

CLAG: the environmental health officer letter (25 September 2026)

The Council's environmental health officer's consultation response of 20 July 2026 (document 9468203), reissued on 18 August 2026 (document 9499190; "the advice"), finds the scheme acceptable subject to conditions, on the premise that the application is "an almost identical resubmission" and that the reports of May 2025 "remain relevant / valid". The Odour Assessment and the Plant Noise Assessment the advice carries into its conditions by name and date describe the design before the amendment of August 2025, and the Odour Assessment assesses a discharge 900 mm higher than the chimneys drawn. The advice also treats documents approved in discharge of conditions under the 2025 permission as grounds for compliance conditions, where the Council's own email of 28 July 2026 says no such approval counts for this application, and that discharge record holds the officer's own finding of 20 March 2026 that "condition 7 cannot be discharged". The air quality benefit Christ's College ("the applicant") claims for the taller chimneys has not been reassessed for the chimneys as drawn. The advice's lighting condition requires an assessment of the artificial lighting at the residential properties before any is installed, and none has been provided for the light from the library windows that the applicant counts as a public benefit. CLAG asks the officer to give the advice again on the design applied for by Tuesday 29 September 2026, before the case officer's report to committee on this application ("the report") is written. If the advice is left as it stands, the report carries conditions tied to assessments of another design and counts benefits no document assesses

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). 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. It states every point it relies on, so that it stands on its own. Nothing in this letter is a request for a taller flue or chimney.

To: the Council's environmental health officer (Greg Kearney and David Abiorwerth, Environmental Quality and Growth Team, Cambridge City Council), 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 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.

Contents

1. The advice's conditions bind the applicant, by name and date, to assessments of the design before the amendment of August 2025, and the officer's own response of 25 September 2025 recorded the difference and assessed nothing
 2. The air quality benefit the applicant claims for chimneys 900 mm taller has not been reassessed for the chimneys as drawn, so no finding of the Council's own exists for the design applied for
 3. The advice requires an assessment of the artificial lighting at the residential properties before any is installed, and none has been provided for the light from the library windows onto Christ's Lane that the applicant counts as a public benefit
 4. The advice is given again on the design applied for by Tuesday 29 September 2026, or the report carries conditions tied to another design and counts benefits no document assesses
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1. The advice's conditions bind the applicant, by name and date, to assessments of the design before the amendment of August 2025, and the officer's own response of 25 September 2025 recorded the difference and assessed nothing

The advice finds the development "acceptable subject to the imposition of the condition(s) / informative(s) outlined below" on the premise that nothing has changed since July 2025. The design was amended in August 2025, after every report the advice names was written; the applicant says the reports were not changed; and the Odour Assessment assesses a discharge 900 mm higher than the chimneys drawn. DM6(1)(a) of the National Planning Policy Framework of 17 August 2026 ("the NPPF") permits a condition only where it is "Necessary to make the development acceptable in planning terms", and a condition that binds the applicant to an assessment of another design meets no such test (CLAG's conditions paper, Annex G, filed with this letter, section 1).

If the officer gives the advice again on the design applied for, the odour and noise assessments before members are assessments of the building the drawings show, and the conditions recommended are tied to them. If the advice is left as it stands, whether by saying nothing or by repeating that the earlier comments still apply, the report carries conditions tied to documents the application drawings contradict. A report that relies on the advice is open to judicial review in the respects at items 1 to 7.

1. The advice's premise, in its words (document 9499190): "The current application proposals appear to be an almost identical resubmission of planning application reference 25/02161/FUL, approved at Planning Committee on 29th October 2025."; "As no major / substantive changes or amendments are being proposed as part of this application, we maintain our support for the proposed development e.g. no objection and our previous updated and corrected comments etc remain relevant / valid."; and "All other submitted reports unchanged and remain relevant / valid", naming the Plant Noise Assessment (Cass Allen, 23 May 2025) and the Odour Assessment (Greenavon Ltd, 16 May 2025).
2. The design was amended after both reports were written. The applicant's amendment letter of 27 August 2025 on the earlier application (document 7357152 on the register of 25/02161/FUL) states of the chimneys: "This equates to a reduction in height of

c900mm.” (paragraph 1.3). The Council’s conservation officer recorded on 18 September 2025 (document 7370966 on that register, page 3): “The chimneys have been reduced in height by approximately 900mm”. The drawing on this register puts the top of the chimneys at “24530 Top of Chimneys” (drawing 004700, revision P03, document 9423880).

3. The reports were not changed. The applicant’s Covering Statement of June 2026 (Turley, document 9423967) states: “It should be noted that no changes have been made to the detail of the drawings nor consequently to the reports submitted in support of that application.” (paragraph 1.7). No revision of the Odour Assessment or the Plant Noise Assessment is on either register.
4. The Odour Assessment (Greenavon Ltd, revision V1, 16 May 2025, document 9423723; “the Odour Assessment”) assesses the discharge at the top of the chimneys as drawn in May 2025. Its schematic labels the flue “KITCHEN EXHAUST FLUE AT HIGHEST POINT OF BUILDING” (Appendix B, printed page 17), and its finding rests on that discharge point: “The Proposed Development would increase the height of the discharge, increasing the effective distance between the flue and nearby receptors. This would reduce the EMAQ+ risk to just high, representing an improvement.” (paragraph 5.2). The advice recommends the condition: “The kitchen ventilation / extraction and discharge system shall be constructed, installed, commissioned and maintained thereafter in accordance with the submitted ‘CHRIST COLLEGE CAMBRIDGE, NEW LIBRARY AND KITCHENS: Odour Assessment, Revision V1, 16/05/2025’, by Greenavon Ltd.” (document 9499190). A system built in accordance with that document discharges at a level the drawings do not show.
5. The officer’s own record noticed the difference and assessed nothing. The environmental health response of 25 September 2025 on the earlier application (document 7376364 on the register of 25/02161/FUL) states: “We have some concerns about the reduction in chimney height, in terms of the final kitchen cooking odour flue termination height discharge height and subsequent discharge, dilution and dispersal, which will be within one of the chimneys.” The response compared the amended design with the existing kitchen, not with the design the Odour Assessment had assessed: “However, the amended Proposed Development still represents an improvement on the current configuration of the kitchen exhaust / ventilation system and location, incorporating odour abatement equipment and a high-velocity discharge at the tallest part of the proposal. Therefore, on balance these amendments do not alter our previous position”. The Council’s report to its Planning Committee of 29 October 2025 on 25/02161/FUL (“the 2025 report”, cited by paragraph and by the page of the public reports pack of that date) carried the concern: “Whilst the reduction in the height of the chimneys is considered preferable in design terms, it is acknowledged as highlighted by the Environmental Health Officer, that this may compromise their effectiveness for ventilation.” (paragraph 20.45, page 167). The advice on this application does not mention the response of 25 September 2025 or the reduction.
6. The advice’s premise reaches past the reports to the approvals given under the 2025 permission. The response of 20 July 2026 (document 9468203) states that the earlier application was “approved at Planning Committee on 29th October 2025” and that a “formal Decision Notice granting permission with conditions was issued on the 7 November 2025”, and it treats documents “that have already been discharged” under that permission as the ground for a change of form: “Therefore, these previously recommended ‘pre-commencement’ conditions for these issues / topics could be compliance type conditions for this application, subject to planning officer judgement.” The reissued advice of 18 August 2026 repeats the passage unchanged. The Senior

Planning Lawyer's email of 28 July 2026 answers "Officers agree" to CLAG's requirement that no document approved in discharge of conditions under 25/02161/FUL be treated as approved for this application (Enclosure C to CLAG's conditions submission of 13 August 2026, document 9495878). So the advice rests on approvals the Council itself says do not count for this application.

7. The discharge record the advice relies on holds the officer's own refusal. On discharge application 25/02161/CONDG the Council's environmental health officer concluded on 20 March 2026: "Therefore condition 7 cannot be discharged and the additional info requested above is required.", listing the package under "Documents/drawing numbers to be refused"; 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; and the package filed on this application (document 9423966) is the same. The 2025 notice's plant noise condition, condition 23, ties the applicant to the Plant Noise Assessment of 23 May 2025 by name and date and contains no numeric criterion, and its condition 29 permits deliveries and refuse collections "09:00 - 1900 hours on Saturdays, Sundays and Bank Holidays" for the life of the building, beside the flats. (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; document 7405037 on the register of 25/02161/FUL; CLAG's conditions paper, Annex G, filed with this letter, section 7, items 3, 4, 6 and 7.)

Accurate advice states that the Odour Assessment and the Plant Noise Assessment describe the design as it stood in May 2025, and requires assessments of the design applied for before the officer advises and before the application is determined. CLAG asks for no higher discharge; it asks that the design applied for be assessed before it is decided on. If the advice is left as it stands, the report carries a condition tied to a document the drawings contradict, and rests on assessments the Council's own officers record as describing another design. It leaves the officer's own concern of 25 September 2025 and the officer's own finding of 20 March 2026 out of account (*R (Friends of the Earth Ltd) v Heathrow Airport Ltd* [2020] UKSC 52 at [116] to [121]), and an in house specialist's objection that the report neither confronts nor notes is an error of law that misleads members (*R (Liverpool Open and Green Spaces CIC) v Liverpool City Council* [2020] EWCA Civ 861 at [77], with [74] and [81]).

2. The air quality benefit the applicant claims for chimneys 900 mm taller has not been reassessed for the chimneys as drawn, so no finding of the Council's own exists for the design applied for

The applicant claims an air quality benefit from the chimneys standing above the neighbouring buildings. The chimneys were lowered by 900 mm after that claim and after the officer's memo of July 2025 on the earlier application for the identical scheme, 25/02161/FUL, attached to the advice as Appendix A ("the July 2025 memo") were written, and no assessment of air quality for the chimneys as drawn is on the register. The 2025 report gave the July 2025 memo's finding as the Council's own.

If the officer gives the advice again with the officer's own finding on air quality for the chimneys as drawn, on an assessment of that design, the report carries the Council's own finding. If the advice is left as it stands, the report carries a finding made for another design as the finding for this one, and counts a benefit claimed for a design that is not the one applied for.

1. The applicant's own statement of the benefit: "The Chimneys are not only exhausting stale air from the building but are also used as a route for Kitchen Exhaust. Increasing the height of these Chimneys above the library and adjacent neighbouring buildings

therefore improves air quality within the area.” (Planning Statement, Turley, document 9423963; “the Planning Statement”; paragraph 7.29, page 34). The Planning Statement is dated May 2025 on its face, and the chimneys applied for are 900 mm lower than the chimneys it describes (section 1, item 2).

2. The July 2025 memo states “No air quality related operational concerns” (document 9499190, Appendix A), and the 2025 report gave the finding as the Council’s own: “It is agreed that there will be a beneficial rather than negative impact on air quality and odour. As a result, Local Plan Policy 36 will be complied with” (paragraph 6.17, page 131). Both were written for the chimneys as drawn in May 2025.
3. No assessment of air quality for the chimneys as drawn is named in the advice, and the applicant states that no report has changed (section 1, item 3).

Accurate advice states the officer’s own finding on air quality for the chimneys as drawn, on an assessment of that design, in the officer’s own words. CLAG asks for no higher chimney; it asks that the design applied for be assessed and that the finding be the officer’s. If the advice is left as it stands, the report gives members, as the Council’s environmental health assessment of this application, a finding made for another design (*R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314, [2019] PTSR 1452 at [42]). The benefit the applicant claims for the taller chimneys is counted without having been assessed for the chimneys as drawn.

3. The advice requires an assessment of the artificial lighting at the residential properties before any is installed, and none has been provided for the light from the library windows onto Christ’s Lane that the applicant counts as a public benefit

The advice recommends a condition under which an artificial lighting impact assessment, with predicted lighting levels at the existing residential properties, is submitted and approved before any artificial lighting is installed. The 2025 report gave as the reason for the same condition that limited information had been provided, and the applicant states that none of its documents has changed since. The applicant counts the light from the library windows onto Christ’s Lane at night as a public benefit and, in the chapter of its Planning Statement addressed to the residents opposite, assures them that the same light will not disturb them. No document on the register measures the light. P3(2)(e) of the NPPF, its policy on the amenity of neighbours, requires that a proposal “Limit any adverse impact from artificial light on local amenity”, and the condition is the only instrument on the file that performs it.

If the officer gives the advice again, stating whether any lighting assessment has been provided and requiring one before the application is determined, the report has before it the Council’s own officer’s statement on the light. That statement is that the light the applicant counts as a benefit is unassessed, and is to be predicted and controlled as a potential disturbance. If the advice is left as it stands, a report that counts the light as a public benefit counts a benefit no document on the register measures, against the Council’s own condition and the Council’s own 2025 record.

1. The condition, in the advice’s words (document 9499190, “Artificial Lighting”): “Prior to the installation of any artificial lighting an artificial lighting impact assessment and scheme shall be submitted to and approved in writing by the local planning authority. Internal lighting within the proposed covered Library Court shall also be considered. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken (horizontal / vertical isolux contour light levels and calculated glare levels).” The 2025 report carried the same condition with the reason:

"Limited information has been provided regarding the details of any artificial lighting within the application site. Given the potential sensitivity with nearby residential properties, a condition requiring an impact assessment and lighting scheme is required prior to the installation of any artificial lighting." (paragraph 20.48, page 168).

2. The applicant counts the light as a public benefit, in three places. The Planning Statement counts "diffused lighting out of the new library" among the public benefits, "with benefits in terms of safety (and perception) of those using Christ's Lane" (paragraph 8.13, page 49). The applicant's presenter told the Development Control Forum of 29 July 2026 that the new frontage would bring "more light pouring into the lane" (CLAG's transcript extract of the meeting, filed with this letter, "the DCF record", entry 4.20). The Bursar's letter to all City Councillors of 11 June 2026 states: "Light from the windows of the new Library will cast light on Christ's Lane in the dark, improving the sense of security for pedestrians." (document 9465769).
3. The same Planning Statement, in the chapter addressed to the residents of Bradwell's Court, states: "The new windows are not considered to be large enough or in locations where diffused light from within would cause disturbance to the residents on the opposite of Christ's Lane, particularly in a city centre location where night-time lighting levels are relatively high." (paragraph 7.74). The Design and Access Statement (Grafton Architects, part 2, document 9423961, printed page 44) states: "As the Library will be opened 24 hours a day, the presence of light on the Lane from the windows at night will create an added sense of security. Light will be controlled so that residents are not disturbed at night." The claim and the assurance rest on the same light, and no document measures it. The windows that would cast it start high in the wall. On the same page the section across the lane draws the lane at level 10.335 and the library's first floor, where the sill of the lowest lane window is drawn, at 12.160. So the lowest sill stands 1.825 metres above the lane, CLAG's subtraction of the applicant's two levels, and the residents' windows opposite face the library windows across a lane the same drawing dimensions at 5.665 metres. CLAG's technical note on the light, Exhibit E3b to the DCF record, filed with this letter, 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.
4. CLAG has found no artificial lighting impact assessment, and no prediction of lighting levels at the residential properties opposite or on the lane, on the register of this application or of the earlier one. The condition names "Internal lighting within the proposed covered Library Court" and does not name the library windows onto Christ's Lane, which face the residents' windows of Bradwell's Court across the lane.

Accurate advice states whether any artificial lighting impact assessment, or any prediction of lighting levels at the existing residential properties, has been provided on this application, and identifies it if it has. Accurate advice also requires that assessment, covering the light from the library windows onto Christ's Lane at the residential properties opposite and on the lane, before the officer advises and before the application is determined. If the advice is left as it stands, a report that counts the light as a public benefit counts a benefit no document on the register measures, and misleads members on a matter of fact (Mansell at [42]).

4. The advice is given again on the design applied for by Tuesday 29 September 2026, or the report carries conditions tied to another design and counts benefits no document assesses

CLAG asks the Council's environmental health officer to give the advice again as the officer's own assessment of the design applied for, and asks that it be placed on the register by Tuesday 29 September 2026, before the report is written. The advice given again:

1. states which of the reports the advice names describe the design applied for, and which describe the design before the amendment of August 2025 (section 1);
2. requires assessments of the kitchen discharge as drawn and of the plant noise for the design applied for, provided before the officer advises on odour and noise and before the application is determined (section 1);
3. states the officer's own finding on air quality for the chimneys as drawn, on an assessment of that design, in the officer's own words (section 2);
4. states whether any artificial lighting impact assessment, or prediction of lighting levels at the existing residential properties, has been provided on this application, and identifies it if it has. It also requires that assessment, covering the light from the library windows onto Christ's Lane, before the officer advises and before the application is determined (section 3);
5. states whether the construction noise package filed on this application (document 9423966) answers the officer's own finding of 20 March 2026 that "condition 7 cannot be discharged", and what in it has changed since that finding (section 1);
6. states whether the officer has at any time expressed the view the applicant's letter of 1 August 2026 attributes to the officer, that the loss of daylight to the shop windows opposite "is simply not a material planning issue" (document 9481026, page 2), and identifies where. Neither response of the officer mentions daylight (CLAG's design and development plan paper, filed with this letter, section 4, item 10).

If the advice is given again by Tuesday 29 September 2026, the report carries the Council's environmental health advice on the building the drawings show, and the conditions recommended are tied to assessments of that building. The odour, air quality and light effects the applicant counts as benefits are then before the case officer as assessed or as unassessed. Whether any of them is a public benefit under HE6(4) of the NPPF, its weighing of harm to a designated asset against public benefits, is the case officer's step, and CLAG's letter to the case officer, filed with this letter ("the case officer letter") deals with it.

If the advice is left as it stands, whether by saying nothing or by stating that the comments of July 2025 still apply, the advice is wrong on the facts in the respects at sections 1 to 3, each shown from the applicant's own documents and the Council's own record. A report that relies on it is open to judicial review in each respect:

1. the report carries conditions tied to documents that describe another design, and no condition that requires compliance with an assessment of another design is "Necessary to make the development acceptable in planning terms" (DM6(1)(a) of the NPPF, its policy on the use of planning conditions; section 1);
2. the report leaves the officer's own concern of 25 September 2025 and the officer's own finding of 20 March 2026 out of account (Friends of the Earth at [116] to [121]; Liverpool Open and Green Spaces at [77]; section 1);
3. the report rests conditions on approvals given under the 2025 permission that the Council's own email of 28 July 2026 says do not count for this application (section 1);
4. the report gives members a finding made for another design as the Council's environmental health assessment of this one (Mansell at [42]; section 2);
5. the report counts as a public benefit a light its own officer's condition requires to be assessed before installation and no document measures (Mansell at [42]; section 3);
6. each error stands on the record before the report is written.

CLAG sends this letter to the environmental health 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 environmental health officer, and the officer's advice given again, so that members and the public see the same record.

Christ's Lane Action Group

residents@christs-lane.com