

CLAG: the conservation officer letter (25 September 2026)

The Council's conservation officer's comments of 26 August 2026 (document 9505685) find harm to the setting of the Grade I listed building, find that the positive heritage effects do not fully outweigh it, and find HE6(4) engaged. That is the weighing of harm to a designated asset against public benefits under the National Planning Policy Framework of 17 August 2026 ("the NPPF"), for which the comments were revised. With the comments of 13 July 2026 (document 9462719), which they revise, they are "the comments" below; where the date matters, the letter says which. Four of the comments' findings need correction on the Council's own file before the case officer's report to committee on this application ("the report") is written. No degree of harm is stated before four positive effects are set against it, and two of the four cannot be set against it. One is an enhancement of another asset. The other is the continued use of the listed buildings, which is the optimum viable use point, the third ground of the judicial review, whose source was this officer's own 2025 response. The enhancement of the conservation area is found on the baseline the townscape consultant of Christ's College ("the applicant") asked the Council to adopt, not on the measure the designation sets, and the Council's own file contradicts it in four respects. The comparison "smaller overall than the earlier approved scheme" is wrong for the building above ground, where the harm arises. The Council's own advice of 19 December 2024 found the proposal "higher and larger in scale than the consented schemes", and the applicant's own documents say the same of the design applied for. And the harm is located at "the relative scale and proximity of the stair tower" where the statutory consultee, Historic England, finds it in "the excessive bulk of the new building", a narrower location the report can carry in place of the statutory consultee's finding only with cogent and compelling reasons, which the comments do not give. CLAG asks the officer to give the comments again, corrected in those four respects, and to place them on the register by Tuesday 29 September 2026

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

Application 26/02109/FUL: Christ's College Library, St Andrew's Street, Cambridge. Christ's Lane Action Group (CLAG). It states every point it relies on, so that it stands on its own. Quotations are verbatim from the document cited, and documents are cited by their numbers on the register of this application unless another register is named. The documents cited from Historic England's disclosure under reference 26/04173 are cited as held on Historic England's file. Exhibit H3 (two pages from Historic England's disclosure under reference 26/04173: the applicant's townscape consultant's proposal for the conservation area "context and baseline", December 2024) is filed with this letter.

To: the Council's conservation officer (Paul Robertshaw, Greater Cambridge Shared Planning), by email; and planning@greatercambridgeplanning.org and PlanningComments@greatercambridgeplanning.org, for the attention of Dominic Bush (case officer), for the public register; 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 address the Council has stated as its accepted point of service, so that service of this letter is beyond argument.

From: Christ's Lane Action Group (residents@christs-lane.com).
Filed Friday 25 September 2026.

Contents

1. Four of the conservation officer's findings are wrong on the Council's own file, and one, the continued use counted as a benefit, is the error of the third ground on which the Council has agreed before the Court that the 2025 permission be quashed
 2. The conservation officer's comments state no degree of harm before weighing four positive effects against it, and two of the four cannot be weighed against it: another asset's enhancement, found on the applicant's own baseline, and the continued use
 3. The conservation officer's finding of an enhancement to the conservation area is made on the baseline the applicant's consultant proposed and not on the designation's measure, and the Council's own file contradicts it in four respects
 4. The conservation officer's comparison, "smaller overall than the earlier approved scheme", is not based on accurate facts: the Council's own advice of 19 December 2024 and the applicant's own documents put the building above ground higher and larger than the consented design
 5. The conservation officer's comments locate the harm at the stair tower where the statutory consultee finds it in the excessive bulk of the building, and give no reasons for the narrower finding
 6. The conservation officer's comments are given again, corrected, by Tuesday 29 September 2026, or the report is written on findings the Council's own file contradicts
-

1. Four of the conservation officer's findings are wrong on the Council's own file, and one, the continued use counted as a benefit, is the error of the third ground on which the Council has agreed before the Court that the 2025 permission be quashed

The conservation officer's comments of 26 August 2026, "Revised comments to reflect updated NPPF, August 2026", find harm to the setting of the Grade I listed building: "on balance it is considered the mitigations have not fully overcome the impact of the relative scale and proximity of the stair tower, and this part of the scheme remains harmful to the listed building's setting" (document 9505685). They find that the heritage benefits do not outweigh it, "the positive effects are not considered to fully outweigh the harm", so the harm goes to HE6(4) of the NPPF, its weighing of harm to a designated heritage asset against public benefits.

Four of the comments' findings are wrong on the Council's own file, and each has its own section below. One of the four carries the error of the third ground of the judicial review: the continued use of the listed buildings counted as a heritage benefit is the optimum viable use point of 2025 under another name, and this officer's own response was its source then.

If the officer gives the comments again, corrected in the four respects, by Tuesday 29 September 2026, the report is written on the officer's own assessment, made on the facts and on the measures the NPPF sets. If the comments are left as they stand, the report is written on findings the Council's own file contradicts, one of them the error of the third ground.

1. The first is the degree of harm, “at the lower end of the scale”, stated only after four positive effects have been set against the harm, two of which cannot be set against it; the degree before that weighing is stated nowhere (section 2). One of the two is the continued use of the listed buildings:
 - (a) the comments list among the positive heritage effects “Sustaining the ongoing use and conservation of the grade I listed building by providing improved, accessible library facilities.” (document 9505685);
 - (b) the officer’s response of 18 September 2025 put the same point in its own name: “the works overall would help to secure the building’s optimum viable use” (document 7370966 on the register of 25/02161/FUL);
 - (c) the report to the Planning Committee of 29 October 2025 on that application (“the 2025 report”) adopted it citing the officer: “as concluded by the Council’s Conservation Officer, the development of new increased library facilities would help to secure the listed building’s optimum viable use” (paragraph 14.31);
 - (d) the Statement of Facts and Grounds in the judicial review of the 2025 permission (item 5; within CLAG’s objection of 10 July 2026, document 9475597) names that response as the source (item 6).
2. The second is the enhancement of the conservation area, found “When considered in relation to the existing poor-quality building”, the baseline the applicant’s townscape consultant asked the Council to adopt in December 2024, and not on the measure the designation sets. The Council’s own file contradicts the finding in four respects (section 3).
3. The third is the comparison “smaller overall than the earlier approved scheme”, which is wrong: above ground, where the harm arises, the building is higher and larger than the consented design on the Council’s own advice of 19 December 2024, “higher and larger in scale than the consented schemes”, and on the applicant’s own documents (section 4).
4. The fourth is the location of the harm at “the relative scale and proximity of the stair tower”, where the statutory consultee finds it “primarily as a result of the excessive bulk of the new building” and finds “the building is too big for its location”; the comments give no reasons for the narrower finding (section 5).
5. The 2025 permission is before the Court. The claim is R (Christ’s Lane Action Group) v Cambridge City Council, Christ’s College Cambridge interested party, claim AC-2025-LON-004656 (the judicial review). Permission to apply was granted on all four grounds by the order of Kimblin J signed on 6 March 2026 and served on 9 March 2026, which the Court documents call the Order of 9 March 2026. The Council and the College signed a draft consent order on 28 April 2026 agreeing that the permission be quashed on all four grounds; CLAG did not sign it, so that the grounds receive a reasoned judgment; the Court did not make the order on the papers and has listed the claim for a one day hearing on Tuesday 20 October 2026 (documents 9462822, page 18, and 9475597, pages 1 and 55).
6. The second, third and fourth grounds, as the Statement of Facts and Grounds states them, read: “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.” Of the third, the Statement of Facts and Grounds records: “This point appears to derive solely from the Conservation

Officer's second consultation response of 18 September 2025 ..." (paragraph 75(d)). The second is the 2025 report's advice of harm in one place and no overall harm in another; section 2 sets out what that report did with a net figure.

CLAG asks the officer to give the comments again, corrected in the four respects, and to place them on the register by Tuesday 29 September 2026, before the report is written. Section 6 sets the request out in full. Every fact in this letter comes from the applicant's own documents, the Council's own documents, the Court record or the evidence on the register.

2. The conservation officer's comments state no degree of harm before weighing four positive effects against it, and two of the four cannot be weighed against it: another asset's enhancement, found on the applicant's own baseline, and the continued use

The officer's comments locate the harm in the setting of the Bodley Library and give it a degree, "at the lower end of the scale". They give that degree "On balance", after four positive effects have been set against the harm, and they state no degree before that weighing. A heritage balance of that kind is permitted, but two of the four effects cannot go into it. The conservation area enhancement is a benefit to another asset, and one found on a baseline the designation does not contain (section 3); the continued use is the optimum viable use point, the third ground of the judicial review.

If the officer states the degree of harm identified before any positive effect was set against it, and which effects on the Bodley Library's setting were set against it, the report has a degree it can carry. If the comments are left as they stand, the report has a net figure it cannot unpick, which is how the 2025 report came to advise both harm and no overall harm.

1. The harm is to one asset. "The harm to heritage assets is considered to primarily relate to the setting of the Bodley Library, which forms part of the grade I listed asset 'buildings surrounding Entrance (First) Court with the south-east range of Second Court'. The harm arises from the relative scale and proximity of the stair tower." (document 9505685). The effects that can be set against that harm are effects on that setting.
2. The four positive heritage effects, in the comments' words, and what each is an effect on:
 - (a) "An enhancement to the setting of the grade I listed building when experienced from Bath Court or Christ's Lane due to the increased space between the Bodley Library and proposed library at the lower levels", an effect on the Bodley Library's setting;
 - (b) "Wider enhancements to the appearance of Bath Court through the removal of redundant plant and fire escape, improved landscaping and the reopening of a blocked historic doorway to First Court", an effect on the Grade I building and its setting;
 - (c) "An enhancement to the Central Conservation Area through the introduction of an architecturally superior building", an effect on a different asset, and one found on the applicant's baseline (section 3);
 - (d) "Sustaining the ongoing use and conservation of the grade I listed building by providing improved, accessible library facilities.", not an effect on significance at all (items 7 and 8).
3. The degree comes after the weighing. "When considering the above heritage effects with reference to NPPF policies HE4 (1, 2), HE5 (1-4), HE6 (1-3) and HE9, the positive effects are not considered to fully outweigh the harm. On balance, the harm is considered to be

at the lower end of the scale, and therefore NPPF policy HE6 (4) is engaged.” The first sentence weighs the four effects against the harm; the second states the degree “On balance”. The degree before the weighing is stated nowhere.

4. HE5(2)(c) asks for the degree before any weighing: an assessment should identify harm to significance, and “The degree of harm should be identified”. A degree stated after four effects have been set against the harm is a net figure, not the identified degree. The words “at the lower end of the scale” are the former Framework’s “less than substantial” vocabulary, carried into comments revised for the NPPF.
5. A heritage balance is permitted, but not with another asset’s benefit in it:
 - (a) the Court of Appeal in *City and Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 320, [2021] 1 WLR 5761 held that an internal heritage balance “was not required as a matter of law” (at [71]) but may be undertaken;
 - (b) other assets’ benefits go to the balance, not into the harm: “There might be benefits to other heritage assets that would not prevent “harm” being sustained by the heritage asset in question but are enough to outweigh that “harm” when the balance is struck” (at [78]). So the conservation area enhancement cannot reduce the harm to the Bodley Library’s setting; if it stands at all (section 3), it goes to the public benefits balance.
6. Whichever approach is taken, the degree it starts from has to be stated. The Statement of Facts and Grounds, on the 2025 report: “it needed to be clear and consistent to ensure that the committee was correctly advised as to the existence and degree of any harm and able to correctly weigh the benefits” (paragraph 60). The officer’s comments state no such degree. The 2025 record shows what a balance struck before the degree is stated does in a report. The 2025 report adopted the officer’s degree, “in line with the comments from the Council’s Conservation officer, considered to result in harm, on the lower end of less than substantial scale” (paragraph 14.14). It then set that harm against the benefits itself, advising “the overall impact upon the listed buildings being neutral” (paragraph 14.23) and “neutral with no overall harm” (paragraph 24.6), while weighing public benefits against the harm under paragraph 215 of the former Framework (paragraphs 14.18 to 14.20). It used the optimum viable use on both sides, as a public benefit (paragraphs 14.18 to 14.20) and as a reason the overall impact was neutral (paragraph 14.31). The Statement of Facts and Grounds: “in some places the report advises that there is harm” and “in other places the report advises that there is no overall harm”, and “These two conclusions are logically inconsistent.” (paragraph 62); “The overall effect was to minimise the existence or extent of heritage harm.” (paragraph 68). In 2026 the same balance is struck in the officer’s comments themselves, and the degree before it is stated nowhere.
7. The continued use is the optimum viable use point under another name:
 - (a) “Sustaining the ongoing use and conservation of the grade I listed building by providing improved, accessible library facilities” is the use the buildings already have, presented as a benefit of the new library facilities, which is what “help to secure the building’s optimum viable use” said in the officer’s response of 18 September 2025 (section 1, item 1). The words change; the consideration does not;
 - (b) the 2025 report adopted it citing the officer and carried it into the balance, “helps to secure the optimum viable use of the building” (paragraphs 14.31 and 24.4);

- (c) the Statement of Facts and Grounds names the officer's response as its source and states the conclusion, "Simply put, OVU was just not a relevant consideration in this case" (paragraphs 75(d) and 76); the consent order agrees quashing on that ground (section 1, item 6).
- 8. It is not a benefit at all, under any name:
 - (a) the Grade I listed "buildings surrounding Entrance (First) Court with the south-east range of Second Court", the Bodley Library among them, are in use as the College's buildings now, and stay in that use with or without the new library: the applicant's own Planning Statement records that "post-development, staff and student numbers will remain as per existing" (Turley, document 9423963, paragraph 7.99);
 - (b) a use that carries on with or without the scheme is not a benefit "resulting from the proposal", which is what HE6(4) weighs;
 - (c) HE4(1)(a) treats keeping such a use as a requirement of proposals, "Maintain or secure a use consistent with their conservation", not a benefit they bring;
 - (d) the one use HE6(4) names as a public benefit is "securing the long-term reuse of a vacant or underused listed building", and these buildings are neither vacant nor underused.
- 9. The applicant makes the same move, and calls it by name. 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)"; and at the DCF its consultant told members "We say there is no harm to be outweighed anyway, quite the opposite". A "residual" assessment is harm and no overall harm at once, which is the second ground. So a report that adopts the comments' net figure and a report that adopts the applicant's assessment make the same error, and the report must record that the applicant's assessment states no degree before its weighing. (Document 9423964, paragraph 6.6; document 9481026, page 2; the minutes, item 29.)

Accurate comments do three things:

- 1. state the degree of harm to the Bodley Library's setting identified before any positive effect is set against it;
- 2. state which effects on that setting were set against it;
- 3. set neither the conservation area enhancement nor the continued use against the harm to the Bodley Library's setting, and do not list the continued use among the positive heritage effects.

Whatever degree the officer states, the report weighs it with the statutory consultee's findings that "the building is too big for its location" and that the harm arises "primarily as a result of the excessive bulk of the new building" (Historic England, 29 July 2025, document 9457102). Any departure from them needs cogent reasons (*Visao Ltd v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 276 (Admin) at [23]).

If the comments are left as they stand:

- 1. the report has only a net figure, reached by setting against the harm two things that cannot be set against it. One is the enhancement of a different asset, found on the

applicant's measure; the other is the continued use, the optimum viable use point of the third ground;

2. a report that carries that figure as the degree misleads members as to the extent of the harm (R (Mansell) v Tonbridge and Malling BC [2017] EWCA Civ 1314, [2019] PTSR 1452 at [42]). A report that then finds no overall harm, or weighs the same heritage benefits again as public benefits, repeats the inconsistency the second ground states;
3. a report that counts the continued use takes into account, for the second time and from the same source, the consideration the third ground concerns.

3. The conservation officer's finding of an enhancement to the conservation area is made on the baseline the applicant's consultant proposed and not on the designation's measure, and the Council's own file contradicts it in four respects

The officer's comments find "An enhancement to the Central Conservation Area through the introduction of an architecturally superior building", and find it "When considered in relation to the existing poor-quality building" (document 9505685, pages 3 and 4). That baseline is the one the applicant's townscape consultant asked the Council to adopt in December 2024, and the comments do not mention the measure the designation sets, the Council's own appraisal of the conservation area. 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", and 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. HE5(2)(a) of the NPPF, its definition of a positive effect, counts as positive an effect "where the significance of a heritage asset would be enhanced, or better revealed", so the measure is the area's significance as the designation identifies it. If the officer assesses the effect on the conservation area against the designation's own appraisal and states it in its HE5(2) category, the report has a finding made on the measure the designation sets. If the finding is left as it stands, the Council's own file contradicts it in the four respects below (items 3 and 5 to 7), and the measure it uses is one the applicant proposed and the Council never adopted (items 10 to 12). A report that carries it gives members an enhancement found on a measure the designation does not contain.

1. In December 2024 the applicant's townscape consultant asked the Council and Historic England to adopt the existing building as the baseline: "When it comes to making an assessment of the new proposal, we propose that the Conservation Area context and baseline now needs to be defined and acknowledged in relation to the current appearance and form of the modern building opposite." The comments adopt that baseline, finding the enhancement "When considered in relation to the existing poor-quality building". (Exhibit H3, filed with this letter, item H3.1, page 4, and item H3.2, page 14; document 9505685, page 3.)
2. The baseline has hardened on the same drawings. The conservation officer's first response of July 2025 on the 2025 application described the existing building as making "a neutral or negative contribution to the above heritage assets"; the comments describe it as making "a generally negative contribution to the significance of the above heritage assets", and nothing on the register records what changed. (Document 7331958 on the register of application 25/02161/FUL, page 2; document 9505685, page 2.)
3. The measure the designation sets is the Council's Historic Core Conservation Area Appraisal, published in 2016 and approved on 27 June 2017 ("the Conservation Area Appraisal"), and the comments do not mention it. The Council adopted it as its own tool

for deciding applications: the report that put it to the Environment Scrutiny Committee on 5 November 2002 said it would “be used as a development control ‘tool’ when assessing applications” (Exhibit H4, filed with this letter, page 3). Its Drummer Street and Christ’s Lane section marks key positive views in both directions along the lane, describes the frontage opposite the site as “an attractive active frontage of the new shops framed in limestone that reflects the character of the positive buildings of Christ’s College at the entrance to the lane”, and says what redevelopment of the College side is for: “other options that provide overlooking and a more august frontage to the lane could help to raise the quality of the frontages”. HE9(1)(b) of the NPPF, its conservation areas policy, requires the area’s special interest to be considered “as identified as part of the designation of the conservation area”, and the comments measure the building against the one it replaces and not against anything the designation identifies. (The Conservation Area Appraisal, Drummer Street and Christ’s Lane, pages 3, 4 and 5; CLAG’s map record, Annex F, filed with this letter, section 1, entries 2 and 3.)

4. On the applicant’s measure every replacement of the 1974 library enhances. In 2011 English Heritage said of the lower consented design that “the illustrative material suggests that, subject to appropriate detailing, it will enhance the character and appearance of this part of the Conservation Area”, so a measure on which the lower building and a higher and larger one both enhance is not a measure of the area’s significance. (The Council’s report to its Planning Committee of 19 October 2011 on application 11/0495/FUL, paragraph 6.18.)
5. The Council’s own conservation and urban design team found the lower, consented design too big for the area in 2016: “Concern remains that the new building is far too bulky for the narrow space of Christ’s Lane and the settings of the LBs. It is at least one storey too tall and is likely to be oppressive and overbearing in this part of the CA.” A finding that a building higher and larger than that one (section 4) enhances the same area departs from the Council’s own finding on the same site. The comments give no reasons for the departure, and consistency extends to reasons: “The principle of consistency is not limited to the formal decision but extends to the reasoning underlying the decision”. (Document 1967605 on the register of application 16/0405/FUL; R (Davison) v Elmbridge Borough Council [2019] EWHC 1409 (Admin) at [56](i).)
6. The Council’s own advice of 19 December 2024 on this proposal, given by the conservation officer and the urban design officer, found: “The proposal is higher and larger in scale than the consented schemes, and the proposed scale and massing of this raises concern.” The design applied for remains higher and larger than the consented design on the applicant’s own documents (section 4). The comments find the “overall scale, including the taller elements” appropriate, and do not mention the advice or the concern it raised. (Planning Statement, document 9423963, Appendix 3, page 55; document 9505685, page 3.)
7. The Council’s own 2025 report, on the same drawings, found that the building “would undoubtedly somewhat enclose part of Christ’s Lane as a result of the increase in height”, and found the enhancement in these terms: “Subject to the conditions requested by the conservation officer in their comments, it is considered on balance, that the proposed library building, despite the increase in scale, would result in an enhancement to the overall character and appearance of the conservation area.” The lane the Council’s own report finds enclosed is the lane whose views in both directions the designation marks as key positive views (item 3). So on the Council’s own file the effect on the designation’s measure is an enclosure, and the enhancement was found despite the scale and subject to conditions, not on the building as drawn. (The 2025 report, paragraphs 14.24 and 20.25.)

8. On the designation's measure every other assessment of the conservation area on the register finds harm to it, and the officer's enhancement is the only finding the other way beside the applicant's:
 - (a) the Victorian Society: "the proposed not only directly impacts the fabric of the College's Grade-I Listing, but also the setting of the Cambridge Central (Historic Core) Conservation Area" (6 July 2026, document 9455369);
 - (b) Cambridge Past, Present & Future: "The design results in certain levels of harm across multiple assets, including the setting of the Grade I listed Bodley Library, Bath Court, and the Central Conservation Area." (9 July 2026);
 - (c) the expert heritage appraisal by Alec Forshaw IHBC MRTPI: "Less-than-substantial harm at the lower/middle of the scale to the character and appearance of the Central/Historic Core Conservation Area including the St Andrew's Street and Drummer Street/Christ's Lane sub-areas", and "The excessive scale of the proposal on what is the secondary frontage of Christ's Lane challenges the existing hierarchy of college buildings that is currently apparent from the street." (document 9458570, paragraphs 58 and 43). These three findings are the material considerations a report that carries the enhancement leaves out.
9. Only the Council can set the measure of the conservation area, and only in public; the applicant cannot. Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives the designation of conservation areas to the local planning authority; section 71 requires the authority to formulate and publish proposals for their preservation and enhancement and to put them to a public meeting; HE2(2) of the NPPF, its policy on conservation area designations, requires a new or amended designation to come with an adopted appraisal. A baseline proposed in the applicant's private correspondence of December 2024 is none of these, and a finding made on it is made on a measure the designation does not contain.
10. The applicant's own agent, whose firm wrote the Heritage Statement, told the case officer on 26 September 2025 that the Conservation Area Appraisal holds no street analysis of Christ's Lane: "It is not shown as such in the Historic Core Appraisal (2017) which just covers all the College buildings as a listed building. Interestingly, there is no street analysis of Christ's Lane in that document." The street analysis that letter says does not exist is item 3, and the letter's author was the appraisal's project manager at the Council when it was written, and published that its street by street section "is vital to the document's usefulness as a development control tool, as it will define the special characteristics of different areas and highlight sites for redevelopment". (Document 7378931 on the register of application 25/02161/FUL, footnote 2 to paragraph 33, signed by Dr Jon Burgess, Planning and Heritage Director, Turley; Exhibit H5, filed with this letter, the same author's article of 2001 in the Journal of Architectural Conservation, exhibit pages 3 and 4, the article's pages 51 and 55.)
11. The comments take the site's significance from the applicant's Heritage Statement, "Further details of the site's development and significance are included in the heritage statement.", and that statement states the applicant's own measure: "it provides the opportunity to enhance this part of the Conservation Area, by replacing an existing poor quality and disappointing range along Christ's Lane". So the officer's account of the area's significance is the applicant's account, and the applicant's account leaves out the street analysis its own agent says does not exist. (Document 9505685, page 2; document 9423964, paragraph 6.9, page 43.)

12. Policy 61 of the Cambridge Local Plan 2018, which the Council's own 2025 report says "requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape", is met on the conservation area only if the enhancement finding stands, so the finding decides the plan's heritage policy on the area as well as the NPPF's. (The 2025 report, paragraph 10.80.)
13. In 2025 the report adopted the officer's enhancement as the Council's own conclusion, in terms: "As concluded by the Council's Conservation Officer, the proposed elevation to Christ's Lane represents an enhancement to the conservation area due to the improved quality of the proposed design and materials as well as the new view into Bath Court." That is the route by which the finding reaches members, and the applicant's own finding on the same baseline, "the opportunity to enhance this part of the Conservation Area, by replacing an existing poor quality and disappointing range along Christ's Lane", reaches them as the Council's specialist assessment. (The 2025 report, paragraph 14.32; Heritage Statement, document 9423964, paragraph 6.9, page 43.)
14. The Conservation Area Appraisal describes the building type the area's significance depends on, and names the type this design is. On tall buildings: "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: the buildings "are usually of two to four storeys in height", with "considerable variation rather than universal consistency, except where areas were comprehensively rebuilt". The design applied for is a parapeted mass of unvarying height along a 37.5 metre elevation to the lane, on the applicant's own description (section 4, item 3), and the comments measure it against the 1974 library and not against these 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.)

Accurate comments assess the effect on the conservation area against the interest the Conservation Area Appraisal identifies, the key positive views included, state it in its HE5(2) category, and give reasons for any departure from the Council's findings of 2016, December 2024 and 2025.

If the officer gives the comments again in those terms by Tuesday 29 September 2026, the report has a finding on the conservation area made on the designation's measure. Whatever effect the officer states then goes to the balance under HE6(4) in the category stated, beside the three findings of harm on the register.

If the finding is left as it stands:

1. a report that carries it supports the scheme under HE6(2) of the NPPF, its support for a positive effect on a designated asset, on a measure the designation does not contain and the applicant had no power to set (items 10 and 11). It answers the duty in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, on the same measure. The meaning of a policy is a question of law (*Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13 at [18]);
2. a report that carries it departs from the Council's own findings of 2016, December 2024 and 2025 without reasons (items 5 to 7; *Davison* at [56](i)). It leaves the three findings of harm on the Council's own register out of account (*R (Friends of the Earth Ltd) v Heathrow Airport Ltd* [2020] UKSC 52 at [116] to [121]);
3. a report that gives it as the Council's specialist assessment gives members the applicant's own account under the officer's name on the question the section 72(1) duty

asks, and misleads them (R (Mansell) v Tonbridge and Malling BC [2017] EWCA Civ 1314, [2019] PTSR 1452 at [42]).

4. The conservation officer's comparison, "smaller overall than the earlier approved scheme", is not based on accurate facts: the Council's own advice of 19 December 2024 and the applicant's own documents put the building above ground higher and larger than the consented design

The officer's comments compare the design applied for with the consented design, the library for this site that the Council permitted on 5 July 2013 (application 11/0495/FUL) and again on 7 September 2016 (application 16/0405/FUL). They find: "The current proposal is smaller overall than the earlier approved scheme (refs: 11/0495/FUL and 11/0516/LBC, renewed under refs: 16/0405/FUL and 16/0406/LBC), omitting the basement and Bath Court roof and thereby avoiding these harmful impacts." (document 9505685, page 2). Above ground, where the harm arises, every written measure on the file puts the design applied for higher and larger than the consented design; HE5(4) of the NPPF requires decision makers to be satisfied that assessments "accurately reflect the effects on heritage assets caused by development proposals". If the officer states the comparison above ground in the Council's own words of 19 December 2024, the consented design stands on the file as the lower building above the lane, and the comparison the report carries states where the harm arises. If the sentence is left as it stands, it is wrong on the facts in the respects below, and a report that relies on it is open to judicial review for a mistake as to an established fact.

1. The Council's own advice of 19 December 2024, given by the conservation officer and the urban design officer before the application was made, found the opposite: "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 comments do not mention that advice. (Planning Statement, document 9423963, Appendix 3, page 55.)
2. The harm the comments find is a harm of scale above ground, "the relative scale and proximity of the stair tower", so the comparison that bears on the harm is of the building above ground, and above ground the design applied for is the higher and larger building on every document below. (Document 9505685, page 4.)
3. The applicant's own documents put the design applied for higher and larger than the consented design above ground:
 - (a) the Heritage Statement: "the proposed library will be of a greater scale than the existing and previously approved scheme" (document 9423964, paragraph 6.9, page 43);
 - (b) the Planning Statement's own summary of the Council's advice: "However, concerns were raised regarding the proposal being higher and larger in scale and mass than the consented schemes." (document 9423963, paragraph 4.4, page 14);
 - (c) the Design and Access Statement, listed in the comments as reviewed, which records that the accommodation the consented design placed below ground has been moved into the upper floors: "This accommodation located in the basement in the 2011 proposal has been distributed throughout the new library on the upper floors. While the originally approved plans proposed a four storey library and the new library retains this number of floors, the upper floors have extended, with a

longer 37.5m elevation at this scale facing Christ's Lane." (part 1, Grafton Architects, document 9423960, section 3.2, page 9);

- (d) the Townscape and Visual Appraisal, listed in the comments as reviewed: "The scheme must also be considered in relation to the consented 2016 scheme. Whilst an increase on height to this scheme, it is not considered that this increase will cause adverse effects to townscape character" (document 9423730, page 18).
- 4. The applicant's consultants said the same before the application was made. Its townscape consultant, December 2024: "Whilst overall height in the new design is increased when compared to the Mather consented scheme of 2016, ..." and "The new architectural proposal is ... of greater volume." Its architects, 18 December 2024: "The new library is larger than the original planning scheme as there is no longer a substantial basement. This basement area has been allocated across the upper levels of the new library and explains why it is somewhat longer than the original 2016 proposals." (Historic England's file, reference 26/04173; Exhibits H2.1, H2.2 and H2.4 to CLAG's alternatives, justification and public benefits paper, filed with this letter ("the alternatives paper").)
- 5. The statutory consultee counted both sides of the comparison where the sentence counts one:
 - (a) Historic England, 29 July 2025: "The removal of the basement and glazed enclosure have removed instances of harm to the significance of the listed college. However, the resulting increased massing brings other instances of harm, as it puts considerable pressure on the surrounding buildings forming Bath Court." (document 9457102, page 2);
 - (b) its reason: "In order to meet the requirements of the brief and compensate for the loss of the basement, the building needs to extend further above ground." (document 9457102, page 2);
 - (c) its conclusion: "The proposals would be bulkier than those that were previously granted consent." (sic) (document 9457102, page 4).
- 6. The Council's own 2025 report treated the design as the larger one above ground: "It is now considered that given the archaeological potential of the site and the sustainability issues arising from extensions to the basement that increasing the size of the building above ground is preferable (as currently proposed)." It found that the building "would undoubtedly somewhat enclose part of Christ's Lane as a result of the increase in height". (The 2025 report, paragraphs 9.1 and 20.25.)
- 7. The sentence counts what the design omits below ground, the basement and the roof over Bath Court, neither of which stands in any setting, and credits the design with "avoiding these harmful impacts" without saying what those impacts were. It makes no finding about the building above ground, where the officer's own finding of harm lies and where the statutory consultee finds the design bulkier. (Document 9505685, page 2.)
- 8. The sentence has its origin in the conservation officer's first response of July 2025 on the 2025 application, where the same comparison read "less ambitious in scale than the earlier approved scheme"; on the same drawings "less ambitious in scale" became "smaller overall", and nothing on the register records what changed. (Document 7331958 on the register of application 25/02161/FUL, page 2; document 9462719, page 1; document 9505685, page 2.)
- 9. The applicant's own elevation fixes the building's relationship to the Grade I library beside it: drawing 004700 P03 marks the Bodley Library at 20840 and the new parapet at 22830, so the parapet stands 1.99 metres above the apex of the Bodley's gable, and 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". A building that stands two metres above the Grade I library it adjoins is not "smaller overall" in any sense that bears on the harm the comments find at that library's setting. (Document 9423880; the minutes, item 23; CLAG's transcript extract of the DCF, filed with this letter, entry 4.31; CLAG's design and development plan paper, filed with this letter, section 3.)

Accurate comments withdraw the comparison and state the Council's own finding of 19 December 2024, that the design applied for is "higher and larger in scale than the consented schemes" and "would not appear smaller in section", and state that the harm found is in that scale.

If the officer states the comparison in those terms by Tuesday 29 September 2026, the consented design stands on the file as the lower building above the lane, and the comparison the report carries is made where the harm arises.

If the sentence is left as it stands:

1. it is wrong on the facts in the respects at items 1 and 3 to 6, and the burden of showing otherwise is not CLAG's. The Council's own advice, the applicant's Heritage Statement, Planning Statement and Design and Access Statement, its consultants' words of December 2024, the statutory consultee's advice and the Council's own 2025 report each put the building above ground higher and larger than the consented design. The sentence states the opposite and credits the design with avoiding harm. A decision that proceeds on a mistake as to an established fact, one "uncontentious and objectively verifiable", is open to judicial review (*E v Secretary of State for the Home Department* [2004] EWCA Civ 49 at [66]);
2. a report that carries the sentence gives members the Council's conservation assessment on the central comparative fact, wrong for the building where the harm arises, and misleads them (*R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314, [2019] PTSR 1452 at [42]); it cannot meet HE5(4);
3. with the comparison stated above ground, the consented design stands on the file as the lower building that HE4(1)(b) of the NPPF, its requirement to avoid or, where that is not possible, minimise harm to heritage assets, requires to be considered. Left as it stands, the sentence misstates that alternative, and a report that adopts it leaves the less harmful alternative on the Council's own file out of account, the error the fourth ground states (section 1, item 6).

5. The conservation officer's comments locate the harm at the stair tower where the statutory consultee finds it in the excessive bulk of the building, and give no reasons for the narrower finding

The statutory consultee finds the harm in the building: "we are of the view that the building is too big for its location" and "the proposals would result in certain levels of harm to the significance of the listed building, primarily as a result of the excessive bulk of the new building, which we consider would detract from the setting of the surrounding buildings" (Historic England, 29 July 2025, document 9457102, pages 3 and 4, adopted for this application on 8 July 2026, document 9457100, and confirmed for the NPPF on 27 August 2026, document 9508056). The officer's comments locate the harm in one part of that building: "The harm arises from the relative scale and proximity of the stair tower." (document 9505685). The stair tower is part of the building the statutory consultee finds too big, and the comments give no reason why the harm is confined to it.

If the officer states where the harm arises, on the building's volume, mass and bulk as a whole or on the stair tower alone, and gives the reasons for any narrower finding, the report has a finding it can set beside the statutory consultee's. If the comments are left as they stand, the report has two findings of harm at different locations and no reason for the difference, and a report that carries the narrower one as the harm found departs from the statutory consultee without reasons.

1. A decision maker gives the views of a statutory consultee "great" or "considerable" weight, and "A departure from those views requires "cogent and compelling reasons"" (Shadwell Estates Ltd v Breckland District Council [2013] EWHC 12 (Admin) at [72]). The rule was applied to Historic England's advice in *Steer v Secretary of State for Communities and Local Government* [2017] EWHC 1456 (Admin) at [52]: the decision maker "was required to address this evidence in his AD, whether or not he agreed with it".
2. Historic England's recommendation that the Council determine the application "on the basis of your expert conservation advice" is not a statement that its own finding is confined to the stair tower. The recommendation reads in full: "We urge you to address the above issues and recommend that this application be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice. It is not necessary for us to be consulted again." (document 9457102, page 4). "The above issues" are the excessive bulk of the building. On 8 July 2026 Historic England repeated it: "We then stated our lack of objection to the scheme and asked your Council to determine the application in accordance with national and local planning policy guidance and on the basis of your expert conservation advice." (document 9457100, page 2). The recommendation says who decides; it does not narrow what the statutory consultee found.
3. The four other heritage assessments on the register find the harm in the building's volume, mass and bulk, not in one element. The Victorian Society finds it in "the ill-proportioned massing" (document 9455369). Cambridge Past, Present & Future: "This resulting bulk causes, multi-layered harm to highly sensitive designated heritage assets" (sic; 9 July 2026). The expert heritage appraisal: "by reason of their height, bulk and massing" (document 9458570, paragraph 58). The officer's location is the only one on the register confined to one element (CLAG's harm register, Annex C, filed with this letter, section 1).
4. The location matters to every finding that follows. Avoidance under HE4(1)(b) is assessed against the harm found: a harm confined to the stair tower invites an answer confined to the stair tower, where the harm the statutory consultee finds is answered only by a building of less volume, mass and bulk. The 2025 report answered the statutory consultee's recommendation on the stair tower alone: "The applicant however has chosen to retain the current height of the proposed staircase tower." (paragraph 14.14, page 152).

Accurate comments state where the harm arises, on the building as the statutory consultee finds it or on the stair tower alone, and, if on the stair tower alone, the reasons for departing from the statutory consultee's finding.

If the comments are left as they stand, a report that carries "the relative scale and proximity of the stair tower" as the harm found gives members a narrower harm than the statutory consultee found, without the reasons a departure requires (Shadwell at [72]; Steer at [52]; Visao at [23]). The burden of those reasons is the report's, and a report that gives none departs from the statutory consultee without cogent reasons.

The minimise limb of HE4(1)(b) is unperformed on the applicant's own account, whatever the location of the harm. The applicant told members that the Victorian Society's committee "felt that small adaptations could be implemented to mitigate any outstanding harm" (the minutes, item 33), its agent's own letter records "a suggestion of reducing the building by half a storey" (document 9458387), the Society records "Advice ignored" (document 9455369), and the statutory consultee found the raised lane wall "more overbearing in its relationship with the Bodley" (document 9457102, page 2); no drawing has changed. The comments find that the design "has minimised adverse impacts through articulation of the facades and setbacks" (document 9505685, page 3); a finding that the harm has been minimised, on a file that records the adaptations offered and none made, is not based on accurate facts.

6. The conservation officer's comments are given again, corrected, by Tuesday 29 September 2026, or the report is written on findings the Council's own file contradicts

One thing the comments do not do is stated so that the report does not do it for them: the comments weigh heritage effects only, and the applicant's public access offer of 5 August 2026 (document 9486713), made after the comments of 13 July 2026 and before those of 26 August 2026, is mentioned in neither. 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]), so the report cannot present the comments as having weighed it, and cannot treat it as reducing the harm the comments find.

CLAG asks the Council's conservation officer to give the comments of 26 August 2026 again, as the officer's own assessment of this application, corrected in the four respects below, and to place the corrected comments on the register by Tuesday 29 September 2026, before the report is written. The corrected comments:

1. state, for the harm to the Bodley Library's setting (section 2):
 - (a) the degree identified before any positive effect is set against it, and which effects on that setting are set against it;
 - (b) the positive heritage effects without the continued use among them;
2. assess the effect on the conservation area against the interest the Conservation Area Appraisal identifies, the key positive views included, state it in its HE5(2) category, and give reasons for any departure from the Council's findings of 2016, December 2024 and 2025 (section 3);
3. make the comparison with the consented design on both sides of the Council's own advice of 19 December 2024, and state that the harm found is in the scale (section 4);
4. state where the harm arises, on the building as the statutory consultee finds it or on the stair tower alone, and, if on the stair tower alone, the reasons for departing from the statutory consultee's finding (section 5).

The officer's comments record the Heritage Statement they reviewed as not describing the proposal: it "does not include subsequent revisions made to the chimney height and internal layout (consented under 25/02162/LBC)". CLAG's document accuracy letter, filed with this letter, asks the Council under section 62(3) of the Town and Country Planning Act 1990 to require a Heritage Statement that assesses the design applied for and to consult on it again (that letter, section 2). When that consultation comes, CLAG asks the officer to give the comments again on that statement, stating for each asset the HE5(2) category and the degree of harm.

This letter is the first occasion on which the optimum viable use point can be corrected at its source before a report is written.

If the comments are given again, corrected, by Tuesday 29 September 2026:

1. the report has no source for a degree of harm stated after weighing, for the continued use as a heritage benefit, or for an enhancement found on the applicant's measure. It has no source for a comparison that is wrong for the building above ground, or for a harm confined to the stair tower without reasons;
2. the harm the officer finds enters the report at the degree identified before weighing, beside the statutory consultee's finding. The weighing under HE6(1), HE6(3) and HE6(4) of the NPPF, the avoidance under HE4(1)(b) and the justification under HE4(2) are the case officer's step, and CLAG's case officer letter deals with them.

If the comments are left as they stand, whether by saying nothing or by stating that the comments of 26 August 2026 still apply:

1. a report that carries "lower end" as the degree misleads members as to the extent of the harm, and one that then finds no overall harm or weighs the same heritage benefits again repeats the inconsistency the second ground states (section 2);
2. a report that counts the continued use as a heritage benefit takes into account, for the second time and from the same source, the consideration the third ground concerns (sections 1 and 2);
3. a report that carries the enhancement finding supports the scheme under HE6(2) and answers the section 72(1) duty on a measure the designation does not contain. It departs from the Council's own findings without reasons and leaves three findings of harm on the Council's own register out of account (section 3);
4. a report that carries the comparison adopts a mistake as to an established fact and gives members the Council's conservation assessment on the central comparative fact, wrong for the building above ground. It leaves the less harmful alternative on the Council's own file out of account, which is the fourth ground (section 4);
5. a report that carries the stair tower as the harm found departs from the statutory consultee without the reasons a departure requires (section 5);
6. each error stands on the record before the report is written, and a report that relies on the comments as they stand is open to challenge on each.

CLAG sends this letter to the conservation officer directly, with the case officer in copy, and files it through the published addresses. It asks that the register record this letter, the date on which it reached the conservation officer, and the officer's corrected comments, so that members and the public see the same record.

Christ's Lane Action Group

residents@christs-lane.com