

Dominic Bush, Case Officer
Greater Cambridge Shared Planning Service

By email to: Dominic.Bush@greatercambridgeplanning.org

4 October 2026

Dear Mr Bush,

Planning application reference 26/02109/FUL
Christ's College Library

I wish to place on record a supplementary objection to this application on behalf of the Christ's Lane Action Group (CLAG).

I attach a summary of the issues already raised in some detail by CLAG, and I request formally that this letter and the summary be put before Planning Committee members on Wednesday.

It seems most surprising that a local planning authority of the standing of Cambridge City Council should be prepared to entertain such an abuse of proper planning process. If the Committee were to grant planning permission on the basis of what is currently before it, it would appear to be walking inevitably into another - and entirely foreseeable and avoidable - legal challenge.

I therefore urge the Committee to refuse the application. If this does not happen, at the very least determination of the application should be postponed until the High Court judgement is handed down, and all parties have had the opportunity to reflect upon it.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Hepher', with a stylized flourish at the end.

Roger Hepher BA MTP FRICS MRTPI
Executive Director

SUMMARY REPORT: EIGHT CORE CRITICISMS OF THE OFFICER REPORT (APPLICATION 26/02109/FUL)

Executive Summary

Following formal judicial review proceedings (*R (Christ's Lane Action Group) v Cambridge City Council*), Cambridge City Council admitted in writing to the High Court that its planning committee was misled on four separate grounds when previously approving application 26/02109/FUL. Despite these concessions, officers published a replacement officer report on 30 September 2026, resubmitting the identical application for committee approval on Wednesday 7 October 2026—just 13 days prior to the High Court substantive hearing fixed for 20 October 2026 by Order dated 29 September 2026. Not a single drawing or plan has been modified. The new officer report relies on newly manufactured spatial and fire safety claims, an ultra vires disapplication of statutory biodiversity law, the inappropriate disengagement of Local Plan tall buildings policy, the rewriting of statutory consultee advice from Historic England, and the reintroduction of a conceded non-benefit. The report entirely fails to perform the statutory assessment required under Section 38(6) of the Planning and Compulsory Purchase Act 2004, rendering any resulting permission fatally vulnerable to further judicial review.

Detailed Breakdown of the Eight Core Criticisms

Criticism 1: Fabrication of Minimum Height and Fire Escape Requirements

- Following the Council's court concession that its previous "no overall harm" finding was legally indefensible, officers required a novel justification for the excessive scale of the proposed building adjacent to the Grade I listed Bodley Library.
- The report invents two previously unasserted rationales: first, that the building's scale "is required" to meet facility operational needs; second, that the upper tower element provides a fire escape to upper levels requiring a "minimum height requirement".
- An examination of the public register demonstrates these claims are unevicenced. The public file contains no fire strategy, no operational spatial assessment establishing that college needs cannot be met within a lower envelope, and no prior reference to a "minimum height requirement".

Criticism 2: Refusal to Consider Previously Approved Lower Library Alternatives

- Planning policy (NPPF HE4(1)(b)) requires planning authorities to assess whether harm to Grade I assets can be avoided via less harmful alternatives before excusing such harm.
- The Council previously granted planning permission on this exact site for lower, less harmful library schemes in 2013 and 2016. The 2016 officer report formally concluded that a lower scheme with subterranean basement space "would meet the needs of Christ's College".
- Officers failed to conduct an independent assessment of alternative schemes, uncritically adopting the applicant's rejections of three viable options (the twice-approved lower scheme, the residents' design, and the College's 2023 masterplan). In doing so, officers fettered their planning discretion. Furthermore, the report dismissed the 2023 masterplan by introducing an irrelevant distraction regarding a "car park on Hobson Street"—a proposal never made by objectors.

Criticism 3: Unlawful Disregard of Statutory Biodiversity Law and Overruling of Tree Officer

- A two-storey, 350 sq m temporary kitchen block proposed for Second Court harms adjacent Grade I listed ranges. Officers disengaged the mandatory statutory biodiversity gain condition under Schedule 7A of the Town and Country Planning Act 1990 by declaring compliance was not "reasonable" due to its "temporary nature"—a criterion absent from the statute. Interpreting "temporary" as an implied exemption constitutes an ultra vires reading of an Act of Parliament. Statutory temporary exemptions (SI 2026/790) do not apply retroactively to this June 2026 application, and the scheme exceeds the absolute 25 sq m statutory threshold (SI 2024/47).
- The Council's Tree Officer formally reported in February 2026 that depriving an adjacent Acacia tree in Second Court of hydration was "totally unacceptable" and requested refusal. The report downgrades this

to mere "concerns", omitting that the Acacia tree has since died (site history 26/0818/TTCA following discharge 25/02161/CONDA/B).

- Condition 9, cited by officers as guaranteeing site restoration, relates exclusively to tree protection measures and contains no enforceable mechanism requiring the removal of the kitchen block.

Criticism 4: Misapplication and Disregard of Local Plan Policy 60 (Tall Buildings)

- Policy 60 of the Cambridge Local Plan 2018 applies to any building breaking the existing skyline or significantly taller than surrounding form, requiring proof of "no adverse impact" and adequate daylighting. Spot-height measurements on Drawing 004700 P03 confirm the new parapet reaches 22.83m (22830), overtopping the Grade I Bodley Library gable at 20.84m (20840) by approximately 2 metres (13m main building height, 14.6m chimneys).
- Officers misdirected themselves by ruling Policy 60 "not engaged". First, they misapplied a 19m threshold from Appendix F—a trigger for automatic assessment—as an exclusion threshold for heritage-sensitive sites. Second, officers compared height solely to one structure across the lane (which stands at 10.3 metres at the street frontage) while ignoring the lower surrounding Grade I ranges.
- The policy was bypassed to avoid scheme failure: daylight testing confirms 37 of 59 opposite windows fail standard tests (Daylight Report 9423969).

Criticism 5: Misrepresentation and Rewriting of Historic England's Advice

- Historic England explicitly advised that the proposed building is "too big for its location", citing harm caused by "excessive bulk" and overdominance relative to First Court and the Bodley Library.
- Following the Council's High Court concession that it previously misled councillors by summarising this objection as "No Objection", the replacement report quotes the advice in the summary section but deliberately rewrites its meaning in the main appraisal.
- Officers falsely inform committee members that heritage harm is restricted to the staircase design, and assert that Historic England agreed harm was "at the lower end of the scale"—a quantification Historic England never made.

Criticism 6: Arbitrary Harm Rating and Double-Counting of Conceded Benefits

- The report rates heritage harm as "low" without rational planning justification. This figure was derived from a Conservation Officer assessment that netted off gross harm against the "ongoing use" of College buildings—a factor admitted in court to be an invalid benefit.
- As established in *R (Juden) v Tower Hamlets LBC* [2021] EWHC 1368 (Admin) and *City and Country Bramshill Ltd v SSCLG* [2021] EWCA Civ 320, public benefits cannot be netted off to diminish gross heritage harm prior to the planning balance (see also *R (Guardians of Whitewebbs Park CIC) v Enfield LBC* [2026] EWHC 1916 (Admin) at [108], [120] and *R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314 at [42]).
- The report commits a double-counting error by taking this net "low harm" figure, counting "ongoing use" a second time as a social benefit in the overall balance, and falsely attributing the harm rating to Historic England. Independent expert appraisal (9458570, para 58) confirmed harm is at the "upper end of the scale".

Criticism 7: Unlawful Avoidance of the Local Plan Statutory Test

- Section 38(6) of the Planning and Compulsory Purchase Act 2004 mandates that planning applications be determined in accordance with the Development Plan as a whole unless material considerations indicate otherwise (*R (Lensbury Ltd) v Richmond upon Thames LBC* [2016] EWCA Civ 814; *R (Hampton Bishop PC) v Herefordshire Council* [2014] EWCA Civ 878).
- Despite identifying direct conflicts with Local Plan heritage policies and city centre policies, the phrase "as a whole" appears nowhere in the report. Officers failed to determine whether the scheme complies with the Development Plan overall or constitutes a formal departure.
- Instead, officers inappropriately conflated the NPPF "presumption in favour of sustainable development" directly into the heritage balance, substituting an inapplicable national presumption for the statutory test.

Criticism 8: Improper Reintroduction of Previously Conceded Non-Benefit

- In April 2026 High Court filings (Statement of Matters, paras 10 & 12), the Council conceded that claiming the library secured the "optimum viable use" or sustained ongoing operational use of 500-year-old structures was a legal error, as existing uses continue regardless of this application.
- Crucially, paragraph 7.99 of the applicant's own Planning Statement (9423963) confirms that "staff and student numbers will remain as per existing", legally proving zero operational enhancement to sustain ongoing use.
- While the new report's summary claims this conceded benefit is excluded, the final heritage balance explicitly reinstates it under social benefits ("support and sustain the ongoing use of the Grade I listed College buildings"), affording it "significant weight".