CLAG: the design and development plan paper (25 September 2026)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this application to be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's report to its Planning Committee of 29 October 2025 on application 25/02161/FUL, the earlier application for the identical scheme ("the 2025 report", cited by paragraph and by the page of the public reports pack), found the scheme in accordance with the plan on a finding of "no overall harm" to heritage assets. The Council's own conservation officer now finds harm that the positive heritage effects "are not considered to fully outweigh", and the statutory consultee finds harm "primarily as a result of the excessive bulk of the new building". On those findings the proposal conflicts with Policies 61(a), 61(c), 61(e), 55, 57(a) and 60 of the Cambridge Local Plan 2018 ("the Local Plan", cited by policy and page), the decision in accordance with the plan is refusal, and a grant has to name the material considerations that outweigh the plan. Policy 60 applies on Christ's College's ("the applicant") own words: its Heritage Statement says the building will "reduce the visible skyline". The 2025 report found the policy "not engaged" on a 19 metre figure the policy does not contain and on a comparison with a 15.5 metre building that the same report puts at 10.3 metres where it meets the lane. The policy's criteria place on the applicant the demonstration that there is "no adverse impact"; the file holds none, and on the applicant's own figures 37 of the 61 windows opposite fail its own daylight test. DP3(3) of the National Planning Policy Framework of 17 August 2026 ("the NPPF") directs refusal of a design that conflicts, without clear justification, with explicit design standards of the development plan, and S4(2)(c) then removes the presumption in favour of development within settlements. No clear justification of the building's volume, mass and bulk is on the file, and no urban design advice on the file assesses the design as drawn under the NPPF.

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. Two exhibits are filed with it: Exhibit S24_1, two pages of the Council's response to CLAG under reference FOI00020035; and Exhibit S24_2, CLAG's transcript extract of the Council's webcast of its Planning Committee of 29 October 2025. 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. Every level, dimension and daylight figure is the applicant's or the Council's; where CLAG counts or derives a figure from them, it says so.

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.

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1. The proposal conflicts with the Local Plan's heritage, context, design and tall buildings policies, 61, 55, 57 and 60, on the Council's own conservation officer's finding of harm, so under section 38(6) the decision in accordance with the plan is refusal and a grant has to name the material considerations that outweigh the plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." The 2025 report found the identical scheme in accordance with the plan

because it found no overall harm to heritage assets and found the design policies met. The Council's own conservation officer now finds harm that the positive heritage effects do not outweigh, and sections 2 to 5 show the design policies unmet. If the case officer's report to committee on this application ("the report") states the conflicts policy by policy, the decision that accords with the plan is refusal, and a grant has to name what outweighs the plan. If it finds accordance by the 2025 route, it rests the statutory test on a finding the Council's own officer no longer makes.

1. The 2025 report's route to accordance ran through its heritage finding. "Overall, therefore, the development's impact upon heritage assets is considered to be neutral with no overall harm, and there would be no conflict with development plan policy on heritage." "Overall, the proposal is considered to be in accordance with the development plan, and there are no material considerations which indicate that permission should be refused". (The 2025 report, paragraphs 24.6 and 24.11, pages 172 and 173.)
2. The same finding carried each policy.
    (a) On Policy 10: "the heritage impact of the proposed development is considered to be neutral, and compliant with criteria c) of Policy 10". (Paragraph 11.4, page 139.)
    (b) On the design policies: "The proposal is compliant policies 55,56,57,58 and 59 of the Local Plan and the NPPF." (sic). (Paragraph 12.29, page 149.)
    (c) On Policy 61: "the development is considered to preserve the setting and significance of the listed buildings, enhance the character and appearance of the Conservation Area". (Paragraph 14.34, page 156.)
    (d) On Policy 10(a) and (b) the 2025 report did not apply the criteria at all: "Given that the application is seeking the demolition and replacement of the existing library within the college, the use of the site is not being altered as part of this application. For this reason, it is not considered that criteria (a) and (b) are directly applicable in this instance". The report's own quotation of the policy is that "any new development or redevelopment within the City Centre should: a) add to the vitality and viability of the city centre". A replacement building is a redevelopment, and the criterion applies to it in the policy's own words. (Paragraphs 11.2 and 11.3, page 139.)
3. The Council's own conservation officer no longer finds a neutral effect. The officer's comments of 26 August 2026 state: "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. On balance, the harm is considered to be at the lower end of the scale, and therefore NPPF policy HE6 (4) is engaged." The statutory consultee finds harm "primarily as a result of the excessive bulk of the new building" (section 3, item 1). So the finding on which every policy was found met in 2025 is not available to the report. (Document 9505685, page 4; document 9457102, page 4.)
4. Cambridge Past, Present & Future, the city's civic society, finds the conflict with Policy 61 in terms, and no such finding was before the 2025 committee. Its comment of 9 July 2026 on this application, recorded on the register as an objection, states:
    (a) "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);

(b) “Under Policy 61 and Paragraph 206 of the NPPF, clear and convincing justification must be provided for any such harm, and the minimal public benefits identified here fail to outweigh these costs.”;

(c) it asks the applicant and the Council to “negotiate a lower and less bulky design”;

(d) on the 2025 application the same body records that it “did not formally object but raised targeted layout and design queries”, so the finding of conflict with the plan is new to this application and the report has to answer it. (The comment of Cambridge Past, Present & Future of 9 July 2026, register public comment, pages 1 and 2; CLAG’s harm register, Annex C, filed with this paper (“the harm register”), section 1, item 4.)

5. 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; CLAG did not sign it, 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 second ground, as the Statement of Facts and Grounds heads it, is: “Ground 2 – The Committee was materially misled as to the existence and/or extent of harm to the significance of designated heritage assets”. (The Statement of Facts and Grounds, within CLAG’s objection of 10 July 2026, document 9475597; the harm register, section 3, sets out the four grounds.)

6. The heritage policies of the Local Plan, each with the place where the conflict is shown (the Local Plan, pages 45 and 188):

(a) Policy 61(a) asks that proposals “preserve or enhance the significance of the heritage assets of the city, their setting and the wider townscape”. Every heritage assessment on the register but the applicant’s finds harm to the setting of the Grade I listed building or to the conservation area (the harm register, section 1);

(b) Policy 61(c) asks that proposals “be of an appropriate scale, form, height, massing, alignment and detailed design which will contribute to local distinctiveness, complement the built form and scale of heritage assets and respect the character, appearance and setting of the locality”. The statutory consultee finds “excessive bulk” (section 3, item 1);

(c) Policy 61(e) asks proposals to “provide 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 Planning Statement rates its public benefits, in the table headed “Public benefits”: four topics “Moderate” and one “Minor” (page 51). It rates the heritage effect “a minor beneficial impact” (paragraph 8.19, page 51). So the applicant does not claim the “substantial public benefit” the policy names. No detailed analysis of why the harm the consultees find is needed is on the file (section 5, item 7; CLAG’s alternatives, justification and public benefits paper, filed with this paper (“the alternatives paper”), section 5);

(d) Policy 10(c) asks that development in the city centre “preserve or enhance heritage assets and their setting, open spaces and the River Cam”. The 2025 report found it met only on a “neutral” heritage impact (item 2(a)).

7. The design policies of the Local Plan, each with the place where the conflict is shown (the Local Plan, pages 45, 180 to 184 and 186):

   (a) Policy 60, the tall buildings policy, has not been applied, and its criteria (b) to (e) are not met (sections 2 to 4);

   (b) Policy 55 supports development “where it is demonstrated that it responds positively to its context”, and asks that development “identify and respond positively to existing features of natural, historic or local importance on and close to the proposed development site” (criterion (a)) and “use appropriate local characteristics to help inform the use, siting, massing, scale, form, materials and landscape design of new development” (criterion (c)). The statutory consultee finds the building “too big for its location” (section 5, item 2);

   (c) Policy 57 supports new buildings “where it can be demonstrated that they” “have a positive impact on their setting in terms of location on the site, height, scale and form, materials and detailing, ground floor activity, wider townscape and landscape impacts and available views” (criterion (a)). The consultees find harm to the setting from the building’s bulk, and the frontage has no window at the level of the lane (section 3);

   (d) Policy 56(d) and (e) ask proposals to “ensure that buildings are orientated to provide natural surveillance” and to “create active edges on to public space by locating appropriate uses, as well as entrances and windows of habitable rooms next to the street”. The applicant’s own Planning Statement calls those criteria “not considered particularly relevant” and claims only “the feeling of natural surveillance” (section 3, item 7);

   (e) Policy 58(a) and (e) permit alterations and extensions that “do not adversely impact on the setting, character or appearance of listed buildings” and “do not unacceptably overlook, overshadow or visually dominate neighbouring properties”. The consultees find harm to the setting, and the daylight figures have never been assessed against criterion (e) (section 4);

   (f) Policy 59 supports development “where it is demonstrated that” “microclimate is factored into design proposals and that public spaces receive adequate sunlight” (criterion (c)). No assessment of the lane’s sunlight through the day and the year is on the file (section 4, items 16 to 20);

   (g) Policy 10(d) asks that development in the city centre “be of the highest quality design and deliver a high quality public realm”. The 2025 report’s own words are that the building “would undoubtedly somewhat enclose part of Christ’s Lane” (section 3, item 5).

8. The new Framework does not reduce the weight of these policies. Annex A, paragraph 2 of the NPPF provides: “Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.” Policy 61(e)’s “clear justification” through “detailed analysis” is the requirement HE4(2) states: “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”. Policy 60’s criteria are “explicit design standards set out in the development plan”, which DP3(3) directs the Council to apply and to which it gives “Substantial weight” (section 5, item 1). The 2025 report found compliance with

every one of these policies and reduced the weight of none (item 2). A report that gives any of them reduced weight has to identify the inconsistency in the policy's own words.

9. The plan is applied as a whole, and the conflicts run through it. The duty under section 38(6) "can only be properly performed if the decision-maker, in the course of making the decision, establishes whether or not the proposal accords with the development plan as a whole" (R (Corbett) v Cornwall Council [2020] EWCA Civ 508 at [27]). The conflicts at items 6 and 7 are with every policy of the plan that governs this design's effect on heritage assets and its scale, and no policy of the plan supports a building of this volume, mass and bulk against them. So the report has to state which policies the proposal accords with, which it conflicts with, and its conclusion on the whole.

10. No material consideration indicates a decision against the plan. The NPPF states that its national decision making policies "are a material consideration in making these decisions and should be read alongside the policies in the development plan" (paragraph 3). On this record they point to refusal: DP3(3) directs refusal of the design, and S4(2)(c) removes the presumption in favour (section 5). The harm to the Grade I listed building is not avoided, not justified and not outweighed (the harm register, section 4; the alternatives paper, sections 4 to 6). A grant is then a departure from the plan, against the advice of the Council's own conservation officer and in the face of the objections on the register. That is the case in which the Supreme Court says a formulated statement of reasons is called for (Dover District Council v CPRE Kent [2017] UKSC 79 at [59]).

The report must state, for each policy at items 6 and 7, whether the proposal accords with it, in the policy's words and on the findings now on the register. It must state the conservation officer's present finding in the officer's words and the civic society's finding of conflict with Policy 61. It must state whether it gives any policy of the plan reduced weight under Annex A, paragraph 2, and why. It must then apply section 38(6) to the plan as a whole and, if it recommends a grant, name the material considerations that outweigh the plan.

If the report does so, it records conflict with the heritage and design policies of the Local Plan, and the decision that accords with the plan is refusal.

If the report finds accordance by the route of the 2025 report, it gives members a neutral heritage effect as the Council's finding when the Council's own officer finds harm that the positive effects do not outweigh (R (Mansell) v Tonbridge and Malling BC [2017] EWCA Civ 1314, [2019] PTSR 1452 at [42], "Mansell"). It then applies section 38(6) to a plan it has not read policy by policy, and the meaning of each policy is a matter of law, "interpreted objectively in accordance with the language used" (Tesco Stores Ltd v Dundee City Council [2012] UKSC 13 at [18], "Tesco"). If it finds Policy 61(e) met, it finds a "substantial public benefit" the applicant itself does not claim, without reasons.

That the plan is met "on balance" answers none of this. Section 38(6) is applied to the plan's policies in their words, on the findings now on the register, and the balance comes after the conflicts are stated, not instead of them.

2. The Local Plan's tall buildings policy, Policy 60, applies on the applicant's own words and the Council's own figures: the 2025 report found it "not engaged" on a 19 metre figure the policy does not contain and a comparison its own paragraph 12.5 contradicts, so the policy has never been applied to this design

Policy 60 applies to "Any proposal for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form". The applicant's own Heritage Statement says this building will "reduce the visible skyline". The 2025 report found the policy "not engaged" on a figure the policy does not contain and a comparison its own paragraph 12.5 contradicts. If the report applies the policy in its words, the criteria at sections 3 and 4 have to be met. If it repeats the 2025 reading, it misreads a policy of the plan and misleads members.

1. The applicant's own Heritage Statement states the policy's first case. "The replacement of the existing 1974 library with a taller building on the site, will extend the building upwards and reduce the visible skyline in the view from the southern side of St Andrew's Street. In doing so, this will remove the existing glimpse to the cupola on the north-east range of Entrance/First Court, which is presently visible as a background element in this limited view." A building that reduces the visible skyline breaks the existing skyline in the policy's words. (The Heritage Statement, document 9423964, paragraph 5.20.)
2. The 2025 report's first ground was a figure the policy does not contain.
    (a) Appendix F makes six storeys or more the automatic case in the historic core, "assuming a flat roof with no rooftop plant and a height of 19m above ground level". (The Local Plan, Appendix F, paragraph F.10(i), page 330.)
    (b) The report found: "The proposed replacement library building does not, at its highest point, measure 19 metres in height above ground level." (The 2025 report, paragraph 11.19, page 141.)
    (c) The policy's words contain no figure in metres. The 19 metres is Appendix F's example of the automatic case, stated for a flat roof with no rooftop plant, and this building carries stacks above its parapet (item 7).
    (d) The report's conclusion used the same word: the proposal "would not trigger the thresholds as stated under Policy 60". The policy states no threshold. (Paragraph 11.21, page 142.)
3. The plan's own text says why the policy reaches this site. In the historic core "background buildings" are three to five storeys, and the plan sets "height thresholds against which proposals will be judged in accordance with the criteria of Policy 60"; "it is very unlikely that there would be many instances or scope for introducing new tall buildings in or around the historic core". (The Local Plan, paragraphs 7.17 and 7.18, page 187.)
4. The Council's own officers recorded, before the report was written, that they tested the building against "triggers", and the policy contains none.
    (a) The case officer, 17 September 2025: "Policy 60 was also raised, but looking at the policy text the height of the building does not meet the triggers for applying this policy."
    (b) The landscape officer, 16 September 2025: "I am confident we were correct in our advice on this application that verified views were not needed – as it the building does not meet the policy 60 triggers. It is true however, that the previous approved 2015 application does include verified views even though that building

also would not have met the policy 60 triggers too (in fact a lower building than the current proposals).” (sic)

(c) So the policy was considered, and what was considered was a threshold the policy does not contain. The same officer records that the consented design was lower than this one, and that the lower design was given verified views this one was not. (Exhibit S24_1, filed with this paper: two pages of the Council’s response to CLAG under reference FOI00020035 (“the Council’s disclosure”), pages 182 and 183.)

5. The 2025 report’s own findings meet the four to six storeys case.

(a) Appendix F says such buildings “may also need to be evaluated against the assessment criteria herein, due to proximity to heritage assets and potential impacts on key views”. (Paragraph F.10(i).)

(b) The report found “the building is four storeys in height and within close proximity to heritage assets”, and that “the built form could be seen to break the immediate skyline above the existing built form of the existing College”. (The 2025 report, paragraphs 11.19 and 11.20, page 142.)

6. The 2025 report’s second ground, the comparison, is wrong on the Council’s own figures.

(a) The report found: “Whilst the building is four storeys in height and within close proximity to heritage assets, it remains lower than the adjacent modern Christ’s Lane re-development which reaches a height of approximately 15.5 metres.” (Paragraph 11.19, page 142.)

(b) Three pages later the same report puts the part of that building that meets the lane at 10.3 metres: “approximately 10.3 metres in height of the building directly abuts Christ’s Lane, with the first floor overhanging the ground floor. The upper floors are set back such that they are not visible above the initial 10.3 metres above ground.” So the 15.5 metres cannot be seen from the lane, and the building applied for stands above the 10.3 metres that can (item 7). (Paragraph 12.5, page 144.)

(c) It then called the building applied for, at the southern end of the lane, “comparable to that part of Bradwell’s Court immediately facing onto Christ’s Lane opposite”, the part its own paragraph 12.5 puts at 10.3 metres. (Paragraph 12.10, page 145.)

(d) The finding rests on that comparison: “In the view of officers, because of the location and comparative heights of buildings in the immediate context, Policy 60 is not engaged.” So the comparison on which the policy was found “not engaged” is contradicted by the Council’s own figures. (Paragraph 11.20, page 142.)

7. The figures, each stated once with its source and its point of measurement. Every other figure in this paper refers to this item.

(a) The Council’s figures for the building applied for, “calculated from ground level along Christ’s Lane” from the applicant’s Short Section DD: the parapet “approximately 12.5 metres” and the top of the chimneys “approximately 14.1 metres above ground level along Christ’s Lane”. (The 2025 report, paragraphs 11.19 and 12.5, pages 141, 142 and 144.)

(b) The Council’s figures at the southern end of the lane: the chimneys “15.2 metres above ground level at the southern end of Christ’s Lane”, the parapet “13.5 metres above ground level”. (Paragraph 12.10, page 145.)

(c) The applicant's own section: 12.467 metres to the parapet and 14.167 metres to the stacks above the lane. (Short Section DD, drawing 003703 P03, document 9423850.)

(d) The existing library: "At its highest point, the existing library building measures approximately 5.7 metres in height". (Paragraph 12.3, page 143.)

(e) The building opposite: "approximately 15.5 metres" in total and "approximately 10.3 metres" where it meets the lane, with the upper floors set back and "not visible above the initial 10.3 metres". (Paragraph 12.5, page 144.)

(f) The Council's own datums for the site opposite, from its 2002 brief and 2004 report: 11.4 metres on St Andrew's Street and 12.4 metres on Christ's Pieces (item 8(c)).

(g) The lowest window sill on the lane elevation. On the applicant's own section across the lane, 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 sill stands 1.825 metres above the lane, CLAG's subtraction of the applicant's two levels. The same drawing dimensions the lane at 5.665 metres between the two buildings. (The Design and Access Statement part 2, document 9423961, page 44, reproducing drawing 004700 at revision P01.)

8. The Council's own decisions fixed what the surrounding built form on this lane is, and the building is taller than any of it.

(a) The Bradwell's Court Planning and Design Brief, adopted by the Council as supplementary planning guidance on 5 November 2002 ("the 2002 brief", cited by its numbered requirements), required "Minimum width of Christ's Lane to be about 6m", "Maximum building height not to exceed ridge height on gable of North Court" and "Frontage height to respond to cornice on Prudential Building". (The 2002 brief, requirements 2, 4 and 6.)

(b) The Council's second draft of the brief, the Joint Planning Brief of March 2002 with Land Securities ("the draft brief"), stated the purpose: "Building heights along Christ's Lane will need to be designed to avoid Christ's Lane becoming canyon-like and oppressive". It reserved the College's side for "small kiosks along the lane" or "some redevelopment of parts of Christ's buildings". (The draft brief, "Built Form - Christ's Lane".) When it adopted the brief, the Council's Environment Scrutiny Committee of 5 November 2002 agreed that the brief include "that the 'tunneling' effect onto St Andrew's Street and Christ's Lane be ameliorated". (The Council's published minutes of that meeting, item 02/ENV/40.)

(c) The Council's committee report of 20 October 2004 on application C/04/0632, the redevelopment of Bradwell's Court ("the 2004 report", cited by paragraph), applied the brief as "the guiding policy document for the re-development of the site": the St Andrew's Street frontage raised from 7.2 to 11.4 metres to reflect "the scale of the Prudential Building adjacent"; the Christ's Pieces elevation at 12.4 metres, "lower in height than the gable of the North Court of Emmanuel College"; the roofscape "set back on gentle inclines at second and third floor levels". (The 2004 report, paragraphs 8.3, 8.17, 8.26 and 8.36.)

(d) On the applicant's own section the building stands 12.467 metres to the parapet and 14.167 metres to the stacks above the lane (item 7(c)). That is taller than 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.

(e) 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 on the record (the alternatives paper, section 4).

9. The Council itself, and an Inspector, have read the same words to include local views and the buildings a proposal replaces and adjoins.

   (a) At 21 Hobson Street, in this conservation area, the Council's report found the proposal "would break the skyline of Cambridge when viewed from certain locations nearer to the site", although "the LPA agrees with some of the conclusions drawn within the TVIA in respect of more distant viewpoints". (The Council's report to its Planning Committee of 6 November 2024 on application 24/01588/FUL, 21 Hobson Street, paragraph 8.49.)

   (b) The committee refused the application on 6 November 2024 for conflict with "Policy 60(a) and (c)". (The Council's Planning Committee minutes of 6 November 2024, reason 1.)

   (c) The Inspector who dismissed the appeal on 21 November 2025 found that "the proposal would appear significantly taller than the building it replaced, and those immediately adjacent, in views from the Master's Garden within Christ's College", and was "unable to conclude that the proposal would not have a detrimental effect on the skyline of this part of Cambridge". (Appeal decision APP/Q0505/W/25/3365274, paragraph 41.)

   (d) That scheme was six storeys; the reading is of the policy's words. Applied here, both cases are met: the existing library stands at about 5.7 metres (item 7(d)), the Bodley Library and First Court adjoin the site, and the views are from St Andrew's Street and along the lane.

10. The expert appraisal on the register applies the policy and answers the 2025 comparison.

    (a) "The proposal does clearly break the skyline in the important views from St Andrew's Street and is considerably higher than the Bodley Library and First Court buildings which adjoin the site."

    (b) Those buildings "form the relevant context in terms of defining heights, rather than Bradwell Court, the taller sections of which are completely invisible from St Andrew's Street. I consider that the proposals do breach the adopted tall buildings policy". (The expert heritage appraisal by Alec Forshaw IHBC MRTPI filed with CLAG's objection of 10 July 2026, document 9458570 ("the heritage appraisal"), paragraph 53.)

11. No assessment of local views was ever fixed, on the applicant's own account.

    (a) Appendix F: "Local views must be considered on a case-by-case basis as part of the pre-application process." (Paragraph F.21, page 336.)

    (b) The applicant's agent, 26 September 2025: "At no point during many months of pre-application discussions has any suggestion been made that detailed assessment against this policy should be made." (The applicant's agent's letter, document 7378931 on the register of 25/02161/FUL, paragraph 11.)

    (c) The Townscape and Visual Appraisal's seven viewpoints, "identified and agreed with officers", all lie within "a 200m search area"; none is an Appendix F viewpoint; one looks along the lane, one way. "Two verified views are provided";

"The other views provided are illustrative only". (Document 9423730, sections 2.2 and 5.4 and the note on verified views.)

12. The Council's own appraisal identifies the views the building stands in.
    (a) The Historic Core Conservation Area Appraisal's street analysis for Drummer Street and Christ's Lane marks key positive views along the lane in both directions. (The appraisal, Drummer Street and Christ's Lane, page 3 of 5; CLAG's map record annex, Annex F, filed with this paper, section 1, item 3, and its Exhibit F2.)
    (b) It describes the College's 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". (Page 1 of 5.)
    (c) So the "potential impacts on key views" that Appendix F names are on the Council's own document.
13. The applicant's own documents take four positions on the policy and apply its criteria in none.
    (a) The Heritage Statement: the submission is "In line with the requirements of this policy", and "as it relates to strand b) of this policy, the potential impact on the historic environment is carefully considered within the supporting Townscape and Visual Appraisal". (Document 9423964, paragraph 6.21.)
    (b) The Townscape and Visual Appraisal: "it is not considered that Policy 60 (and the prescribed assessment criteria) is relevant to the scheme", while conceding that "the proposals are taller than the building currently on site". (Document 9423730, section 2.2.)
    (c) The applicant's Planning Statement, document 9423963 ("the Planning Statement", cited by paragraph and page): the building "should not invoke the 'tall buildings' policy" because it "is of similar scale to Bradwell's Court opposite". (Paragraph 7.65, pages 38 and 39.)
    (d) The agent's letter: the building "is not significantly taller (or indeed any taller) than surrounding built form", which the applicant's own appraisal and Heritage Statement contradict. (Document 7378931, paragraph 11.)
14. The Council's specialists were asked in writing to address the policy and did not. CLAG's letter of 15 July 2026 asked the historic environment team for its assessment "addressing on this occasion the registered park and garden and Policy 60 of the Cambridge Local Plan 2018, which the 2025 responses did not reach". The conservation officer's comments of 26 August 2026 and the urban design responses of 23 June and August 2026 do not mention the policy. (Document 9462822; documents 9505685, 9439492 and 9500904.)

The report must state the policy's test in the policy's words, and state that no figure in metres is part of it. It must state whether the proposal "breaks the existing skyline", on the applicant's own paragraph 5.20 and the report's own paragraph 11.20.

It must state whether the proposal is "significantly taller than the surrounding built form", on the Council's own 10.3 metres, its own 2002 and 2004 datums and the applicant's own section, reading those words as the Council and the Inspector read them at Hobson Street. If the answer to either is yes, it must assess the proposal against criteria (a) to (e).

If the report does so, the policy applies and its criteria are not met on the register (sections 3 and 4). The design then conflicts with an explicit design standard of the development plan, which is the case in which DP3(3) directs refusal (section 5).

If the report repeats the 2025 reading, it makes these errors:

(a) a policy of the development plan read as containing a threshold it does not contain; the meaning of such a policy is a matter of law (Tesco at [18]);

(b) members misdirected on the meaning of a relevant policy, the example the Court of Appeal gives of a report that materially misleads (Mansell at [42]); the Council's own emails put the misreading beyond dispute of fact;

(c) a comparison with 15.5 metres that is a mistake of established fact on the Council's own record (E v Secretary of State for the Home Department [2004] EWCA Civ 49 at [66]);

(d) the applicant's own paragraph 5.20, the Council's own brief and 2004 decision and the expert application of the policy left out of account, each "so obviously material" that it has to be taken into account (R (Friends of the Earth Ltd) v Heathrow Airport Ltd [2020] UKSC 52 at [116] to [121]);

(e) a reading of the policy that the Council itself applied the other way at Hobson Street eleven months earlier, without reasons.

That engagement is "a matter of judgement", as the 2025 report said, answers none of this. Judgement is exercised on the policy's words, and the words the officers applied were not the policy's.

3. The tall buildings policy's criteria place the demonstration of "no adverse impact" on the applicant, and the statutory consultee and the Council's own conservation officer find harm from the building's bulk, so the design conflicts with an explicit design standard of the development plan

Policy 60 places the demonstration on the applicant. Criterion (b) asks it to "demonstrate and quantify the potential harm of proposals to the significance of heritage assets"; criterion (c) to "clearly demonstrate that there is no adverse impact"; criterion (e) to show "how a human scale is created at street level". No document of the applicant's applies those criteria to the design (section 2, item 13). The statutory consultee and the Council's own conservation officer each find harm to the setting of the Grade I listed building from the building's volume, mass and bulk. If the report applies the criteria in their words it finds the conflict; if it finds the criteria met it departs from both consultees without the reasons the law requires.

1. The statutory consultee finds the adverse impact and names the bulk as its cause. Historic England's letter of 29 July 2025 concludes that 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". Historic England adopted the letter for this application on 8 July 2026 and confirmed it for the NPPF on 27 August 2026. (Document 9457102, page 4; documents 9457100 and 9508056; the harm register, section 1, item 1.)
2. The Council's own conservation officer finds it too. The officer's comments of 26 August 2026 state: "The harm arises from the relative scale and proximity of the stair tower." They conclude that "the positive effects are not considered to fully outweigh the harm". (Document 9505685, page 4; the harm register, section 1, item 2.)

3. The applicant quantifies no harm from the building's bulk, so criterion (b) is not met by its own documents.

    (a) Its Heritage Statement finds "a small degree of adverse impact (and harm)" and attributes it to four works within the listed ranges: the kitchen wash up area, the boarding over of a historic landing, losses of fabric to the 1913 building and a ramp in Second Court. (Document 9423964, paragraph 6.4; the harm register, section 2, item 3.)

    (b) It finds none from the volume, mass and bulk of the new building, and it assesses the design before the amendment of August 2025. (CLAG's document accuracy letter, filed with this paper ("the document accuracy letter"), section 2.)

4. The applicant's own elevation shows the relationship the consultees describe. The Christ's Lane elevation marks "20840 Bodley" at the apex of the Bodley Library's gable and "22830 Top of Parapet" for the new building. On the applicant's own levels the new parapet stands 1.99 metres above the apex of the Grade I library's gable. (Drawing 004700 P03, document 9423880; the difference is CLAG's subtraction of the applicant's two levels.) The applicant's own Heritage Statement measures the new building against two other things and never against the Grade I library it adjoins: the stacks, "although taller", are to be experienced "as a background element to the ridge height of the Bodley Library", and "the overall height of the stacks (and new library building) will be lower than the overall height of the adjacent Bradwell's Court building" (document 9423964, section 5). Its finding of no harm to the Bodley Library's setting rests on those two comparators. The applicant's own presenter told the DCF that the view from Christ's Lane is the one "from where the new library will appear taller than the Bodley" (the minutes, item 23; CLAG's transcript extract of the DCF, filed with this paper ("the DCF record", cited by entry number), entry 4.31). An assessment that finds no harm to the setting of a Grade I library without stating that the new building's parapet stands two metres above that library's gable, on the applicant's own drawing, does not "accurately reflect the effects" as HE5(4) requires, and the Council cannot be satisfied on it.

5. The Council's own 2025 report accepts the effect at street level. "The development, and new library building would undoubtedly somewhat enclose part of Christ's Lane as a result of the increase in height." (The 2025 report, paragraph 20.25, page 165.)

6. The Victorian Society finds the failure of criterion (e), human scale. Its letter of 6 July 2026 on this application speaks of "the ill-proportioned massing and the lack of design refinement, both of which impacted the human scale when compared to the neighbouring Bodley Library". (Document 9455369; the harm register, section 1, item 3.)

7. The plan's own guidance on criterion (e) asks for what this frontage does not have.

    (a) Appendix F: "The edges of the public realm need to be well defined by active uses with open or glazed ground floor façades that create activity throughout the day and help to 'animate' the public realm." (The Local Plan, Appendix F, paragraph F.45, page 342.)

    (b) The applicant's elevation has no window at the level of the lane, its lowest window sill stands 1.825 metres above the lane (section 3, item 7(g)), and its own section is captioned "Library Windows on Christ's Lane positioned to avoid overlooking of Bradwells Court on the opposite side of the Lane". (Drawing 004700 P03, document 9423880; the Design and Access Statement part 2, document 9423961, page 44.)

    (c) The Planning Statement says of the plan's criteria on natural surveillance and active frontages: "Whilst strands d. and e. which consider natural surveillance

> and active frontages are not considered particularly relevant, the increased openings into the library and likely greater use of the gateway into Bath Court will improve the feeling of natural surveillance for users of Christ's Lane particularly at night." So the applicant claims a feeling, from openings its own section positions to avoid overlooking the lane, and does not claim that the building is orientated to provide natural surveillance or that its edge to the lane is active. (Paragraph 7.39, page 36.)

The report must apply criteria (b), (c) and (e) of Policy 60 in their words. It must state the harm each consultee finds, in the consultee's own words and with the degree the consultee gives, and it must state whether the applicant has clearly demonstrated that there is no adverse impact.

If the report does so, it records that the statutory consultee and the Council's own officer find an adverse impact on the setting of a Grade I listed building, and that the applicant has quantified no harm from the bulk. The design then conflicts with criteria (b) and (c), and with criterion (e) on the Victorian Society's finding and the Council's own words on enclosure.

If the report finds the criteria met, it makes these errors:

(a) it prefers the applicant's undemonstrated position to the findings of the statutory consultee and of the Council's own officer; the views of statutory consultees are to be given "great" or "considerable" weight, and a departure from them requires "cogent and compelling reasons" (Visao Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 276 (Admin) at [23], "Visao");

(b) it gives members a demonstration the applicant has not made as if it had been made (Mansell at [42]).

That the consultees "did not object" answers none of this. The box each ticked is not the finding each made; the findings are the words at items 1, 2 and 6, and the harm register carries them whole.

4. On the applicant's own figures 37 of the 61 windows opposite fail its own daylight test and nine lose 74 to 100 per cent of their skylight, members were told of "one single window", and no shadow study of the lane through the day and the year exists, so criterion (d) of the tall buildings policy, the Local Plan's amenity and lighting standards, Policies 58(e) and 59(c), and the NPPF's neighbour amenity policy, P3(2)(b), are unmet

Four policies protect the daylight of the neighbours and the sunlight of the lane, and none is limited to dwellings. P3(2)(b) of the NPPF requires that a proposal "Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers", and adds: "Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree." Policy 58(e) of the Local Plan permits alterations and extensions that "do not unacceptably overlook, overshadow or visually dominate neighbouring properties". Criterion (d) of Policy 60 asks the applicant to "demonstrate that there is no adverse impact on neighbouring buildings and open spaces in terms of the diversion of wind, overlooking or overshadowing, and that there is adequate sunlight and daylight within and around the proposals". Policy 59(c) supports development "where it is demonstrated that" "public spaces receive adequate sunlight". On the applicant's own figures 37 of the 61 windows tested on the two lower floors opposite fail the test its own consultant states. The cause is the wall facing them, which rises from the existing library's 5.7 metres to the parapet and chimneys of the design applied for (section 2, item 7). If the report states the figures and assesses the shop windows as

the windows of occupiers, it records an adverse impact; if it repeats the 2025 report's course, it gives members the applicant's consultant's opinion as the Council's view.

1. The applicant's own consultant states the test. The Daylight and Sunlight Report (Right of Light Consulting, 8 September 2025, document 9423969; "the Daylight Report") states at paragraph 3.4.6: "Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is both less than 27% and less than 0.8 times its former value."
2. On that test 37 of the 61 windows on the two lower floors opposite fail. Appendix 2 of the Daylight Report lists windows 1 to 61 on the ground and first floors of Bradwell's Court, the building opposite. For 37 of them the figure after the development is both below 27 per cent and below 0.8 times the figure before; 35 are shown as "Retail" and two as "Hallway". (The Daylight Report, Appendix 2, pages 28 and 29 of the document; the count is CLAG's, from the applicant's figures.)
3. Nine of the windows shown as "Retail" keep 0.26 of their skylight or less, and window 13 loses all of it. The applicant's figures for each are the Vertical Sky Component before and after the development and the ratio between them (the Daylight Report, Appendix 2, page 28 of the document):
    (a) window 8: 6.4 per cent before, 1.6 per cent after, a ratio of 0.25;
    (b) window 9: 9.1 per cent before, 1.2 per cent after, a ratio of 0.13;
    (c) window 10: 4.5 per cent before, 0.2 per cent after, a ratio of 0.04;
    (d) window 11: 6.1 per cent before, 0.3 per cent after, a ratio of 0.05;
    (e) window 12: 4.3 per cent before, 0.3 per cent after, a ratio of 0.07;
    (f) window 13: 1.4 per cent before, 0.0 per cent after, a ratio of 0.0;
    (g) window 17: 22.8 per cent before, 5.9 per cent after, a ratio of 0.26;
    (h) window 18: 20.8 per cent before, 5.3 per cent after, a ratio of 0.25;
    (i) window 20: 12.1 per cent before, 2.0 per cent after, a ratio of 0.17.
4. The four windows of one shop front, windows 7 to 10, lose 55, 75, 87 and 96 per cent of their skylight on the applicant's own figures. Window 7 falls from 20.8 per cent to 9.4, a ratio of 0.45; windows 8 to 10 are at items 3(a) to 3(c). (The Daylight Report, Appendix 2, page 28 of the document; the percentages are CLAG's, from the applicant's ratios.)
5. Three shop rooms also fail the Daylight Report's second test. The report states that daylight "may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value" (paragraph 3.4.8). Its own results for three ground floor rooms shown as "Retail" are below that figure (Appendix 2, Daylight Distribution, page 31 of the document):
    (a) the room behind windows 1 to 5 falls from 20 per cent to 11 per cent, a ratio of 0.55;
    (b) the room behind window 6 falls from 22 per cent to 16 per cent, a ratio of 0.73;
    (c) the room behind windows 7 to 13 falls from 49 per cent to 18 per cent, a ratio of 0.37.
6. A flat's living room window fails too. The Daylight Report records that "All windows with a requirement for daylight pass the Vertical Sky Component test, with the exception of window 78", which it shows as "Living/Dining/Kitchen": 5.1 per cent before, 3.4 per cent after, a ratio of 0.67. The report attributes the failure to the overhang above the window. (The Daylight Report, paragraph 4.2.1 and Appendix 2, page 29 of the document.)

7. The applicant's consultant accepts that the windows fail and answers with an opinion on materiality.

    (a) "The ground and first floor of the neighbouring property 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, this does not amount to non-compliance with the BRE requirements." (The Daylight Report, paragraph 1.1.5.)

    (b) Its covering letter: "The reduction in VSC to the commercial properties in our assessment is therefore not a material planning consideration." Whether a consideration is material is a question of law and not of a consultant's opinion, and P3(2)(b) names "occupiers" beside "residents". (The covering letter of 8 September 2025, page 1 of the document; the alternatives paper, 7.3.3.)

8. The same covering letter states the BRE guide's own test for shops and answers it with an assertion. "Although the BRE guide states in section 2.2.2 that for existing buildings, the guidelines may also be applied to non-domestic buildings where there is a reasonable expectation of daylight, it is widely accepted amongst consultants and local authorities that retail premises do not fall into this category." No fact about the shops opposite or the people who work in them is given. (The covering letter of 8 September 2025, page 1 of the document.)

9. The applicant's written answer to its own figures is that they are nonsense, and it engages none of them. Its letter of 1 August 2026: "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." The letter identifies no error in the figures at items 2 to 6, which are the applicant's own consultant's, and the assessment on the register is of these shops, not of "retail units the world over". (The applicant's letter of 1 August 2026, document 9481026, page 2.)

10. The attribution to the Council's Environmental Health Officer is not borne out by the register.

    (a) The Council's Environmental Quality and Growth responses on this application are of 20 July 2026 (document 9468203, with the memo of 23 July 2025 on the earlier application attached as its Appendix A) and of 20 July and 18 August 2026 (document 9499190). Their subjects are noise, air quality, odour, contaminated land and artificial lighting.

    (b) The only mention of daylight in either is the applicant's own Covering Statement sentence, quoted, that the Daylight / Sunlight Report and the other reports "remain the same". Neither states a view on the shops' daylight or on its materiality.

    (c) So the only sources on the register for the proposition that the loss is not material are the applicant's consultant (items 7 and 8) and the applicant's own letter. A report that gives it as the view of the Council's Environmental Health Officer misleads members.

11. The 2025 report declined to assess the shop windows, on a reading of the guide that changes its word.

(a) It quoted the BRE guide as applying to “any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices”.

(b) It then answered about visitors: “In this instance, 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. It is therefore not considered to be reasonable to apply the BRE guidelines and to assess the impact of the proposed development upon these units.”

(c) The guide’s word is “occupants”, and the occupants of a shop are the people who work in it through its opening hours. (The 2025 report, paragraphs 20.17 and 20.18, page 164.)

12. The 2025 report then found the policy met without the assessment: “The proposal is compliant with policies 35 and 58 of the Local Plan.” Policy 58(e) speaks of “neighbouring properties” and is not limited to dwellings. (The 2025 report, paragraph 20.28, page 165; the Local Plan, Policy 58, pages 183 and 184.)

13. Members were told of one failing window, and the 37 at item 2 were not put before them. The case officer told the committee of 29 October 2025 that the daylight study “regarding the residential units within the Bradwell’s Court redevelopment on the other side of Christ’s Lane” had “identified a failure of the BRE guidance on one single window”, and that officers considered the overall overshadowing impact “insignificant and acceptable”. The statement is accurate for the residential windows and silent on the 37 shop windows the same appendix shows failing the same test, which the report had declined to assess (item 11). So the members who resolved to grant were not told the figures at items 2 to 5. (CLAG’s transcript extract of the Council’s webcast of its Planning Committee of 29 October 2025 on application 25/02161/FUL, Exhibit S24_2, filed with this paper (“the committee record”, cited by entry number with the place in the recording), entry 4, at 3 hours 23 minutes of the recording.)

14. The Council itself required the daylight assessment. The 2025 report records: “The application was validated without a daylight sunlight assessment. Officers considered that this was required and the information was subsequently provided.” The report then declined to assess what the assessment shows for the shops. (The 2025 report, Table 3, page 170.)

15. CLAG’s daylight and sunlight consultant, eb7 Ltd, reviewed the applicant’s figures on the 2025 application, and the 2025 report declined the study its review asked for (item 18). eb7’s letter of 16 October 2025 to the case officer found that the architect’s study of the lane “does not accord with the BRE assessment criteria, shows only a limited angle of view, which appears to have been selected as favourable to the applicant and provides snapshots of selected dates including times where the shading effects are not legible”, and stated that “A more comprehensive shading study would be required to fully understand the effects to the space”, “produced by a specialist consultant”, with “transient shadow paths comprising adequate dates, times and angles of view”. The letter is a specialist’s review of the applicant’s own figures, and the report has to weigh it. eb7’s further letter of September 2026 reviews the figures on this application and is filed by CLAG separately; the report has to weigh both letters. (eb7’s letter of 16 October 2025 to the case officer on application 25/02161/FUL, document 7392055 on that application’s register, page 4; eb7’s letter of September 2026; together “the eb7 letters”.)

16. For the lane the register holds one test of one date and a set of images.

(a) The Daylight Report tests Christ's Lane, as "Garden 1", for two hours of sun on 21 March: 124.02 of 592.67 square metres, 21 per cent, before and after. Its covering letter states: "It is not standard practice to assess the loss of sunlight to a street/walkway." (The Daylight Report, Appendix 4, page 37 of the document, and covering letter.)

(b) The covering letter's conclusion rests on that one test: "As can be seen from the results in Appendix 4, the proposed development will have no effect on the sunlight received by Christs Lane." (sic). A test with the same result before and after found no change; it is not an assessment of the lane's sunlight through the day and the year. (The covering letter of 8 September 2025, page 1 of the document.)

(c) Document 9439767, "Christ's Lane Daylight Study", is three pages of perspective images along the lane, headed "EXISTING" and "PROPOSED", at 09.00, 12.00, 15.00 and 18.00 on the summer solstice, the spring equinox and the winter solstice. It names no author and gives no date, plan, scale, shadow outline, area or duration.

17. The plan's guidance asks for more than that. "Tall buildings should be good neighbours." "Shadow studies need to be prepared that assess the impacts of overshadowing of buildings at different times of day and throughout the seasons." "Public and private open spaces and amenity areas shall not be in shadow for significant amounts of time of the day/year." Policy 59(c) asks that "public spaces receive adequate sunlight". (The Local Plan, Appendix F, paragraphs F.41 and F.43, page 341; Policy 59, page 184.)

18. The 2025 report declined a full assessment of the lane and relied on the images.

(a) "Whilst officers do not consider that a full assessment is required regarding the impact upon Christ's Lane, additional information has been provided by the applicant in the form of a daylight study highlighting the impact of the proposed development." It found, "as shown on the provided shadowing studies", no "significant, further overshadowing of Christ's Lane". Its own description of the lane is that "it is heavily used by pedestrians throughout the day". (The 2025 report, paragraphs 20.21, 20.24 and 20.25, pages 164 and 165.)

(b) So no assessment of the lane's sunlight through the day and the seasons, of the kind paragraph F.43 describes, is on the register, and Policy 59(c) has not been assessed. eb7's letter of 16 October 2025 describes the study that is missing: shadow plotting "across the areas of public realm and sitting out spaces at adequate dates, times and angles of view" (document 7392055, page 4).

19. The Council's own officer told members that the design "does have an impact" on the lane's light, and the finding that the impact was "not significant" was made on the images alone. Presenting the summer solstice page of document 9439767 to the committee of 29 October 2025, the case officer said: "it's acknowledged that the proposed library shown here does have an impact, especially within this six o'clock image here. The shadowing is considered to be mainly within the building of Christ's Lane rather than Christ's Lane itself at ground level. Officers therefore considered that the impact was not significant and acceptable." The officer then described the winter page as showing "little to no impact" and the spring page as "the same". So the Council's own officer records an impact at 18.00 in summer. The register holds no plan, area or duration for that impact at that hour or at any other, because the images at item 16(c) carry none, so "not significant" was a judgement on four perspective images a day. (The committee record, entries 2 and 3, at 2 hours 56 and 57 minutes of the recording.)

20. The applicant undertook in 2025 to check whether its sunlight assessment of the lane covered the whole year, and no assessment of the year followed. At the Development Control Forum of 11 September 2025, on application 25/02161/FUL, the Council's notes record the question, "The sunlight assessment of shadow effect in Christ's Lane covered the summer solstice; would it cover the whole year, or was further information available?", and the applicant's agent's answer: "Would check as believed the assessment covered the whole year." What the register holds is item 16. (The Council's notes of the Development Control Forum of 11 September 2025, appended to the 2025 report, item 41 and answer (i), the public reports pack, page 211.) On the Council's webcast of that meeting the question was put from the chair: "the shadow study that has been carried out for Christ Lane was only for the summer solstice. But is there further information either on the file or that could be provided to understand how that shadow might manifest itself over the course of the year. Usually the programs that are used to undertake that kind of analysis give you the option to provide those results in the round so to speak."; and the agent answered: "my understanding wasn't it wasn't just the summer solstice, but I will check that and we will respond on that point following this". No year round study followed. (The webcast of the Development Control Forum of 11 September 2025, 2:19:04 to 2:19:52, as its transcript gives the words.)
21. The applicant told members at the Development Control Forum of 29 July 2026 (the DCF) that the building would not affect the light in the lane, and the Council's minutes of 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), record the statements. Item 39: "The building was on the north side of Christs Lane and would not affect the light." Item 38 records that "light from the upper stories would increase the light in Christs Lane after construction" (sic). The applicant's own Daylight Report shows 37 of the 61 windows opposite failing its test (item 2), and the Council's own officer acknowledged an impact on the lane at committee (item 19). So the statements in the Council's minutes contradict the applicant's own figures and the Council's own record. (The minutes, items 38 and 39; the DCF record, entry 4.34.)
22. Members raised the loss of light at the DCF, and one asked for the officers' analysis. The ward councillor: "it sounds very necessary that the light and shade analysis from officers on that is presented to the Planning Committee, because I believe that is being challenged, and I do think it's relevant, given that one side will be higher". A second councillor: "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." (The DCF record, entries 4.5 and 4.8; the minutes, item 85.)

The report must state the applicant's figures as numbers: the 37 windows, the nine windows at item 3, the four at item 4, the three rooms at item 5 and window 78. It must assess the shop windows as the windows of occupiers under P3(2)(b), and it must say whether the loss can be avoided by a lower building. It must apply Policy 58(e) and criterion (d) of Policy 60 to those figures, and it must deal with the eb7 letters.

It must state what assessment of the lane's sunlight the Council holds. Criterion (d) of Policy 60 and Policy 59(c) place on the applicant the demonstration that there is adequate sunlight around the proposals and in the public space. Paragraph F.43 of the plan states the study that demonstrates it. The Council's own officer has acknowledged an impact on the lane (item 19). The file holds document 9439767 and the one test at item 16, and neither is that study. CLAG places this statement on the register on the day this paper is filed. The Council required the daylight assessment of the applicant in 2025 when it found the assessment necessary (item 14), and the same step is open to it now. The study is the shadow study in plan, for the existing and the proposed condition, at hourly intervals from sunrise to sunset, for every month of the year. It

states the area of the lane in sun and the duration of sun at each point. The applicant provides it before the report is written. It must state whose view the “not material” proposition is (item 10), and it must not carry the applicant’s statements at the DCF (item 21) as its own finding.

If the report does so, it records on the applicant’s own figures an adverse impact on the daylight of the neighbouring occupiers. Criterion (d) is then not demonstrated, the assessment Policy 58(e) requires is made for the first time, and P3(2)(b) requires the impact to be avoided where possible.

If the report repeats the 2025 report’s course, it makes these errors:

(a) it gives members the applicant’s consultant’s sentence on materiality as the Council’s view (Mansell at [42]);

(b) it fails to apply P3(2)(b) in its terms, because the policy’s word is “occupiers” (Tesco at [18]);

(c) if it gives the “not material” proposition as the view of the Council’s Environmental Health Officer, it gives members a view no document of that officer’s states (Mansell at [42]);

(d) if it carries the applicant’s statement at the DCF that the building “would not affect the light” as a finding, it gives members a statement the applicant’s own report and the Council’s own officer contradict (Mansell at [42]);

(e) if it finds criterion (d) of Policy 60 or Policy 59(c) met without the shadow study, it finds a demonstration made that the applicant has not made, when the policies’ words are “applicants should demonstrate” and “where it is demonstrated” (Tesco at [18]), on an impact the Council’s own officer has acknowledged; and a decision not to inquire further is struck down where “no reasonable council possessed of that material could suppose that the inquiries they had made were sufficient” (R (Khatun) v Newham LBC [2004] EWCA Civ 55 at [35], quoting Ex p. Costello);

(f) if it tells members, as the committee of 29 October 2025 was told, of one failing window and not of the 37, it repeats the omission at item 13 (Mansell at [42]).

That shops have no expectation of daylight answers none of this. The guide’s word is “occupants”, the consultant’s own letter concedes the guide’s test for shops, and the register holds no fact about these occupants at all.

5. The NPPF’s design policy DP3(3) directs refusal because the design conflicts with its context principle, DP3(1), on the statutory consultee’s finding and with the plan’s design standards, no clear justification is on the file and the only urban design advice assessed the May 2025 statement, so its S4(2)(c) removes the presumption in favour

DP3(3) of the NPPF directs refusal in stated circumstances: “Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally-specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.” The design conflicts with design standards set out in the Local Plan (sections 2 to 4). The statutory consultee’s finding that the building is “too big for its location” is a finding on the design’s response to its context, the subject of DP3(1) of the NPPF, and the Council’s own advice before the application said the same. No clear justification of the building’s volume, mass and bulk is on the file, and the only urban design advice the

Council holds assessed the statement of the design before the amendment of August 2025 and was not given under the NPPF. If the report applies DP3(3) in its words, it recommends refusal; if it finds DP3 met on that advice, it rests a national policy of refusal on advice about another statement of the design.

1. DP3(1) in its words: “Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.”
2. The statutory consultee’s finding is a finding on context, in DP3(1)’s own terms of history, site and setting. “The introduction of a new primary building of the massing proposed within what historically was a domestic kitchen garden is challenging. Whilst we acknowledge the proposals represent a more contextual approach and the architectural quality of the scheme, we are of the view that the building is too big for its location.” The same letter, on the treatment of the Christ’s Lane wall, finds that “it feels more overbearing in its relationship with the Bodley and evidences the difficulties to accommodate a building which is too large for what is a very domestic setting”. A building that harms the setting of a Grade I listed building does not “integrate with and enhance” its surroundings on the consultee’s own words. (Document 9457102, pages 3 and 4.)
3. The Council’s own advice before the application found the same, and the design was not changed to meet it. The Council’s written advice of 19 December 2024 states: “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.” It advised: “The proposed building should be stepped away from the Bodley Library and inwards from Christ’s Lane.” So the response to context that DP3(1) asks for was identified by the Council’s own officers and is not in the design applied for. (The Planning Statement, Appendix 3, page 55; CLAG’s Historic England FOI schedule, Annex H, filed with this paper (“the Historic England schedule”), section 1, item 3, sets the advice out at length.)
4. The Council’s urban design advice is advice on the May 2025 statement, carried forward unchanged.
    (a) The response of 23 June 2026 states: “No amendments are being proposed as part of this application and as such we maintain our support for the proposed scheme”. The assessment it appends is the response of 26 June 2025, whose comments relate “to the Design Access Statement dated 23 May 2025”. (Document 9439492.)
    (b) The officer’s reply to the Council’s consultation on the NPPF reads in full: “We have no further urban design comments following our response dated 23rd June 2026.” (Document 9500904.)
    (c) Neither response mentions Policy 60, DP3, the statutory consultee’s letter or any figure. (CLAG’s determination timing letter, filed with this paper (“the determination timing letter”), section 5; the document accuracy letter, sections 3 and 5.)
5. The advice credits the design with surveillance the applicant’s own documents exclude. The advice: “these windows that overlook the lane will greatly improve passive surveillance for pedestrians and cyclist using the lane at night” (sic). The applicant’s own

section across the lane is captioned “Library Windows on Christ’s Lane positioned to avoid overlooking of Bradwells Court on the opposite side of the Lane”, and every window sits above the eye level of a person in the lane (section 3, item 7(g)). 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 9439492; the Design and Access Statement part 2, document 9423961, page 44; the Planning Statement, document 9423963, Appendix 4, the Panel’s report.)

6. The urban design support predates the statutory consultee’s finding and has never been reconciled with it.

    (a) The urban design response of 26 June 2025 records that earlier designs “were criticised in urban design commentary for visually cramping the historic Bodley Library”, and that the applicant answered by “pulling the proposed new library back”. (Document 9439492.)

    (b) The statutory consultee’s letter of 29 July 2025, written on the design so changed, still finds the building “too big for its location”. The urban design responses since that letter add no assessment and do not mention it. (Document 9457102.)

    (c) The Design Review Panel the 2025 report relied on also sat before the statutory consultee reported. The 2025 report recorded that the panel was “comfortable with the scale and massing”. The panel sat on 13 February 2025. (The 2025 report, paragraph 12.25, page 148; the Planning Statement, Appendix 4.)

7. No clear justification of the bulk is on the file. The reasons the applicant gives are reasons for a library, and none states what the building’s volume, mass and bulk is needed for. The justification the plan and the Framework require is the same in both: Policy 61(e)’s “clear justification” through “detailed analysis”, HE4(2)’s “clear and convincing justification” and DP3(3)’s “clear justification”. A justification found in the weighing of benefits is not one of them; each asks for a stated reason why this harm is needed. (CLAG’s avoidance and justification letter (“the avoidance and justification letter”), section 3, filed with this paper; the alternatives paper, section 5.)

8. The one justification DP3(1) itself names does not help the design. DP3(1) allows for “an increased scale or density of development” that “is justified in accordance with policies L2 and L3”, and the applicant’s agent claims the “substantial weight” of L2. L2(1)(d) gives that weight to “sensitive redevelopment or additional development within existing plots”, and attaches conditions (the NPPF, L2(1)(d); the applicant’s agent’s letter of 27 August 2026, document 9506331):

    (a) such proposals should “Maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space”. On the applicant’s own figures 37 of the neighbours’ windows and a flat’s living room window fail the daylight test (section 4), so this condition is not shown to be met;

    (b) the policy’s word is “sensitive”, and the statutory consultee finds the building “too big for its location”;

    (c) such proposals should also “Be consistent with the overall street scene, other than where: it is appropriate to have larger buildings (such as at street corners, or where building upwards would not cause substantial harm to the character of a building and its surroundings); the development would not be visible from the street frontage; or where specific changes are provided for through a design code

which forms part of the development plan". On the Council's own figures for the lane (section 2, item 7) the building stands above everything that meets the lane, so the report has to state whether the design is consistent with the street scene. If it relies on the exception for building upwards, it has to find, in terms and with reasons, that the building "would not cause substantial harm to the character of a building and its surroundings". That finding is made against the statutory consultee's finding that the building is "too big for its location" and the Council's own officer's finding of harm to the setting of the Grade I listed building. The exception speaks of the character of a building and its surroundings, not of the heritage test in HE6;

(d) the applicant's agent's own letter accepts that the weight is conditional: "Whilst this has appropriate safeguards in terms of being consistent with the street scene etc and there is scope for interpretation as to what constitutes sensitive redevelopment, this stresses the change in emphasis of this version of the NPPF."

9. DP3(5) carries its own condition. It gives substantial weight to "outstanding or innovative designs which promote high levels of sustainability, or which help raise the standard of design more generally in an area, so long as they are consistent with the overall form and layout of their surroundings". The statutory consultee's finding, "too big for its location", goes to that condition, and the report has to deal with it before any such weight is given.

10. The presumption in favour of development within settlements does not survive a conflict with DP3(3). S4(1) provides: "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." S4(2)(c) then names, among the circumstances in which the benefits "are likely to be substantially outweighed by adverse effects", 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". DP3(3) is such a policy. So the presumption is applied with that circumstance present, and the assessment S4(1) calls for is "against the national decision-making policies", which include HE6(3): "Any harm to a designated heritage asset will be a matter of considerable importance and weight".

The report must apply DP3(3) in its words. It must state whether the design conflicts with paragraph 1 of DP3 on the statutory consultee's finding and the Council's own advice of 19 December 2024, and with the design standards of the Local Plan at sections 2 to 4. It must state what clear justification of the building's volume, mass and bulk is on the file, and what urban design advice the Council holds on the design as drawn and under the NPPF. If it relies on L2(1)(d) or DP3(5), it must state the finding each conditions, in terms. It must state S4(2)(c) in its words and apply the presumption in S4(1) with that circumstance present.

If the report does so, DP3(3) directs refusal, S4(2)(c) is engaged, and the presumption in S4(1) points the same way.

If the report finds DP3 met on the urban design response, it makes these errors:

(a) it gives members advice on the May 2025 statement as the Council's assessment of this design under a policy that did not exist when the advice was written (Mansell at [42]);

(b) it departs from the statutory consultee's finding on context without cogent reasons (Visao at [23]);

(c) it applies a national policy that directs refusal without asking the question the policy asks, and reads “clear justification” into a weighing of benefits the policy does not mention (Tesco at [18]);

(d) if it gives the weight of L2(1)(d) or DP3(5) without the finding each conditions, it gives members a weight the Framework does not give (Mansell at [42]).

That the urban design officer “maintains” support answers none of this. The support was given on another statement of the design, before the statutory consultee reported, under the previous Framework, and no response since has assessed the finding it contradicts.

6. The Local Plan’s design and heritage policies, 55, 57, 59, 60 and 61, make the applicant’s demonstration the condition of support, and the file holds none of the demonstrations they name, so a report that finds those policies met supplies what the applicant has not given

The plan places the demonstration on the applicant. Policy 55 supports development “where it is demonstrated that it responds positively to its context”; Policy 57 supports new buildings “where it can be demonstrated that they” have the qualities it lists; Policy 59 supports development “where it is demonstrated that” its criteria are met. Policy 60’s criteria each begin “applicants should demonstrate”, and Policy 61(d) and (e) ask proposals to “demonstrate” an understanding of significance and to “provide clear justification”. Where the applicant has not demonstrated a thing the policy requires it to demonstrate, the criterion is unmet on the policy’s own words. A report that finds it met supplies what the applicant never gave. These are not requests for a reply; they are statements, placed on the register on the day this paper is filed, that the demonstration is absent from the file. Each item names the policy’s words, the document that shows the absence, and the place in this paper.

1. Policy 55: “Development will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings”. The statutory consultee finds the building “too big for its location” and “too large for what is a very domestic setting”, and the Council’s own advice of 19 December 2024 found the proposal “higher and larger in scale than the consented schemes” (section 5, items 2 and 3). No document of the applicant’s answers either finding. (Document 9457102, pages 3 and 4; the Planning Statement, Appendix 3, page 55.)
2. Policy 57(a): new buildings are supported “where it can be demonstrated that they” “have a positive impact on their setting in terms of location on the site, height, scale and form, materials and detailing, ground floor activity, wider townscape and landscape impacts and available views”. Every heritage assessment on the register but the applicant’s finds harm to the setting from the building’s bulk (the harm register, section 1), and the applicant’s own section places every window above the eye level of the lane (section 3, item 7). The demonstration of a positive impact on the setting in terms of scale and form is not on the file.
3. Policy 60(a): “applicants should demonstrate through visual assessment or appraisal with supporting accurate visual representations, how the proposals fit within the existing landscape and townscape”. The applicant’s own Townscape and Visual Appraisal states that Policy 60 and “the prescribed assessment criteria” are not “relevant to the scheme”, provides two verified views, neither an Appendix F viewpoint, and calls the rest “illustrative only” (section 2, items 11 and 13). (Document 9423730, sections 2.2 and 5.4.)

4. Policy 60(b): “applicants should demonstrate and quantify the potential harm of proposals to the significance of heritage assets”. The Heritage Statement attributes harm to four works within the listed ranges and none to the volume, mass and bulk of the new building (section 3, item 3). The quantification on the file is the consultees’, not the applicant’s. (Document 9423964, paragraph 6.4.)
5. Policy 60(c): applicants should “clearly demonstrate that there is no adverse impact”. The statutory consultee and the Council’s own conservation officer find harm (section 3, items 1 and 2). The demonstration cannot be made on this file.
6. Policy 60(d): “applicants should demonstrate that there is no adverse impact on neighbouring buildings and open spaces in terms of the diversion of wind, overlooking or overshadowing, and that there is adequate sunlight and daylight within and around the proposals”. The applicant’s own Appendix 2 shows 37 of 61 windows failing its own test, and the register holds no shadow study of the lane through the day and the year (section 4, items 2 and 16 to 19). (Document 9423969, Appendix 2; document 9439767.)
7. Policy 60(e): “applicants should show how the space around tall buildings will be detailed, including how a human scale is created at street level”. The applicant’s elevation has no window at the level of the lane, and the Victorian Society finds the massing “impacted the human scale” (section 3, items 6 and 7). No document of the applicant’s shows how a human scale is created at street level.
8. Policy 59(c): development is supported “where it is demonstrated that” “microclimate is factored into design proposals and that public spaces receive adequate sunlight”. The file holds one test of one date for the lane and four perspective images a day on three dates (section 4, item 16). The demonstration is not on the file.
9. Policy 61(d): proposals should “demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits, alongside assessment of the potential impact of the development on the heritage asset and its context”. The Heritage Statement assesses the design before the amendment of August 2025, and the Council’s own conservation officer records the applicant’s documents as superseded (the document accuracy letter, section 2). The assessment that accompanies this application is of another statement of the design.
10. Policy 61(e): proposals should “provide 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”. No analysis of why this volume, mass and bulk is needed is on the file, and the applicant’s own ratings of its public benefits are “Moderate” and “Minor” (section 1, item 6(c); section 5, item 7). (The Planning Statement, page 51.)
11. DP3(3): a design that conflicts with the plan’s explicit design standards is refused “without clear justification”. The justification is the applicant’s to state, and the file states none (section 5, item 7).

The report cannot supply the demonstration the policy places on the applicant. A finding that any criterion at items 1 to 11 is met, made without the demonstration, is a finding the policy’s own words do not permit, and a report that presents it to members as made misleads them (Tesco at [18]; Mansell at [42]). Where the report finds a criterion met, it must name the document in which the applicant made the demonstration.

7. The report applies section 38(6), the tall buildings policy, Policy 60, and the NPPF's DP3(3) in their words on the applicant's and the Council's own figures and recommends refusal, or it repeats the 2025 report's reading and gives members findings the Council's own record contradicts

We do not oppose a new library. The conflicts this paper sets out arise from the volume, mass and bulk of this design above Christ's Lane. The lower and distributed designs on the record are the means of avoiding them (the alternatives paper, section 4). Everything the paper relies on is the Council's own record, the applicant's own figures or a consultee's finding, and each matter below was placed on the register on the day this paper was filed.

The report on this application has to:

1. state, policy by policy, whether the proposal accords with the heritage and design policies of the Local Plan, on the findings now on the register, and whether it gives any of them reduced weight under Annex A, paragraph 2, and why. It then applies section 38(6) to the plan as a whole and, if it recommends a grant, names the material considerations that outweigh the plan (section 1);
2. state the test in Policy 60 in the policy's words, and state that no figure in metres is part of it (section 2);
3. state whether the proposal "breaks the existing skyline" or is "significantly taller than the surrounding built form", on the applicant's own paragraph 5.20, the Council's own 10.3 metres and its own 2002 and 2004 datums, read as the Council and the Inspector read those words at Hobson Street (section 2);
4. assess the proposal against criteria (a) to (e) of Policy 60, stating the harm each consultee finds and whether the applicant has clearly demonstrated that there is no adverse impact (section 3);
5. state the applicant's daylight figures as numbers, assess the shop windows as the windows of occupiers under P3(2)(b), apply Policy 58(e) and criterion (d) of Policy 60 to those figures, deal with the eb7 letters, say whether a lower building avoids the loss, and state whose view the "not material" proposition is (section 4);
6. state what assessment of the lane's sunlight the Council holds against paragraph F.43 of the Local Plan and Policy 59(c), and, holding none, require of the applicant the shadow study in plan for every month of the year and the whole of the day before the report is written (section 4);
7. apply DP3(3) in its words, stating what clear justification of the bulk is on the file and what urban design advice the Council holds on the design as drawn and under the NPPF, and state the findings that L2(1)(d) and DP3(5) condition (section 5);
8. state S4(2)(c) in its words and apply the presumption in S4(1) with that circumstance present (section 5);
9. for each demonstration the plan places on the applicant, name the document in which the applicant made it (section 6).

If the report does these things, each step rests on the applicant's own words, the Council's own figures and the findings on the register, and each points the same way. The proposal conflicts with the development plan, Policy 60 applies and its criteria are not met, and DP3(3) directs refusal. The recommendation that follows is refusal, unless the applicant changes the design to a lower or distributed one.

If the report does not, it makes one of the errors named at sections 1 to 6:

(a) accordance with the development plan found on a neutral heritage effect that the Council's own officer no longer finds, or a "substantial public benefit" found that the applicant itself does not claim (Mansell at [42]);

(b) a policy of the development plan read as containing a threshold it does not contain, and a comparison the Council's own report contradicts (Tesco at [18]; E v Secretary of State for the Home Department [2004] EWCA Civ 49 at [66]; Mansell at [42]);

(c) the applicant's own admission of the skyline effect, the Council's own brief and 2004 decision, an expert appraisal that applies the policy and finds a breach, or a specialist's review of the applicant's daylight figures, left out of account (R (Friends of the Earth Ltd) v Heathrow Airport Ltd [2020] UKSC 52 at [116] to [121]);

(d) a reading of the policy the Council itself applied the other way at Hobson Street, without reasons;

(e) the statutory consultee and the Council's own conservation officer departed from without cogent reasons (Visao at [23]);

(f) the applicant's consultant's opinion on the shops' daylight, or the applicant's own attribution of it to the Council's Environmental Health Officer, given to members as the Council's view; the word "occupiers" in P3(2)(b) not applied; one failing window reported and 37 not (Mansell at [42]; Tesco at [18]);

(g) criterion (d) of Policy 60 or Policy 59(c) found met without the shadow study, on an impact the Council's own officer has acknowledged (Tesco at [18]; R (Khatun) v Newham LBC [2004] EWCA Civ 55 at [35]);

(h) advice on the May 2025 Design and Access Statement given to members as the Council's assessment of this design under DP3, and a national policy of refusal applied without its question asked (Mansell at [42]; Tesco at [18]);

(i) a demonstration the plan places on the applicant found made when no document of the applicant's makes it (Tesco at [18]; Mansell at [42]).

Applying section 38(6), Policy 60, DP3(3) and the policies of the Local Plan in the report, in their words and on the figures at sections 1 to 6, resolves the matters this paper raises.

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