

CLAG: the case officer letter (25 September 2026)

The case officer's report to committee on this application ("the report") has to make seven findings, in the order the statute, the National Planning Policy Framework of 17 August 2026 ("the NPPF") and the development plan set them, and it has to make them with the Council's first decision on this scheme before it. The first three are the harm to the Grade I listed buildings and to the conservation area, its degree and its weight; whether the proposal accords with the development plan; and whether DP3(3) directs refusal of the design. The next three are whether the harm could be avoided by a lower or distributed library; what the building's volume, mass and bulk is needed for; and which public benefits result from the proposal. The seventh is whether the documents and advice the report rests on assess the design applied for. On the register as it stands, each finding points to refusal, and the decision in accordance with the plan is refusal. CLAG asks the case officer to confirm by Tuesday 29 September 2026 that the report will make each finding in the terms this letter sets out. CLAG asks the case officer to confirm that the report will answer the requests members made at the Development Control Forum of 29 July 2026 (the DCF) from the register, and will deal with the corrections CLAG has asked of the conservation officer, the sustainability officer and the environmental health officer.

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 finding it relies on, so that it stands on its own; the evidence for each is in the papers filed with it, named at each section. 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. 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); copy Vanessa Blane (Senior Planning Lawyer, 3C Shared Services); copy Stephen Kelly (Joint Director of Planning and Economic Development, Greater Cambridge Shared Planning); copy legal@3csharedservices.org (the 3C Shared Legal Practice, the address the Council has stated as its accepted point of service).

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

Filed Friday 25 September 2026.

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2. The report has to identify the harm to the Grade I listed buildings and to the conservation area, with its degree, before anything is set against it, and give it the weight the statutory duty in section 66(1) and the NPPF's weight policies, HE6(1) and HE6(3), fix: every heritage assessment on the register but the applicant's finds that harm, and four name the building's volume, mass and bulk as its cause
 3. The report has to state, policy by policy, whether the proposal accords with the development plan and apply section 38(6) of the Planning and Compulsory Purchase Act 2004: the 2025 report found accordance on "no overall harm", the Council's own conservation officer no longer makes that finding, and the decision in accordance with the plan is refusal
 4. The report has to apply the NPPF's design policy DP3(3), which directs refusal of a design that conflicts with its context or with the plan's design standards without clear justification: the statutory consultee finds the building "too big for its location", the Local Plan's tall buildings policy, Policy 60, has never been applied to it, and the only urban design advice assessed the May 2025 statement
 5. The report has to find under the NPPF's avoidance requirement, HE4(1)(b), whether the harm could be avoided by a lower or distributed library meeting the College's requirements: the applicant was told in writing how to avoid it, the Council found in 2016 that the consented library met the College's needs, and "on its own merits" is not that finding
 6. The report has to state under the NPPF's justification requirement, HE4(2), what the building's volume, mass and bulk is needed for: the reasons on the file justify a library and not this bulk, and the applicant's own words remove the two reasons that could
 7. The report has to weigh under the NPPF's public benefits balance, HE6(4), only public benefits that result from this proposal and are assessed for the design applied for: the sustainability claim is the applicant's own text repeated as the Council's advice, the light on the lane is unassessed, the access offer is secured by nothing, and the continued use is the third ground under another name
 8. The report has to answer from the register the requests members made at the DCF, which the chair undertook officers had noted, and on the register each answer goes against the scheme or does not exist
 9. The report has to be written on assessments of the design applied for and of the whole development, and state what each consultee assessed: the applicant's statements assess the other design on the Council's own officer's record, and the temporary kitchen in Second Court is assessed by no one
 10. A reply by Tuesday 29 September 2026 giving the confirmations at section 1 resolves this letter; a report that makes the seven findings recommends refusal on the words of each test, and a report that does not carries each omission as an error named before it was written
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1. CLAG asks the case officer to confirm by Tuesday 29 September 2026 that the report will make each finding the statute, the NPPF and the development plan require, in their order, with the Council's first decision before it, and will deal with the corrections CLAG has asked of each specialist officer

1.1 CLAG asks the case officer to confirm in writing, by Tuesday 29 September 2026, that the report will:

1. state the Council's first decision on this scheme, the four grounds on which the Council has agreed before the Court that it be quashed, and what the report does on each (item 1.2 below; the determination timing letter, section 8);
2. identify the harm to the Grade I listed buildings and to the conservation area, with its degree, in each assessor's words, before anything is set against it, and give it the weight the statute and the NPPF fix (section 2);
3. state, policy by policy, whether the proposal accords with the development plan, and apply section 38(6) of the Planning and Compulsory Purchase Act 2004 on those findings (section 3);
4. apply DP3(3) of the NPPF in its words to the design, and state whether the S4(2)(c) circumstance arises (section 4);
5. find under HE4(1)(b) whether the harm could be avoided by a lower or distributed library meeting the College's stated requirements, on the record placed with this letter (section 5);
6. state under HE4(2) what the building's volume, mass and bulk is needed for, on evidence, and whether that is a clear and convincing justification of the harm (section 6);
7. weigh under HE6(4) only public benefits that result from this proposal, that benefit the public at large, and that an assessment of the design applied for shows, and count the continued use of the listed buildings under no name (section 7);
8. answer from the register each request members made at the DCF, and state where the register holds no answer (section 8);
9. rest on assessments of the design applied for and of the whole development, and state what each consultee assessed (section 9);
10. deal with each respect in which CLAG's letters show the advice of the conservation officer, the sustainability officer and the environmental health officer to be inaccurate, where the officer has not given the advice again (sections 2, 6, 7 and 9).

1.2 The frame of every finding is the Council's first decision. The permission of 7 November 2025 on 25/02161/FUL was made on the drawings now before the Council: Christ's College's ("the applicant") Covering Statement states that "no changes have been made to the detail of the drawings nor consequently to the reports submitted in support of that application" (document 9423967, paragraph 1.7). That permission is before the Court. The claim is R (Christ's Lane Action Group) v Cambridge City Council, Christ's College Cambridge interested party, claim AC-2025-LON-004656 (the judicial review). Permission to apply was granted on all four grounds by the order of Kimblin J signed on 6 March 2026 and served on 9 March 2026, which the Court documents call the Order of 9 March 2026. The Council and the College signed a draft consent order on 28 April 2026 agreeing that the permission be quashed on all four grounds; CLAG did not sign it, so that the grounds receive a reasoned judgment; the Court did not make the order on the papers and has listed the claim for a one day hearing on Tuesday 20 October 2026 (documents 9462822, page 18, and 9475597, pages 1 and 55). The 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 four grounds are stated as the Statement of Facts and Grounds heads them, at its paragraphs 51, 59, 72 and 78 (on the register within CLAG's objection of 10 July 2026, document 9475597). They are: "Ground 1 – The Committee was materially misled as to Historic England's advice."; "Ground 2 – The Committee was materially misled as to the existence and/or extent of harm to the significance of designated heritage assets"; "Ground 3 – The Committee took into account an irrelevant consideration – optimum viable use." and "Ground 4 – The Committee failed to take into account a relevant consideration

– the existence of less harmful alternative modes of development.” 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 Council has itself stated the form the confrontation takes, to Full Council on 16 July 2026: 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” (CLAG’s determination timing letter, filed with this letter (“the determination timing letter”), section 8, item 7). The determination timing letter, section 8, sets out that record and what the report has to do on each ground; this letter sets out the findings. The Council has asked the applicant to extend the period for the decision to a date four days before the hearing, and has written that the application will be reported “whether that falls before the 20 October or not”; a report written before the judgment is written before the Council has identified what its own safeguard requires, and a judgment given between a resolution and the notice goes back to members (the determination timing letter, section 8). The Court itself has said where the applicant’s urgency stands: refusing expedition on 6 March 2026 it recorded that “the College chose to enter contracts before the permission was legally secure. That was a risk which it chose to take.” (the order of Kimblin J, document 9462886, page 3).

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

1.4 Each confirmation is of a kind a case officer can give without deciding the application: that the report will state, identify, find whether, apply, or not count. None asks for a result. Each can be read against the published report.

2. The report has to identify the harm to the Grade I listed buildings and to the conservation area, with its degree, before anything is set against it, and give it the weight the statutory duty in section 66(1) and the NPPF’s weight policies, HE6(1) and HE6(3), fix: every heritage assessment on the register but the applicant’s finds that harm, and four name the building’s volume, mass and bulk as its cause

HE5(2)(c) of the NPPF requires an assessment to identify whether a proposal would “Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting”, and adds: “The degree of harm should be identified”. Five heritage assessments on the register find that harm; the applicant’s alone finds none. The statutory consultee finds it “primarily as a result of the excessive bulk of the new building”; the Council’s own conservation officer finds harm that the positive effects “are not considered to fully outweigh”. The Council’s report to its Planning Committee of 29 October 2025 on application 25/02161/FUL, the earlier application for the identical scheme (“the 2025 report”, cited by paragraph and by the page of the public reports pack), headed the statutory consultee’s advice “Historic England - No Objection” and found “neutral with no overall harm”, the matters of the first and second grounds. On the Council’s own file the advice moved on the same drawings once those errors left the reasoning: the office that found the harm “clearly and convincingly justified” in September 2025 finds in 2026 harm the positive effects do not outweigh (CLAG’s harm register, Annex C, filed with this letter, section 3). The Council’s own chair told members at the DCF that “different heritage experts have arrived at different assessments as to the level and extent of harm” and that “all of this will be set out quite clearly within the officer report” (CLAG’s transcript extract of the DCF, filed with this letter, entry 4.27). If the report states each finding in

its author's words, with its degree, before any benefit is set against it, harm to a Grade I setting enters the balance at the statutory weight. If it does not, it repeats on the same drawings the errors the Council has agreed were made.

1. The statutory consultee finds harm and names its cause. Historic England's letter of 29 July 2025: "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." and "we are of the view that the building is too big for its location." The finding is made for "a new primary building of the massing proposed within what historically was a domestic kitchen garden", the history the applicant's own map record documents map by map. It adopted that letter for this application on 8 July 2026 and confirmed it for the NPPF on 27 August 2026. The applicant's own elevation gives the dimension the finding describes. Drawing 004700 P03 marks the apex of the Bodley Library's gable at 20840 and the new parapet at 22830; so the parapet stands 1.99 metres above the apex of the Grade I library's gable. The applicant's Heritage Statement states that dimension nowhere and measures the building against the Bodley's ridge, as "a background element", and against Bradwell's Court. The applicant's own presenter told the DCF that the view from Christ's Lane is the one "from where the new library will appear taller than the Bodley". (Document 9457102, pages 3 and 4; documents 9457100 and 9508056; document 9423880; document 9423964, section 5; the Council's published minutes of the DCF, item 23; the DCF record, entry 4.31; CLAG's harm register, Annex C, filed with this letter ("the harm register"), section 1, item 1; CLAG's map record, Annex F, filed with this letter ("the map record"), section 2; CLAG's design and development plan paper, filed with this letter ("the design and development plan paper"), section 3; CLAG's document accuracy letter, filed with this letter ("the document accuracy letter"), section 2.)
2. The Council's own conservation officer finds harm that the positive effects do not outweigh. The comments of 26 August 2026: "the positive effects are not considered to fully outweigh the harm. On balance, the harm is considered to be at the lower end of the scale, and therefore NPPF policy HE6 (4) is engaged." The same office found on 18 September 2025 that "the harm has been clearly and convincingly justified" and that the works "would help to secure the building's optimum viable use". Neither finding appears in either 2026 response. So on the Council's own file the advice moved on the same drawings once the errors of the second and third grounds left the reasoning. (Document 9505685, page 4; document 7370966, page 4, on the register of 25/02161/FUL; the harm register, section 1, item 2, and section 3, item 4.)
3. The degree of harm is on three findings, and the report identifies it on all three before anything is set against the harm. The expert heritage appraisal on the register finds the cumulative harm "within the middle range" and recommends that the proposals "should not be approved in their current form". The statutory consultee's advice names no degree. The Council's own officer's "lower end" is stated only after four positive effects are set against the harm. The degree cannot fall below the Council's own officer's finding without reasons (R (Kinsey) v London Borough of Lewisham [2021] EWHC 1286 (Admin) at [89], "Kinsey"), and a report that adopts "lower end" from the comments adopts a degree fixed after weighing. (Document 9458570; document 9457102; document 9505685, page 4; the harm register, section 1, its closing.)
4. The other assessments on the register find the same harm. The Victorian Society finds "a low-to-moderate level of less-than-substantial harm". Cambridge Past, Present & Future finds "certain levels of harm across multiple assets" from the bulk, and conflict with Policy 61 of the Cambridge Local Plan 2018 ("the Local Plan"). The expert heritage appraisal by Alec Forshaw IHBC MRTPI grades the harm by asset, at the upper end of the scale for

the setting of the Bodley Library. (Documents 9455369 and 9464487; the comment of Cambridge Past, Present & Future of 9 July 2026, register public comment, page 2; document 9458570, paragraphs 58 and 66; the harm register, section 1, items 3 to 5.)

5. The Council's own officer told members the same. The Council's printed minutes of the DCF, published on 21 September 2026 in 114 numbered items ("the minutes", cited by item number), record the case officer's account: Historic England's comments "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", and the conservation officer's "other heritage benefits considered but not sufficient to outweigh the heritage harm". (The minutes, items 79 and 80; CLAG's transcript extract of the DCF, filed with this letter ("the DCF record", cited by entry), section 2.)
6. The applicant's account of the consultees is incorrect. Its Covering Statement states that the scheme "was supported by all professional consultees"; on the register the Victorian Society and Cambridge Past, Present & Future object, the statutory consultee and the Council's own officer find harm, and every heritage assessment but the applicant's finds harm (items 1 to 4). A report that adopts that account carries the applicant's words in place of the consultees' findings and misleads members (*R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314 at [42], "Mansell"). (Document 9423967, paragraph 3.17; the harm register, section 2.)
7. The degree is stated before weighing, not after, and the applicant's own assessment states none. The second ground, quoted at item 1.2, concerns the existence and extent of the harm, and the 2025 report carried harm and "no overall harm" at once. The applicant repeats the method in its own words. Its Heritage Statement finds "the small or low level of heritage 'harm' identified to the Grade I listed building (and within its setting) would be outweighed by the above identified heritage benefits and enhancements", before any degree is fixed. Its letter of 1 August 2026 describes its method as "weighing all the heritage impacts and providing a 'residual' heritage assessment (we of course conclude that the scheme is overall beneficial)". At the DCF its consultant told members "We say there is no harm to be outweighed anyway, quite the opposite". Two of the four effects the conservation officer sets against the harm cannot be set against it at all. One is a benefit to another asset: "There might be benefits to other heritage assets that would not prevent "harm" being sustained by the heritage asset in question" (*City and Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 320 at [78], "Bramshill"). The other is the continued use, which is the third ground under another name (section 7, item 8). So the report records the degree before the weighing, and records that the applicant's assessment does not. (Document 9423964, paragraph 6.6; document 9481026, page 2; the minutes, item 29; CLAG's conservation officer letter, filed with this letter ("the conservation officer letter"), section 2; the harm register, section 1, item 7.)
8. The harm is located where the statutory consultee locates it. The conservation officer finds the harm at "the relative scale and proximity of the stair tower"; the statutory consultee finds it in "the excessive bulk of the new building" and finds the building "too big for its location". A departure from a statutory consultee's view requires "cogent and compelling reasons" (*Shadwell Estates Ltd v Breckland District Council* [2013] EWHC 12 (Admin) at [72]). The report can carry the narrower location only with reasons stated. (Document 9505685, page 4; document 9457102, pages 3 and 4; the conservation officer letter, section 5.)
9. The conservation area is assessed against its designation. The officer's enhancement finding measures the new building against the 1974 library, the baseline the applicant's

consultant asked the Council to adopt in December 2024, and not against the special interest the Council's own appraisal identifies. The Victorian Society, Cambridge Past, Present & Future and the expert appraisal each find harm to the conservation area; only the applicant and the officer, on the applicant's baseline, find enhancement. The Council's own file contradicts the enhancement in four respects:

- (a) the designation's own appraisal, which the comments do not mention, marks key positive views along the lane in both directions;
 - (b) the Council's own team found the lower consented design "at least one storey too tall" and "oppressive and overbearing in this part of the CA" in 2016;
 - (c) the Council's own advice of 19 December 2024 found the proposal "higher and larger in scale than the consented schemes" and its scale and massing a concern;
 - (d) the Council's own 2025 report found that the building "would undoubtedly somewhat enclose part of Christ's Lane as a result of the increase in height". The third designated asset the statutory consultee's advice covers, the registered park and garden, has a finding from no one. The Gardens Trust wrote on 3 September 2026 "Our previous response still stands.", and its comment of 6 July 2026 states "this does not in any way signify either our approval or disapproval of the proposals". The effect on that asset is a finding the report has to make under HE5(2) in its own terms. (The conservation officer letter, section 3; the map record, section 1; documents 9453295 and 9513907; the harm register, section 1, item 6.)
10. The conservation area duty comes first, and the enhancement finding is measured against it. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". HE6(2) of the NPPF supports a proposal that has a positive effect on a designated asset. Both are performed on the area's significance as the designation identifies it, not on the building the design replaces. (The Act, section 72(1); the NPPF, HE6(2); the conservation officer letter, section 3.)
 11. The Council's own appraisal names the building type the area's significance depends on, and names the type this design is. On tall buildings the Historic Core Conservation Area Appraisal states that "they are generally well-articulated and have pitched roofs, spires, pinnacles, lanterns, cupolas or chimneys which add positively to the skyline. This means that their mass is much less than a tall flat-roofed building of consistent or relatively unvarying height."; on the commercial heart, that the buildings "are usually of two to four storeys in height". The design applied for is a parapeted mass of unvarying height along "a longer 37.5m elevation at this scale facing Christ's Lane", on the applicant's own description, and the comments measure it against the 1974 library and not against the appraisal's words. (The Conservation Area Appraisal, chapter 4, paragraph 4.3.2, and chapter 2, paragraph 2.6.3; the Design and Access Statement, part 1, document 9423960, section 3.2; the conservation officer letter, section 3, item 14.)
 12. The weight is fixed before the balance. 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) requires that "substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)", and adds: "This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance."; HE6(3) makes any harm "a matter of considerable importance and weight". The applicant

asks for “substantial weight” for the scheme’s sustainability against the heritage harm (document 9506331). A balance struck on level terms was “a fatal flaw in the decision” in *Barnwell Manor (East Northamptonshire DC v Secretary of State [2014] EWCA Civ 137, [2015] 1 WLR 45 at [29])*. The applicant’s public access offer of 5 August 2026 cannot reduce the harm on this side of the balance at all. A benefit of that kind “cannot affect the degree of heritage harm but must go into the public benefits side” (*R (Juden) v London Borough of Tower Hamlets [2021] EWHC 1368 (Admin) at [80], “Juden”*), and the conservation officer’s comments of 26 August 2026 do not mention it. (CLAG’s alternatives, justification and public benefits paper, filed with this letter (“the alternatives paper”), sections 6.1 and 6.3.14.)

13. The 2025 report’s route is not open. It headed the statutory consultee’s advice “Historic England - No Objection” and found “neutral with no overall harm”, and the Council has agreed before the Court that the decision made on that report be quashed on the first and second grounds. The Council’s report on the listed building application, in the same pack of the same day, recorded the same letter as “Concerns raised”. The 2025 report also attributed to Historic England an agreement its advice does not contain, that the lowered chimneys “would not result in any harm to the setting of the Bodley Library”. Historic England’s letter of 1 September 2025 states “The overall massing of the building remains unchanged”. The applicant tells the Council now that Historic England has said “no objection” “on all three times they have been consulted”. Historic England’s own casework record classes its advice as concerns: “a ‘Y - Concerns’ letter”. (The 2025 report, paragraphs 6.19 to 6.21, 14.11 and 24.6, pages 131, 152 and 172, and the listed building report, paragraph 6.7, page 224; document 9457105, page 1; document 9481026, page 2; CLAG’s Historic England FOI schedule, Annex H, filed with this letter (“the Historic England schedule”), section 2; the harm register, section 3.)
14. The Council’s own 2025 reports record a second harm, to the fabric of the Grade I listed building itself, and no 2026 document carries it. The report of 29 October 2025 on the listed building consent for the same works records that the 1913 building “forms part of the Grade I listed College buildings” and that the scheme removes its roof “to allow for an upward extension forming part of the new library building”. It adds: “It is acknowledged that this element of the scheme would result in the “loss” of historic fabric”. The 2025 report found the harm “restricted to the setting of the Bodley Library” while stating that elements requiring planning permission “must be considered on the basis of this application”. The upward extension is part of the building applied for, so the loss of fabric is harm “from work affecting the asset itself” under HE5(2)(c) and enters the balance beside the harm to the setting. (The public reports pack of 29 October 2025, the report on 25/02162/LBC, paragraph 11.27, printed pages 231 and 232; the 2025 report, paragraph 14.15, page 152; the alternatives paper, section 3.1, item 7.)

What the report has to do:

1. State each finding at items 1, 2 and 4 in its author’s words, with the degree its author gives and the document number, and state the dimension at item 1;
2. Identify the degree of harm to each asset on the three findings at item 3, before any benefit is set against it, and record that the applicant’s assessment states none;
3. Carry the statutory consultee’s location of the harm, or give reasons for a narrower one;
4. Measure the conservation area against its designation under section 72(1), against the appraisal’s own building type, and state the HE5(2) finding on the registered park and garden;

5. State the weight in the words of section 66(1), HE6(1) and HE6(3) before the balance is struck, and put the access offer on the public benefits side only.
6. State the loss of fabric of the Grade I listed building that the Council's own 2025 listed building report records, as harm from work affecting the asset itself, with its degree (item 14).

Where the conservation officer has not corrected the comments by Tuesday 29 September 2026 as the conservation officer letter asks, the report deals itself with each respect that letter names.

If the report does so, harm to a Grade I setting is found on the statutory consultee's advice and the Council's own, with nothing on the register that outweighs it in heritage terms, and it enters the chain at the statutory weight. If the report carries "no objection" in place of the finding of harm, it misleads members on the statutory consultee's advice (Mansell at [42]). If it gives a finding without its degree, members weigh a harm whose extent they have not been told (Kinsey at [66]). If it strikes the balance on level terms, it makes the error of Barnwell Manor. The degree and the weight are inputs to the only balance the committee strikes, so a court cannot say the outcome would have been the same without them.

3. The report has to state, policy by policy, whether the proposal accords with the development plan and apply section 38(6) of the Planning and Compulsory Purchase Act 2004: the 2025 report found accordance on "no overall harm", the Council's own conservation officer no longer makes that finding, and the decision in accordance with the plan is refusal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination "must be made in accordance with the plan unless material considerations indicate otherwise". The 2025 report found the identical scheme in accordance with the plan because it found "no overall harm" to heritage assets, and found each design policy met on the same finding. The Council's own conservation officer now finds harm that the positive effects do not outweigh, and the civic society finds the bulk "in conflict with Policy 61". If the report states the conflicts policy by policy on the findings now on the register, the decision in accordance with the plan is refusal, and a grant has to name the material considerations that outweigh the plan. If it finds accordance by the 2025 route, it rests the statutory test on a finding the Council's own officer no longer makes.

1. The 2025 route ran through the heritage finding. "Overall, therefore, the development's impact upon heritage assets is considered to be neutral with no overall harm, and there would be no conflict with development plan policy on heritage."; "Overall, the proposal is considered to be in accordance with the development plan". The same finding carried each policy: Policy 10 on a "neutral" heritage impact; the design policies in one sentence, "The proposal is compliant policies 55,56,57,58 and 59 of the Local Plan and the NPPF." (sic); and Policy 61 on a finding that the development would "preserve the setting and significance of the listed buildings". Policy 10(a) and (b) were not applied at all, on the ground that a replacement building alters no use. The policy's own words are that "any new development or redevelopment within the City Centre should" meet them. (The 2025 report, paragraphs 11.2 to 11.4, 12.29, 14.34, 24.6 and 24.11, pages 139, 149, 156, 172 and 173; the design and development plan paper, section 1, items 1 and 2.)
2. That finding is not available. The Council's own conservation officer finds harm that the positive effects "are not considered to fully outweigh" (section 2, item 2), and the statutory consultee finds "excessive bulk" (section 2, item 1). (The design and development plan paper, section 1, item 3.)

3. The heritage policies of the Local Plan, each with the finding that conflicts with it:
 - (a) Policy 61(a) asks that proposals “preserve or enhance the significance of the heritage assets of the city, their setting and the wider townscape”, and every heritage assessment on the register but the applicant’s finds harm to the setting of the Grade I listed building or to the conservation area;
 - (b) Policy 61(c) asks for “an appropriate scale, form, height, massing, alignment and detailed design which will contribute to local distinctiveness, complement the built form and scale of heritage assets”, and the statutory consultee finds “excessive bulk”;
 - (c) Policy 61(e) asks proposals to “provide clear justification for any works that would lead to harm or substantial harm to a heritage asset yet be of substantial public benefit, through detailed analysis of the asset and the proposal”, and the applicant’s own Planning Statement rates its public benefits “Moderate” and “Minor” and claims no substantial public benefit;
 - (d) Policy 10(c) asks that development in the city centre “preserve or enhance heritage assets and their setting, open spaces and the River Cam”, and the 2025 report found it met only on a “neutral” heritage impact. (The Local Plan, pages 45 and 188; the Planning Statement, Turley, document 9423963, page 51; the design and development plan paper, section 1, item 6.)
4. The design policies of the Local Plan, each with the finding that conflicts with it:
 - (a) Policy 60 governs a structure that “breaks the existing skyline and/or is significantly taller than the surrounding built form”, and has never been applied to this design (section 4);
 - (b) Policy 55 supports development “where it is demonstrated that it responds positively to its context” and asks that development “use appropriate local characteristics to help inform the use, siting, massing, scale, form, materials and landscape design of new development”, and the statutory consultee finds the building “too big for its location”;
 - (c) Policy 57(a) supports new buildings where they “have a positive impact on their setting in terms of location on the site, height, scale and form”, and the consultees find harm to the setting from the bulk;
 - (d) Policy 56(d) and (e) ask proposals to “ensure that buildings are orientated to provide natural surveillance” and to “create active edges on to public space”, and the applicant’s own Planning Statement calls those criteria “not considered particularly relevant”;
 - (e) Policy 58(a) and (e) permit alterations and extensions that “do not adversely impact on the setting, character or appearance of listed buildings” and “do not unacceptably overlook, overshadow or visually dominate neighbouring properties”, and the daylight figures have never been assessed against criterion (e);
 - (f) Policy 59(c) supports development where “public spaces receive adequate sunlight”, and no assessment of the lane’s sunlight through the day and the year is on the file;
 - (g) Policy 10(d) asks for “the highest quality design” and “a high quality public realm”, and the 2025 report’s own words are that the building “would undoubtedly somewhat enclose part of Christ’s Lane”. (The Local Plan, pages 45 and 180 to

186; the design and development plan paper, section 1, item 7, and sections 2 to 5.)

5. The plan makes the applicant's demonstration the condition of support, and the file holds none of the demonstrations it names. Policy 55 supports development "where it is demonstrated that it responds positively to its context"; Policy 57 supports new buildings "where it can be demonstrated that they" have the qualities it lists; Policy 59 supports development "where it is demonstrated that" its criteria are met; each criterion of Policy 60 begins "applicants should demonstrate"; Policy 61(d) asks proposals to "demonstrate a clear understanding of the significance of the asset". The applicant's own Townscape and Visual Appraisal states that Policy 60 and "the prescribed assessment criteria" are not "relevant to the scheme". Its Heritage Statement quantifies no harm from the bulk and assesses the design before the amendment of August 2025. Its Appendix 2 shows 37 of 61 windows failing its own test. A report that finds a criterion met without the demonstration supplies what the applicant has not given, and where it finds one met it has to name the document in which the applicant made the demonstration. (Document 9423730, section 2.2; document 9423964, paragraph 6.4; document 9423969, Appendix 2; the design and development plan paper, section 6.)
6. The shops opposite are the scheme's economic effect on the public, and the plan and the NPPF protect them in terms. On the applicant's own figures nine protected shopfront windows lose between 74 and 100 per cent of their skylight for good. The lane's footpath is suspended and narrowed during works the applicant's documents give as around 18 months, around two years and seventeen extendable months. Policy 58(e) and criterion (d) of Policy 60 protect neighbouring properties from overshadowing; P4(1) of the NPPF provides that existing businesses "should not have unreasonable restrictions placed on their current or permitted operation as a result of development being approved after they were established"; TC2(1)(b) gives substantial weight to "Improving or retaining access to local shops and other facilities which provide day-to-day services for the local community"; and P3(2)(b) protects the daylight of "neighbouring residents and occupiers". The 2025 report declined to assess the shops' daylight on the ground that users of such shops "are likely to only visit for a short period of time before leaving". The policy's word is "occupiers", and the occupiers of a shop are the people who work in it. (Document 9423969, Appendix 2; the 2025 report, paragraph 20.18, page 164; the alternatives paper, section 7.3; the design and development plan paper, section 4.)
7. Cambridge Past, Present & Future finds the conflict in terms, and no such finding was before the 2025 committee: the bulk "stands in conflict with Policy 61 (Conservation and Enhancement of Cambridge's Historic Environment) of the Cambridge Local Plan". On the 2025 application the same body "did not formally object". (The comment of Cambridge Past, Present & Future of 9 July 2026, register public comment, pages 1 and 2; the design and development plan paper, section 1, item 4.)
8. The NPPF does not reduce these policies' weight. Annex A, paragraph 2: "Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework." Policy 61(e)'s "clear justification" is the requirement HE4(2) states; Policy 60's criteria are "explicit design standards set out in the development plan" to which DP3(3) gives "Substantial weight". A report that gives any of them reduced weight has to identify the inconsistency in the policy's own words. (The NPPF, Annex A, paragraph 2; the design and development plan paper, section 1, item 8.)
9. The plan is applied as a whole. The duty "can only be properly performed if the decision-maker, in the course of making the decision, establishes whether or not the proposal accords with the development plan as a whole" (R (Corbett) v Cornwall Council [2020]

EWCA Civ 508 at [27]). No policy of the plan supports a building of this volume, mass and bulk against the conflicts at items 3 to 6. (The design and development plan paper, section 1, item 9.)

What the report has to do:

1. State, for each policy at items 3, 4 and 6, whether the proposal accords with it, in the policy's words and on the findings now on the register;
2. Name, for each criterion at item 5 it finds met, the document in which the applicant made the demonstration the policy requires;
3. State the civic society's finding of conflict with Policy 61 and answer it;
4. State whether it gives any policy reduced weight under Annex A, paragraph 2, and why;
5. Apply section 38(6) to the plan as a whole;
6. If it recommends a grant, name the material considerations that outweigh the plan and give reasons.

If the report does so, it records conflict with the heritage and design policies of the Local Plan, and the decision in accordance with the plan is refusal. A grant is then a departure from the plan against the Council's own conservation officer's advice, the case in which a formulated statement of reasons is called for (*Dover District Council v CPRE Kent* [2017] UKSC 79 at [59]). If the report finds accordance by the 2025 route, it gives members a neutral heritage effect as the Council's finding when the Council's own officer finds harm (*Mansell* at [42]). It then applies the plan's policies otherwise than "in accordance with the language used" (*Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13 at [18], "Tesco"). A plan conflict changes the legal frame of the decision, so a court cannot say what the committee would have done had it been told the proposal conflicted with the plan.

4. The report has to apply the NPPF's design policy DP3(3), which directs refusal of a design that conflicts with its context or with the plan's design standards without clear justification: the statutory consultee finds the building "too big for its location", the Local Plan's tall buildings policy, Policy 60, has never been applied to it, and the only urban design advice assessed the May 2025 statement

DP3(1) of the NPPF requires development proposals to "respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings". DP3(3) provides: "Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan". The statutory consultee finds the building "too big for its location", the Council's own advice of 19 December 2024 found it "higher and larger in scale than the consented schemes", and the tall buildings policy of the Local Plan has never been applied to it. If the report applies DP3(3) in its words, the policy directs refusal and S4(2)(c) names the circumstance. If the report finds the design responds to its context on the urban design advice of 2025, it gives members advice on another statement, under another Framework, as advice on this design.

1. The context is the one the statutory consultee assessed. Historic England: "the building is too big for its location" and "too large for what is a very domestic setting"; the Council's own conservation officer finds harm to the Grade I setting. A building that harms a Grade I setting on the statutory consultee's finding does not "integrate with and enhance" its

surroundings on DP3(1)'s words. (Document 9457102, pages 3 and 4; document 9505685, page 4; the design and development plan paper, section 5, item 2.)

2. The Council's own advice said so before the application was made. The advice of 19 December 2024: "The proposal is higher and larger in scale than the consented schemes, and the proposed scale and massing of this raises concern. The proposed building would not appear smaller in section than the consented scheme." (The Planning Statement, Appendix 3, page 55; the Historic England schedule, section 1, item 3.)
3. The Council's own designation maps mark key positive views in both directions along Christ's Lane, and the applicant's appraisal values the view along the lane as "Low". (The map record, section 1; the design and development plan paper, section 1.)
4. Policy 60 applies on the applicant's own words and the Council's own figures, and has never been applied to this design. The chain, each link on the Council's or the applicant's own document:
 - (a) the policy applies to "Any proposal for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form", and contains no figure in metres;
 - (b) the applicant's own Heritage Statement states that the building "will extend the building upwards and reduce the visible skyline in the view from the southern side of St Andrew's Street", which is the policy's first case in the applicant's own words;
 - (c) the 2025 report found the policy "not engaged" because the building "does not, at its highest point, measure 19 metres in height above ground level"; that figure is Appendix F's example of the automatic case, stated for "a flat roof with no rooftop plant", and this building carries stacks above its parapet;
 - (d) the Council's own officers recorded before the report was written that they tested the building against "the policy 60 triggers", and the policy contains none;
 - (e) the 2025 report's own findings meet Appendix F's four to six storeys case, "the building is four storeys in height and within close proximity to heritage assets" and "the built form could be seen to break the immediate skyline above the existing built form of the existing College";
 - (f) the report's comparison, that the building "remains lower than the adjacent modern Christ's Lane re-development which reaches a height of approximately 15.5 metres", is contradicted by its own paragraph 12.5; that paragraph puts the part of the building opposite that meets the lane at "approximately 10.3 metres", with the upper floors "not visible above the initial 10.3 metres";
 - (g) on the applicant's own section the building stands 12.467 metres to the parapet and 14.167 metres to the stacks above the lane; that is taller than the 10.3 metres opposite at the lane, and above the 11.4 and 12.4 metre datums the Council held the site opposite to on its other frontages;
 - (h) the Council itself refused 21 Hobson Street, in this conservation area, for conflict with "Policy 60(a) and (c)" on local views, and the Inspector who dismissed that appeal on 21 November 2025 found the proposal "significantly taller than the building it replaced, and those immediately adjacent". (The Local Plan, Policy 60, page 186, and Appendix F, paragraph F.10(i), page 330; document 9423964, paragraph 5.20; the 2025 report, paragraphs 11.19 to 11.21, 12.5 and 12.10, pages 141 to 145; Exhibit S24_1 to the design and development plan paper; drawing 003703 P03, document 9423850; appeal decision APP/Q0505/W/25/3365274, paragraph 41; the design and development plan

paper, section 2, which states every figure with its source and point of measurement.)

5. The policy's criteria place the demonstration on the applicant, and the applicant applies them in no document. Criterion (b) asks it to "demonstrate and quantify the potential harm of proposals to the significance of heritage assets", criterion (c) to "clearly demonstrate that there is no adverse impact", and criterion (e) to show "how a human scale is created at street level". The applicant's Heritage Statement attributes harm to four works within the listed ranges and none to the bulk of the new building, while the statutory consultee and the Council's own officer find harm from the bulk. The Victorian Society finds the massing "impacted the human scale when compared to the neighbouring Bodley Library", and the 2025 report accepts that the building "would undoubtedly somewhat enclose part of Christ's Lane as a result of the increase in height". (Document 9423964, paragraph 6.4; document 9455369; the 2025 report, paragraph 20.25, page 165; the design and development plan paper, section 3.)
6. The daylight of the windows opposite and the sunlight of the lane are protected by four policies, and on the applicant's own figures the standards are unmet:
 - (a) P3(2)(b) of the NPPF requires that a proposal "Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers"; Policy 58(e) protects neighbouring properties from being overshadowed; criterion (d) of Policy 60 asks the applicant to "demonstrate that there is no adverse impact on neighbouring buildings and open spaces in terms of the diversion of wind, overlooking or overshadowing"; Policy 59(c) asks that "public spaces receive adequate sunlight";
 - (b) on the test the applicant's own consultant states, 37 of the 61 windows on the two lower floors opposite fail, nine keep 0.26 of their skylight or less, window 13 loses all of it, and a flat's living room window fails too;
 - (c) the case officer told the Council's Planning Committee of 29 October 2025 that the daylight study had "identified a failure of the BRE guidance on one single window"; the statement is accurate for the residential windows and silent on the 37 shop windows the same appendix shows failing the same test;
 - (d) the only test of the lane is one test of one date, two hours of sun on 21 March, with the same result before and after, and the applicant's own consultant states: "It is not standard practice to assess the loss of sunlight to a street/walkway.";
 - (e) at the Development Control Forum of 11 September 2025 the chair asked for information "to understand how that shadow might manifest itself over the course of the year"; the applicant's agent undertook "I will check that and we will respond on that point following this"; no year round study followed;
 - (f) the applicant's letter of 1 August 2026 attributes the view that the shops' daylight "is simply not a material planning issue" to the Council's Environmental Health Officer; neither response of that officer mentions daylight; so the only sources on the register for that view are the applicant's consultant and the applicant's own letter. (Document 9423969, paragraphs 3.4.6 and 4.2.1, Appendix 2, pages 28 and 29 of the document, Appendix 4 and the covering letter; Exhibit S24_2 to the design and development plan paper, entry 4; the webcast of the Development Control Forum of 11 September 2025, 2:19:04 to 2:19:52; document 9481026, page 2; documents 9468203 and 9499190; the design and development plan paper, section 4.)

7. The only urban design advice on the file assessed the May 2025 Design and Access Statement, before the amendment of August 2025 and before the NPPF, and the applicant's own documents contradict it. The response of 23 June 2026 states "No amendments are being proposed as part of this application and as such we maintain our support for the proposed scheme", and appends the response of 26 June 2025 on "the Design Access Statement dated 23 May 2025". The officer's reply to the consultation on the NPPF reads in full: "We have no further urban design comments following our response dated 23rd June 2026." The advice credits the design with windows that "will greatly improve passive surveillance for pedestrians and cyclist using the lane at night" (sic). The applicant's own section is captioned "Library Windows on Christ's Lane positioned to avoid overlooking of Bradwells Court on the opposite side of the Lane". The Council's own Design Review Panel wrote of the lane elevation: "This cannot be an active frontage with spill outs but more could be made of visual connections into the body of the library". The two Framework provisions that could give the design weight each carry a condition the design fails. L2(1)(d) gives substantial weight to "sensitive redevelopment" that maintains "acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space". DP3(5) gives it to designs "consistent with the overall form and layout of their surroundings". (Documents 9439492 and 9500904; the Design and Access Statement part 2, document 9423961, page 44; the Planning Statement, Appendix 4; the NPPF, L2(1)(d) and DP3(5); the document accuracy letter, section 5; the determination timing letter, section 5; the design and development plan paper, section 5.)
8. The clear justification DP3(3) names is the one HE4(2) names, and on the file there is none (section 6). (The design and development plan paper, section 5; the alternatives paper, section 5.)
9. S4(2)(c) names, among the circumstances in which the benefits of approving development "are likely to be substantially outweighed by adverse effects", that the proposal would "Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances". DP3(3) is such a policy. (The NPPF, S4(1) and S4(2)(c); the design and development plan paper, section 5, item 1.)

What the report has to do:

1. Apply DP3(1) to the context the statutory consultee assessed and state whether the design conflicts with it;
2. Apply Policy 60 in its words, on the chain at item 4, and state whether the applicant has demonstrated each criterion at item 5;
3. State the daylight figures at item 6 and assess the shop windows as the windows of occupiers;
4. State what urban design advice the Council holds on the design as drawn under the NPPF, and state the finding each of L2(1)(d) and DP3(5) conditions before giving either weight;
5. State whether a clear justification of the bulk is on the file, and where;
6. Apply DP3(3) on those findings;
7. State whether the S4(2)(c) circumstance arises.

If the report prefers the urban design officer's view of May 2025, it states its reasons for preferring that view to the statutory consultee's.

If the report does so, DP3(3) directs refusal and the presumption in S4(1) does not carry the proposal. If the report does not apply DP3(3) in its terms, it fails to apply a national policy in the words used (Tesco at [18]). If it gives members the urban design advice of 2025 as advice on this design under this Framework, it misleads them (Mansell at [42]). If it departs from the statutory consultee on context without reasons, it makes the error of Shadwell at [72]. DP3(3) is a direction to refuse, and a report that never asks its question cannot show that the answer would have been the same.

5. The report has to find under the NPPF's avoidance requirement, HE4(1)(b), whether the harm could be avoided by a lower or distributed library meeting the College's requirements: the applicant was told in writing how to avoid it, the Council found in 2016 that the consented library met the College's needs, and "on its own merits" is not that finding

HE4(1)(b) of the NPPF requires proposals to "Avoid (or if that is not possible, minimise) harm to the significance of heritage assets". The question it asks first is whether the harm can be avoided, and the file holds no answer to it. The College's own consented design, the library granted permission on 5 July 2013 (11/0495/FUL) and again on 7 September 2016 (16/0405/FUL) ("the consented design"), is a lower library with part of its floor area below ground, which the Council found "would meet the needs of Christ's College". The College's own documents give it the larger floor area figure and say that its basement's accommodation was moved upstairs. The 2025 report answered the question of alternatives with "on its own merits" and "at this stage", and the Council has agreed before the Court that the decision be quashed on the fourth ground. If the report finds whether the harm could be avoided, on this record the answer is that it could, and HE4(2) permits no justification of avoidable harm. If the report repeats the 2025 answers, it leaves the alternatives on the Council's own file out of account.

1. The applicant was told in writing how to avoid the harm, by the statutory consultee, by the Council's own officers and by the Victorian Society, and the massing was not reduced. Historic England: "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." (Document 9457102, page 4; the Historic England schedule, section 1; the alternatives paper, section 4.3.)
2. The College's requirements are floor area and fittings, and CLAG accepts every requirement the College has stated. The brief asks for "a new building extending to 1050m² (GIA)"; the consented design was "New library (1539 sq m)" on the applicant's own history table; and the bulk is the consented basement's floor area moved upstairs, on the applicant's own account: "This accommodation located in the basement in the 2011 proposal has been distributed throughout the new library on the upper floors." (The Design and Access Statement, part 1, document 9423960, page 9, and section 3.2; the Planning Statement, pages 10 and 11; the alternatives paper, sections 4.2.1, 4.2.6 and 5.2.4.)
3. The consented design passes the applicant's own test for a serious alternative, and the application assesses it nowhere. The Master told members what the Create Streets design lacked: "It also had no back elevation, so that the relationship with the Grade One listed building was absent nor did it have any floorplans. Therefore, it was not at all certain that the college could achieve what it needed inside the building and was not a serious alternative." The consented design has full plans and elevations, was assessed against the listed buildings by the Council and by the statutory consultee's predecessor, and met the College's needs on the Council's own finding. The College itself treated it as

the alternative: the Master told the Council's Planning Committee of 29 October 2025 that the College had "considered dusting off the initial design by Rick Mather for which planning permission was granted in 2011 and 2016, but rejected it". (The minutes, item 40; document 9475597, paragraph 82; the alternatives paper, section 4.2.8.)

4. The Council took two positions on the consented design in 2025, and found in 2016 that it met the College's needs. The 2025 report treated the consented scheme as "a material consideration for members", and credited the scheme against it as "a significant improvement" for removing the atrium and not extending the basement, both below ground or behind the frontage. The Council's report on the listed building application, in the same pack, gave the same permissions "no weight in the planning assessment". The Council's report of 31 August 2016 found: "The proposed new library would meet the needs of Christ's College". (The 2025 report, paragraph 4.1, page 126, and section 9, page 137; the listed building report, paragraph 9.1, page 226; the Council's report to its Planning Committee of 31 August 2016 on application 16/0405/FUL, document 2008719 on that application's register ("the 2016 report"); the alternatives paper, sections 4.2.4 and 4.2.5.)
5. The College's own record distributes study space already. Its adopted masterplan of October 2023 names five study and library places, and the College runs its library today across the Y Building, the Lloyd Room and the Plumb Auditorium. This application links the Upper Hall to the library "providing additional study areas at key moments during term time". Its architects put "two possible sites for the library" to the Governing Body. (Exhibits D6.2, D6.7, D6.9 and D8 to the alternatives paper; the Planning Statement, paragraph 5.16; document 9481026; the alternatives paper, sections 4.2.2 and 4.2.9.)
6. Five lower or distributed designs stand on the record, and the application assesses none. They are the consented design; its Create Streets variant, commissioned by CLAG; the rescaled building the Victorian Society specified on 22 August 2025; a library as one of the five study and library places of the College's own adopted masterplan; and the Hobson Street library. The comparison the Council's own officers asked for before the application was made exists and is on no register. The applicant's Design and Access Statement records the request: "A comparison of the previously approved scheme with the new proposal was requested so that Officers could clearly consider and compare the two schemes in relation to height, scale, mass, size and overall visual impact." It records that the proposal "was also compared to a previously approved scheme (2011/2016)". The second pre application presentation of 18 December 2024 lists "Comparison drawings of the 2011/2016 Rick Mather scheme with the current proposals" among its contents. CLAG asks the Council to place the comparison drawings shown to its officers and to Historic England on the register before the report is written. (The alternatives paper, section 4.5; document 9423962, chapter 8, printed page 55; the Historic England schedule, section 3, item 10; CLAG's avoidance and justification letter, filed with this letter ("the avoidance and justification letter"), sections 2 and 4.)
7. The 2025 report's answers cannot be given again, because "at this stage" describes a choice the applicant has made twice. To the objection on alternatives the report answered that the application "must be assessed on its own merits", and to the consented design that the applicant was "at this stage" not proposing it. The Council's lawyer wrote on 26 August 2026 that the application "will be considered on its own merits". The applicant amended the scheme in August 2025 at that stage, filed this fresh application on its own timetable with the same design, and the Council's own chair told the DCF that amendments were "entirely up to the applicants". HE4(1)(b)'s word "possible" refers to the harm and the design, not to the applicant's willingness to change its scheme. (The 2025 report, Table 3, page 170, and paragraph 12.28, page 148; the

determination timing letter, section 8, item 6; the DCF record, entry 3.4; the alternatives paper, section 4.1; the avoidance and justification letter, section 2.)

8. The College's reasons for no basement are answered on its own documents. The carbon reason attaches to concrete the scheme pours below ground and in the chimney wall, with no comparison of embodied carbon on the file. The archaeology was answered by conditions on the consented design, granted twice. The third is preference. (CLAG's sustainability evidence, filed with this letter ("the sustainability evidence"), section 2; the alternatives paper, section 5; the avoidance and justification letter, section 2.)
9. The conservation officer's comparison, "smaller overall than the earlier approved scheme", is wrong for the building above ground, where every heritage effect arises, on the applicant's own documents and the Council's own advice. The Council's advice of 19 December 2024 found the proposal "higher and larger in scale than the consented schemes" and that it "would not appear smaller in section". The applicant's Heritage Statement calls it "of a greater scale than the existing and previously approved scheme", and its Design and Access Statement records that "the upper floors have extended". The statutory consultee found it "bulkier". (The conservation officer letter, section 4; the Historic England schedule, section 3.)
10. The minimise limb of HE4(1)(b) is unperformed on the applicant's own account. The applicant told members that the Victorian Society's committee "felt that small adaptations could be implemented to mitigate any outstanding harm", and its agent's own letter records "a suggestion of reducing the building by half a storey". The Society records "Advice ignored". The statutory consultee found the raised lane wall "more overbearing in its relationship with the Bodley". No drawing has changed, so a finding that the harm has been minimised is a finding the applicant's own agent, the Society and the statutory consultee contradict. (The minutes, item 33; documents 9458387, 9455369 and 9457102; the harm register, section 3, item 5.)

What the report has to do:

1. State whether the harm found at section 2 could be avoided by the consented design or another lower or distributed library meeting the College's stated requirements;
2. State the Council's own 2016 finding and its two 2025 positions, and what it makes of them;
3. Assess the five designs on the record on the applicant's own test at item 3, or state why each is not a serious alternative;
4. State whether the harm has been minimised, on the record at item 10;
5. Reach a distinct conclusion on avoidance before any justification or balance.

The avoidance and justification letter asks for that conclusion in the report itself, and for the competition brief, the six entries and the comparison drawings on the register if the report relies on them or on the comparison.

If the report does so, HE4(1)(b) stands unmet on the Council's own file and HE4(2) is not reached for harm the chapter required to be avoided; the decision that follows is refusal unless the applicant changes the design. If the report answers "on its own merits", the Court of Appeal has held that answer "was not a sound reason" for leaving an alternative out of account (*R (Langley Park School for Girls Governing Body) v Bromley LBC* [2009] EWCA Civ 734 at [48]). If it does not come to grips with the alternative and reach a distinct conclusion, it makes the error of *Forge Field* (*R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) at [91]). If it departs from the 2016 finding without reasons, it fails the consistency Davison requires (at [67] to [68]). No benefit the applicant claims selects this building: every benefit that survives the tests at

section 7 attaches equally to the lower or distributed designs on the College's own record (the alternatives paper, section 8.5). The alternative is an input to the HE4 and HE6(4) findings that only the committee weighs, so a court will not strike it for the committee.

6. The report has to state under the NPPF's justification requirement, HE4(2), what the building's volume, mass and bulk is needed for: the reasons on the file justify a library and not this bulk, and the applicant's own words remove the two reasons that could

HE4(2) of the NPPF provides that any harm to the significance of a designated heritage asset "should have a clear and convincing justification in accordance with the policies in this chapter". The harm on this file is the building's volume, mass and bulk, so the justification HE4(2) requires is of the bulk. The 2025 report found the justification in "new, increased library facilities", which justifies a library. The College's own documents give five reasons, each a reason for a library and none a reason for this bulk, and the Master's words at the DCF and the applicant's own carbon record remove the two that could. If the report states what the bulk is needed for, on evidence, the file holds no justification and HE4(2) is unmet. If it repeats the 2025 justification, it justifies a library the College could have lower.

1. The 2025 report's justification: "the development of new, increased library facilities provides clear and convincing justification and helps to secure the optimum viable use of the building". Increased library facilities are met by the consented design's larger floor area (section 5, item 2). (The 2025 report, paragraph 24.4, page 172.)
2. The five reasons on the file are the replacement of the 1970s library, sustainability, consolidation on one site, this site and the students' needs; each is answered on the College's own documents as a reason for a library. The reason for building nothing below ground has changed with each telling. To Historic England in December 2024 it was the archaeology and the foundations. In the Bursar's published answers of July 2025, "the nature of the required space has shifted". In the Council's notes of the Development Control Forum of 11 September 2025, "Technical advice cautioned against including a basement in the design so a higher building was proposed instead". At the DCF it was carbon, "the least green thing we could do"; and to the petitioners' "half a basement" the Master answered "there is no digging in the new building", beside a councillor's "there would be digging". The applicant's own section says where the bulk came from: "This accommodation located in the basement in the 2011 proposal has been distributed throughout the new library on the upper floors." The building is sized for its heaviest use. The Master told the DCF that "there are 52 weeks in the year and our students are only there for about 26", and the College's own model places peak overflow in the Upper Hall and the Plumb Auditorium. (The alternatives paper, sections 5.1.2, 5.2.4, items 1 and 4, 5.3.1 and 8.3; the Design and Access Statement, part 1, document 9423960, section 3.2; the DCF record, entries 4.6, 4.10, 4.16 and 4.24.)
3. The sustainability reason for how high the building stands is the chimneys, and the justification for the building's height fails on the applicant's own words. The only expert evidence on the register, the comment of a Professor of the University of Cambridge and Chartered Engineer, states: "So a chimney that starts below ground level can have the same effect as the same length chimney that starts at ground level. The implication of this is profound for the proposed design. The design could easily be transposed downward and achieve all of its stated passive ventilation objectives." The Master accepted it at the DCF, "That height can begin beneath the ground.", and at the College's public meeting of 6 July 2026, "It is absolutely true that if they started deep underground,

they could be shorter.” So the whole building can stand lower on the applicant’s own account. The minutes record the DCF passage as “to avoid further digging into the ground”, and CLAG’s minutes letter asks for the correction. (The DCF record, entry 4.13; the minutes, item 101; Exhibit S17/1 to the sustainability evidence; the sustainability evidence, section 1.)

4. The carbon reason attaches to concrete the scheme pours: a piled raft below the building and the chimney wall, and no document on the register compares the embodied carbon of this design with the consented design or any lower one. (The Design and Access Statement, part 3, document 9423962, section 10.3; the Sustainability Statement, document 9423735, page 11; the sustainability evidence, section 2.)
5. The applicant’s own Planning Statement calls the carbon saving “a modest benefit”. (The Planning Statement, paragraph 8.15.)
6. The applicant’s answer to the distributed library is an assertion with nothing filed behind it. Its letter of 1 August 2026 asserts “massive extra building costs and permanent organisational inefficiency of dividing the working library”, against the College’s own adopted masterplan of five study and library places and its own arrangements for the works. DM5(4) of the NPPF requires a viability assessment to “fully evidence all inputs and assumptions used in the assessment” and to be “made publicly available”, and the file holds no assessment. (Document 9481026; the NPPF, DM5(4); the alternatives paper, section 4.2.3.)
7. Policy 61(e) requires “clear justification for any works that would lead to harm or substantial harm to a heritage asset yet be of substantial public benefit, through detailed analysis of the asset and the proposal”. No detailed analysis of why the harm the consultees find is needed is on the file, and the applicant claims no substantial public benefit (section 3, item 3). (The Local Plan, page 188; the design and development plan paper, section 1, item 6.)
8. The sustainability officer’s advice of 18 June 2026 repeats the applicant’s Sustainability Statement, is the July 2025 text issued again word for word, and contains no figure, calculation or test of its own. The Council holds no assessment of the new library against Policy 28 of the Local Plan. The applicant’s own Statement describes its strategy as “reviewed by and agreed with the Sustainability Officer for Cambridge City Council”, so the advice cited back is the applicant’s own account agreed, not an assessment. (Document 9435149; document 9423735, page 3; the sustainability evidence, section 4; the document accuracy letter, section 4.)

What the report has to do:

1. State what the building’s volume, mass and bulk is needed for, on evidence, and where that evidence is;
2. State whether the justification of the harm is of the bulk or of a library;
3. State the Master’s acceptance that the stacks can begin below ground and what follows from it for the building’s height;
4. State whether a comparison of embodied carbon with a lower design exists;
5. State what evidence, if any, is on the file for the “massive extra building costs” the applicant asserts against a distributed library.

Where the sustainability officer has not given the advice again on the facts, the report deals itself with each respect the sustainability evidence names and does not give the advice to members as the Council’s assessment.

If the report does so, HE4(2) and Policy 61(e) are unmet, DP3(3)'s clear justification is absent, and the decision that follows is refusal. If the report finds a justification on premises the applicant's own documents contradict, it misleads members (Mansell at [42]). If it relies on a carbon reason with no comparison on the file, it finds a fact on no evidence (Secretary of State for Education and Science v Tameside MBC [1977] AC 1014 at 1065). If it satisfies HE4(2) inside the HE6(4) weighing, as the 2025 report did at 24.4, it skips a gate the chapter places before the balance. Justification is an input to HE4(2) and DP3(3), each decided before the balance, so a court cannot supply it for the committee.

7. The report has to weigh under the NPPF's public benefits balance, HE6(4), only public benefits that result from this proposal and are assessed for the design applied for: the sustainability claim is the applicant's own text repeated as the Council's advice, the light on the lane is unassessed, the access offer is secured by nothing, and the continued use is the third ground under another name

HE6(4) of the NPPF provides that harm to a designated heritage asset "should be weighed against any public benefits resulting from the proposal". A benefit counts on three questions: does it result from this proposal rather than from any library on the site; does it benefit the public at large rather than the College's members; and is it shown by an assessment of the design applied for and secured so that members can weigh it (the alternatives paper, section 6.1.3). The applicant claims benefits from the scheme's sustainability, from air quality and light on Christ's Lane, from access for the public and from the continued use of the listed buildings. On the register the sustainability and air quality claims rest on the applicant's own sentences repeated by the Council's officers, no document assesses the light, the access offer is in no application document, and the continued use is the optimum viable use under another name. If the report counts only benefits that result from this proposal and that an assessment of the design applied for shows, none is left that outweighs harm to a Grade I setting at the weight section 2 fixes. If it counts the others, it gives members the applicant's text as the Council's assessment.

1. The heritage balance is against the scheme on the Council's own advice: "the positive effects are not considered to fully outweigh the harm", and each of the four positive effects listed fails on the Council's own file, so no heritage benefit is left to set beside the public benefits. The applicant's own definition of a public benefit is answered by the NPPF itself. The applicant tells the Council that "public benefits are anything which delivers the economic, social and environmental objectives in Para 8 of the NPPF". The NPPF's paragraph 18 states that those objectives "are not criteria against which every development proposal can or should be judged". The applicant's own planning consultants said at the College's public meeting of 6 July 2026, "We are providing public benefits anyway.", and the Master, "The answer is it is not necessary, but it is being provided." Benefits provided anyway are provided whether or not this building is built, and do not result from the proposal. (Document 9505685, page 4; document 9481026; the NPPF, paragraph 18; Exhibit R3 to CLAG's register integrity letter, filed with this letter; the harm register, section 1, item 7; the alternatives paper, section 6.1.3.)
2. The applicant's own ratings are the ceiling of its case, and its named beneficiaries are its members. Its table of public benefits rates four topics "Moderate" and one "Minor", and the Statement calls the carbon saving "a modest benefit". The education benefit is the College's on its own words: "The significantly improved facilities in new library and the associated social and dining facilities will similarly largely only benefit the Fellowship and guests", "staff and student numbers will remain as per existing", and the 2016 report found the consented library "would meet the needs of Christ's College". A member of the

Council's own committee of 29 October 2025 opened the members' debate with the same fact: the benefits "I think we all have to agree are to the benefit of Christ College". The accessibility and fire safety works are authorised already under listed building consent 25/02162/LBC. DM7(1) of the NPPF directs the Council to assume, "unless there is clear evidence to the contrary, that those separate regimes will operate effectively", so compliance with fire safety law is no benefit of this building. The economic benefit claimed is the effect of any library on the site. The scheme's own economic effect on the public is the loss of the shops' daylight for good and of the lane's footpath during the works (section 3, item 6). (The Planning Statement, pages 49 to 51, paragraphs 7.99, 8.15 and 8.16; the 2016 report; the NPPF, DM7(1); Exhibit S24_2 to the design and development plan paper, entry 5; the alternatives paper, sections 6.1.2, 6.2.1, 7.2 and 7.3.)

3. The sustainability claim rests on the applicant's own text, and the saving needs none of the bulk. The agent asks for "substantial weight" under CC2(2) against the heritage harm and cites the sustainability officer's support, and that support is the officer's repetition of the applicant's Sustainability Statement. CC2(2) gives substantial weight to "improving the energy efficiency of existing buildings and/or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels ...)", two limbs and both for measures, not for a building. On the applicant's own figures the building's energy efficiency fails the Council's minimum standard until roof panels are added, and the saving comes from roof panels and heat pumps that any lower or distributed design carries; the consented design carried ground source heat pumps. The one measure the applicant ties to the building's height, the ventilation stacks, works the same wherever the stack starts, on the Master's own acceptance and the unrebutted expert evidence (section 6, item 3). So the height the stacks add to the building carries no sustainability benefit that a lower building lacks. The biodiversity gain claimed is the statutory minimum that Schedule 7A to the Town and Country Planning Act 1990 imposes as a deemed condition on every permission. A benefit weighed "given the alternative development proposed" was a lawful judgment in Bramshill (at [66]). (Document 9506331; document 9435149; the 2016 report, paragraph 6.9; the NPPF, CC2(2); the sustainability evidence, sections 1, 3 and 4; the alternatives paper, section 6.2.1, item 5; CLAG's conditions paper, Annex G, filed with this letter ("the conditions paper"), section 6.)
4. The air quality benefit claimed was assessed for chimneys 900 mm taller than the chimneys drawn and has not been reassessed for the design applied for, so no finding of the Council's own exists for it. (CLAG's environmental health officer letter, filed with this letter ("the environmental health officer letter"), section 2.)
5. The light from the library windows onto Christ's Lane at night is claimed as a public benefit, and the Council's own environmental health advice requires an assessment of that light at the residential properties before any is installed; none exists. The Council's own Design Review Panel wrote of the lane elevation: "This cannot be an active frontage with spill outs but more could be made of visual connections into the body of the library". The applicant's claim to the councillors is that the windows "will cast light on Christ's Lane in the dark"; its assurance to the residents opposite is that the windows are not "large enough or in locations where diffused light from within would cause disturbance". Both cannot be true, and the report has to state which is the case before it counts anything. The windows that would cast the light start high in the wall: on the applicant's own section across the lane the lowest window sill stands 1.825 metres above the lane (the design and development plan paper, section 3, item 7(g)). CLAG's technical note on the light, Exhibit E3b to the DCF record, shows from the same section that light from windows set that high goes mostly to the building opposite, and little of it reaches the

pavement. (Document 9465769; the Planning Statement, paragraph 7.74, and Appendix 4; the environmental health officer letter, section 3; the design and development plan paper, sections 4 and 5; Exhibit E3b to the DCF record.)

6. The access offer of 5 August 2026 is a letter to the case officer, and on its own terms it is small, unsecured and severable:
 - (a) the interior element is two 30 minute tours on three weekday mornings outside term time, for up to 15 people each, and school visits on two weekdays outside term time for groups of up to 30 children. Every figure is a ceiling and none a floor. On the letter's own days and numbers the tours amount to about 78 hours a year and at most about 2,340 places, and the school visits to at most about 1,560 children a year. The letter of 1 August 2026 fixes the ceiling: "completely free access in these times is sadly not possible". The offer is in no drawing, statement or plan; no condition or planning obligation is proposed to secure any part of it; it was put before no consultee. The DCF closed with the chair's note that "The Applicant would be encouraged to keep in direct contact with the Petitioners and to seek their views on any proposed amendments.", and the offer was made to the case officer a week later;
 - (b) the letter's claim that "this is uncharted territory for a Cambridge college" is answered by the University's own list of college libraries regularly open to the public; the Wren Library at Trinity is open free "Monday-Friday 12pm-2pm" all year round and has been "open to visitors since 1695"; every comparator delivers the access without a new building;
 - (c) the College can open its library to bookable tours out of term in the existing building without planning permission for anything, so the offer does not result from this building; and the Master's own account of its nature, a week before the offer, was "it is a library and a library is essentially a private space. We don't want our students to be on public display whilst they are studying.";
 - (d) the Council's own benchmark is its 2025 report, which gave the gate and the bench "limited positive weight"; the public benches the Council installed on the lane in 2023 were removed at the College's request; and a greater weight for a comparable offer on the same drawings is a departure the report has to explain (Davison at [56] and [67]);
 - (e) securing the offer would change nothing about the bulk. A planning obligation relied on as a reason to grant must be "necessary to make the development acceptable in planning terms" and "directly related to the development" (regulation 122(2) of the Community Infrastructure Levy Regulations 2010). A condition or obligation secures delivery without making a severable benefit a product of this design rather than another;
 - (f) the offer is a planning benefit, not a heritage one: it "cannot affect the degree of heritage harm but must go into the public benefits side" (Juden at [80]), it postdates every consultation response, and the conservation officer's comments of 26 August 2026 do not mention it. The applicant's own agent accepted in September 2025 that the College's existing access "already exist[s] and do[es] not, strictly speaking, stand to be weighed in the planning judgement on these proposals", so the baseline is not a benefit of this proposal.
 - (g) the Council's own case officer told the committee of 29 October 2025 what the public benefits were: "The public benefits ... are the enhancements to the public realm along Christ's Lane, including the provision of a public bench and public art with increased public views from Christ's Lane and through." The officer added:

“Given the overall neutral heritage impact, these are considered to be sufficient to outweigh the harm in the planning balance.” So the 2025 benefits sufficed only on the “neutral” of the second ground. A member answered: “I think if we’re just talking about a bench compared to what is surely a, I assume a hundred million plus project, that seems very trivial and almost insulting to some residents.” The ellipsis stands for the officer’s reference to the report. (Document 9486713; document 9481026, page 3; the minutes, items 102 and 114(iii); the DCF record, entry 4.24; the 2025 report, paragraph 24.7, page 172; Exhibit S24_2 to the design and development plan paper, entries 7 and 8; document 7378931, paragraph 62, on the register of 25/02161/FUL; document 9505685; Exhibits D6.11, D6.13, D6.14 and D7 to the alternatives paper; the alternatives paper, sections 6.1.2 and 6.3.1 to 6.3.14.)

7. The Bodley Library’s return to use does not result from the proposal. The tours “will start at the Great Gate and include the new library, the Bodley and the new Exhibition Room”, and the applicant’s own Design and Access Statement records the Bodley’s reading rooms as “reactivated as part of a separate contract already underway by others”; HE6(4)’s example of a public benefit is “securing the long-term reuse of a vacant or underused listed building”, which the Bodley is not. (Document 9486713; the Design and Access Statement, part 1, document 9423960, page 9; the NPPF, HE6(4); the alternatives paper, section 6.3.6.)
8. The continued use of the listed buildings does not result from the proposal. The buildings are in the College’s use now and stay in it, “staff and student numbers will remain as per existing”, and HE6(4)’s named benefit is “securing the long-term reuse of a vacant or underused listed building”, which these are not. The 2025 report counted the continued use as the optimum viable use, the matter of the third ground, and the conservation officer’s comments carry it as “Sustaining the ongoing use”. The concept has left the Framework: the NPPF of December 2024 used the words “optimum viable use” once, and the NPPF of 17 August 2026 does not use them. The applicant’s letter of 27 August 2026 runs the point again under HE4(1)(a), which treats maintaining a use consistent with conservation as a requirement, not a benefit. How the consideration entered the 2025 report is on the Council’s own file. On 23 October 2025 the applicant’s planning consultants sent the case officer, on the published report: “would it be fairer to say that this harm to the setting of the Bodley is offset by other benefits to the LB fabric and setting (inc the optimum viable use) with enhancement to Con Area and RPG?” The case officer replied: “I will take all into account and update the amendment sheet as needed.” (The Planning Statement, paragraph 7.99; document 9505685, page 4; document 9506331; the 2025 report, paragraphs 14.18 to 14.20, page 153; Exhibit TP3 to CLAG’s committee papers letter, filed with this letter (“the committee papers letter”); the conservation officer letter, section 2; the alternatives paper, section 6.4.)
9. The new facilities are private on the applicant’s own statement: “The significantly improved facilities in new library and the associated social and dining facilities will similarly largely only benefit the Fellowship and guests.” (The Planning Statement, paragraph 8.16, page 49; the alternatives paper, section 6.2.)
10. No assessment a benefit depends on can be left to a condition. A condition is attached only where “Necessary to make the development acceptable in planning terms”, and an assessment provided after permission is not before members when they weigh the benefit. (The NPPF, DM6(1)(a); the conditions paper, section 2.)

What the report has to do:

1. Count as a public benefit only a benefit that results from this proposal, benefits the public at large, and is shown by an assessment of the design applied for on the register before the decision;
2. State, for each benefit counted, whether a lower or distributed design on the file delivers it equally;
3. State which measures any weight under CC2(2) is given to;
4. Count no air quality improvement and no light on the lane that no assessment shows;
5. State the access offer as it stands, in its own figures, and give the Council's own 2025 weight for the gate and the bench its effect;
6. Count the continued use under no name, and count no return of the Bodley to use that a separate contract delivers.

Where the sustainability officer and the environmental health officer have not given their advice again by Tuesday 29 September 2026, the report deals itself with each respect the sustainability evidence and the environmental health officer letter name.

If the report does so, what remains is an offer secured by nothing and measures that any lower design carries. Benefits of that kind do not outweigh harm to the setting of Grade I listed buildings at the weight section 2 fixes; HE6(4) is not met and the decision that follows is refusal. If the report counts the sustainability officer's support or the air quality finding as they stand, it gives members the applicant's own sentences as the Council's assessment (Mansell at [42]). If it counts a benefit a lower design delivers equally without saying so, it leaves the alternatives out of account (*R (Friends of the Earth Ltd) v Heathrow Airport Ltd* [2020] UKSC 52 at [116] to [121]). If it counts the continued use, it takes into account again the consideration of the third ground. The Framework's own scale shows where the harm sits: HE6(6) provides that substantial harm to a Grade I listed building "should be wholly exceptional", and HE6(1) gives the greatest weight to such an asset's conservation "irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance". The applicant's own formulation, that "the level of harm must be given due weight and then balanced against the public benefits", skips the justification HE4(2) requires before any balance and gives the harm the weight the applicant chooses where the statute, HE6(1) and HE6(3) fix it. A balance that weighs harm "at the lower end" against benefits called substantial, significant and modest, without that weighting, is the untitled balance quashed in *Wyeth-Price v Guildford BC* [2020] EWHC 3355 (Admin) at [41]. Every benefit that survives the three questions attaches equally to the lower or distributed designs on the College's own record, so no benefit selects this building (the alternatives paper, sections 6.5 and 8.5). Each admissible benefit changes the balance, and a court will not strike the balance for the committee.

8. The report has to answer from the register the requests members made at the DCF, which the chair undertook officers had noted, and on the register each answer goes against the scheme or does not exist

At the DCF members asked for named things, and the chair said "We've made a note of all of those requests." and "we will make that information available to members"; the same chair told members that amendments were "entirely up to the applicants" (the DCF record, entry 3.4), so nothing in the stage of the application stands between a request and its answer. The duty behind a request from the decision maker's own members is the duty of reasonable inquiry: a decision maker must "take reasonable steps to acquaint himself with the relevant information" (*Tameside* at 1065). If the report answers each request from the register, each answer goes against the

scheme or does not exist. If the report answers them from the applicant's letters of 1 and 5 August 2026, it adopts correspondence the application itself contradicts.

1. The light and shade analysis "from officers" that the ward councillor asked to be presented to the committee does not exist. The only analysis on the register is the applicant's own, on which 37 of the 61 windows opposite fail its own test, and no shadow study of the lane through the day and the year exists. (The DCF record, entry 4.5; the minutes, item 85; the design and development plan paper, section 4.)
2. The options considered for a more active frontage: the Master answered with a wall, a bench and a gate, and named no option; the frontage has no window at the level of the lane. (The DCF record, entries 4.19 and 4.20; the minutes, items 86 and 87; the design and development plan paper, section 3.)
3. The harm and its level: the case officer's own account at the DCF is section 2, item 5, and the register's findings are section 2, items 1 to 4. (The DCF record, entry 4.47 and section 2; the minutes, item 89.)
4. The public benefit "needed to be defined" and the 14 metres clarified: the applicant's own ratings are section 7, item 2; the applicant's statements and drawings differ on the level of the stacks. (The DCF record, entries 4.21 and 4.30; the minutes, items 91 and 92; the document accuracy letter, section 1.)
5. The basement: the Master told members "there is no digging in the new building", and the scheme pours a piled raft; a councillor said "there would be digging" and the chair undertook to make the cross sections available to members. (The DCF record, entries 4.6 and 4.16; the minutes, items 93 and 99; the sustainability evidence, section 2.)
6. Public access: the offer is section 7, item 6. (The DCF record, entry 4.29; the minutes, item 94.)
7. The data on whether it is more effective to reuse the existing structure: none is on the register. (The DCF record, entry 4.12; the minutes, item 95; the sustainability evidence, section 2.)
8. The mitigation undertaken in the light of the Victorian Society's and Historic England's comments: none; the Covering Statement records that "no changes have been made to the detail of the drawings". (The DCF record, entry 4.25; document 9423967, paragraph 1.7; the DCF record, section 3.)
9. The canyon effect: the Master told members "We do not believe that there is a canyon effect.", and the register measures it. The Create Streets review on the register puts the enclosure of the lane under this proposal at about 2.3:1, 14.1 metres over a lane 6 metres wide, against about 1.3:1 today and about 1.5:1 at Rose Crescent, tighter than any of the streets it compares. The Council's own Environment Scrutiny Committee of 5 November 2002, adopting the brief for the site opposite, agreed that the brief include "that the 'tunneling' effect onto St Andrew's Street and Christ's Lane be ameliorated". Its draft brief stated that building heights along the lane "will need to be designed to avoid Christ's Lane becoming canyon-like and oppressive". (The DCF record, entries 4.48 and 4.50; the minutes, item 97; Exhibit D10 to the alternatives paper, pages 3 and 12; the Council's published minutes of 5 November 2002, item 02/ENV/40; the alternatives paper, section 7.1.1; the design and development plan paper, section 2, item 8.)
10. The chair's undertaking on the harm: "you've heard this morning that different heritage experts have arrived at different assessments as to the level and extent of harm to the heritage assets that are in play here. But all of this will be set out quite clearly within the officer report when the application is reported to Planning Committee." The undertaking is that the report sets out the level and extent of harm each assessment found, which is

section 2, item 3; the minutes carry no item for it. (The DCF record, entry 4.27; webcast 1:46:07 to 1:47:43.)

What the report has to do:

1. Answer each request at items 1 to 9 from the register, naming the document, and set out the level and extent of harm each assessment found, as the chair undertook at item 10;
2. State where the register holds no answer;
3. Give the chair's undertakings their effect.

CLAG's minutes letter, filed with this letter ("the minutes letter") asks the Council to record the answers and undertakings in the minutes it appends to the report.

If the report does so, members have what they asked for, and on the register it goes against the scheme. If the report leaves a request unanswered that the chair undertook officers had noted, it fails the inquiry the Council's own members asked of it; if it answers from the applicant's letters, it adopts an account the application contradicts and misleads members (Mansell at [42]). The requests are the members' own statement of what they need to decide, so an answer withheld is not one a court can supply.

9. The report has to be written on assessments of the design applied for and of the whole development, and state what each consultee assessed: the applicant's statements assess the other design on the Council's own officer's record, and the temporary kitchen in Second Court is assessed by no one

HE5(4) of the NPPF provides that decision makers "should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals". The Council's own conservation officer records twice that the Heritage Statement "does not include subsequent revisions made to the chimney height and internal layout" and that the amendment "supersedes the heritage and design and access statements". The environmental health advice binds the applicant by name and date to assessments of the design before the amendment. The highway advice rests on a plan the Council says is not approved for this application, and the temporary kitchen and dining structure in Second Court is assessed by no officer. If the Council requires corrected documents and advice, the report is written on assessments of the design applied for. If it is not, the report names each defect and states what it does about it, or it tells members that the documents assess this design when the Council's own officer records that they do not.

1. The Heritage Statement assesses the other design, on the conservation officer's own record, so the Council cannot be satisfied under HE5(4) on it, and the Design and Access Statement, the Planning Statement and the Townscape and Visual Appraisal explain and argue for the other design. The Appraisal filed carries two marks of a document not checked before filing. Its methodology text carries a drafting note, "FIND QUOTE for this and table below!"; its copyright page reserves the rights to "Caroe Architecture Ltd and of the National Trust" and calls the Appraisal "this Heritage Statement". (Document 9423964; documents 9462719 and 9505685; document 9423730, pages 38 and 52 of the document; the document accuracy letter, sections 2 and 3.)
2. The Sustainability Statement models the other design, no BREEAM pre assessment is on the register, the sustainability officer's advice is the July 2025 text issued again, and the Council holds no assessment of the building against Policy 28. (The document accuracy letter, section 4; the sustainability evidence, section 4.)

3. The environmental health advice rests on the other design and on approvals the Council says do not count. Its premise, in its words, is that the application is “an almost identical resubmission of planning application reference 25/02161/FUL, approved at Planning Committee on 29th October 2025”, for which “a formal Decision Notice granting permission with conditions was issued on the 7 November 2025”. Its conditions carry in by name and date the Odour Assessment of 16 May 2025 and the Plant Noise Assessment of 23 May 2025, both written before the amendment of August 2025. The Odour Assessment assesses a discharge 900 mm higher than the chimneys drawn. It treats documents “that have already been discharged” under the 2025 permission as the ground for compliance conditions, where the Senior Planning Lawyer’s email of 28 July 2026 answers “Officers agree” to CLAG’s requirement that no such approval be treated as approved for this application. The same response repeated the 2025 figure for the clean soil cover, 60 mm for 600 mm, until CLAG wrote on 7 August 2026, and the Council corrected it eleven days later. The conditions it would carry over fix the plant noise regime to the 2025 assessment with no numeric criterion, fix the odour regime to the May 2025 assessment, and permit deliveries and refuse collections until 19:00 on Saturdays, Sundays and Bank Holidays beside the flats. (Documents 9468203 and 9499190; document 9423723; document 9495878; document 9494186; document 7405037 on the register of 25/02161/FUL; the environmental health officer letter, sections 1 and 4; the conditions paper, section 7, items 6 and 7.)
4. The temporary kitchen and dining structure in Second Court is part of the development applied for and has been assessed by no officer; the applicant’s own statement says it will cause harm to the setting of the Grade I ranges. Section 66(1) applies to every element of the development. The structure stands on the Second Court lawn for a seventeen month extendable minimum. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 deems every permission granted subject to the condition that the development “may not be begun unless” a biodiversity gain plan has been submitted and approved. No exemption is available on this application’s dates, and the one that turns on facts, the de minimis exemption, has no calculation on the file. (Documents 9424002 and 9424003; the Act, Schedule 7A, paragraphs 13 and 17; the conditions paper, sections 1 and 6.)
5. The construction phase has no lawful mechanism on the file, and the finding TR6(4) requires cannot be made on it. TR6(4) of the NPPF directs refusal for an unacceptable impact on highway safety “both during the construction phase and following completion”, and TR8(1)(a) asks that rights of way be protected “including through suitable diversions agreed with the highway authority”. Christ’s Lane is a public footpath maintainable at public expense, and the applicant’s construction plan closes it by barrier and banks person “regardless of pedestrian footfall”. Section 14(4) of the Road Traffic Regulation Act 1984 provides that no order restricting a road for works “shall be made or issued with respect to any road which would have the effect of preventing at any time access for pedestrians to any premises situated on or adjacent to the road”. A scaffold, a hoarding and a deposit of materials on the highway each need the authority’s licence or consent under sections 169, 172 and 171 of the Highways Act 1980, given on terms that protect passage. Wilful obstruction without lawful authority is an offence under section 137(1) of that Act. The Local Highway Authority’s advice relies on a traffic management plan approved under the 2025 permission, which the Council’s own email of 28 July 2026 says is not treated as approved for this application. The authority asks that the plan “be a stand-alone document”, and none is on this register. The report has to state the lane’s status, identify the instrument that would authorise the closures, and state the TR6(4) finding on it, or record that none exists on the file.

- (a) The construction noise package filed on this application is the package the Council's own environmental health officer found unacceptable. On 20 March 2026 the officer concluded: "Therefore condition 7 cannot be discharged and the additional info requested above is required."; the condition was discharged on the same package on 6 May 2026, eight days after the Council signed the draft consent order agreeing that the permission be quashed. The package predicts, without mitigation, 81 dB during demolition, 87 dB during piling and 84 dB during general site activities at flats 18 metres away, against a criterion of 65 dB.
 - (b) The plan removes the tactile paving of the St Andrew's Street crossing on both sides of the site access "to facilitate safe and unobstructed HGV access and egress" and reinstates it "upon completion of the works". No date, no alternative crossing and no equality assessment is on the file, and the construction period is given as around 18 months, around two years and seventeen extendable months. (Document 9423970, section 5.1; documents 9447736 and 9512093; document 9495878; document 9423966, paragraph 1.12 and Table 4; document 9348511 on the register of 25/02161/CONDG (the response of 20 March 2026) and document 9391742 (the decision notice of 6 May 2026); the Road Traffic Regulation Act 1984, section 14(4); the Highways Act 1980, sections 137(1), 169, 171 and 172; the determination timing letter, section 6; the alternatives paper, sections 6.2.1 and 7.2; the conditions paper, sections 5 and 7.)
- 6. No condition reduces the harm from the building's volume, mass and bulk: every condition proposed takes the building as drawn, and the question DM3(1)(e) of the NPPF asks, whether conditions could make an otherwise unacceptable proposal acceptable, is answered no. A condition on the chimneys cannot answer the statutory consultee's finding, which is of the whole building's bulk. The conditions the 2025 notice would carry over incorporate the 2025 application's own reports by name and date, and on the quashing of an approval "the conditions were not at any time discharged" (R (Friends of the West Oxfordshire Cotswolds) v West Oxfordshire District Council [2024] EWHC 2291 (Admin) at [53] and [56]).
 - (a) Only pre commencement conditions can control the demolition, because "any work of demolition of a building" begins the development. Section 100ZA(5) of the Town and Country Planning Act 1990 provides that permission "may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition". The applicant's Covering Statement envisages that "it will not be necessary to re-impose these conditions", and the Senior Planning Lawyer's email of 28 July 2026 states that "Officers are minded to impose afresh all planning conditions that were previously imposed on the permission 25/02161/FUL". No written agreement of the applicant to any pre commencement condition is on the file, so the report has to state, for every condition it recommends for the demolition phase, whether it takes pre commencement form and where the agreement is. (The conditions paper, sections 1, 6 and 7; the Act, sections 56(2), 56(4)(aa) and 100ZA(5); document 9423967, paragraphs 4.2 and 4.3; document 9495878; document 7405037 on the register of 25/02161/FUL.)
- 7. The Council's own trees officer found the tree protection and temporary kitchen scheme "totally unacceptable", and the same scheme is filed again with a different officer's "no objections". On 9 February 2026, on discharge application 25/02161/CONDA, the officer found that the temporary kitchen's footprint "has increased", that tree T10 "will be deprived of natural hydration for at least two growing seasons, which is totally unacceptable", and asked "that conditions 9 & 11 are not discharged". The conditions

were discharged in full on 17 and 18 February 2026 with no further trees response on the file. The trees response on this application states “From an arboricultural perspective, there are no objections to this planning application”, on a scheme that is an exact copy of the scheme of 4 February 2026, without engaging the finding. An in house specialist’s objection that is “neither confronted nor even noted” in the report is an error of law and misleads members (R (Liverpool Open and Green Spaces CIC) v Liverpool City Council [2020] EWCA Civ 861 at [77], with [74] and [81]). (The trees officer’s response of 9 February 2026, document 9296357 on the register of 25/02161/CONDA, and the decision notices of 17 and 18 February 2026 on the registers of 25/02161/CONDA and CONDB; documents 9461449 and 9509840; the conditions paper, section 7, items 1 and 2.)

What the report has to do:

1. Name each document that assesses the other design and state what it does about it;
2. State what each consultee assessed and on which documents;
3. Assess the temporary kitchen under section 66(1), and state which exemption from the deemed biodiversity gain condition it relies on, with the figures, or that a plan must be approved before the demolition begins;
4. State the lane’s status, the instrument that would authorise the closures the construction plan describes, and the TR6(4) finding on it, or record that none exists on the file;
5. State that no condition reduces the harm found at section 2, and state, for every condition recommended for the demolition phase, whether it takes pre commencement form and where the applicant’s written agreement is;
6. Put the trees officer’s finding of 9 February 2026 and the environmental health officer’s finding of 20 March 2026 before members in the officers’ own words, and state whether each has been answered on the material filed.

The document accuracy letter asks the Council to state by Tuesday 29 September 2026 what it requires under section 62(3) and whom it consults again.

If the Council does so, the report is written on assessments of the design applied for and of the whole development. If the report tells members the documents assess this design, it misleads them on the Council’s own officer’s record (Mansell at [42]). If it ties conditions to assessments of another design, the conditions fail DM6(1)(a) of the NPPF, its requirement that a condition be necessary to make the development acceptable. If it permits an element unassessed, it fails section 66(1) for that element. If it finds Policy 28 met without the assessment the Council’s own guidance requires, it finds compliance on no evidence (Tameside at 1065). If it finds the construction phase acceptable on the plan as filed, it applies TR6(4) and TR8(1)(a) to a method that no instrument on the register authorises; if it recommends compliance conditions for the demolition phase, it recommends what section 100ZA(5) and Schedule 7A make unavailable; and if it carries the later “no objection” of the trees officer and the environmental health officer without their own earlier findings, it leaves the Council’s own specialists’ findings out of account (Liverpool Open and Green Spaces at [77]). The unassessed element and the construction phase finding are ones the committee cannot make on the file, so a court cannot make them for it.

10. A reply by Tuesday 29 September 2026 giving the confirmations at section 1 resolves this letter; a report that makes the seven findings recommends refusal on the words of each test, and a report that does not carries each omission as an error named before it was written

10.1 A written reply by Tuesday 29 September 2026 giving the ten confirmations at section 1, in terms, resolves this letter. The date is set on the Council's own time for answering CLAG's letter of 7 August 2026 (section 1, item 1.3). CLAG asks that the reply be placed on the register with this letter.

10.2 If the report makes the seven findings in the terms of sections 2 to 7 and 9, and answers the members' requests from the register (section 8), the register as it stands gives one result. The harm to a Grade I setting is found at the statutory weight, and the proposal conflicts with the development plan. DP3(3) directs refusal of the design, the harm is neither avoided nor justified, no benefit that results from the proposal outweighs it, and the documents and advice assess the design applied for. The decision in accordance with the plan is then refusal, and the report recommends it.

10.3 If the report does not, each omission is an error named in this letter before the report was written, with the authority for it. The errors are:

1. the statutory consultee's advice misstated (section 2);
2. the plan applied on a finding the Council's own officer no longer makes (section 3);
3. DP3(3) not applied in its words (section 4);
4. the alternatives on the Council's own file left out of account (section 5);
5. a justification found on premises the applicant's own documents contradict (section 6);
6. benefits counted that no assessment shows or that the third ground excludes (section 7);
7. the members' requests unanswered (section 8);
8. members told the documents assess this design (section 9);
9. the construction phase found acceptable on a method no instrument authorises, conditions recommended that the statute makes unavailable, and the Council's own specialists' findings left out of account (section 9).

Each is repeated on the same drawings on which the Council has agreed before the Court that its first decision be quashed.

10.4 We do not oppose a new library. We oppose this building's volume, mass and bulk, which the College's own record shows it does not need. The statutory consultee, the Council's own conservation officer and every other heritage assessment on the register find that bulk harmful to the setting of Grade I listed buildings.

Christ's Lane Action Group