

CLAG: the determination timing letter (25 September 2026)

The Council cannot decide this application on accurate advice as the register stands. CLAG's letters filed with this letter show, from the Council's own file and Christ's College's ("the applicant") own documents, what each consultee has to provide for its response to be accurate. The consultees are the conservation officer, the sustainability officer, the environmental health officer, the urban design officer and the Local Highway Authority. The applicant's documents assess another design, on the conservation officer's own record. The Council's first decision on the identical scheme is before the High Court. The Council has agreed before the Court that it be quashed on all four grounds; CLAG did not sign the draft consent order, so that the grounds receive a reasoned judgment, and the Court has listed the claim for hearing on Tuesday 20 October 2026. CLAG asks the Council to confirm by Tuesday 29 September 2026 that determination will wait until each consultee has provided what this letter lists and until the Council has taken its own steps. CLAG also asks it to confirm that the case officer's report to committee on this application ("the report") will confront the first decision and the Council's own agreement, in the form the Council stated to Full Council on 16 July 2026. CLAG asks it to confirm that the application will not be reported before the Court has given judgment. And CLAG asks it to confirm that a judgment given after members resolve and before the decision notice issues goes before members before the notice issues, unless the officer is satisfied that they would reach the same decision with it before them. Nothing is to be left to a condition

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. 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. The letter of 14 May 2026 cited from Historic England's disclosure under reference 26/04173 is cited as held on Historic England's file. It follows CLAG's email of 20 August 2026 (document 9501516), which the Council answered on 26 August 2026; that answer is filed with this letter as Exhibit T1. Nothing in this letter is a request for a taller flue or chimney.

To: planning@greatercambridgeplanning.org and PlanningComments@greatercambridgeplanning.org, for the attention of Dominic Bush (case officer) and 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.

The Council's 2025 permission on the earlier application for this scheme, 25/02161/FUL, 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).

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 10. A reply by Tuesday 29 September 2026 giving the confirmation at section 1 resolves this letter
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1. CLAG asks the Council to confirm by Tuesday 29 September 2026 that determination waits for accurate advice, its own steps and the Court's judgment, that the report confronts the first decision, and that a later judgment goes before members before the notice issues

1.1 CLAG asks the Council to confirm in writing, by Tuesday 29 September 2026, that this application will not be reported to the Planning Committee, and will not be determined, until:

1. the Council's conservation officer has corrected the three findings that are wrong on the Council's own file, has stated where the harm lies, and has advised on a Heritage Statement that assesses the design applied for (section 2);
2. the Council's sustainability officer has given the officer's own assessment of the new library against the Council's standard, on the record CLAG has placed on the register (section 3);
3. the Council's environmental health officer has advised on assessments of odour, air quality, plant noise and artificial light for the design applied for (section 4);
4. the Council's urban design officer has advised on the design as drawn and under the National Planning Policy Framework of 17 August 2026 ("the NPPF") (section 5);
5. the Local Highway Authority has advised on a traffic management plan for this application (section 6);
6. the Council has required the documents that assess the design applied for and consulted on them, holds the evidence on avoidance and justification, and has put the register right (section 7).

1.2 What a consultee has to provide is provided when it is on the register. A new assessment or document has also to be consulted on. A statement that earlier advice still applies provides nothing.

1.3 CLAG asks the Council to confirm in writing, by the same date, that:

1. nothing listed in sections 2 to 7 will be left to a planning condition. An assessment provided after permission is not before members when they decide;
2. the report will state the Council's first decision on the identical scheme, the four grounds on which the Council has agreed before the Court that it be quashed, and what the report does on each of them. It will do so in the form the Council stated to Full Council on 16 July 2026: the areas identified as requiring a change of approach, and the change applied. If the Court's judgment is given after members resolve and before the decision notice issues, the decision notice will not be issued until members have considered the judgment with the application before them, unless the officer is satisfied that on that reconsideration they would reach the same decision (section 8);
3. the application will not be reported to the Planning Committee before the Court has given judgment in the judicial review, listed for hearing on Tuesday 20 October 2026. The report is then written with the outcome that the Council told Full Council its legal advisers, officers and councillors would act on (section 8);
4. the day on which the application is reported will not be set by the applicant's timetable. Nor will that day be set by 16 October 2026, the date to which the Council asked the applicant on 25 August 2026 to extend the period for the decision (section 9).

1.4 CLAG asks the Council to state whether the applicant has agreed in writing to extend the period for the decision and, if the applicant has agreed, to place the agreement and its date on the register. CLAG asked for this on 20 August 2026 (document 9501516, item 8). The Senior

Planning Lawyer's response of 26 August 2026 answered: "An EOT has not, as yet been agreed with the Applicant, beyond the current statutory period of 9 Sept, any agreed EOT with the Applicant is for the Council to manage." (Exhibit T1, exhibit page 3). The Council's request to the applicant of 25 August 2026 went on the register with its reply box empty (document 9503875).

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

1.6 CLAG does not oppose an extension of the period for the decision.

2. Determination has to wait until the conservation officer corrects three findings, states where the harm lies and advises on a Heritage Statement of the design applied for: the three are wrong on the Council's own file, and the statement the officer reviewed omits the amendment of August 2025

The Council's conservation officer's comments of 26 August 2026 (document 9505685) find harm to the setting of the Grade I listed Bodley Library and find that "NPPF policy HE6 (4) is engaged". The report will give members those comments as the Council's heritage advice. Three of the officer's other findings are wrong on the Council's own file, and the comments locate the harm narrower than the statutory consultee, Historic England, does. The comments also record that the Heritage Statement the officer reviewed "does not include subsequent revisions made to the chimney height and internal layout". CLAG's conservation officer letter, filed with this letter, sets out the record for each point.

What the conservation officer has to provide:

1. the degree of harm to the Bodley Library's setting, stated before any positive effect is set against it, with the effects set against it named. The enhancement of another asset, found on the applicant's own baseline, and the continued use are not among them (that letter, section 2);
2. the effect on the conservation area assessed against the interest the Council's own Historic Core Conservation Area Appraisal identifies and stated in its HE5(2) category, with reasons for any departure from the Council's findings of 2016, December 2024 and 2025 (section 3);
3. the comparison with the consented design, made on both sides of the Council's own advice of 19 December 2024, the floor area and the volume, mass and bulk, stated above ground where the harm arises (section 4);
4. where the harm lies, on the building as a whole as the statutory consultee finds it or on the stair tower alone, and if the latter the reasons for the narrower finding (section 5);
5. the comments given again on a Heritage Statement that assesses the design applied for, once the Council has required that statement and consulted on it (CLAG's document accuracy letter, section 2).

If the officer provides them before the report is written, the report carries the Council's own heritage advice on accurate facts. If the application is reported without them, the report gives members findings that the Council's own file contradicts (*R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314, [2019] PTSR 1452 at [42]). The Council also cannot be satisfied under HE5(4) of the NPPF, its policy on assessing effects on heritage assets, that the assessments accurately reflect the effects of the proposal.

3. Determination has to wait until the sustainability officer gives the officer's own assessment of the new library against the Council's standard: the advice of 18 June 2026 repeats the applicant's Sustainability Statement, and the Council holds no assessment under the Local Plan's sustainable design standard, Policy 28

The Council's sustainability officer's advice of 18 June 2026 (document 9435149) supports the scheme, and the report will give members that advice as the Council's sustainability assessment. The advice repeats the applicant's own summary from its Sustainability Statement, contains no figure of its own, and tests nothing. The Council holds no assessment of the new library against Policy 28 of the Cambridge Local Plan 2018 ("the Local Plan"), its policy "Carbon reduction, community energy networks, sustainable design and construction, and water use", which sets the Council's standard for sustainable design and construction. The officer's reply to the Council's consultation on the NPPF reads in full: "I have no further comments to make on this planning application from a sustainable design and construction perspective, my comments of 18/06/2026 still apply." (document 9500177). That reply assesses nothing. CLAG's sustainability evidence, filed with this letter, sets out the record for each point.

What the sustainability officer has to provide:

1. the officer's own finding on the chimneys as the applicant's sustainability reason for how high the building stands. The finding is made on the professor's evidence, the Master's public acceptance that the chimneys can start below ground, and the applicant's own energy model, which credits them with no saving (the sustainability evidence, section 1);
2. the officer's own finding on the carbon reason for building nothing below ground, against the concrete this scheme pours below ground and in the chimney wall and the absence of any comparison with the consented design or any lower design (section 2);
3. the officer's own finding on the applicant's energy efficiency figures against the Council's minimum standard, and on the roof panels and heat pumps that produce the saving and that any lower or distributed design can carry (section 3);
4. the officer's own assessment of the new library against Policy 28, which the Council does not hold, or a statement of what the agreed bespoke methodology assessed and against what standard (section 4);
5. the officer's advice on a Sustainability Statement that assesses the design on the controlling drawings, on the BREEAM pre assessment by an accredited assessor and on the sustainability checklist, once the Council has required them (CLAG's document accuracy letter, section 4).

If the officer provides them before the report is written, the report carries the officer's own assessment of this application. If the application is reported without them, the report gives members the applicant's own summary as the Council's sustainability assessment (Mansell at [42]). A finding that the scheme complies with Policy 28 is then made without the assessment that the policy requires.

4. Determination has to wait until the environmental health officer advises on assessments of the design applied for: the odour and noise assessments predate the amendment of August 2025, the air quality finding was made for the chimneys before it, and no lighting assessment has been provided

The Council's environmental health officer's advice of 20 July 2026 (document 9468203), reissued on 18 August 2026 (document 9499190), finds the scheme acceptable subject to conditions. The advice states its premise: "As no major / substantive changes or amendments are being proposed as part of this application, we maintain our support for the proposed development e.g. no objection and our previous updated and corrected comments etc remain relevant / valid." The Odour Assessment and the Plant Noise Assessment that the advice carries into its conditions were written in May 2025 and assess the design before the amendment of August 2025. The amendment of August 2025 is the set of changes the applicant made to its earlier application, 25/02161/FUL, in August and September 2025; it lowered the chimneys by 900 mm, and the drawings on this register show the amended design (CLAG's document accuracy letter, section 1). The advice's finding on air quality was made for the chimneys as drawn in May 2025. The advice requires an artificial lighting impact assessment before any lighting is installed, and none has been provided for the light from the library windows onto Christ's Lane. CLAG's environmental health officer letter, filed with this letter, sets out the record for each point.

What the environmental health officer has to provide:

1. a statement of which reports the advice names describe the design applied for, and which describe the design before the amendment of August 2025 (that letter, section 1);
2. advice on assessments of the kitchen discharge as drawn and of the plant noise for the design applied for, required by the officer and provided before the application is determined (section 1);
3. the officer's own finding on air quality for the chimneys as drawn, on an assessment of that design (section 2);
4. a statement of whether any artificial lighting impact assessment has been provided. The officer's advice on that assessment, covering the light from the library windows onto Christ's Lane, is provided before the application is determined (section 3).

CLAG asks for no higher chimney or discharge; it asks that the design applied for be assessed before it is decided on. If the officer provides what is listed before the report is written, the report carries the Council's environmental health advice on the design applied for. If the application is reported without it, the report carries conditions tied to assessments of another design, and gives members a finding made for another design as the Council's finding on air quality (Mansell at [42]). The report also counts as a public benefit a light on the lane that no document assesses.

5. Determination has to wait until the urban design officer advises on the design as drawn: the response of 23 June 2026 rests on an assessment of the May 2025 Design and Access Statement, and its reply under the NPPF assesses nothing

The Council's urban design officer's response of 23 June 2026 (document 9439492) supports the scheme, and the report will give members that response as the Council's urban design advice. The response states: "No amendments are being proposed as part of this application and as such we maintain our support for the proposed scheme". The assessment the response appends is the officer's response of 26 June 2025, written before the amendment of August 2025, and its

comments relate “to the Design Access Statement dated 23 May 2025”. That statement explains the design before the amendment, and the Council’s conservation officer records it as superseded (section 7, item 1). 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). The Council therefore holds no urban design advice on the design as drawn, and its reply under the NPPF assesses nothing. CLAG’s document accuracy letter, filed with this letter, sets out the record (that letter, sections 3 and 5).

What the urban design officer has to provide:

1. advice on the design as drawn on the controlling drawings, stating which drawings and which documents the officer assessed;
2. advice under the NPPF.

If the officer provides them before the report is written, the report carries urban design advice on the design applied for, under the policies that govern the decision. If the application is reported without them, the report gives members an assessment of the May 2025 Design and Access Statement as the Council’s urban design advice on this application (Mansell at [42]).

6. Determination has to wait until the Local Highway Authority advises on a traffic management plan for this application: its advice relies on a plan approved under the 2025 permission, which the Council’s own email says is not approved for this application

The Local Highway Authority’s advice (document 9447736) asks for a condition under which no works start until a traffic management plan has been agreed. The advice then states how the condition is to be met: “To satisfy the requirements of this condition, it is recommended that the applicant submits the Construction Traffic Management Plan approved under planning permission ref. 25/02161/FUL, which is considered acceptable to the Local Highway Authority.” The authority’s acceptance therefore rests on a plan approved under the 2025 permission. CLAG asked the Council on 21 July 2026 to confirm that “no document approved in discharge of conditions under 25/02161/FUL is treated as approved for this application, each being consulted upon and determined afresh”. The Senior Planning Lawyer’s email of 28 July 2026 answered: “Officers agree. Newly imposed conditions would require consideration afresh, including consultation with the relevant requestor of the condition.” (document 9495878). CLAG has found no traffic management plan on the register of this application. If one is on the register, CLAG asks the Council to identify it by Tuesday 29 September 2026.

What the Local Highway Authority has to provide:

1. advice on a traffic management plan for this application, which is on the register and has been consulted on;
2. advice on the suspensions of footpath access and the pedestrian diversions in the applicant’s Demolition and Construction Environmental Management Plan of February 2026 (document 9423970, page 9; “the construction plan”). The construction plan makes a banks person “responsible for managing temporary suspension of footpath access and cycle / vehicle routing”. The construction plan adds: “Pedestrian access routes for the public and emergency services will be maintained, with temporary diversions implemented only when required and for the shortest practicable duration.” TR8(1)(a) of the NPPF, its policy on public rights of way, asks that proposals “Protect and enhance the network of public rights of way, including through suitable diversions agreed with the highway authority”. The authority’s advice mentions neither the suspensions nor the

diversions, and CLAG has found no diversion agreed with the authority on the register (CLAG's alternatives, justification and public benefits paper, 7.2.1). At its online pre application presentation of 19 May 2025 the applicant's agent said: "I can assure you we are not blocking Christ's Lane in doing so" (recorded, with the times on the recording, in CLAG's conditions submission of 13 August 2026, document 9495871, section 3.5). Christ's Lane is a public footpath, and no instrument on the register could authorise the closures the construction plan describes; the conditions the 2025 notice would carry over incorporate the 2025 application's reports by name and date, and the discharge record under that permission holds the Council's own specialists' findings that the noise package and the tree protection scheme were unacceptable (CLAG's conditions paper, Annex G, filed with this letter, sections 5 to 7).

If the authority provides them before the report is written, the report carries highway advice on a plan that is before the authority, the Council and the public on this application. If the application is reported without them, the report gives members highway advice that rests on a plan the Council's own email says is not treated as approved for this application (Mansell at [42]). The report also applies TR8(1)(a) without the highway authority's agreement to any diversion.

7. Determination has to wait until the Council has taken its own steps: documents that assess the design applied for and a further consultation on them, the evidence on avoidance and justification, and a register that carries both sides on one rule

The steps in this section are the Council's own, and the advice listed at sections 2 to 5 depends on the first of them. CLAG's letters of 13 August 2026 asked for corrected documents and a further consultation, and the Senior Planning Lawyer's response of 26 August 2026 states: "The three submissions to which you refer will be addressed, as appropriate, in the Officer report." (Exhibit T1, exhibit page 2). A report cannot supply an assessment that the register does not hold. The Council has to "take reasonable steps to acquaint himself with the relevant information" before it decides (Secretary of State for Education and Science v Tameside Metropolitan Borough Council [1977] AC 1014 at 1065). CLAG's letters to the case officer, filed with this letter, set out the record for each step.

What the Council has to do:

1. state what it will require of the applicant under section 62(3) of the Town and Country Planning Act 1990, by when, and whom it will consult again. The Council's conservation officer records that the amendment of August 2025 "supersedes the heritage and design and access statements" (document 9505685). The documents that assess the design applied for, the BREEAM pre assessment and checklist and the consultee responses are then on the register, with a further consultation on them, Historic England and the other consultees included (CLAG's document accuracy letter, section 6);
2. require from the applicant, with the artificial lighting impact assessment its own environmental health officer requires, an assessment of the light the library windows put onto Christ's Lane at night. No weight is given to the light as a benefit before it (CLAG's environmental health officer letter, section 3);
3. state in the report the two conclusions the NPPF requires before the harm can be justified or weighed. The first is whether the harm could be avoided by the consented design or another lower or distributed library that meets the College's stated requirements, on the designs on the file and the Council's own 2016 finding. The second

is what the building's volume, mass and bulk is needed for, on evidence and against the College's own documents (CLAG's avoidance and justification letter, sections 2 and 3);

4. state in writing, by Tuesday 29 September 2026, whether the report will rely on the College's architectural competition or feasibility studies as the assessment of alternatives, or on a comparison of embodied carbon as the reason for the bulk. If it will, the brief, the six entries, the studies and the comparison are placed on the register by that date (that letter, section 4);
5. display every paper listed in CLAG's filing index on the register on the day this filing reaches the Council, Friday 25 September 2026, dated the day they appear, and correct the date shown for every entry to the day the document first appeared by Tuesday 29 September 2026. The audit trail and the written statements CLAG's register integrity letter asks for are given by the dates it names (that letter, section 6).

If the Council takes these steps before the report is written, the consultees have documents of the design applied for to advise on, and the report has the evidence that HE4(1)(b) and HE4(2) of the NPPF, its policy on securing the conservation of heritage assets, ask for. If the application is reported without them, the report is written on documents that the Council's own officer records as superseded, and the findings on avoidance and justification are made on no evidence (Tameside at 1065). The report also sends members to a register that does not carry both sides on one rule.

8. The report confronts the first decision and the Council's own agreement that it be quashed on all four grounds, in the form the Council stated to Full Council, and a judgment given after members resolve goes before them before the notice issues

The Council's first decision on this scheme, the permission of 7 November 2025 on 25/02161/FUL, was made on the drawings now before the Council. The Council has agreed before the Court that it be quashed on all four grounds of the judicial review. Where a council decides a second application for an identical scheme on the same site, its previous decision remains material and a change of position has to be explained: "The principle of consistency is not limited to the formal decision but extends to the reasoning" (R (Davison) v Elmbridge Borough Council [2019] EWHC 1409 (Admin) at [56](i)). The committee in that case "unlawfully failed to take into account its previous decision" (at [68]). A duplicate application granted while the first grant was under challenge was quashed because the report on it "still did not inform the Planning Committee of the true extent of the harm which was likely to result from the proposed development" (R (Midcounties Co-operative Ltd) v Forest of Dean District Council [2015] EWHC 1251 (Admin) at [100]). The report on this application has to confront the first decision and the Council's own agreement, ground by ground.

1. The four grounds, as the Statement of Facts and Grounds states them in the headings to its paragraphs 51, 59, 72 and 78 (on the register within CLAG's objection of 10 July 2026, document 9475597):
 - (a) "Ground 1 – The Committee was materially misled as to Historic England's advice.";
 - (b) "Ground 2 – The Committee was materially misled as to the existence and/or extent of harm to the significance of designated heritage assets";
 - (c) "Ground 3 – The Committee took into account an irrelevant consideration – optimum viable use.";

- (d) "Ground 4 – The Committee failed to take into account a relevant consideration – the existence of less harmful alternative modes of development."
2. The Council's letter to the Court of 28 April 2026 states: "The Defendant and Interested Party have agreed to a Consent Order quashing the Council's decision on all four grounds, with a supporting Statement." (document 9462822, page 18, paragraph 6). The Council has therefore agreed, before the Court, that its previous decision on this scheme be quashed on every ground the Court will rule on.
 3. The applicant's Covering Statement of June 2026 (document 9423967; "the Covering Statement") states at paragraph 1.7: "It should be noted that no changes have been made to the detail of the drawings nor consequently to the reports submitted in support of that application." The decision before the Court was therefore made on the drawings now before the Council, and the applicant's own words put the four grounds to the report: "The points raised in the Judicial Review in this case are capable of being addressed in the Planning Officer's report when the Planning Committee re-considers the application." (paragraph 2.2).
 4. The applicant describes the judicial review as a matter of process: "As the Judicial Review relates to the process involved in determining the original application, not the planning merits, the material submitted is almost entirely the same as for 25/02161/FUL." (the Covering Statement, paragraph 1.5). The four headings at item 1 answer that description in the claim's own words: the extent of the harm, the statutory consultee's advice, the optimum viable use and the less harmful alternatives are the merits.
 5. The Council's position on timing, in the Senior Planning Lawyer's email of 28 July 2026 (document 9495878): "The application is targeted to be put before planning committee on the 2 September, whether or not the High Court has issued a decision. Application 26/02109/FUL is a separate application to the one subject of the Judicial Review and will be treated as such." The same email states: "Officers are minded to include explanatory text within the report for members setting out the advised approach in how the new application is to be handled and determined in light of the existing JR, including advice concerning conditions." It also states that "Officers are minded to impose afresh all planning conditions that were previously imposed on the permission 25/02161/FUL"; a condition that must be complied with before development begins cannot be imposed without the applicant's written agreement (section 100ZA(5) of the Town and Country Planning Act 1990), and no such agreement is on the file (Annex G, section 6).
 6. The Council's position on timing, in the Senior Planning Lawyer's response of 26 August 2026 (Exhibit T1, exhibit page 4): "The planning application will be put before the planning committee when the Council considers it reasonable to do so in light of the current reconsultation, whether that falls before the 20 October or not. The Council does not consider that in putting the 2026 application before Planning Committee it would contravene any enactment or rule of law. Christ Lane Action Group is once again reminded that Application 26/02109/FUL is a fresh application and whilst it is substantially the same as the application subject to the Judicial Review, it is a new application and will be considered on its own merits." Neither statement says that the Council's previous decision on the identical scheme, or its own agreement that the decision be quashed on all four grounds, will be confronted in the report.
 7. The Council's own statement of its approach, made to Full Council on 16 July 2026. Public question 7 asked whether any Council safeguard had identified the failures in officer advice, consultation or public participation before residents did, and whether any planning safeguard had been changed. The minuted reply of the Leader and Cabinet Member for Planning and Transport includes: "The Council's in-house and external Legal

Advisers carefully considered the outcomes of planning appeals and judicial proceedings and discussed these with Officers, Leadership team of the service and Councillors to identify areas that required change of policy or approach and that would be the case here.” The supplementary question asked whether the Council would ask the applicant to agree to an extension “until after the High Court’s judgment”; the minuted reply is that the Leader and Cabinet Member “could not comment due to the matter being a live planning application and the ongoing legal process”. (The Council’s published minutes of its meeting of Thursday 16 July 2026, public question 7 and the replies.)

8. In Davison the two applications “were identical in all material respects and related to the same site” (at [67]). Calling the present application separate, fresh and considered on its own merits does not take the Council’s previous decision, or its own agreement about it, out of the matters the report has to deal with.

The report has to state the first decision, the four grounds on which the Council has agreed that it be quashed, and what the report does on each. On the record filed with this letter that is: the statutory consultee’s advice carried in its own words (CLAG’s letter to the case officer, filed with this letter (“the case officer letter”), section 2); the extent of the harm stated before any benefit (section 2); the optimum viable use out of the balance (section 7); the less harmful alternatives assessed and the conclusion on avoidance stated (section 5). If the report does so, members decide the second application with the first decision and the Council’s own agreement before them. If the report treats the application as separate and leaves the first decision and the Council’s own agreement out of account, it makes the error for which the permission in Davison was quashed. It repeats on the same drawings the errors the Council has agreed were made. The Council has itself stated the form the confrontation takes: its legal advisers consider the outcome of the judicial proceedings and identify with officers and councillors “areas that required change of policy or approach and that would be the case here” (item 7). A report that states, for each of the four grounds, the change of approach so identified and applies it is the confrontation Davison requires, in the Council’s own form. A report silent on the four grounds departs from the approach the Council stated to Full Council for this case, without reasons.

A resolution of the committee is not the decision; the decision is the notice, and until the notice issues the officer holds the application. If members resolve to grant before the Court gives judgment, and judgment is given before the decision notice issues, the judgment is a new material consideration. The four grounds cease to be matters the Council has agreed and become grounds on which the Court has ruled with reasons. If the Court quashes the permission of 7 November 2025, that permission ceases to exist, and any weight the report gave it as an extant permission for the same scheme falls away. The officer “can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision” (*R (Kides) v South Cambridgeshire DC* [2002] EWCA Civ 1370 at [126], as quoted in *R (Hayle Town Council) v Cornwall Council* [2023] EWHC 389 (Admin) at [41]). If the officer cannot be so satisfied, the application goes back to members before the notice issues. The Council acted on that principle in August: when the NPPF was published on 17 August 2026, the Council’s notice of 19 August 2026 opened a further consultation on it before the application was reported. The Council’s own statement to Full Council (item 7) is that its legal advisers consider the outcome of the judicial proceedings and identify with officers and councillors the areas that require a change of approach. That identification cannot be made before the judgment that states the outcome with reasons. CLAG therefore asks the Council to confirm that the application will not be reported before the Court has given judgment (1.3, item 3). The record against which that confirmation is measured is the Council’s own. On 25 August 2026 it asked the applicant to extend the period for the decision to 16 October 2026, four days before the hearing (document 9503875), and on 26 August 2026 it

answered that the application will be reported “whether that falls before the 20 October or not” (Exhibit T1, exhibit page 4). If the Council confirms, the report is written with the judgment before it and states the change of approach on each ground. If the Council reports the application before the judgment, the report is written before the Council has identified what its own safeguard requires. A judgment given between the resolution and the notice then goes back to members under the rule stated above, unless the officer is satisfied that they would reach the same decision with it before them.

9. If the Council waits, it decides on accurate advice with its first decision before it; if it does not, the application goes to members on a record on which the harm is not shown to be avoided, justified or outweighed, and the applicant’s timetable is no reason to take that course

9.1 If the Council gives the confirmation at 1.1, everything listed at sections 2 to 7 is on the register before the report is written. The consultees advise on accurate facts and on documents that assess the design applied for, the public and the consultees are consulted on what is new, and the report is written with the Council’s first decision and its own agreement before it. If the applicant provides nothing, what is listed stays unprovided and 9.2 applies.

9.2 If the Council does not give the confirmation, or does not reply, and the application is reported with anything at sections 2 to 7 not provided, the record before members is this:

1. the Council’s heritage advice carries three findings that the Council’s own file contradicts, locates the harm narrower than the statutory consultee does, and rests on a Heritage Statement that assesses another design. HE5(4) of the NPPF, its policy on assessing effects on heritage assets, provides: “Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.” The Council cannot be so satisfied (section 2);
2. the sustainability, environmental health and urban design advice is advice on another design or the applicant’s own text, and the highway advice rests on a plan approved under the 2025 permission (sections 3 to 6);
3. the benefits the applicant claims from sustainability, air quality, odour and light on the lane rest on assessments of another design or on no assessment, and a report that counts them misleads members (Mansell at [42]; sections 3, 4 and 7);
4. the two conclusions that HE4(1)(b) and HE4(2) of the NPPF, its policy on securing the conservation of heritage assets, require, on avoidance and on justification, have no evidence on the register but the record CLAG has placed there (section 7, items 3 and 4);
5. Historic England and the Council’s conservation officer both find harm to the setting of the Grade I listed building (CLAG’s document accuracy letter, section 2, item 5). HE6(3) of the NPPF, its policy on designated heritage assets, makes any such harm “a matter of considerable importance and weight”, and HE6(4) weighs it against “any public benefits resulting from the proposal”.

9.3 On that record the harm is not shown to be avoided, justified or outweighed. The decision that follows under section 38(6) of the Planning and Compulsory Purchase Act 2004 and DP3(3) of the NPPF, its direction to refuse a design that conflicts with its context without clear justification, is refusal, as the case officer letter states on the words of each test (its sections 3, 4 and 10) and CLAG’s design and development plan paper states (sections 1 and 5).

9.4 The NPPF states when a decision waits for a consultee's advice. DM3(1)(d), in its policy on determining development proposals, asks that decisions not be delayed to secure that advice "unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal". On the matters at sections 2 to 7 the information is insufficient until what is listed is provided, on the Council's own words. Its email of 28 July 2026 agrees that no document approved under the 2025 permission is treated as approved for this application and that newly imposed conditions "would require consideration afresh, including consultation with the relevant requestor of the condition" (document 9495878). Its response of 26 August 2026 leaves the corrected documents to the report (Exhibit T1, exhibit page 2), which cannot supply them. The policy's last case, "more detailed advice may enable an approval rather than a refusal", shows which decision the NPPF expects where the advice is not secured.

9.5 A planning condition provides none of what is listed. A condition is attached only where it is "Necessary to make the development acceptable in planning terms" (DM6(1)(a) of the NPPF, its policy on the use of planning conditions), and the Council cannot judge what is necessary without the assessment of the effect to be controlled. An assessment provided after permission is not before members when they decide, and cannot enter the balance under HE6(4).

9.6 The applicant's timetable is no reason to report the application on the record at 9.2:

1. the applicant filed this application to obtain a decision sooner than the Court's timetable allows. The Covering Statement states at paragraph 2.2: "Rather than wait for the application to be referred back to the Council by the High Court, this second application allows the Council to re-consider the application more quickly.";
2. the applicant's agent stated the same aim to the statutory consultee before the application was filed. The agent's letter of 14 May 2026 to Historic England's Inspector, copied to the Council's case officer and conservation officer, states the aim of a committee decision "before October", the month of the hearing (CLAG's Historic England FOI schedule, section 2, item 3; Exhibit H1.3);
3. the Council's own request to the applicant points to a decision before the hearing. On 25 August 2026 the case officer asked the applicant to extend the period for the decision "until 16th October 2026", and gave the reason: "The target committee date falls outside the statutory determination date." (document 9503875). Friday 16 October 2026 is four days before the hearing;
4. the applicant's protection against delay is its right of appeal, in the Council's own words to it. The Council's acknowledgement of 11 June 2026 states: "If you do not agree to an extension of time, once the statutory deadline has passed, you will have the right of appeal to the Secretary of State against the non-determination of this application." (document 9427842). The applicant's timetable therefore gives the Council no reason to decide on an incomplete record;
5. the Court has already considered the College's urgency. Its order of 6 March 2026 refused expedition and records: "However, the College chose to enter contracts before the permission was legally secure. That was a risk which it chose to take. The College has been educating students since 1505. If it takes some additional time to review the legality of the consent, that is something which the College will manage." (document 9462886, page 3);
6. the Master of the College has written the same of delay, with a qualification: "The judge who accepted the request for review reminded us that we've been here for more than 500 years; we are used to occasional adversity, we will cope with delay. But it would have been better for our students (and, frankly, cheaper) if we had been able to demolish

the 1970s building this summer.” (the College’s newsletter Pieces, issue 49, Lent Term 2026, page 2; Exhibit D6.2 to CLAG’s alternatives, justification and public benefits paper). The same page records the study space the College uses meanwhile (that paper, 4.2.2).

9.7 DM3(1)(a) of the NPPF asks the Council to work with the applicant “to enable a timely decision”, and DM3(1)(d), quoted at 9.4, states when a decision waits. A statutory discretion has to be “used to promote the policy and objects of the Act” (Padfield v Minister of Agriculture, Fisheries and Food [1968] AC 997 at 1030). The discretion over the day of determination is given so that the decision is made on all material considerations, the Council’s own first decision and its agreement about it included. CLAG asks the Council to confirm that the day will not be chosen to meet the applicant’s aim of a decision before the Court rules (1.3, items 3 and 4).

10. A reply by Tuesday 29 September 2026 giving the confirmation at section 1 resolves this letter

10.1 A reply by Tuesday 29 September 2026 giving the confirmation at 1.1 and the confirmations at 1.3, with the statement asked for at 1.4, resolves this letter. We do not oppose a new library. CLAG asks that the decision be made on accurate advice, on documents that assess the design applied for, and with the Council’s own first decision and its agreement about it before the Council.

10.2 CLAG will rely on this letter and on the Council’s reply, or on the absence of one. CLAG asks that the register record both, so that members and the public see the same record. CLAG corresponds through the case officer and the published addresses.

Christ’s Lane Action Group

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