

CLAG: the avoidance and justification letter (25 September 2026)

Request that the case officer's report to committee on this application ("the report") state two conclusions the National Planning Policy Framework of 17 August 2026 ("the NPPF") requires before the harm to the settings of the Grade I listed buildings can be justified or weighed. The first, under HE4(1)(b) of the NPPF, its requirement to avoid or, where that is not possible, minimise harm to heritage assets, is whether that harm could be avoided by the consented design of 2013 and 2016 or by another lower or distributed library that meets the College's stated requirements. The second, under HE4(2) of the NPPF, its requirement of a clear and convincing justification for harm to a designated asset, is what the building's volume, mass and bulk is needed for, on evidence, as distinct from what a library is needed for. Neither conclusion is on the file. 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 that date) answered the first with "at this stage" and "on its own merits", and the second with five reasons for a library. CLAG places the record for both conclusions on the register with this letter and asks that the report state each conclusion on it. CLAG also asks the Council to state in writing, by Tuesday 29 September 2026, whether the report will rely on the College's architectural competition as the assessment of alternatives or on a comparison of embodied carbon as the reason for the bulk. If it will, CLAG asks that the competition brief, the six entries and the comparison be placed on the register by that date. A report that states neither conclusion applies HE4(1)(b) and HE4(2) otherwise than in their terms, and it repeats the fourth ground of the judicial review on the same drawings

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 carries two points from CLAG's alternatives, justification and public benefits paper, filed with this letter ("the alternatives paper"), sections 4 and 5, and asks for the two conclusions on them. Quotations are verbatim from the document cited, and documents are cited by their numbers on the register of this application unless another register is named.

To: planning@greatercambridgeplanning.org and PlanningComments@greatercambridgeplanning.org, for the attention of Dominic Bush (case officer); copy Vanessa Blane (Senior Planning Lawyer, 3C Shared Services); copy Stephen Kelly (Joint Director of Planning and Economic Development, Greater Cambridge Shared Planning); copy legal@3csharedservices.org (the 3C Shared Legal Practice, the address the Council has stated as its accepted point of service).

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

Filed Friday 25 September 2026.

Contents

1. No document states whether the harm could be avoided by a lower library or what the building's bulk is needed for, the two conclusions the NPPF requires before the harm is justified or weighed, and CLAG asks that the report state both
 2. The first conclusion: whether the harm could be avoided by the consented design or another lower or distributed library that meets the College's stated requirements, which HE4(1)(b) requires before minimising and the 2025 report never made
 3. The second conclusion: what the building's volume, mass and bulk is needed for, on evidence, which HE4(2) requires before any justification of the harm and which five reasons for a library do not supply
 4. The competition brief and the six entries, the comparison drawings the Council's own officers asked for, and any comparison of embodied carbon are placed on the register if the report relies on any of them, or the report cannot rely on them
 5. What follows on each course, and the step that resolves the matter
-

1. No document states whether the harm could be avoided by a lower library or what the building's bulk is needed for, the two conclusions the NPPF requires before the harm is justified or weighed, and CLAG asks that the report state both

The heritage chapter of the NPPF puts its questions in an order. HE4(1)(b) requires development proposals affecting the significance of heritage assets to "Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance"; minimising is the course the policy permits only "if that is not possible". HE4(2) requires that any harm to a designated heritage asset "should have a clear and convincing justification in accordance with the policies in this chapter", so a justification is available only for harm that could not be avoided. Every heritage assessment on the register but Christ's College's ("the applicant") finds harm to the settings of the Grade I listed buildings from the building's volume, mass and bulk (CLAG's harm register, Annex C, filed with this letter, section 1). So the two conclusions the report has to state are whether that harm could be avoided, and, if it could not, what the bulk that causes it is needed for.

Neither conclusion is on the file. The applicant assesses no alternative and gives no reason why the bulk is needed (the alternatives paper, sections 4.1 and 5.1). The 2025 report on the identical scheme answered the first question with the stage of the application and the words "on its own merits", and the second with five reasons for a library (sections 2 and 3). The consent order in the judicial review agrees quashing of the 2025 permission on a ground that concerns the first (section 2, item 4).

1. CLAG asks that the report state the two conclusions at sections 2 and 3, each on the record named there. That record is on the register with this letter: the alternatives paper, sections 4 and 5, and Annex C, section 1.
2. CLAG asks the Council to state in writing, by Tuesday 29 September 2026, whether the report will rely on the College's architectural competition or its feasibility studies as the assessment of alternatives, or on a comparison of embodied carbon as the reason for the bulk. If it will, CLAG asks that the competition brief, the six entries, the studies and the comparison be placed on the register by that date (section 4). The date is set so that the

documents are on the file before the report is written. The Council answered CLAG's letter of 7 August 2026 (document 9490029) on 13 August 2026, six days later, and CLAG asks for this answer within four days.

3. We do not oppose a new library. CLAG accepts every requirement the College has stated: "Study Seating: 110-130 desk seats and 20-30 spaces of informal seating, with 20-30 group study seats: 140-180 seats total"; "Shelving: 2200-2500 linear meters total"; "Four meeting rooms/group study rooms" (Design and Access Statement part 1, document 9423960, page 9), with full accessibility and sustainability. None of them is a volume, a mass or a bulk. The two conclusions are whether those requirements need this building's bulk on this site, where a lower library the Council found met the College's needs was twice consented.

If the report states the two conclusions on that record, members decide on findings made in the policy's terms. If the report states neither, it applies HE4(1)(b) and HE4(2) otherwise than in their terms, leaves matters on the Council's own file out of account, and repeats the fourth ground of the judicial review on the same drawings (section 5).

2. The first conclusion: whether the harm could be avoided by the consented design or another lower or distributed library that meets the College's stated requirements, which HE4(1)(b) requires before minimising and the 2025 report never made

The law requires a finding whether the harm can be avoided before the second course HE4(1)(b) permits, minimising, is reached. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires "special regard to the desirability of preserving the building or its setting", and the presumption in favour of preservation it creates "itself implies the need for a suitably rigorous assessment of potential alternatives" (*R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin) at [61]). The file holds no such finding. CLAG places the record for it on the register with this letter, in the alternatives paper, section 4. A decision made without the finding applies the second course without the first.

If the report states the conclusion, on the designs named at item 2 and the Council's own 2016 finding, members decide on it. If the report answers the question with the stage of the application, the applicant's unwillingness to change its scheme, the applicant's timetable, or the statement that the application must be assessed on its own merits, it makes no finding under HE4(1)(b). It repeats the fourth ground on the same drawings.

1. The 2025 report answered the question in two places, and in neither did it make the finding. To the objection "Lack of assessment of alternative locations." it said: "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).
2. The designs the finding has to address, each on the file and none assessed by the applicant, are set out with their sources in the alternatives paper, section 4.5:
 - (a) the consented design of 2011 and 2016 (11/0495/FUL, granted on 5 July 2013; 16/0405/FUL, granted on 7 September 2016), lower above the lane, which 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") found "would meet the needs of Christ's College", and which the 2025 report called "an alternative scheme" and "a material consideration for members" (paragraph 4.1, page 126). 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" (CLAG's Statement of Facts and Grounds in the judicial review, within CLAG's objection of 10 July 2026, document 9475597, paragraph 82). The applicant's own documents give it the larger floor area figure. The Planning Statement's planning history table records it as "New library (1539 sq m)" (document 9423963, pages 10 and 11), and the Design and Access Statement states the present brief as "a new building extending to 1050m2 (GIA)" (document 9423960, page 9). Both figures are the applicant's; the report has to state both on one measure before it finds that the consented design does not meet the present brief;

- (b) the Create Streets variant of that design, commissioned by CLAG (Create Streets, Christ's College Library: Critical review and alternative design proposal, October 2025, on the register);
 - (c) the building the Victorian Society specified in writing on 22 August 2025, "reducing the height by approximately half at each floor" (document 7355397, on the register of 25/02162/LBC);
 - (d) a library on this site as one of the five study and library places of the College's own adopted masterplan, with part of the study space in the places the plan names for it (the alternatives paper, section 4.5.2, item 3, and Exhibit D8 to the alternatives paper);
 - (e) the Hobson Street library, the masterplan's third study and library place and, on the applicant's own letter of 1 August 2026 (document 9481026), the second of the "two possible sites for the library" its architects put to the Governing Body.
3. The same answer cannot be given on the same drawings. The applicant states that the material is "almost entirely the same as for 25/02161/FUL" (Covering Statement, document 9423967, paragraph 1.5), that "no changes have been made to the detail of the drawings nor consequently to the reports" (paragraph 1.7), and that the point is for the report: "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).
 4. The 2025 permission is before the Court. The claim is R (Christ's Lane Action Group) v Cambridge City Council, Christ's College Cambridge interested party, claim AC-2025-LON-004656 (the judicial review). 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. The Council and the College signed a draft consent order on 28 April 2026 agreeing that the permission be quashed on all four grounds; the Council's letter to the Court of the same date states that the parties "have agreed to a Consent Order quashing the Council's decision on all four grounds, with a supporting Statement." (document 9462822, page 18, paragraph 6). CLAG did not sign the draft order, so that the grounds receive a reasoned judgment; the Court did not make the order on the papers and has listed the claim for a one day hearing on Tuesday 20 October 2026 (documents 9462822, page 18, and 9475597, pages 1 and 55). The fourth ground, as the Statement of Facts and Grounds states it (within CLAG's objection of 10

July 2026, document 9475597, the heading to paragraph 78), reads: “Ground 4 – The Committee failed to take into account a relevant consideration – the existence of less harmful alternative modes of development.”

5. “At this stage” describes a choice, and this application has no such stage. The 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). In the Council’s own minute of the Development Control Forum of 11 September 2025 the applicant’s architect said 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 (the amendment letter of 27 August 2025, document 7357152, on the register of 25/02161/FUL). A change that makes a development in substance a different one needs a fresh application (*Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982) 43 P&CR 233 at 241). This application, received on Friday 5 June 2026 and validated on Wednesday 10 June 2026, is that fresh application, and the applicant put the same design in it. The Council’s own chair told the Development Control Forum of 29 July 2026 (the DCF) that amendments were “entirely up to the applicants” (CLAG’s transcript extract of the DCF, filed with this letter (“the DCF record”, cited by entry), entry 3.4). The record of the applicant’s purpose and timetable, in date order, is in the alternatives paper, section 4.1.3, item 6. HE4(1)(b)’s word “possible” refers to the harm and the design, not to the applicant’s willingness to change its scheme.
6. A report that answered an alternative within the application site with “each planning application must be considered on its merits” was quashed in *R (Langley Park School for Girls Governing Body) v Bromley LBC* [2009] EWCA Civ 734: “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).” (at [48]). A finding that departs from the Council’s own 2016 finding that a lower library met the same needs has to give reasons for the departure (*R (Davison) v Elmbridge Borough Council* [2019] EWHC 1409 (Admin) at [56] and [67]).

The conclusion the report has to state is whether the harm found could be avoided by a lower or distributed library meeting the College’s stated requirements, on the designs at item 2 and the Council’s own 2016 finding. The court in *Forge Field* said of an alternative put to a council: “One would have expected to see the officer coming to grips with it in his report and reaching a distinct conclusion about it.” (at [91]). If the report finds that the harm could not be avoided, it should say so on evidence, naming each design and the requirement it fails to meet. It should state the two floor area figures on one measure and give its reasons for departing from the 2016 finding. 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 the report makes no finding, or answers with the stage, the timetable or “on its own merits”, it applies the second course HE4(1)(b) permits without the first. It leaves out of account a consideration the Council’s own 2025 report called material (*Friends of the Earth Ltd v Heathrow Airport Ltd* [2020] UKSC 52 at [116] to [121]), and it repeats the fourth ground on the same drawings (*Langley Park* at [48]).

3. The second conclusion: what the building’s volume, mass and bulk is needed for, on evidence, which HE4(2) requires before any justification of the harm and which five reasons for a library do not supply

The law requires a clear and convincing justification of the harm before it can be weighed (HE4(2) of the NPPF, its requirement of a clear and convincing justification for harm to a designated asset). Policy 61(e) of the Cambridge Local Plan 2018 requires that justification

“through detailed analysis of the asset and the proposal”, and DP3(3) of the NPPF provides that development proposals should be refused if, “without clear justification”, they conflict with explicit design standards set out in the development plan. Because every heritage assessment finds the harm in the bulk, a justification of the harm is a justification of the bulk. The file holds five reasons for a library and no reason for the bulk. CLAG places the record on the register with this letter, in the alternatives paper, section 5. A decision made without the conclusion justifies the harm with reasons that do not address it.

If the report states what the bulk is needed for, on evidence and against the College’s own documents at item 3, members decide on it. If the report gives as the justification of the harm a reason for a library without stating why the library must have this bulk, it applies HE4(2) without answering the question it asks.

1. The 2025 report gave five reasons: the replacement of the 1970s library, sustainability, consolidation on one site, this site, and the students’ needs (the alternatives paper, section 5.1). Each is a reason for a library. None states why a library must have this bulk. The 2016 report found that a lower library on this site with part of its floor area below ground “would meet the needs of Christ’s College”.
2. The bulk comes from one decision, on the applicant’s own account: every function in one building on this site, with nothing below ground. “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, document 9423960, section 3.2, page 9). The reason the applicant’s presenter gave at the DCF was “keeping things together on first court” (the DCF record, entry 4.2). That decision is a preference, and the College’s own adopted masterplan names five study and library places (the alternatives paper, section 4.5.2, item 3).
3. The documents the conclusion has to answer, each the College’s or the Council’s own and none answered on the file:
 - (a) the applicant’s own section 3.2, quoted at item 2: the consented basement’s floor area moved above ground in the same building;
 - (b) the 2016 report’s finding that the consented lower design met the same list of needs, and the 2025 report’s treatment of that design as “a material consideration for members” (paragraph 4.1, page 126);
 - (c) the College’s own adopted masterplan of October 2023 with five study and library places, and its own practice of study space in the Y Building, the Lloyd Room and the Plumb Auditorium (the alternatives paper, section 4.2.2);
 - (d) the scheme’s own substructure: “The new library will be supported on a piled raft foundation.” (Design and Access Statement part 3, document 9423962, paragraph 10.3); “Piled concrete sub-structure with concrete foundation and ground slab” (Sustainability Statement, document 9423735, page 11); “Largest concrete pour twenty-two loads, 1 day” (the construction plan, document 9423970); and the basement the scheme keeps, “002705 REV P02 BASEMENT FLOOR PLAN” on the drawing list;
 - (e) the absence of any comparison of embodied carbon between this design and the consented design. The only figures on the register are the scheme’s own, for the new library alone (Sustainability Statement, page 11). The Master’s statement at the DCF that a basement “would be about the least green thing we could do” (the DCF record, entry 4.10) is a statement, not a comparison;

- (f) the Master's own account of the chimneys at the same meeting: "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." (the DCF record, entry 4.13). On those words the bulk above the lane follows from the decision not to build below ground, not from a need of the building. The only expert evidence on the register, the comment of a Professor of the University of Cambridge and Chartered Engineer, says the same of the design: "The design could easily be transposed downward and achieve all of its stated passive ventilation objectives." (CLAG's sustainability evidence, filed with this letter, section 1, item 2);
 - (g) the archaeology and the foundations of the historic ranges, the two reasons for no basement given to Historic England in December 2024, were assessed on the consented design and answered by conditions (the 2016 report, paragraphs 6.12 and 8.58 and condition 11). The county archaeologist's advice on this application is a condition in the same form (documents 9441278, 9505261 and 9505262; the alternatives paper, section 5.2.4, item 7);
 - (h) the reason for building nothing below ground has changed with each telling: the archaeology and the foundations, to Historic England in December 2024; "the nature of the required space has shifted", in the Bursar's published answers of July 2025; "Technical advice cautioned against including a basement in the design so a higher building was proposed instead", in the Council's notes of the Development Control Forum of 11 September 2025; carbon, at the DCF; and, to the petitioners' "half a basement", the Master's "there is no digging in the new building" beside a councillor's "there would be digging" (the alternatives paper, section 5.2.4, items 1 and 4). A reason that changes with the audience is not evidence of what the bulk is needed for.
4. A justification found on "no digging" or on carbon adopts premises the applicant's own Planning Statement, engineer's description and construction plan contradict, and a report that carries them misleads members on a matter of fact (*R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314, [2019] PTSR 1452 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 Stores Ltd v Dundee City Council* [2012] UKSC 13 at [18]).

The conclusion the report has to state is what the building's volume, mass and bulk is needed for, as distinct from what a library is needed for, on evidence, answering each document at item 3. If the report finds that the bulk is needed, it should say for what, naming the requirement that a lower or distributed library cannot meet. If it finds that the reasons on the file justify a library and not the bulk, HE4(2) is not met and no justification in accordance with the chapter is available for the harm. If the report gives a reason for a library as the justification of the bulk, or a reason its own file contradicts, it adopts premises the applicant's own documents contradict (*Mansell* at [42]). It leaves the 2016 finding and the College's own documents out of account (*Friends of the Earth* at [116] to [121]).

4. The competition brief and the six entries, the comparison drawings the Council's own officers asked for, and any comparison of embodied carbon are placed on the register if the report relies on any of them, or the report cannot rely on them

The Council may decline to require either document. The requests bear on the report in one way: a report that relies on a document that is not on the register relies on nothing the members or the public can see.

1. The College held an architectural competition for this site with six entries, on the Master's own words to the Council's members: "The college had organised an architectural competition with six entries." (the Council's published minutes of the DCF ("the minutes", cited by item), item 16). The Design and Access Statement records the outcome, "Grafton Architects were selected as winners of an Architectural Competition to provide a new library and study hub at Christ's College in February 2024." (part 1, document 9423960, section 3.4), and describes no other entry. The brief appears on the register as an extract only (part 1, page 9; the requirements quoted at section 1, item 3). The applicant's own account is that 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" (part 1, section 1.2; sic), and that "feasibility studies were undertaken to establish the best location" (section 3.2). No entry but the winner's, no part of the brief but the extract, and no feasibility study is on the register. If the report relies on the competition or the feasibility studies as the assessment of alternatives, CLAG asks that the brief, the six entries and the studies be placed on the register before the report is written. Members and the public can then see the assessment relied on. A report that relies on an assessment that is on no file gives members a conclusion on no evidence.
2. 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 or for the comparison. If the report relies on carbon, "no digging" or "the least green thing" as the reason for the bulk, CLAG asks that the comparison of embodied carbon on which the reason rests be placed on the register before the report is written. The comparison is between this design and the consented design. If none exists, CLAG asks that the report say so. A report that gives members, as the reason for the bulk, a comparison the file does not hold misleads them on a matter of fact (Mansell at [42], section 3).
3. The comparison of the two designs that the Council's own officers asked for exists and is on no register. The applicant's Design and Access Statement records the request: "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."; and records that it was made: "The proposal by Grafton Architects was also compared to a previously approved scheme (2011/2016) to demonstrate the differences of approach in responding to the College's demanding brief." (part 3, document 9423962, chapter 8, printed page 55). The 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 (CLAG's Historic England FOI schedule, Annex H, filed with this letter, section 3, item 10). No comparison drawing is on the register of this application or of the earlier one. CLAG asks that the comparison drawings shown to the Council's officers and to Historic England be placed on the register before the report is written, so

that the conclusion at section 2 is made on the drawings the Council itself asked for. A report that compares the two designs without them states a conclusion on drawings members cannot see.

If the Council states by Tuesday 29 September 2026 that the report will rely on none of them, or places the documents on the register by that date, the report relies on what is on the file and CLAG will answer it. If the Council does not answer, and the report relies on the competition or the feasibility studies as the assessment of alternatives, on the comparison drawings for the conclusion at section 2, or on carbon as the reason for the bulk, the report rests a conclusion on material members cannot see. That conclusion is a finding on no evidence.

5. What follows on each course, and the step that resolves the matter

5.1 If the report states the two conclusions on the record at sections 2 and 3, members decide on findings made in the policy's terms. On the file as it stands the answer to the first is on three records. The Council's own is the 2016 finding. The statutory consultee's is that the proposals "would be bulkier than those that were previously granted consent" (Historic England, 29 July 2025, document 9457102; sic). The College's own is two sites, an adopted masterplan with five study and library places, and the larger floor area figure for the consented design. The answer to the second is that five reasons justify a library and none the bulk.

5.2 If the report states neither conclusion, it applies the second course HE4(1)(b) permits without the first, and justifies the harm with reasons that do not address it. It leaves out of account a consideration the Council's own 2025 report called material, and on whose omission the consent order agrees quashing of the 2025 permission (Friends of the Earth at [116] to [121]). It repeats the fourth ground on the same drawings (Langley Park at [48]). A report that repeats the 2025 answer states as a fact a stage that does not exist on this application. CLAG will rely on this letter, on the record filed with it, and on the Council's reply to section 4, or on the absence of one.

5.3 A report that states the two conclusions at sections 2 and 3, on the record named there, resolves this letter. A written statement by Tuesday 29 September 2026 on the competition, the feasibility studies, the comparison drawings and the carbon comparison, or their placing on the register by that date, resolves section 4.

Christ's Lane Action Group

residents@christs-lane.com