) at [71] and [75], reliance on reprovision that nothing secured, expressed in equivocal language, was an error.

6.3.13 Five facts on this file reduce the weight further:

1. A week before the offer, the Master told the DCF: "it is a library and a library is essentially a private space. We don't want our students to be on public display whilst they are studying."; "We will look at how we can share this new facility."; "My final point is it is for the students." (the DCF record, entry 4.24; webcast 1:50:01 to 1:51:05; the minutes, item 102: "The library was a private space"). On the applicant's own account the access is for the half of the year the library is empty, and any library on the site gives the same access in the same weeks.
2. The offer's assurance of permanence, "the offer will always be at least as generous as described", appears beside "We would aim to develop the detail in light of experience", and binds no one.
3. The public benches the Council installed on the lane in 2023 were removed at the College's request, and the Council's own lawyer records that "it is understood that there is no intention from the College to reinstate them" (Exhibit D7). The applicant's own Planning Statement describes the lane as better "without the need for ad hoc street furniture which potentially narrows the thoroughfare" (paragraph 7.41).
4. The last promise of a public benefit on this wall was not kept. The Council's committee report of 20 October 2004 on the Bradwell's Court redevelopment (application C/04/0632, document 6062612, paragraph 8.24) recorded that the College's wall on Christ's Lane was to be greened: "The basic principle for the improvement of the appearance of the wall is to attach a tensioned wire mesh along its length and grow climbing plants from a specifically designed planting trench up it, thereby softening and greening its appearance. The concept is to continue the feeling of a landscaped walk from Christ's Pieces down Christ's Lane and into the city centre."; the recommended condition 25 required details of "the wire mesh and its fixing to Christ's College wall". The wall was never greened: the Council's own appraisal describes the frontage as "long and inactive formed of blank elevations of kitchens and other late C20 college buildings that are due to be redeveloped for a new library" (paragraph 6.2), and the Create Streets review, filed again with this paper as Exhibit D10, records of the 2004 works: "These improvements were never implemented" (page 5; Exhibit D10, page 6).
5. The DCF closed with the chair's note that "The Applicant would be encouraged to keep in direct contact with the Petitioners and to seek their views on any proposed amendments." (the minutes, item 114(iii)); the offer was made to the case officer a week later; the applicant has not approached CLAG and, so far as CLAG is aware, has approached no petitioner; no member of the public was asked anything.

6.3.14 The offer is a planning benefit, not a heritage one, and it was weighed by no consultee. Two things follow, and this paragraph fixes both: the offer cannot reduce the heritage harm, and the Council's own conservation officer has not weighed it. A benefit of this kind "cannot affect the degree of heritage harm but must go into the public benefits side" (*R (Juden) v London Borough of Tower Hamlets* [2021] EWHC 1368 (Admin) at [80]); reuse and public access "would not reduce the harm which the interventions would cause to the significance of the building or add to its special interest. That is because there is a difference between how an asset is experienced and how many people experience it" (the Fulham Town Hall appeal, APP/H5390/W/15/3140593, decision letter of 4 April 2017, DL 32). The offer postdates every consultation response. The conservation officer's response of 26 August 2026 strikes one balance, the four heritage effects it lists against the harm, and finds the harm not fully outweighed; that is the whole of it. It weighs no benefit outside heritage, and the offer, made to the case officer on 5 August 2026, was not before it. The balance under HE6(4), the harm against the public benefits of the proposal, is a separate exercise for the decision maker, and it starts from the harm as found, not from the officer's net figure (3.3). A report that presents the officer's response as having weighed the offer misstates the response.

6.3.15 Either the College intends the bench, the gate, the tours and the school visits to be part of the development, or it does not. If it does, they belong in the application, in a drawing or a proposed condition, where the report can weigh them and a permission can secure them. If it does not, they are not benefits of the proposal and the report should not count them. The report should state which is the case, and should weigh the offer as the small, unsecured and severable addition it is, with reasons members can examine.

6.4 “Sustaining the ongoing use” is not a benefit

6.4.1 The conservation officer’s response of 26 August 2026 (document 9505685) lists among the scheme’s positive heritage effects, and sets against the harm in its heritage balance (3.3): “Sustaining the ongoing use and conservation of the grade I listed building by providing improved, accessible library facilities.” The 2025 report made the same point in the same words: “the proposed development would help to secure the ongoing use of the listed buildings for their intended, educational use” (paragraph 14.19), beside “securing the optimum viable use of the site” (paragraph 14.20). The Council has accepted that its 2025 permission should be quashed on the third ground, which the Statement of Facts and Grounds states as “Simply put, OVU was just not a relevant consideration in this case” (2.3.2). The applicant told the Council’s members that the concept is not in its application: “The objection to optimum viable use was not mentioned in the application.” (the minutes, item 37; sic). Its letter of 1 August 2026 then gives the same consideration another name: “Whether ‘optimum viable use’ is used as a phrase or not, the importance of the library in sustaining the College as a leading educational establishment within ranges of historic buildings is clearly a heritage / environmental benefit as well as a social one.” (document 9481026, page 3).

6.4.2 The use continues whether or not this scheme is built: the listed buildings are in continuous use with unchanged numbers (paragraphs 7.99 and 23.6). HE4(1)(a) treats maintaining or securing “a use consistent with their conservation” as a requirement proposals should meet, not a benefit to be weighed; the letter of 27 August 2026 says the policy “chimes” with the scheme, and a requirement belongs on neither side of the balance. That letter runs the point again under the new policy’s name: “In light of the discussion about ‘optimum viable use’, the wording here is very clear that successful conservation maintains appropriate uses for historic buildings. It is not just about finding new uses for empty ones.” (document 9506331). The concept has left the Framework: the NPPF of December 2024 used the words “optimum viable use” once, in its paragraph on public benefits (“securing its optimum viable use”), and the NPPF of 17 August 2026 does not use them. HE6(4) weighs benefits “resulting from the proposal”, and sustaining a use the buildings already have does not result from it. How the consideration entered the 2025 report is on the Council’s own file. On 23 October 2025, six days before the committee, the applicant’s planning consultants sent the case officer their comments on the published report, including, on its paragraph 11.4: “would it be fairer to say that this harm to the setting of the Bodley is offset by other benefits to the LB fabric and setting (inc the optimum viable use) with enhancement to Con Area and RPG?”; the case officer replied: “I will take all into account and update the amendment sheet as needed.” (Exhibit TP3 to CLAG’s committee papers letter, filed with this paper, held in the Council’s response to request FOI00020035.) A harm “offset” by benefits to other assets and by the continued use is the method of the second ground and the consideration of the third, in the applicant’s own words to the case officer. The report should not count the continued use, under that name or any other.

6.5 The finding on the balance, and what follows on each course

6.5.1 Taken at face value and in aggregate, the applicant’s list consists of:

1. the ordinary incidents of any redevelopment of the site: the spending of the construction period (6.2.1, item 1), the replacement of the 1970s frontage (6.2.1, item 4), and the building systems and biodiversity measures any compliant building carries (6.2.1, item 5);
2. the private advantage of one institution's members: the library facilities for "700+ students" and "generations of students" (6.2.1, item 2);
3. the accessibility works within the listed buildings, already authorised under the standing listed building consent 25/02162/LBC and claimed here as a benefit of this application (6.2.1, item 3);
4. light from the library's windows onto the lane at night, claimed as a safety benefit in the Bursar's letter and denied to the residents opposite in the applicant's own Planning Statement (6.2.1, item 7);
5. "sustaining the ongoing use" of the listed buildings, an effect the buildings already have and optimum viable use under another name (6.4);
6. the access offer of 5 August 2026: unsecured, expressly revisable, severable, and kept out of the application (6.3).

6.5.2 Policy 61(e) of the Cambridge Local Plan 2018 requires "clear justification for any works that would lead to harm or substantial harm to a heritage asset yet be of substantial public benefit, through detailed analysis of the asset and the proposal". The applicant's own analysis identifies no substantial public benefit, and the list above holds none.

6.5.3 Considerations of that character are not "material considerations powerful enough" to displace a strong statutory presumption (*Forge Field* at [49]). The harm they are set against is found by every heritage assessment on the register to the settings of Grade I buildings and carries considerable importance and weight by statute and by policy, under HE6(1)'s substantial weight at the top of its gradient. The Council's own conservation officer has found that the heritage benefits do not outweigh the harm. Every planning benefit that survives the tests at 2.2.5 attaches equally to the consented design and to a distributed library on the College's own adopted plan. No document on the file identifies a benefit this building delivers that a lower or distributed library would not. The Framework's own scale for assets of the highest significance shows where the harm sits: HE6(6) provides that substantial harm to a Grade I listed building "should be wholly exceptional", and HE6(1) gives the greatest weight to such an asset's conservation "irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance". The applicant's own formulation, that "the level of harm must be given due weight and then balanced against the public benefits" (document 9481026), skips the justification HE4(2) requires before any balance is struck, and gives the harm the weight the applicant chooses where the statute, HE6(1) and HE6(3) fix it.

6.5.4 What follows on each course. Weight is for the decision maker, "bearing in mind the relevant case law, including Sullivan L.J.'s observations about "considerable importance and weight" in *Barnwell Manor*" (*Bramshill* at [73]), and what amounts to a public benefit "is, again, a matter for the decision-maker" (at [76]). If the report performs every step above and finds the harm outweighed, it must state, on the record:

1. that harm to the setting of Grade I listed buildings from a building the statutory consultee calls "too big for its location", given the greatest weight the policy allows, is outweighed by benefits of the kinds listed at 6.5.1;
2. that those benefits, which a consented lower design on the same site delivers in full, justify this building because the College prefers to keep every function in one building;
3. its reasons for departing, on each point, from the statutory consultee, the Council's own conservation officer's balance, the Victorian Society and the expert appraisal (*Kinsey* at

[89]; *Visao Ltd v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 276 (Admin) at [23]).

If the report finds in those terms, members decide on a true statement of the file. If the report finds that the benefits resulting from the proposal do not outweigh the harm, HE6(4) is not met and the recommendation that follows is refusal. If it reaches “outweighed” by omitting the weights, the alternatives, the applicant’s own weights, the offer’s status or the conservation officer’s own finding, it misapplies HE6(4) on its words, repeats the error quashed in *Wyeth-Price*, and repeats the errors the Council has accepted before the Court. The report should state which it does.

7. What the scheme and its works take from the public

7.0 In the balance S4(1) requires, the benefits claimed for the scheme stand net of what the scheme and its construction take from the same public. S4(1) provides that development proposals within settlements “should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework”, and S4(2)(c) names among the circumstances in which the benefits are likely to be substantially outweighed a proposal that would “Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances”. The design and development plan paper, section 5, sets out that one such policy, DP3(3), is failed on the applicant’s own documents; the case officer letter, section 9, sets out that the finding TR6(4) requires for the construction phase cannot be made on the file. The adverse effects that bear on the benefits case are set out below, each with its register source; the daylight figures, the plan’s own tests and the shadow study the plan asks for are carried by the design and development plan paper, section 4.

7.1 What the public gives up permanently

7.1.1 The lane. Christ’s Lane was reopened through the 2002 to 2008 redevelopment as “a wide pedestrian route, linking the historic core of Cambridge to Christ’s Pieces” (the Historic Core Conservation Area Appraisal, published 2016, approved 27 June 2017). The appraisal records its present life as “an attractive route”, “an attractive active frontage” and “a positive public realm”; the Council’s own 2025 report: “it is heavily used by pedestrians throughout the day” (paragraph 20.21, page 164). The appraisal contemplates redevelopment of the College side and records that options “that provide overlooking and a more august frontage to the lane could help to raise the quality of the frontages”. The question the appraisal itself poses is whether this scheme delivers the qualities it identifies. What the public gives up permanently, each on the register:

1. Enclosure. The building’s dimensions above the lane are stated, with their sources, in the design and development plan paper, section 2, item 7. The Create Streets review, commissioned by CLAG and filed again with this paper as Exhibit D10, measures the result: “The height of the building (14.1m) along a 6m wide lane creates an enclosure ratio of about 2.3:1” (Exhibit D10, page 3), “creating a canyon effect alongside the new building opposite” (page 3). Its Appendix i (page 12) sets the lane against other Cambridge streets, in the review’s own approximate figures: Christ’s Lane today, buildings of about 8 m over a lane 6 m wide, a ratio of about 1.3:1; Christ’s Lane under this proposal, 14.1 m over 6 m, about 2.3:1; Christ’s Lane under the review’s own proposal, 10 m over 6 m, about 1.7:1; Trinity Street, 11 m over 7 m, about 1.6:1; Rose Crescent, 9 m over 6 m, about 1.5:1; Silver Street, 9 m without chimneys and 14 m with them over 8.75 m, about 1:1 without chimneys and 1.6:1 with them. On the review’s figures the proposal encloses the lane more tightly than any of the streets compared, and

more tightly than the lane today or under the review's own lower proposal. The expert appraisal names Rose Crescent, Green Street and Petty Cury as streets "never oppressive or canyon-like" (document 9458570, paragraph 48). The Council's 2002 planning framework for the other side of the lane required frontages "designed to avoid Christ's Lane becoming canyon-like and oppressive" (the Joint Planning Brief, second draft, March 2002; paragraph 46 of the appraisal at document 9458570 quotes it). The Council's own conservation area appraisal describes the town's commercial heart as "tight and compact with virtually all buildings hard against the back of footpaths", which "gives the narrow streets an intimate character", with buildings "usually of two to four storeys in height" (the Historic Core Conservation Area Appraisal, paragraph 2.6.3). A councillor put the question at the DCF: "Would the proposals create a canyon effect." (the minutes, item 97). The applicant's answer to members is in the minutes, item 38: "having quite high buildings with a narrow lane between them was a feature of the Cambridge vernacular. The lane would be cool and would not be narrower". The Master's answer to the councillor was "We do not believe that there is a canyon effect." (the DCF record, section 8, item 8; webcast 1:32:11; not in the minutes). Its letter of 1 August 2026 says of its comparator streets that "these intimate streets are often the most charming" (document 9481026, page 2). The applicant's own word for the lane after construction is "cool", which is shade, in the same sentence as no effect on light; and its own section and the review's figures give the enclosure that produces it.

2. Daylight and sunlight. On the applicant's own daylight appendix (Right of Light Consulting, Appendix 2, republished with this application), 37 of the 61 lane facing windows fail the BRE daylight test; nine protected shopfront windows lose between 74 and 100 per cent of their skylight, window 13 all of it. The report's own text declines to assess them: the ground and first floors opposite "are non-domestic, which in our opinion do not have a requirement for daylight or sunlight. Even though a number of the rooms/windows do not pass the numerical tests" (paragraph 1.1.5). On the applicant's own overshadowing table the lane already fails the BRE two hour sun test across 79 per cent of its surface. The wall over which the lane's remaining light arrives, on the north side, rises on the Council's own figures from approximately 5.7 metres to approximately 12.5 metres at the parapet and 14.1 metres at the chimneys. The building opposite meets the lane at approximately 10.3 metres (the 2025 report, paragraphs 11.19, 12.3 and 12.5). The Council's own decisions fixed what the surrounding built form on this lane is, and the building stands above all of it. The 2002 brief, which the Council adopted as supplementary planning guidance on 5 November 2002, required "Minimum width of Christ's Lane to be about 6m" and "Frontage height to respond to cornice on Prudential Building" (the Bradwell's Court Planning and Design Brief, requirements 2 and 6). The Council's draft of March 2002 reserved the College's side for "small kiosks along the lane" or "some redevelopment of parts of Christ's buildings" (the Joint Planning Brief, second draft, "Built Form - Christ's Lane"). The 2004 report applied the brief with the St Andrew's Street frontage at 11.4 metres and the Christ's Pieces elevation at 12.4 metres (the Council's report on application C/04/0632, 20 October 2004, paragraphs 8.17 and 8.26). On the applicant's own section the proposal stands 12.467 metres to the parapet and 14.167 metres to the stacks above the lane (Short Section DD, drawing 003703 P03, document 9423850). That is above the 10.3 metres opposite at the lane, and above the 11.4 and 12.4 metres the Council held the site opposite to on its other frontages, on the side the brief reserved for kiosks. The datums are cited for what the surrounding built form is; the harm is the building's volume, mass and bulk as a whole, and the means of avoiding it are the lower and distributed designs at section 4. The design and development plan paper, section 2, items 7 and 8, carries the same record. The only sunlight study of the lane on the register is document 9439767, "Christ's Lane Daylight

Study”: three pages of perspective images at four times on three dates, with no author, date, plan, scale, shadow outline, area or duration. CLAG’s daylight and sunlight consultant, eb7, has reviewed the applicant’s figures: its letter of 16 October 2025 is document 7392055 on the register of 25/02161/FUL, and its further letter of September 2026 is filed separately. The design and development plan paper’s section 4 carries the figures, the review and the shadow study the Local Plan’s own Appendix F asks for (paragraph F.43). P3(2)(b) of the NPPF requires proposals not to “give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers”, with its own avoidance sentence: “Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree”.

3. The protected shops. On the Council’s adopted Policies Map of 2018 the frontage opposite, “69-70 St Andrews Street and 1-19 Bradwells Court”, is a Primary Shopping Frontage within the Primary Shopping Area (“Historic Core”); the College site lies outside that area, as the 2025 report records: “Christ’s Lane is designated as a Primary Shopping Area, with the application site immediately adjacent, but not within, this area.” (paragraph 2.3). Policy 11 of the Local Plan governs proposals within the Primary Shopping Area and does not apply to the College’s building. Its terms state what the designation is for: in the primary frontage “retail (A1) uses should not fall below 70 per cent in any frontage”, and within the area “the loss of centre uses at ground floor level to non-centre uses” is not permitted unless the use is shown to be no longer viable. Policy 10 requires city centre development to “add to the vitality and viability of the city centre”, and TC2(1)(b) of the NPPF directs substantial weight to “improving or retaining access to local shops”. The applicant’s recorded answer to its own daylight figures is “Frankly that is nonsense” (document 9481026, page 2); and the loss is permanent.
4. The settings of the Grade I buildings and the conservation area: section 3, at the weights at 6.1.

7.2 What the construction takes meanwhile: the plan closes and diverts the lane’s footpath for a period it does not state

7.2.1 Christ’s Lane is public highway on the applicant’s own statement: “The rest of the width, although still owned by the two Colleges is public highway. This lane, and Christ’s Lane beyond, is pedestrians only with cycling prohibited.” (Planning Statement, paragraph 7.102). The applicant told every City Councillor that the lane stays open: “Christ’s Lane will remain open to pedestrians throughout the construction period.” (the Bursar’s letter, document 9465769); the Planning Statement: “Christ’s Lane will not be blocked however.” (paragraph 7.105). The applicant’s own construction plan closes it. Its section 5.1 provides that construction access “will be controlled via agreed gates on Christ’s Lane, St Andrew’s Street and Drummer Street”; that a banks person is “responsible for managing temporary suspension of footpath access and cycle / vehicle routing”; and that “Pedestrian access routes for the public and emergency services will be maintained, with temporary diversions implemented only when required and for the shortest practicable duration”, the diversions managing, among others, “Pedestrians coming from Christ Lane” (document 9423970, section 5.1, page 9). A suspension of footpath access is a closure of the footpath for as long as it lasts, and the plan states no number, duration or route for the closures and the diversions. The losses that follow, each on the register:

1. the closures and diversions themselves, on a plan that gives them no number, duration or route, when TR8(1)(a) of the NPPF asks that rights of way be protected “including through suitable diversions agreed with the highway authority”, and no diversion agreed with the highway authority is on the file. The Local Highway Authority’s advice on this application relies on the traffic management plan approved under the 2025 permission,

which the Council's own email of 28 July 2026 says is not treated as approved for this application (the determination timing letter, section 6);

2. the narrowing, for the duration: "This will necessitate narrowing the lane so that a safety hoarding, space for deliveries and storage, erection of scaffolding and site welfare (to be double stacked) can be provided." (Planning Statement, paragraph 7.105); "Timber hoarding 2.4m high" and the Christ's Lane elevation "fully sheeted" (document 9423970). The duration on the applicant's own documents is "likely to be around 18 months" (Planning Statement, paragraph 5.28), "likely to take around two years" (Heritage Statement, document 7299340, paragraph 5.60, republished with this application) and a temporary kitchen hire of "seventeen (17) months", extendable; the 2025 report: "The length of the construction period for the proposed development is not understood to be fully known at this stage." (paragraph 20.36). TR6(4) applies its refusal rule "both during the construction phase and following completion", and "temporary" is not a duration;
3. the accessible crossing of St Andrew's Street, removed for the works with no equality material, no alternative crossing and no reinstatement date (6.2.1, item 3);
4. the noise: the applicant's own assessment (document 9423966) sets the criterion at 65 dB and predicts, without mitigation, 81 dB during demolition, 87 dB during piling and 84 dB during general site activities at the nearest receptors, 18 m away: "without mitigation, the nominated noise limit is predicted to be exceeded at the nearest noise sensitive receptors during all activity phases", with mitigation committed "wherever practicable". The Council's own environmental health officer found the same package unacceptable on the discharge application under the 2025 permission on 20 March 2026, and it is resubmitted unchanged; the history is set out in CLAG's conditions paper, Annex G, filed with this paper, section 7;
5. the manoeuvres themselves, in the plan's own words: "Barriers will be erected, and banksmen will be present for all such manoeuvres regardless of pedestrian footfall" (document 9423970, section 5.1). At its online pre application presentation of 19 May 2025 the applicant's agent said: "I can assure you we are not blocking Christ's Lane in doing so" (recorded, with the times on the recording, in CLAG's conditions submission of 13 August 2026, document 9495871, section 3.5). Whether any lawful mechanism exists for the closure regime the plan describes is set out in Annex G, section 5.

Either the lane's footpath will remain open to pedestrians throughout the construction period, as the applicant told every City Councillor, or it will be closed and diverted as the plan provides. If it will remain open, the construction plan on the register does not describe the works. If it will be closed and diverted, the letter to councillors does not describe them, and the file does not say how often, for how long or by what route. The report should state which is the case, and the finding TR6(4) requires for the construction phase cannot be made on a plan the Council itself says is not approved for this application (the case officer letter, section 9).

7.3 The shops' trade, during the works and after them

7.3.1 The economic harm of the scheme falls on the shops opposite, during the works and after them, and the NPPF of 17 August 2026 addresses that harm in terms. The shops are existing businesses on a designated primary frontage, established before this application (7.1.1, item 3). The NPPF's provisions:

1. P4(1), a national decision making policy: "Existing businesses, community facilities, public services and defence and security activities should not have unreasonable restrictions placed on their current or permitted operation as a result of development being approved after they were established. This means that development proposals

should be capable of being integrated effectively with existing business, community and public service activities and infrastructure in their vicinity”;

2. TC2(1), a national decision making policy: “In considering proposals for development in town centres, substantial weight should be given to the benefits of: a. Supporting the overall vitality and viability of the centre, including where this can be achieved through the diversification of uses, intensification and provision of residential accommodation (provided this would not conflict with policies in the development plan for specific locations); and b. Improving or retaining access to local shops and other facilities which provide day-to-day services for the local community.”;
3. the objective of chapter 8: “to promote the long-term vitality and viability of town centres by prioritising them as locations for main town centre uses and allowing them to adapt to changing community and business needs”; and of chapter 7: “to enable businesses to invest, expand and adapt”;
4. P3(2)(b), which protects the daylight of “neighbouring residents and occupiers” (7.1.1, item 2). The 2025 report declined to assess the shops’ daylight: “it is not considered, that within retail units such as those adjacent the site, users would have any significant expectation of daylight. The majority of users of shops such as these are likely to only visit for a short period of time before leaving.” (paragraph 20.18, page 164). The policy’s word is “occupiers”, and the occupiers of a shop are the people who work in it through its opening hours.

7.3.2 What the shops lose, on the applicant’s own documents:

1. their daylight, for good: nine protected shopfront windows lose between 74 and 100 per cent of their skylight (7.1.1, item 2);
2. their access, during the works: the lane’s pedestrian access is suspended by banksmen, and the lane is narrowed to a hoarding, deliveries, storage, scaffolding and double stacked welfare units (7.2.1, items 1 and 2). The period is given in the applicant’s own documents as around 18 months, around two years, and seventeen extendable months;
3. the setting in which they trade: the Council’s own 2025 report describes the lane as “heavily used by pedestrians throughout the day” and records that it “occasionally hosts pop-up stalls serving food and drink” (paragraph 20.21, page 164); the Council’s own benches were removed at the College’s request (Exhibit D7);
4. noise: 81 to 87 dB predicted without mitigation at the nearest receptors, 18 m away (7.2.1, item 4), on a plan whose noise receptors do not include the shops (7.3.5).

7.3.3 The applicant’s own answer puts closure on the file. The letter of 1 August 2026 (document 9481026, page 2), under “Economic Benefits”: “Lots of unsubstantiated comment was made about how building the new library would impact the economic viability of shops on Christ’s Lane. Frankly that is nonsense. If major chains such as Starbucks or Metro Bank decide to close branches, they will be strategic decisions made many miles from Cambridge. Most retail units the world over, have deep floorplates and do not rely on, or need, high levels of daylight. This is simply not a material planning issue and that appears to have consistently been the view of the Council’s Environmental Health Officer.” Three things follow on the record:

1. the figures the letter calls nonsense are the applicant’s own consultant’s (7.1.1, item 2);
2. the closure of branches is the applicant’s own example, and where a decision to close is taken does not change what the shops on the lane lose; P4(1) asks whether the operation of existing businesses is restricted by the development, not who decides to close them;

3. no Environmental Health response on the register says anything about retail daylight: the 2026 response (document 9468203) describes the scheme as “an almost identical resubmission” and maintains the 2025 comments, and the sentence the letter attributes to that officer appears on the register in the applicant’s own daylight consultant’s covering letter (“it is widely accepted amongst consultants and local authorities that retail premises do not fall into this category. The reduction in VSC to the commercial properties in our assessment is therefore not a material planning consideration.”). Whether a matter is material is a question of law for the Council, and P4(1) and TC2(1)(b) make this one material in terms.

7.3.4 One closure is already on the lane. The Starbucks café at 6 Christ’s Lane, one of the two chains the applicant’s letter names, “served customers for the last time on Sunday (October 26)” 2025, three days before the Committee of 29 October 2025 decided the identical scheme. Starbucks’ statement, as published: “We regularly review our portfolio to ensure our stores are relevant for our customers. Our Christ’s Lane store closed on Sunday 26 October and we thank our customers for their loyalty over the years and invite them to find their nearest store on the Starbucks Store Locator.” (Cambridgeshire Live, 28 October 2025; Exhibit D9, filed with this paper). The applicant’s letter of 1 August 2026, written nine months later, offered Starbucks as its example of a chain that might “decide to close branches”; the branch on the lane had already closed. The report should record the closure and establish from the landlord and the tenant whether it is connected to the scheme; if it is, the restriction P4(1) addresses had begun before the application was determined.

7.3.5 No document on the file assesses the effect on the shops. The applicant’s construction plan (document 9423970) names “retail units” among the site’s surroundings (“The site is surrounded by listed buildings, student accommodation, academic facilities, retail units, catering spaces, public pedestrian routes and residential flats”) and then leaves them out of every list of receptors:

1. its “Key stakeholders impacted by the works” are “Students and staff of Christ’s College”, “Occupants of nearby residential accommodation”, “Users of surrounding pedestrian routes” and “Adjacent listed buildings”;
2. its noise and vibration receptors are “Student accommodation, study spaces, and teaching rooms”, “Library and academic facilities”, “Catering and dining spaces within Christ’s College” and “Adjacent listed buildings and historic fabric”;
3. its one provision for retail is delivery scheduling with due regard to the “Servicing and delivery requirements for local retail premises, including nearby Tesco stores.”

The one economic benefit the letter claims for the works, “jobs, material and other supplies and spending in the local economy”, is the incident of any construction on the site (6.2.2).

7.3.6 Either the shops trade through the works and after them as they trade today, or they do not. If they do, the file should show how, and the plan that suspends the lane’s footpath, narrows the lane and omits the shops from its receptors does not. If they do not, the loss falls on businesses established before this application, which P4(1) protects; on access to local shops, which TC2(1)(b) weights; and on the retail function of a designated primary frontage, which Policy 11 protects. A closed unit on the frontage is a loss the offer’s hours, beginning at completion, do not restore. The report should state, on evidence, what the works and the completed building do to the trading of the shops opposite, and should not carry “not a material planning issue” in its own voice.

7.4 The sequence, and the severability of the offer

7.4.1 The offer's hours begin at completion; the construction losses run first, for the seventeen extendable months of the applicant's own contract at least. The offer could be attached in identical terms to the consented design or to a library on the College's own adopted plan, since nothing in tours, school visits or an opened courtyard requires this building's bulk. In the balance S4(1) requires, the claimed benefits stand net of what the scheme and its construction take from the same public, and S4(2)(c) names among the circumstances in which the benefits are likely to be substantially outweighed a failure to comply with a national decision making policy that directs refusal: DP3(3) on the design standards (the design and development plan paper, section 5) and TR6(4) on the construction phase are such policies. On one side are permanent losses borne by everyone within reach of the lane, the shops and the flats, and an economic loss to the lane's shops that the applicant's own letter contemplates and no document assesses. On the other is a capped, bookable, revisable programme available to few, out of term, whose one new element is entry to the building that causes the harm. If the report strikes the S4(1) balance with those losses on the register's figures and the offer's severability stated, the benefits are substantially outweighed. If it strikes the balance without the footpath contradiction, the construction duration as the applicant's own documents give it, the daylight figures and the shops' trade, it misstates the file on which members decide. The report should state which it does.

8. What the report must find, and what follows if it does not

8.1 The findings below are the three this paper supplies to the chain. Each is stated in the same form: what the law requires before the decision, what the file holds, what CLAG placed on the register on the day this paper was filed, and what a decision made without the finding is. The harm and its degree (HE5(2)(c); HE5(4)) are the findings the harm register and the conservation officer letter carry. The report makes them first, in the consultees' own words and at the weight section 66(1), HE6(1) and HE6(3) give the harm (section 3; 2.1; 2.2.4).

8.2 Avoidance (HE4(1)(b)). The law: a finding whether the harm can be avoided, before minimisation is reached, on a consideration the Council's own 2025 report called material and the fourth ground the Council has agreed to concerns. The file: no such finding, no assessment by the applicant of any alternative, and two 2025 answers that cannot be given again (4.1). Placed on the register: the Council's own 2016 findings on the consented design (4.2.5); the applicant's own floor area figures for it and for the present brief (4.2.6); and the applicant's own account that the basement's accommodation "has been distributed throughout the new library on the upper floors" (3.2, item 3). Also placed on the register: the applicant's own test for a serious alternative (4.2.8); the four further designs (4.5.2); and the record that the brief, the six competition entries and the feasibility studies are withheld (4.4). The report should:

1. state which of the Council's two 2025 positions on the earlier permissions it takes, "a material consideration" or "carry no weight" (4.2.4), and, if the former, assess whether the harm found could be avoided by the consented design on the Council's own 2016 findings;
2. state whether the harm found could be avoided by a lower or distributed library meeting the College's requirements, before relying on any statement that the harm has been minimised. It should not answer that question with the stage of the application, the applicant's unwillingness to change its scheme, the applicant's timetable, or "assessed on its own merits" (4.1);
3. state the two floor area figures on one measure (4.2.6), apply the applicant's own three criteria to the consented design (4.2.8), and name each of the five designs with the requirement each fails to meet, if it finds that any fails;

4. record that no feasibility study is on the register although the Design and Access Statement says studies “were undertaken to establish the best location”. It should record that the six designs of the applicant’s own competition and the brief that shaped them are on the register nowhere (4.4.3), and that no document the applicant has filed mentions the masterplan’s other study and library places.

If the report finds that the harm could be avoided, HE4(1)(b) is not met, no justification in accordance with the chapter is available, and the recommendation that follows is refusal. If it finds that the harm could not be avoided, it should say why, on evidence, against those documents, with reasons for departing from the Council’s own 2016 finding (*Davison* at [56] and [67]). If it makes no finding and relies on “minimised”, on the stage of the application, on the applicant’s timetable, or on the earlier permissions carrying no weight, it applies the policy’s second course without the first. It leaves out of account a consideration the Council itself has called material, and it repeats the fourth ground (*Langle Park* at [48]).

8.3 Justification (HE4(2); Policy 61(e); DP3(3)). The law: a clear and convincing justification of the harm, stated as a reason why this volume, mass and bulk is needed, which Policy 61(e) requires “through detailed analysis” and DP3(3) requires before a design that conflicts with the plan’s design standards can be approved. The file: five reasons that justify a library (5.1), and no analysis of why the bulk is needed. The file also holds no comparison of embodied carbon between this design and the consented one or any other (5.2.4, item 2). It shows the archaeology and the foundations answered by conditions on the consented design and by the same advice on this one (5.2.4, item 7). Placed on the register: the applicant’s own words that the basement’s accommodation was moved above ground, that the scheme digs, piles and pours concrete, that the Master accepted of the stacks “That height can begin beneath the ground.”, and that the reasons for no basement differ by date and audience (5.2.4). The report should:

1. state what the building’s bulk is needed for, on evidence, as distinct from what a library is needed for. It should answer the applicant’s own paragraph 3.3, the Council’s own 2016 finding, the College’s own distributed library, the scheme’s own substructure and the accommodation it carries above ground in place of the consented basement;
2. record that no quantitative comparison of embodied carbon between this design and the consented basemented design, or any of the five designs at 4.5, is on the file, and that the figure given to members is “Typically, in a modern building” and not this building’s;
3. record that the archaeology and the foundations were assessed on the consented design and answered by conditions, and that the county archaeologist’s advice on this application is in the same form (5.2.4, item 7);
4. address the Master’s own statement that the building’s heaviest use is in exam term with students present for about 26 of 52 weeks, with the applicant’s own qualification of it. It should state why the peak capacity must be built permanently into the building on the lane (5.2.5).

If the report finds a clear and convincing justification of the bulk, it should state it in those terms and with those documents answered. If it finds none, HE4(2) is not met and the recommendation that follows is refusal. A justification found on “no digging”, “to avoid further digging”, “the least green thing” or the archaeology adopts premises the applicant’s own documents and the Council’s own 2016 report contradict (*Mansell* at [42]). A justification found in the HE6(4) weighing is not the “detailed analysis” Policy 61(e) requires or the “clear justification” DP3(3) requires (*Tesco* at [18]).

8.4 The balance (HE6(4); section 66(1); HE6(1); HE6(3)). The law: the harm weighed at its statutory weight, against public benefits “resulting from the proposal”, each identified with whether it is secured and what weight it carries, and continued use counted under no name (6.4).

The file: the applicant's own ratings, "Moderate" and "Minor" (6.1.2), and a list whose entries each fail causation, nature or security (6.2). It also holds an access offer secured by nothing, every figure a ceiling, expressly revisable, begun at the DCF as "We will." (6.3), and the applicant's own concession that the College's existing access does not stand to be weighed (6.3.10). Placed on the register: the record of every benefit offered since September 2025 and what entered an application (6.3.3), and the offer's status (6.3.1 to 6.3.2). The report should:

1. quote the guidance whole, including "They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit", and state the NPPF's Introduction, paragraph 18, where the letter's definition is reported (6.1.3);
2. test each entry of the letter of 1 August 2026 against causation, nature and security, naming the beneficiaries as the letter names them. It should count no entry that results from any library on the site, benefits the College's members rather than the public at large, or is secured by nothing (6.2). Where the applicant has rated its own claim, the report cannot exceed that rating without reasons (6.1.2);
3. not count "sustaining the ongoing use" of the listed buildings, or optimum viable use under any name, as a benefit (6.4);
4. state the accessibility record on both sides, and identify the material on which the Council discharges its duty under section 149 of the Equality Act 2010 before the accessibility benefit is weighed (6.2.1, item 3);
5. state the access offer as quantities, not characterisations, with its status and its history (6.3.1 to 6.3.3). It should state whether each element of the offer is in the application and, for any that is not, whether the College intends it to be part of the development (6.3.13). It should weigh no element as "resulting from the proposal" that attaches equally to any library on the site (6.3.6), and it should not present the conservation officer's response of 26 August 2026 as having weighed the offer, which it does not mention (6.3.12);
6. state the aggregate against the presumption in the terms at 6.5.1 to 6.5.3 and, if the report finds the harm outweighed, make that finding in the terms at 6.5.4 with reasons for each departure from the consultees.

If the report does these things, the benefits side is the unsecured, severable residue of the offer, and the balance concludes against the scheme. If it gives "significant weight" to benefits the applicant itself rates "Moderate", counts benefits that do not result from the proposal, counts continued use, or weighs the offer as secured or as reducing the harm, it misapplies HE6(4) on its words. It performs the level balance quashed in *Wyeth-Price* (at [41]) and repeats the third ground. A benefit told to members as secured when it is not misleads them (*Mansell* at [42]).

8.5 The wider balance (S4(1)). The report should carry the adverse effects at section 7 with the register's figures, the shops' trade included (7.3): the footpath position stated as the applicant's own two statements require, with the plan's closures and diversions in the plan's own words (7.2). It should carry the construction duration as the applicant's own documents give it, and the offer's severability (6.3.6). It should strike the S4(1) balance "against the national decision-making policies in this Framework", with the S4(2)(c) circumstance stated where a policy that directs refusal is failed (the design and development plan paper, section 5; the case officer letter, section 4).

8.6 The words the report should not carry in its own voice, each answered above:

1. "assessed on its own merits", "at this stage" and the applicant's timetable as the answer on alternatives (4.1), and "carry no weight" for the consented design (4.2.4);

2. “smaller overall” as a description of the building on the lane, and “lower end” as the extent of the harm without the harm found being stated (3.2 and 3.3);
3. “no digging”, “to avoid further digging”, “the least green thing” and the archaeology as the justification of the bulk (5.2.4);
4. “sustaining the ongoing use” as a benefit (6.4);
5. the conservation officer’s response of 26 August 2026 as having weighed the offer (6.3.12), and “a very significant benefit to the wider public” as a description of the offer (6.3.1);
6. “Christ’s Lane will remain open to pedestrians throughout the construction period” as the position on the footpath (7.2).

9. The step that resolves the matter

9.1 The determination timing letter states the sequence CLAG asks the Council to follow and why, and the case officer letter carries the chain of findings whole, with this paper’s three findings at its sections 5 to 7.

9.2 On the merits, the College’s own file holds the starting points for a library that meets every requirement the College has stated without the harm every heritage assessment finds. They are the consented design, the adopted masterplan’s five study and library places, and the distributed library the College operates today. A library designed from those starting points avoids the harm to the Grade I settings and to the lane, accords with the development plan, and can carry construction obligations that can be performed. The public it is said to benefit can be consulted on a design that can still change.

Christ’s Lane Action Group

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10. Exhibits

10.1 The exhibits are filed with this paper as seven files, each under its exhibit letter. Each reproduces a document, its pages marked with the item number, the source and the page in the exhibit, and every item is cited in the text beside the paragraph that relies on it, with its source named there. Exhibit H1 is filed with CLAG’s Historic England FOI schedule (Annex H).

10.2 Exhibit H2, pages from Historic England’s disclosure under reference 26/04173, cited as held on Historic England’s file: H2.1 and H2.2, Caroe Architecture, Initial/Exploratory Views Commentary, draft for pre-application consultation, December 2024, pages 4 and 7; H2.3, the same, page 12; H2.4, Grafton Architects, the second pre-application presentation, 18 December 2024, page 8.

10.3 Exhibit D6, pages from the College’s own publications and web pages, read on the dates stated in the text: D6.1 Pieces 48, Autumn 2025; D6.2 Pieces 49, Lent Term 2026 (the cover: “ISSUE 49 • LENT TERM 2026”), page 2; D6.3 Annual Report 2023 to 2024, page 21; D6.4 the College Magazine 2025, page 4; D6.6 the masterplan page (MICA Architects), captured 25 July 2026; D6.7 the Third Court Library page, 29 October 2025; D6.9 the Plumb Auditorium page; D6.10 the Bursar’s published answers, 24 July 2025; D6.11 the visiting page and the College Guide of July 2026, page 4; D6.12 the Internet Archive capture of the visiting page of 5 July 2022; D6.13 Cambridge University Libraries, “Cambridge colleges library and archive exhibitions and events”, read 8 September 2026; D6.14 Trinity College, the Wren Library page; D6.15 Open

Cambridge, "Tour of the Bodley Library"; D6.16 Rick Mather Architects, feasibility study (2010), pages 12 to 14; D6.17 the Library+ fundraising page, captured 14 January 2026. Items D6.5 and D6.8 are not relied on, and the item numbers are kept.

10.4 Exhibit D7: the Council's senior planning lawyer's email to CLAG of 9 April 2026 on the benches, reproduced as received, with the sender's office stated.

10.5 Exhibit D8, the College's adopted masterplan: D8.1 Annual Report 2023 to 2024, page 12; D8.2 MICA Architects' Christ's College Masterplan page, captured 24 July 2026, with the diagram "Spatial efficiency within the college" and its legend of twenty interventions, saved from micaarchitects.com on 25 July 2026; D8.3 the image on the same page of a proposed building on the Hobson Street frontage, saved 25 July 2026.

10.6 Exhibit J1: the Statement of Matters relied on in support of the agreed final order, four pages, as the Council's solicitor sent it to the Administrative Court on 8 June 2026. CLAG did not sign the order or agree the statement; the claim is listed for hearing on Tuesday 20 October 2026.

10.7 Exhibit D10: the review Create Streets wrote for CLAG in October 2025, Christ's College Library: Critical review and alternative design proposal, 22 pages, reproduced whole as CLAG submitted it with its objection of 21 October 2025 on application 25/02161/FUL; item D10.1.

10.8 Exhibit D9: the closure of the Starbucks café at 6 Christ's Lane on 26 October 2025, one published report reproduced as saved from the publisher's website on 16 September 2026: D9.1, Cambridgeshire Live (cambridge-news.co.uk), "Cambridge café closes doors for final time thanking customers for loyalty", 28 October 2025, three pages. Relied on at 7.3.4.