

CLAG: the harm register (25 September 2026)

Annex C: Every heritage assessment on the register except Christ's College's ("the applicant") finds harm to the Grade I listed building or the conservation area. The statutory consultee, the Victorian Society, Cambridge Past, Present & Future and the expert heritage appraisal by Alec Forshaw IHBC MRTPI filed as part of CLAG's objection of 10 July 2026 (document 9458570; "the expert heritage appraisal") name the building's volume, mass and bulk as the cause. The Council's own conservation officer names the relative scale and proximity of the stair tower, and a report that adopts that narrower location in place of the statutory consultee's finding has to give cogent and compelling reasons. Cambridge Past, Present & Future finds the bulk in conflict with Policy 61 of the Cambridge Local Plan 2018 ("the Local Plan"), its policy on the conservation and enhancement of Cambridge's historic environment. The Council's own conservation officer finds that the positive heritage effects do not outweigh the harm, and each of the four effects the officer lists fails on the Council's own file. The applicant tells the Council that the scheme "was supported by all professional consultees"; on the record two bodies object, the statutory consultee and the Council's own officer find harm, and the applicant's own "no harm" is contradicted by every heritage assessment. Each of the four grounds on which the consent order signed on 28 April 2026 agrees quashing of the 2025 permission concerns how the harm was assessed, and each consultee has since moved towards harm on that very point, on the same drawings. This annex is the record of the harm; the finding the case officer's report to committee on this application ("the report") must make on it is stated in CLAG's case officer letter, and the plan conflict that follows in CLAG's design and development plan paper

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

Application 26/02109/FUL: Christ's College Library, St Andrew's Street, Cambridge. Christ's Lane Action Group (CLAG). It states every point it relies on, so that it stands on its own. 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.

Filed Friday 25 September 2026.

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1. Every heritage assessment but the applicant's finds harm to the Grade I setting or the conservation area, four of them from the building's bulk, and the officer's four positive effects fail on the Council's own file

HE5(2)(c) of the National Planning Policy Framework of 17 August 2026 ("the NPPF"), in its policy on assessing effects on heritage assets, sets the test. An assessment of a proposal's effect on a heritage asset must identify whether it would "Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting". It adds: "The degree of harm should be identified".

Five heritage assessments of this scheme's effect on the Grade I listed buildings of Christ's College and on the Cambridge Central (Historic Core) Conservation Area are on the register. They are the statutory consultee's, the Council's own conservation officer's, the Victorian Society's, Cambridge Past, Present & Future's, and the expert heritage appraisal filed as part of CLAG's objection. Each finds harm to the significance of the listed building through its setting, or to the conservation area. Four name the building's volume, mass and bulk as the cause; the Council's own conservation officer names "the relative scale and proximity of the stair tower", which is part of the same building (item 2(f)). Cambridge Past, Present & Future finds that bulk in conflict with Policy 61 of the Cambridge Local Plan 2018 (item 4(a)). The only assessment on the register that finds no harm is the applicant's (section 2).

The Council's own conservation officer finds that the positive heritage effects "are not considered to fully outweigh the harm". The four effects the officer sets against the harm fail on the Council's own file (item 7). So the harm stands on the Council's own advice with nothing on the register that outweighs it in heritage terms.

If the report carries each finding in its author's words, with the degree the author gives, the harm enters the balance under HE6(4) of the NPPF, its weighing of harm to a designated asset against public benefits, as harm to a Grade I listed building. The statute and the NPPF then fix its weight there. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires "special regard to the desirability of preserving the building or its setting"; HE6(1) gives "substantial weight" to the asset's conservation; HE6(3) makes any harm "a matter of considerable importance and weight".

If the report does not, it makes one of three errors:

- (a) it carries the statutory consultee's casework outcome, no objection, in place of the statutory consultee's finding of harm, and so misleads members on a matter bearing on their decision (*R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314, [2019] PTSR 1452 at [42]);
- (b) it leaves out the Council's own conservation officer's finding of harm, which "was enough to displace the presumption that the section 66(1) duty had been properly performed" (*R (Liverpool Open and Green Spaces CIC) v Liverpool CC* [2020] EWCA Civ 861 at [74]),

or leaves out another finding of harm on the register (R (Friends of the Earth Ltd) v Heathrow Airport Ltd [2020] UKSC 52 at [116] to [121]);

- (c) it gives a finding without the degree its author gave it, so that members weigh a harm whose extent they have not been told (R (Kinsey) v London Borough of Lewisham [2021] EWHC 1286 (Admin) at [66], “Kinsey”).
1. Historic England, the statutory consultee, finds harm and names its cause in its letter of 29 July 2025 on applications 25/02161/FUL and 25/02162/LBC (document 9457102). It adopted that letter for this application by its email of 8 July 2026 (document 9457100) and confirmed it for the NPPF on 27 August 2026 (document 9508056). The letter states:
 - (a) “However, the resulting increased massing brings other instances of harm, as it puts considerable pressure on the surrounding buildings forming Bath Court. The building feels too big, overdominant on this space, particularly in its relationship with the south range of first court and the Bodley Library.” (page 2);
 - (b) “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.” (page 3);
 - (c) “To summarise and conclude, in their present form, 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.” (page 4);
 - (d) “The proposals would be bulkier than those that were previously granted consent.” (sic) and, in the same paragraph, “With this in mind, we do not wish to object to the application but would strongly encourage that massing is further reduced so it sits better within this context.” (page 4);
 - (e) the degree is not graded: “certain levels of harm”;
 - (f) the Council’s own account of that advice at the Development Control Forum of 29 July 2026 (the DCF), as the Council’s minutes of the DCF (“the minutes”, cited by item number; CLAG’s minutes letter, filed with this annex, asks the Council to correct them) record it: “Historic England were comfortable to reiterate their position of no objection. However, their comments had been appended to the previous application where it was clearly stated that they had concerns regarding the scale and bulk of the building and would result in a certain level of harm to the significance of the Grade One listed Christ’s College buildings.” (the minutes, item 79);
 - (g) the history the letter relies on, “what historically was a domestic kitchen garden” (page 3), is documented in the applicant’s own map record, set out in CLAG’s map record, Annex F, filed with this annex, section 2.
 2. The Council’s conservation officer finds harm in each response on the drawings applied for:
 - (a) 18 September 2025 (document 7370966 on the register of 25/02161/FUL, page 4): “As previously stated, the building is large in relation to its plot, with the change in scale between the proposed stair tower and the southern end of the Bodley Library being particularly striking. This is considered to result in a degree of harm.” and “It is considered the proposal would cause harm to the setting and significance of the listed building. The harm would be less than substantial at the lower end of the scale and therefore NPPF paragraph 215 is engaged.”;

- (b) 13 July 2026 (document 9462719): “However, on balance it is considered the mitigations have not fully overcome the impact of the relative scale and proximity of the stair tower, and this part of the scheme remains harmful to the listed building’s setting.” and, under “Conclusion”, that “the heritage benefits are not considered to fully outweigh the heritage harm”;
- (c) 26 August 2026 (document 9505685, page 4), headed “Revised comments to reflect updated NPPF, August 2026”: “The harm to heritage assets is considered to primarily relate to the setting of the Bodley Library, which forms part of the grade I listed asset ‘buildings surrounding Entrance (First) Court with the south-east range of Second Court’. The harm arises from the relative scale and proximity of the stair tower.” and “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.”;
- (d) the degree in each response is “the lower end of the scale”;
- (e) the Council’s own account of the finding at the DCF, as the minutes record it: “In terms of the internal Conservation Officer, they had concluded that on balance the harm to the setting of the Grade One listed building was considered to be less than substantial at the lower end of the scale in requiring paragraph 215 of the MPPF to be engaged. There were other heritage benefits considered but not sufficient to outweigh the heritage harm.” (sic) (the minutes, item 80);
- (f) the officer locates the harm at the stair tower where the statutory consultee locates it in “the excessive bulk of the new building” and finds that “the building is too big for its location” (item 1(b) and (c)). The stair tower is part of that building. A decision maker gives the views of a statutory consultee “great” or “considerable” weight, and “A departure from those views requires “cogent and compelling reasons”” (Shadwell Estates Ltd v Breckland District Council [2013] EWHC 12 (Admin) at [72]). The same rule was applied to Historic England’s advice in *Steer v Secretary of State for Communities and Local Government* [2017] EWHC 1456 (Admin) at [52]. A report that carries the narrower location as the harm found has to state its reasons for departing from the statutory consultee. CLAG’s conservation officer letter, filed with this annex (“the conservation officer letter”), section 5, asks the officer to state whether the finding of harm is confined to the stair tower and, if it is, the reasons;
- (g) the officer’s response needs correction on the Council’s own file in four respects, and the conservation officer letter asks the officer to correct them by Tuesday 29 September 2026. The first is the degree of harm stated only after four positive effects are set against it, so that no degree before weighing is stated anywhere. The continued use of the listed buildings is counted among the four, which is the optimum viable use point, the third ground on which the consent order agrees quashing of the 2025 permission (section 3; the conservation officer letter, section 2). The second is the comparison “smaller overall than the earlier approved scheme”, which is wrong for the building above ground on the Council’s own advice of 19 December 2024, “higher and larger in scale than the consented schemes”, and on the applicant’s own documents (its section 4; the Historic England schedule, section 3). The third is the location of the harm at the stair tower (item (f); its section 5). The conservation area enhancement measured against the 1974 library, the baseline the applicant’s own consultant asked the Council to adopt in December 2024, which the Council’s own file contradicts in

four respects, is put in the same letter (its section 3). Whatever degree the officer states after correction, the finding of harm to the Grade I setting stands.

3. The Victorian Society, a national amenity society, finds harm on both applications:

- (a) 22 August 2025 (document 7355397 on the register of 25/02162/LBC, page 1): “The prevailing point of contention was the greater scale of the proposed library in comparison to the Grade-I Listed heritage asset. Ultimately, whilst the proposed steps back the new library by approximately 1m from the existing library, it would nonetheless be a whole storey higher. Owing to the tight constraints of the available floor plan, the increased height of the proposed addition has the greater potential to be harmful to the setting of the Bodley Library than the proximity of the floor plan.”;
- (b) 6 July 2026, on this application (document 9455369): “We also addressed the harm to the setting of the Grade-I Listed College, though key design principles at play in the new library were evident; this was especially the case with the ill-proportioned massing and the lack of design refinement, both of which impacted the human scale when compared to the neighbouring Bodley Library.”; “The design, as it stands does offer a low-to-moderate level of less-than-substantial harm.”; “Heritage harm has been identified, and the College has a duty to consider less harmful alternatives.”; and, in its first email of that day, “This low-to-moderate level of less-than-substantial harm was also previously identified by the Conservation Officer and the officer for Historic England at Pre-App. To further insist that this scheme will produce a “minor beneficial impact” overall is both unjustified and contrary to the applicant’s own previous assessment.”;
- (c) 9 July 2026, in its reply to the applicant’s agent (document 9464487, page 2): “Our principal point still stands. Harm is attributed to this scheme, and this has not been mitigated in the resubmitted design. It is important that alternatives be considered in line with the harm identified.”;
- (d) the degree is “low-to-moderate”;
- (e) the Society describes its own letter of 22 August 2025 as an objection: “As per our objection and advice submitted on 22 August 2025 (25/02161/FUL), we outlined the additional harm associated with the College’s newly submitted scheme.” (document 9455369);
- (f) the Council’s own account of the finding at the DCF, as the minutes record it: “The Victorian Society had stated that the proposal would result in a low to moderate level of less than substantial harm.” (the minutes, item 81).

4. Cambridge Past, Present & Future, the city’s civic society, objects to this application. Its comment of 9 July 2026 is recorded on the register as an objection (register public comment; “the CPPF comment”). It finds harm, finds that the benefits fail to outweigh it, and asks for a different, lower design in place of the one applied for:

- (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; page 2);
- (b) “The design results in certain levels of harm across multiple assets, including the setting of the Grade I listed Bodley Library, Bath Court, and the Central Conservation Area.” (page 2);

- (c) “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.” (page 2);
 - (d) “We urge the applicant and Council to recognise the impact on the listed buildings and character and appearance of the Conservation Area and negotiate a lower and less bulky design.” (page 2);
 - (e) the degree is not graded: “certain levels of harm”.
- 5. The expert heritage appraisal filed as part of CLAG’s objection and listed on the register under Third Party Comments (document 9458570; “the appraisal”) grades the harm by asset and concludes against approval:
 - (a) at paragraph 58: “The proposals, by reason of their height, bulk and massing cause the following degrees of harm to designated heritage assets:”;
 - (b) “Less-than-substantial harm at the upper end of the scale to the setting of the Grade I listed Bodley Library”;
 - (c) “Less-than-substantial harm at the middle of the scale to the setting of the Grade I listed north range of Bath Court”;
 - (d) “Less-than-substantial harm at the lower/middle of the scale to the character and appearance of the Central/Historic Core Conservation Area including the St Andrew’s Street and Drummer Street/Christ’s Lane sub-areas”;
 - (e) “Less-than-substantial harm at the lower end of the scale to historic fabric in the Grade I listed kitchen and Upper Hall areas”;
 - (f) at paragraph 66: “Taken cumulatively I assess this degree of harm to be within the middle range of less-than-substantial harm.” and “The proposals submitted by the applicant should not be approved in their current form.”
- 6. The Gardens Trust, consulted on the Grade II registered park and garden alone, assessed neither the listed building nor the conservation area. Its comment of 6 July 2026 (document 9453295, page 1) states: “We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.” On the NPPF it wrote on 3 September 2026: “We have no comments to make or amendments to the NPPF assessment. Our previous response still stands.” (document 9513907). The effect on the registered park and garden, the third designated asset Historic England’s advice covers, is a finding the report has to make under HE5(2) in its own terms.
- 7. The only list of positive heritage effects on the register, the conservation officer’s of 26 August 2026 (document 9505685, page 4), fails on the Council’s own file. The officer finds the harm at “the relative scale and proximity of the stair tower” to the Bodley Library. Of the four effects set against that harm, one is found at the place where the statutory consultee finds the building overdominant, and one needs none of the building’s bulk. One is a benefit to another asset, measured on the applicant’s measure, and one is not a benefit at all. The conservation officer letter sets each out; in summary:
 - (a) “An enhancement to the setting of the grade I listed building when experienced from Bath Court or Christ’s Lane due to the increased space between the Bodley Library and proposed library at the lower levels”. The statutory consultee assessed the same relationship and found the building “too big, overdominant on this space, particularly in its relationship with the south range of first court and the Bodley Library” (item 1(a)). It counted the space gained at the lower levels and the mass added above them together: “The removal of the basement and glazed enclosure have removed instances of harm to the significance of the listed

college. However, the resulting increased massing brings other instances of harm, as it puts considerable pressure on the surrounding buildings forming Bath Court.” (document 9457102, page 2). An enhancement found in the relationship the statutory consultee finds harmful departs from the statutory consultee. The report can carry it only with cogent reasons for the departure (*Visao Ltd v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 276 (Admin) at [23]);

- (b) “Wider enhancements to the appearance of Bath Court through the removal of redundant plant and fire escape, improved landscaping and the reopening of a blocked historic doorway to First Court”. Each is a work to the existing buildings and the court, and none needs the new building’s volume, mass and bulk. Each of the five lower or distributed designs on the record can carry them (CLAG’s alternatives, justification and public benefits paper, filed with this annex, “the alternatives paper”, section 4.5). HE4(2) requires a justification of the harm, and a benefit that a lower design carries equally justifies none of the bulk that causes it;
- (c) “An enhancement to the Central Conservation Area through the introduction of an architecturally superior building”. The enhancement is measured against the 1974 library, the baseline the applicant’s own consultant asked the Council to adopt in December 2024, and not against the special interest the Council’s own Historic Core Conservation Area Appraisal identifies, and the Council’s own file contradicts it in four respects (the conservation officer letter, section 3). The three other assessments of the conservation area on the register find harm to it (items 3(b), 4(b) and 5(d)); only the applicant’s own finds enhancement, on the baseline its consultant proposed. And it is an effect on a different asset, which cannot reduce the harm to the Bodley Library’s setting. The Court of Appeal: “There might be benefits to other heritage assets that would not prevent “harm” being sustained by the heritage asset in question but are enough to outweigh that “harm” when the balance is struck” (*City and Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 320, [2021] 1 WLR 5761 at [78]);
- (d) “Sustaining the ongoing use and conservation of the grade I listed building by providing improved, accessible library facilities.” This is the optimum viable use point of the officer’s response of 18 September 2025 under another name, the third ground on which the consent order agrees quashing of the 2025 permission (section 3). It is not a benefit resulting from the proposal. The buildings are in the College’s use now and stay in it, and the applicant’s own Planning Statement (Turley, document 9423963; “the Planning Statement”) records that “post-development, staff and student numbers will remain as per existing” (paragraph 7.99). HE4(1)(a) treats keeping a use consistent with conservation as a requirement of proposals, and the one use HE6(4) names as a public benefit is “securing the long-term reuse of a vacant or underused listed building”, which these buildings are not.

The report must state each finding at items 1 to 5 in its author’s words, with the degree the author gives and the document number. It must state that the Council’s own conservation officer finds the positive effects do not outweigh the harm (item 2(c)). It must not carry the four effects as agreed: two cannot be set against the harm at all, one is measured against the wrong thing, and one departs from the statutory consultee (item 7). Four of the five findings name the building’s volume, mass and bulk as the cause (items 1(c), 3(a), 4(a) and 5(a)). On the degree, the record holds three findings, and the report identifies the degree on all three before anything is set against the harm: the appraisal’s cumulative finding “within the middle range” with its

recommendation that the proposals “should not be approved in their current form” (item 5(f)); the statutory consultee’s advice, which names no degree (item 1(e)); and the Council’s own officer’s “lower end”, stated only after four positive effects are set against the harm (item 2(g)). The degree cannot fall below the Council’s own officer’s finding without reasons stated (Kinsey at [89]), and a report that adopts “lower end” from the officer’s comments adopts a degree fixed after weighing, which is the error of the second ground (section 3, item 2(b)). The Council’s own officer names the stair tower (item 2(c)), and the report can carry that narrower location in place of the statutory consultee’s finding only with cogent and compelling reasons (item 2(f)). None of the conditions the conservation officer proposes touches the bulk (document 9462719, “Suggested Conditions”; CLAG’s conditions paper, Annex G, filed with this annex, section 1).

If the report states the findings, harm to a Grade I listed building is found on the statutory consultee’s advice and on the Council’s own, with nothing on the register that outweighs it in heritage terms. It enters the balance under HE6(4) at the weight section 66(1), HE6(1) and HE6(3) fix, before any public benefit is weighed (section 4; the case officer letter, section 2). If the report does not state them, it makes one of the three errors set out above. If it carries the four effects as agreed, it counts against the harm two things that cannot be counted against it, one of them the error of the third ground of the judicial review (section 3). It also departs from the statutory consultee without cogent reasons.

2. The applicant tells the Council the scheme “was supported by all professional consultees” where two bodies object and every heritage assessment finds harm, so its account of the consultees is incorrect and its “no harm” cannot be adopted

HE5(4) of the NPPF requires that “Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.” The applicant’s Covering Statement of June 2026 (Turley, document 9423967; “the Covering Statement”) tells the Council at paragraph 3.17 that the scheme “was supported by all professional consultees”. On the record two bodies object. The Victorian Society’s letter on the 2025 application is in its own words “our objection”, and its letters on this application reaffirm it. Cambridge Past, Present & Future’s comment on this application is recorded on the register as an objection. The statutory consultee and the Council’s own conservation officer find harm on both applications, and the heritage appraisal filed with CLAG’s objection concludes against approval. The applicant’s own assessment finds no harm and a minor beneficial effect, and every heritage assessment at section 1 contradicts it.

If the report records that two bodies object, that every other heritage assessment on the register finds harm, and that the applicant’s assessment is the only one that does not, the Council is not satisfied under HE5(4) on the applicant’s assessment. The harm then stands as found at section 1. If the report adopts the applicant’s account of the consultees, or its assessment, it carries to members an account the Council’s own register contradicts (Mansell at [42]). It also departs from the statutory consultee and from the Council’s own officer without cogent reasons (Visao at [23]).

1. The applicant’s account of the consultees is incorrect on the Council’s own record. The Covering Statement states at paragraph 3.17 that the scheme “was supported by all professional consultees”. On the 2025 record the statutory consultee found harm to the significance of the listed building from the excessive bulk of the new building and recommended that the massing be further reduced (section 1, item 1). The Victorian Society found harm in a letter it calls “our objection and advice submitted on 22 August 2025 (25/02161/FUL)” (section 1, item 3(e)), and the Council’s own 2025 report recorded that letter as recommending changes: “Changes are recommended to reduce the height

and massing of the proposed structure improving its relationship with the Bodley Library.” (report of 29 October 2025 on 25/02161/FUL, “the 2025 report”, paragraph 6.24, page 132). The Council’s own conservation officer found harm to the setting of the listed building at the lower end of the scale (section 1, item 2(a)). On this application the Victorian Society reaffirms its objection and its finding of harm (section 1, item 3(b)), and Cambridge Past, Present & Future objects (section 1, item 4). The heritage appraisal filed with CLAG’s objection concludes that the proposals “should not be approved in their current form” (section 1, item 5(f)). A consultee that finds harm and asks for the massing to be reduced does not support the scheme, and two bodies object to it.

2. The applicant’s equation of “no objection” with a favourable heritage balance is wrong on the Council’s own record. On 26 September 2025 the applicant’s agent wrote of the statutory consultee and the Victorian Society: “It is not necessary to analyse why our opinions differ because ultimately, in not objecting, they must conclude that overall the harms and benefits in heritage terms are at least balanced, or the benefits outweigh the harms. That is certainly the conclusion of the Conservation Officer who makes this clear in his comments of 18/9/25.” (document 7378931 on the register of 25/02161/FUL, paragraph 52). On 1 August 2026 it wrote of the statutory consultee: “The fact that they recognise some harm arising from an aspect of the scheme does not invalidate their overall conclusion that they do not object.” (document 9481026, page 2). The Council’s own officer’s response of 26 August 2026 has “No objection” marked on its first page and finds on its fourth that “the positive effects are not considered to fully outweigh the harm” (document 9505685). On the Council’s own record a consultee that does not object has found harm that the benefits do not outweigh. Not objecting is a casework outcome; the finding is the harm.
3. The applicant’s “no harm” is a net figure, and the applicant admits that every other assessor finds harm. The Covering Statement states at paragraph 3.4: “Whilst we do not recognise any harm in relation to the juxtaposition of the new library and the C19 Bodley library, it is clear that others do.” Its agent wrote to the Victorian Society on 10 July 2026 (document 9464487, page 1): “The Vic Soc finds harm. We say that in the balance, there is no heritage harm (and there are other public benefits).” A “no harm” reached “in the balance” is harm set against benefits before any degree is stated. HE5(2)(c) requires the harm and its degree to be identified first; harm found and no overall harm advised at once is the second ground of the judicial review (section 3, item 2(b)).
4. The applicant’s “minor beneficial impact” is contradicted by every heritage assessment and by the applicant’s own earlier record. The Covering Statement states at paragraph 3.13: “Even discounting those wholly covered by the approved Listed Building Consent, there is still a minor beneficial impact in terms of works to the listed buildings and their settings.” The Victorian Society answers it: “This low-to-moderate level of less-than-substantial harm was also previously identified by the Conservation Officer and the officer for Historic England at Pre-App. To further insist that this scheme will produce a “minor beneficial impact” overall is both unjustified and contrary to the applicant’s own previous assessment.” (document 9455369). The applicant’s own Design and Access Statement records the statutory consultee’s feedback at the workshop of 30 January 2025 as “still slightly dominant” (Grafton Architects, part 3, document 9423962, printed page 57).
5. The applicant’s statement that no heritage balance is needed is contradicted by the Council’s own officer. The Covering Statement states at paragraph 3.16: “The need to apply public benefits to outweigh heritage harms does not therefore, in our view, apply here.” The Council’s conservation officer finds that “NPPF policy HE6 (4) is engaged” (document 9505685, page 4). The Victorian Society: “To ignore all of this to cite a “minor

beneficial impact" and to assert that sections 66 and 72 operate positively, so that no public-benefits balance is required, is incorrect." (document 9455369).

6. The applicant's answer from HE5(3) of the NPPF, its rule that the effect on significance and not the scale of the development is assessed, does not meet the findings. Its letter of 27 August 2026 on the NPPF (document 9506331) states: "HE5.3 is important here. It is the effect on an asset's significance which matters, not the scale of a development involved." Every finding at section 1 is a finding of harm to the significance of the listed building through its setting, in the words HE5(2)(c) uses, and each states the bulk as the cause of that harm. HE5(3) answers a case about scale alone; it does not answer findings of harm to significance whose stated cause is the bulk.
7. The applicant itself states what follows if the Council finds harm. Its letter of 1 August 2026 (document 9481026, page 2): "However, if the Council's position is that overall there is some harm, then the level of harm must be given due weight and then balanced against the public benefits as required by Paragraph 215 of the NPPF." The Council's position, on its own officer's response, is harm that the positive heritage effects do not outweigh. On the applicant's own sentence the harm goes to the balance, at the weight section 66(1), HE6(1) of the NPPF, its substantial weight for a designated asset's conservation, and HE6(3) of the NPPF, its considerable importance and weight for any harm to a designated asset, fix.
8. The applicant gave the same account of the consultees to members at the DCF, and the Council's own officer gave the findings at the same meeting. The minutes record the applicant's presentation: "There was no harm to be outweighed anyway quite the opposite but there were clear benefits." (sic); "It was acknowledged that Victorian Society had found some harm as they had concentrated on the 19th Century Bodley Library rather than the wider college."; and "The college had been consistent in that it did not identify harm to the setting of the Bodley and indeed had recognised many other heritage and public benefits from the proposal. Historic England did not object nor did the conservation officer." They then record the case officer: Historic England's "concerns regarding the scale and bulk of the building" and "a certain level of harm"; the conservation officer's benefits "not sufficient to outweigh the heritage harm"; the Society's "low to moderate level of less than substantial harm" (section 1, items 1(f), 2(e) and 3(f)). (The minutes, items 29, 33 and 34; items 79 to 81.)

The report must record that two bodies object to this scheme, that the applicant's assessment finds no harm where every other heritage assessment on the register finds harm, and that "no objection" is a casework outcome and not a finding. If the report does so, the Council decides on the findings of harm at section 1 and not on the applicant's assessment or its account of the consultees. If the report does not, it carries to members an account of the consultees that the Council's own register contradicts (Mansell at [42]). A report's note of a national amenity society's position that was "though factually correct" nonetheless "misleading", left uncorrected, was "sufficiently misleading to invalidate the committee's decision" (*R (Loader) v Rother District Council* [2016] EWCA Civ 795 at [56] and [57], "Loader"). It adopts an assessment that every heritage assessment contradicts, and it departs from the statutory consultee and the Council's own officer without cogent reasons (Visao at [23]).

3. The four grounds of the consent order each concern how the harm was assessed, every consultee has since moved towards harm on those points on the same drawings, and a report that assesses the scheme as the grounds require finds harm

The applicant's account of the judicial review is that it "relates to the process involved in determining the original application, not the planning merits" (Covering Statement, paragraph 1.5). Its account of the Council's conservation officer is that the officer's position cannot have hardened because "He is commenting on the same scheme as he did at the end of last year" (letter of 1 August 2026, document 9481026, page 2). The record answers both. Each of the four grounds on which the consent order agrees quashing concerns how the heritage harm was assessed in 2025, and on the Council's own file the advice moved on the same drawings once the two errors left the reasoning. Each consultee has since moved on the point the ground concerns, on the same drawings. An assessment made again on the basis the grounds require is a different assessment of the same scheme, and it finds harm.

If the report assesses the scheme on the basis the grounds require, it finds what the register now holds: harm on every heritage assessment, not outweighed on the Council's own officer's finding, no alternative assessed and no justification on the file. If the report reuses the 2025 conclusions, or adopts the applicant's account that the assessment cannot have changed, it repeats on the same drawings the grounds on which the consent order agrees quashing. Each ground is then available against the new decision as it was against the last.

1. The 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).
2. The four grounds, as the Statement of Facts and Grounds states them (within CLAG's objection of 10 July 2026, document 9475597; "the Statement of Facts and Grounds"), and what the 2025 report did on each:
 - (a) "Ground 1 – The Committee was materially misled as to Historic England's advice". The 2025 report summarised the statutory consultee under the heading "Historic England - No Objection" (paragraphs 6.19 to 6.21, page 131) and concluded: "In line with comments received from Historic England and the Council's Conservation officer, who raise no objection to the development, the development is not considered to result in any overall harm to the relevant heritage assets, applying paragraph 215 of the NPPF." (paragraph 14.33, page 155). The advice so summarised is the letter at section 1, item 1: harm from "the excessive bulk of the new building", with a recommendation that the massing be further reduced;
 - (b) "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 records of the 2025 report that "in some places the report advises that there is harm" and "in other places the report advises that there is no overall harm", and "These two conclusions are logically inconsistent." (paragraph

62), and: “The overall effect was to minimise the existence or extent of heritage harm.” (paragraph 68);

- (c) “Ground 3 – The Committee took into account an irrelevant consideration – optimum viable use.” The Statement of Facts and Grounds records the source: “This point appears to derive solely from the Conservation Officer’s second consultation response of 18 September 2025 ...” (paragraph 75(d)), and the conclusion, “Simply put, OVU was just not a relevant consideration in this case” (paragraph 76);
 - (d) “Ground 4 – The Committee failed to take into account a relevant consideration – the existence of less harmful alternative modes of development.” The 2025 report’s treatment of alternatives was two sentences. To the objection that alternatives had not been assessed it answered that “The application must be assessed on its own merits including the library in the currently proposed location.” (Table 3, page 170). Of the concerns raised at the Development Control Forum of 11 September 2025 it said: “Whilst larger, more significant issues were raised at the forum, including concerns with the overall scale and design of the development, officers do not consider it would be reasonable or indeed possible for the applicant to undertake fundamental changes to the scheme at this stage.” (paragraph 12.28, page 148). The paragraph ties that answer to “the process of the live application”. Its last sentence, that the proposals “have had the support of technical and specialist officers throughout the process with regards to its scale, design and subsequent heritage impact”, is contradicted by the Council’s own conservation officer’s finding of “a degree of harm” on 18 September 2025 (section 1, item 2(a)).
3. The drawings are the drawings of the earlier application as amended in August 2025. The applicant’s agent wrote to the Victorian Society on 9 July 2026 (document 9458387): “This is despite the fact that we have submitted precisely the same material, including the same Heritage Statement and Planning statement as we submitted last year.” 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 one change since the consultees’ first comments of 2025 is the amendment of 27 August 2025, which the statutory consultee recorded on 1 September 2025 (document 9457105, page 1): “The overall massing of the building remains unchanged but revisions have been introduced to the chimney/ventilation stacks and the position of the wash up pod, which were raised in our letter of advice dated 29 July 2025.”
 4. The Council’s own conservation officer moved on the points of the second and third grounds. On 18 September 2025 (document 7370966, page 4) the officer wrote: “It is considered the harm has been clearly and convincingly justified as required by paragraph 213. The proposal includes public benefits in the form of heritage benefits and the works overall would help to secure the building’s optimum viable use.” On 13 July 2026 and 26 August 2026 the officer finds that the positive heritage effects do not outweigh the harm (section 1, item 2). Neither the finding of justification nor the words “optimum viable use” appears in either 2026 response. The consideration itself survives under another name, as the fourth positive effect (section 1, item 7(d)), and the conservation officer letter asks the officer to remove it.
 5. The Victorian Society moved on the points of the first, second and fourth grounds. The 2025 report recorded its letter under the heading “National Amenity Societies Officer – No Objection” (paragraph 6.24, page 132); the Society itself calls that letter “our objection and advice submitted on 22 August 2025” (document 9455369). On this application the

Society finds “a low-to-moderate level of less-than-substantial harm”, calls the applicant’s “minor beneficial impact” “unjustified and contrary to the applicant’s own previous assessment”, and states the duty the fourth ground concerns: “Heritage harm has been identified, and the College has a duty to consider less harmful alternatives.” (document 9455369). Of its 2025 recommendations it records: “Advice ignored.” At the DCF the applicant told members that the Society’s committee had said “small adaptations could be implemented to mitigate any outstanding harm” (the minutes, item 33). The Society’s own words on the resubmitted design are that the harm “has not been mitigated” (section 1, item 3(c)), and the drawings are unchanged (item 3). The applicant’s own agent recorded the Society’s proposal in the same letter: “a suggestion of reducing the building by half a storey” (document 9458387). The statutory consultee found the raised lane wall “more overbearing in its relationship with the Bodley” and evidence of “the difficulties to accommodate a building which is too large for what is a very domestic setting” (document 9457102, page 2). So the second limb of HE4(1)(b), minimising harm that cannot be avoided, has not been performed: the adaptations the applicant reported to members as available were not made, and a report that finds the harm minimised makes a finding the applicant’s own agent, the Society and the statutory consultee contradict. A report that carried the Society’s position as the 2025 report did would repeat the error that invalidated the decision in Loader, where the report’s note about the Victorian Society, “though factually correct”, was “nonetheless misleading” (at [56]).

6. Cambridge Past, Present & Future moved on the points of the first and fourth grounds, and says why. Its comment of 9 July 2026 records its own 2025 position: “In our representation to the original 2025 submission (25/02161/FUL), CPPF did not formally object but raised targeted layout and design queries.” (the CPPF comment, page 1). It then states: “Whilst Historic England did not object to the 2025 application, they strongly encouraged that the massing is further reduced so it sits better within the context of the listed buildings and conservation area. In view of the legal challenge that proper consideration was not given to this advice, we are disappointed that this guidance has been ignored, and that no amendments have been made.” (page 1). It finds harm (section 1, item 4) and asks for “a lower and less bulky design” (page 2).
7. The statutory consultee did not move, because its advice was never “no objection”. Its finding of harm from the excessive bulk, with the recommendation that the massing be further reduced, is unchanged since 29 July 2025 and was confirmed on 8 July 2026 and 27 August 2026 (section 1, item 1). What the first ground exposed is the Council’s account of that advice. Historic England’s own casework record classes its letters as concerns, and the applicant’s account of them to the Council on this application is again “no objection” (section 2, items 2 and 8; CLAG’s Historic England FOI schedule, Annex H, filed with this annex, section 2).
8. The applicant’s own Covering Statement concedes that the grounds are for the report to address: “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). Addressing the second ground in the report means finding the harm and its degree before any benefit is set against it. Addressing the fourth means assessing the less harmful alternatives on the file. Addressing the first means carrying the statutory consultee’s advice as a finding of harm. Addressing the third means counting no continued use as a benefit. On the file as it stands, each of the four produces the same result: harm found on every heritage assessment, not outweighed on the Council’s own officer’s finding, and no alternative assessed (the alternatives paper, sections 4 and 5). The description of the judicial review as concerning process and not the planning merits is answered by the content of the grounds. Each concerns whether

the heritage harm was found, weighed and avoided, which is the merits question on which this application turns.

9. The movement shows what the report must find. The same drawings, assessed by the same consultees on the basis the four grounds require, face harm to a Grade I setting on every heritage assessment. Nothing the applicant has filed reduces it: “It goes without saying that the same submitted scheme cannot improve its level of harm.” (the Victorian Society, document 9455369). The applicant was told in writing, by the statutory consultee, by the Victorian Society and by the Council’s own officers, how the harm could be reduced or avoided (Annex H, section 1; the alternatives paper, section 4.3). It filed the same drawings as a new application, received on 5 June 2026, on a timetable it set for itself so that the Council would “re-consider the application more quickly” (the Covering Statement, paragraph 2.2; the alternatives paper, section 4.1). Two courses remain: the design changes to reduce the harm, or the report recommends refusal.
10. A report that reuses the 2025 conclusions repeats those errors on the same drawings. The Council must take its previous decision on the same proposal into account, with its reasoning, and explain any departure from it (R (Davison) v Elmbridge Borough Council [2019] EWHC 1409 (Admin) at [56] and [67]). The Council’s previous decision on this proposal now includes the consent order it signed on 28 April 2026, which agrees quashing of the 2025 permission on all four grounds. A report that carries “no objection” as the statutory consultee’s advice, carries harm and “no overall harm” at once, counts the continued use as a benefit or answers the alternatives with “on its own merits” departs from that order without reasons, and each ground is available against the new decision as it was against the last.

The report must record that the consultees’ positions have moved since the 2025 report, on drawings changed only by the amendment, and must record why: each moved on the point of a ground on which the consent order agrees quashing. It must assess the scheme on the basis the grounds require. If it does, it makes the finding stated at section 4 and carries it into the chain the case officer letter states. If it does not, whether by reusing the 2025 conclusions or by adopting the applicant’s account that the assessment cannot have changed, it repeats the grounds on which the consent order agrees quashing. That order is the record against which the repetition is measured.

4. The harm this annex records is the first finding of the case officer letter, and on the record the harm is not avoided, justified or outweighed, so the recommendation the case officer letter states is refusal

4.1 This annex is the record of the harm. The finding it supplies to the chain is the first finding of CLAG’s case officer letter, filed with this annex (“the case officer letter”). That finding is that the effect of the proposal on the significance of the Grade I listed building is harm, from the excessive bulk of the building, at a degree the report states before any benefit is set against it (HE5(2)(c) of the NPPF, its requirement that an assessment identify harm and its degree). The harm carries considerable importance and weight (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; HE6(1) of the NPPF, its substantial weight for a designated asset’s conservation, and HE6(3) of the NPPF, its considerable importance and weight for any harm to a designated asset). The case officer letter, section 2, states that finding in the test’s terms, with what follows on each course. This annex carries the evidence for it: the assessments in their authors’ words (section 1), the answer to the applicant’s account of the consultees (section 2) and the record of the movement since 2025 (section 3).

4.2 The plan conflict that follows from the same findings is stated in CLAG's design and development plan paper, filed with this annex, section 1. The proposal conflicts with Policies 61, 55, 57 and 60 of the Local Plan (its policies on the historic environment, on responding to context, on designing new buildings and on tall buildings) on the Council's own conservation officer's finding of harm, and Cambridge Past, Present & Future finds the bulk in conflict with Policy 61 in terms (section 1, item 4(a)). Section 38(6) of the Planning and Compulsory Purchase Act 2004 then requires refusal unless material considerations indicate otherwise. Whether the harm could be avoided, whether it is justified and whether it is outweighed are the alternatives paper's three findings (its sections 4 to 6). On the record filed with this annex none of the three is shown, and the case officer letter, which makes the weighing on the words of each test, states the recommendation that follows: refusal (the case officer letter, sections 3, 4 and 10).

Carrying each finding at section 1 into the report in its author's words, with its degree, and assessing the scheme on the basis the four grounds require (section 3) before the report is written, resolves the matters this annex raises.

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