

Oxford City Planning Committee

7th December 2021

Application number:	21/02884/CT3		
Decision due by	24 th January 2022		
Extension of time	N/A		
Proposal	Installation of ground source heat pump comprising slinkies/pipes within lake connected to main building with below ground pipes		
Site address	Hinksey Outdoor Swimming Pools, Abingdon Road, – see Appendix 1 for site plan		
Ward	Hinksey Park		
Case officer	Michael Kemp		
Agent:	Mr D Parry-Jones	Applicant:	Oxford City Council
Reason at Committee	The application is for non-residential development and the site area comprises more than 1 hectare.		

1. RECOMMENDATION

1.1. The Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report; and subject to no objections being raised by the Environment Agency by Friday 10th December 2021 and grant planning permission; and

1.1.2. **Agree to delegate authority** to the Head of Planning Services to:

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.
- Negotiate minor amendments to the planning application, if necessary in order to address any comments or objections specifically raised by the Environment Agency if received by 10 December 2021 or prior to the determination of the application.
- Decide whether to refer the application back to the Planning Committee in the event that any objections raised by the Environment Agency cannot be resolved; or where the need to address any objections raised would necessitate substantial amendments to the scheme as presented to members of the committee.
- To negotiate measures to secure the compensatory storage of flood water

within the application site in order to address volumetric displacement of flood water resulting from the installation of the water source heating coils and supporting pipework and, as a consequence of requiring such measures, to impose any additional conditions on the planning permission if considered necessary by the Head of Planning Services.

- Issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. The application proposes the installation of a closed loop water source heat pump within Hinksey Lake. This would provide a source of heating for Hinksey outdoor pool with the aim of downscaling boilers on site and reducing carbon emissions for this Council owned asset. The development would achieve a significant reduction in carbon emissions (324,000kg) aligning with the Council's wider objectives to decarbonise the Council and the objectives outlined under Policy RE1 of the Oxford Local Plan. This would represent a significant public benefit in environmental sustainability terms.

2.2. The siting of the underground cables accounts for the need to minimise the impact on existing trees adjacent to Hinksey Lake. The number of trees which would be removed has therefore been kept to a minimum and would be limited to lower value specimens, therefore minimising the visual impact associated with the development and ensuring compliance with Policy G7 of the Oxford Local Plan. The underground pipes would not be visible and the water source installation would be located on the lake bed and fully submerged below the surface, therefore the direct visual impact of the works would be negligible.

2.3. In accordance with Policy RE3 of the Oxford Local Plan and Paragraph 167 of the NPPF, the development is accompanied by a site specific Flood Risk Assessment (FRA) as areas of the site fall within Flood Zones 3b and Flood Zone 2. The proposed development would constitute, essential infrastructure permissible within Flood Zone 3b which in principle would be permitted in line with the NPPF and related NPPG. The Environment Agency are a statutory consultee on the planning application as the proposals involve works falling within Flood Zone 3, however despite being consulted the EA have failed to respond within the statutory timeframe required. The recommendation listed in Section 1.1.2 of this report would allow sufficient flexibility for officers to negotiate minor amendments to the proposed plans or other supporting documents in the event that the Environment Agency were to object to the application following this committee and a resolution from members.

2.4. Officers also seek delegated authority to agree an acceptable compensatory scheme to account for volumetric displacement of water from Hinksey Lake, arising from the siting of the coils and piping associated with the water source heating infrastructure. This must be provided ahead of the issuing of planning permission. It is however the view of officers that any additional flood risk arising from the development can be satisfactorily addressed and therefore the works would not present an increased risk of flooding and would comply with Policy RE3 of the Oxford Local Plan.

2.5. The application is accompanied by a Preliminary Ecological Appraisal which clarifies that the development would not result in harm to protected species or biodiversity. An acceptable scheme of ecological enhancements is proposed, which includes mixed bulb planting, log piles and bat and bird boxes. The development is therefore considered to comply with Policy G2 of the Oxford Local Plan.

2.6. For the reasons outlined in this report, officers recommend approval of the application subject to planning conditions and the provision of an acceptable scheme to provide flood compensation and there being no insurmountable objections raised by the Environment Agency by 10 December 2021 or prior to the determination of the application.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

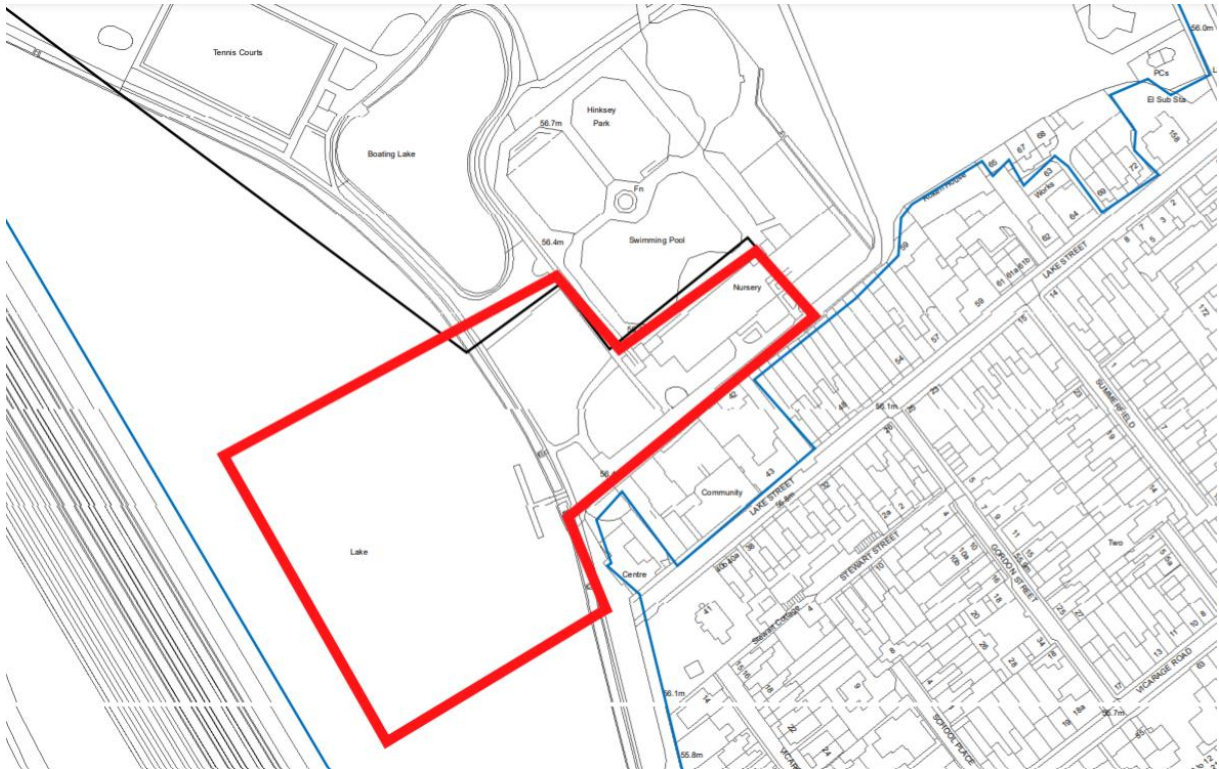
5.1. The application site contains part of Hinksey Lake and a section of Hinksey Park adjacent to the outdoor swimming pool. Hinksey Lake is used for a variety of recreation purposes including for angling as well as use by a local scuba club.

5.2. The area of the park contained within this planning application includes an area of grass amenity space and two pedestrian access paths. There are a number of trees of varying sizes and maturity located within the red edged area of the application site.

5.3. The Hinksey outdoor pool lies to the north of the red edged site and is an open air pool used by the public between April and September. The pool is surrounded by boundary hedging and fencing. The park contains a range of other facilities and features, including a boating lake to the north of the application site, tennis courts and open areas of public space.

5.4. The nearest buildings beyond the boundaries of the park are located to the south and south east at Lake Street, this includes the South Oxford Community Centre, South Oxford Health Centre and a number of residential properties.

5.5. See location plan below:



6. PROPOSAL

- 6.1. The application proposes the installation of a closed loop water source heat pump in Hinksey Lake. This would provide a source of heating for the Hinksey outdoor pool with the aim of downscaling the use of existing boilers and reducing overall carbon emissions.
- 6.2. The water source installation would be located on the bed of the lake and would be entirely submerged. Below ground piping would be laid between the lake and the buildings alongside the open-air pool. The piping would enter into the basement area of the pool building, where a new plantroom would be provided. All of the proposed infrastructure would be below ground level and would not be visible.
- 6.3. The site plan makes reference to the formation of a substation and enclosure area to the side of the pool building, this includes the erection of an acoustic fence. For the avoidance of doubt, officers can clarify that the substation and enclosure does not form part of this planning application as the proposed works would be permitted development and do not require planning permission.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

59/08668/A_H - New building for changing accommodation for swimming baths.
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Permitted 8th December 1959.

60/08668/A_H - Changing accommodation and café.. Permitted 12th July 1960.

78/00036/G_H - Demolition of roof cafe and 4 no. external staircases. Erection of new roof to changing rooms at swimming pool.. Permitted 13th February 1978.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	DH1 - High quality design and placemaking
Natural environment	91-101	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G5 - Existing open space, indoor and outdoor G7 - Protection of existing Green Infrastructure
Social and community	102-111	V7 - Infrastructure, cultural and community
Transport	117-123	M2 - Assessing and managing development
Environmental	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE7 - Managing the impact of development RE8 - Noise and vibration

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4th November 2021 and an advertisement was published in Oxford Times newspaper on 4th November 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The proposals to install a heat pump in order to reduce the fossil fuel heating of the pool would not have a material impact on the operation of the pool in transport terms. There will be impacts during the construction process which would likely impact on access and the foot/cycle routes through the area. For this reason it is recommended that a Construction Traffic Management Plan should be provided.

Oxfordshire County Council (Drainage)

9.3. No objection

Natural England

9.4. No comments

Environment Agency

9.5. No comments have been received during the statutory timeframe for comment.

Public representations

9.6. No public comments have been received in relation to this application.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Visual Impact
- Neighbouring amenity
- Highways and Access
- Flood Risk
- Ecology

Principle of development

10.2. The installation of the closed loop water source heat pump will allow for a downscaling of the existing fossil fuel boilers currently used to heat the outdoor swimming pool at Hinksey Park. The submitted Energy Statement provides an estimate that the heat pumps will deliver approximately 79% of the annual heating profile for the outdoor pool.

10.3. The application is submitted with the intention of achieving a significant reduction in carbon emissions from council buildings, aligning with the Council's wider objectives. In principle, the proposals are considered to align with Policy RE1 of the Oxford Local Plan, which outlines the importance of low carbon technology in improving the sustainability of buildings, in this case an existing well-used recreation facility and would constitute a significant public benefit in environmental sustainability terms. It is estimated that annual carbon reductions would be in the region of 324,000kg to 359,700kg. In context carbon reductions of 324,000kg would equate to 1,677,019 miles travelled by car, therefore the benefits of the development in terms of carbon reductions would be significant.

Public Open Space and Recreation Land

- 10.4. Hinksey Park is an important public open space which provides a valued recreation function for the local community. The outdoor swimming pool is an important sports and recreation facility which is well used during the months when it is operational. Open spaces and outdoor sports and recreation facilities are afforded statutory protection under Policy G5 of the Oxford Local Plan. The policy provides protection against the loss of these facilities. Hinksey Lake is also used for recreation purposes including for angling and scuba diving. Whilst it is understood that people also use the lake informally for swimming, this is contrary to signage discouraging swimming in the lake.
- 10.5. The proposed piping and servicing would be below ground level and would not result in the loss of any areas of useable public open space within the areas of the park contained within the red edged area of the application site. The proposed infrastructure within the lake would be below the surface and would not impact on recreational use of the lake.
- 10.6. It is therefore considered that the proposed development would not conflict with Policy G5 of the Oxford Local Plan as the proposals would not result in the loss of public open space or space used for sports or recreational purposes.

Design and Visual Impact

- 10.7. The proposed infrastructure would all be located below ground level and below the surface of the lake and would therefore have no significant impact in visual terms.

Impact on neighbouring amenity

- 10.8. The nearest residential dwellings are located to the south west of the site at Lake Street. This includes existing flats at No.42 Lake Street and No.43 and the existing row of terraced houses backing onto the site (Nos.44 to 51 Lake Street). These properties are located to the front of the existing pool building.
- 10.9. The installation would be buried and noise from the flow of the coolant would be inaudible. The equipment would be stored within the pool plant room over 30 metres from the nearest adjoining properties. It is therefore considered that the development would not impact detrimentally on the amenity of surrounding properties by reason of noise generation and consequently the proposals would not be contrary to Policy RE8 of the Oxford Local Plan.

Highways/Access

- 10.10. The development following implementation would have no impact on access arrangements for vehicles or pedestrians/cyclists, other than where temporary closures of pedestrian routes through the park may be necessary to lay below ground services during the construction phase of the development.
- 10.11. In the absence of details relating to the management of construction operations and the impact on the local road network or localised pedestrian routes including routes into and through the park, a Construction Traffic Management Plan will be required and sought by planning condition. Officers are

however satisfied that the temporary construction impacts associated with the development can be appropriately mitigated and managed, therefore subject to the submission of an appropriate CTMP, the development is considered to comply with Policy M2 of the Oxford Local Plan.

Flooding

10.12. The areas immediately surrounding the lake fall within Flood Zone 3b which constitutes functional floodplain land. The remainder of the red edge site falls within Flood Zones 3a and 2. Policy RE3 of the Oxford Local Plan states that planning permission will not be granted for development in Flood Zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk.

10.13. In accordance with Policy RE3 of the Oxford Local Plan and Paragraph 167 of the NPPF, the development is accompanied by a site specific Flood Risk Assessment (FRA). The proposed development would constitute essential infrastructure as this would be used as a means of providing a sustainable source of heating to the Hinksey Pool. As the development would constitute essential infrastructure, this would meet one of the exceptions, whereby development would be permissible in Flood Zone 3b in line with Policy RE3 of the Oxford Local Plan.

10.14. Policy RE3 also requires that where development is proposed in Flood Zone 3b, the following criteria must be met:

a) It will not lead to a net increase in the built footprint of the existing building and where possible lead to a decrease; and

b) It will not lead to a reduction in flood storage (through the use of flood compensation measures) and where possible increase flood storage; and

c) It will not lead to an increased risk of flooding elsewhere; and

d) It will not put any future occupants of the development at risk.

10.15. The coils and supporting pipes associated with the water source heating infrastructure would equate to 17,596 litres in displaced flood storage, as this will reduce the capacity of the lake, albeit to a relatively minor degree accounting for the overall size of the lake. To compensate for the loss of volumetric flood storage, further compensatory flood storage will be required. The Council's Flood Mitigation Officer has identified that this is a matter which will need to be addressed prior to the issuing of planning consent. Further clarification is required from the applicants as to the precise scope of the compensatory flood storage and the design of this and further detail has been requested by officers from the applicant's drainage consultants. Consultation with the Council's Flood Mitigation Officer suggests however that this is a matter which could be readily resolved, as there is scope for a variety of compensatory works to be carried out within the quite extensive area of the application site. Delegated authority is sought by officers to agree an acceptable means of securing flood compensation

within the application site should members resolve to accept the officer's recommendation to grant planning permission.

10.16. The Environment Agency (EA) is a statutory consultee on this planning application, as the proposals involve works falling within Flood Zone 3. The EA have been consulted on the planning application but have failed to respond within the statutory timeframe required notwithstanding further requests giving them the opportunity to comment on the application. It is not therefore known at this stage whether the EA wish to raise any concerns regarding the proposal; raise no objection to the development; or indeed intend to comment on the application. Whilst the EA are an important statutory consultee it would be unreasonable to indefinitely withhold issuing a decision on the planning application, as it is the responsibility of the EA as a statutory consultee to respond within the required timeframe, or as a minimum to notify officers of their intention to comment on an application. Notwithstanding this, as the EA are an important consultee, the recommendation to members is to delegate authority to the Head of Planning Services to allow sufficient flexibility, where necessary to negotiate minor amendments to the proposed plans or other supporting documents in the event that the Environment Agency were to object to the application providing that any concerns can be readily addressed without the need for substantial amendments to the proposed plans. The recommendation includes delegation to the Head of Planning Services to refer the application back to the planning committee in the event that any concerns or objections raised by the EA cannot be overcome, or where such changes require substantial amendments to be made to the proposed plans presented to members. A deadline of 10 December 2021 for receiving the EA's comments has been recommended in order to avoid an unreasonable delay in determining this application.

10.17. Subject to securing appropriate measures to compensate for the loss of the volumetric storage within the lake, officers are satisfied that the proposals would not lead to an increased risk of flooding and the proposals would comply with Policy RE3 of the Oxford Local Plan.

Trees

10.18. The application is accompanied by an Arboricultural Assessment and Method Statement, which includes a survey of existing trees on the application site. The underground cables have been proposed in a position where this would avoid the removal of the large existing group of trees located in the centre of the open space near the lake.

10.19. The submitted tree protection plan (TPP) shows trench routes designed to minimise tree impact on adjacent trees. Tree removals include some water-side willows, a small group of low quality shrubs and seedling trees and 7 stems from within a linear group of lawson cypress trees. Those trees that are proposed for removal are mostly weaker than their neighbouring (retained) specimens. Nine trees are to be removed to facilitate this proposal. They comprise poor or low quality (category U and C), trees, one moderate quality tree (category B) and an ornamental conifer of modest landscape value.

- 10.20. The Arboricultural Impact Assessment (AIA) includes details of special measures of excavation within Root Protection Areas of retained trees and barrier fencing across the work site; the details of which are acceptable. Details are also provided of an Arboricultural Monitoring Programme.
- 10.21. Overall it is considered that the removal of the trees is justified in terms of facilitating the development and the removal of trees has been minimised through careful routing of the piping to avoid unnecessary removal of higher category trees of greater visual amenity value. It is therefore considered that the proposals adequately preserve the visual amenities of the area in accordance with Policy G7 of the Oxford Local Plan.

Ecology

- 10.22. Hinksey Lake has been proposed for inclusion as a Local Wildlife Site (LWS) as the lake has been identified as a valuable site for birds, though the site does not currently have statutory designation or protection as a wildlife site at present.
- 10.23. The red edged site area includes areas of amenity grassland within Hinksey Park which include a number of mature trees and shrubs. The lake is concrete sided and minimal aquatic vegetation has established, though there is low level vegetation and water-side willows.
- 10.24. The application is accompanied by a Preliminary Ecological Appraisal, this includes an appraisal of protected species affected by the development. The appraisal concludes that whilst there are trees on the site, which offer moderate bat roosting potential, these trees would not be affected by the route of the proposed underground piping. The trees on the pipeline route indicated for removal do not offer suitable bat roosting features.
- 10.25. The general habitat of the lake contained within the application site is assessed to be of low suitability to support Great Crested Newts as the lake embankment is constructed from concrete and there is little aquatic vegetation. The lake has suitability for a range of waterfowl, but is assessed as having low suitability for other riparian wildlife including water vole, otter or water shrew.
- 10.26. Areas of long Sword Grass offer potential to support reptiles including slow worm and grass snake, however the majority of the application site comprises of hardstanding and closely mown amenity grass and is not suitable.
- 10.27. The impact on the proposed LWS at Hinksey Lake is likely to be minimal as the pipework will be submerged, with installation achieved by using a series of small boats, therefore causing minimal impact to breeding or wintering birds. The risk to the LWS as outlined in the ecology report is adjudged to be negligible, this assessment has been supported by the Council's Ecologist.
- 10.28. A scheme of ecological enhancements is proposed, this includes mixed bulb planting, log piles and bat and bird boxes. The proposed enhancement measures are considered acceptable and would be secured by planning condition.

10.29. The proposals are considered to comply with the provisions of Policy G7 of the Oxford Local Plan.

11. CONCLUSION

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3. The application would allow for the installation of water source heating, providing heating for Hinksey Pool and reducing dependence on the existing fossil fuel dependent boilers. The water source heat pump units would be located on the lake bed of Hinksey Lake, whilst the supply piping would be below ground and consequently the installation would have a negligible visual impact.

11.4. The siting of the below ground piping accounts for the need to minimise the removal of adjacent trees in Hinksey Park, which would be limited to a relatively small number of lower quality specimens. The siting of the proposed below ground piping and water based equipment would also have a minimal impact on site ecology, accounting for the nature of the works and the location of the installation.

11.5. Whilst the development would be sited partially within the functional flood plain (Flood Zone 3b), the proposals would as a form of essential infrastructure, constitute an acceptable use, which accords with Policy RE3 of the Oxford Local Plan, as well as the NPPF and NPPG. Subject to securing appropriate measures to compensate for the loss of the volumetric storage within the lake, officers are satisfied that the proposals would not lead to an increased risk of flooding and the proposals would comply with Policy RE3 of the Oxford Local Plan.

11.6. The development would deliver significant public benefits by providing a sustainable source of heating for the swimming pool and reducing carbon emissions associated with this use, which align with the objectives of Policy RE1 of the Oxford Local Plan.

11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out below and any

further conditions which the Head of Planning Services considers necessary as a result of the need to secure a flood compensation scheme.

12. CONDITIONS

Time Condition

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby permitted shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

Arboricultural Method Statement

3. The development shall be carried out in strict accordance with the approved methods of working, Arboricultural Monitoring Programme and tree protection measures contained within the planning application details shown in the approved Arboricultural Method Statement- Ref: MW.20.0027.AIA Revision D unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Ecological Enhancement

4. The development shall be carried out in accordance with the Ecological Enhancement measures outlined on approved drawing reference. OCC-TFC-V4-00-DR-L-1006.

Reason: To comply with the requirements of the National Planning Policy Framework and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

CTMP

5. Prior to any works being undertaken on site a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall incorporate the following details:

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, for pedestrians/cyclists during construction works, including any foot/cycle path diversions.
- A regime to inspect and maintain all signing, barriers.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- Layout plan of the site that shows site storage for plant and materials, vehicle loading/unloading and turning areas.
- Details of any temporary access arrangements
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The construction works shall then be undertaken in accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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