LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 7th April 2014

Ward: Haselbury

Report of

Assistant Director - Planning, Highways & Transportation

Contact Officer:

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3927

Application Number: P14-00372PLA Category: Other Development

LOCATION: 59-69, CHURCH LANE, LONDON, N9 9PZ

PROPOSAL: Erection of a replacement temple, change of use of ground floor of No. 59 Church Lane from residential to provide a meeting room, shop and computer room and provision of off street parking.

Applicant Name & Address:

Nagapooshani Ambaal Temple 59, CHURCH LANE, LONDON, N9 9PZ

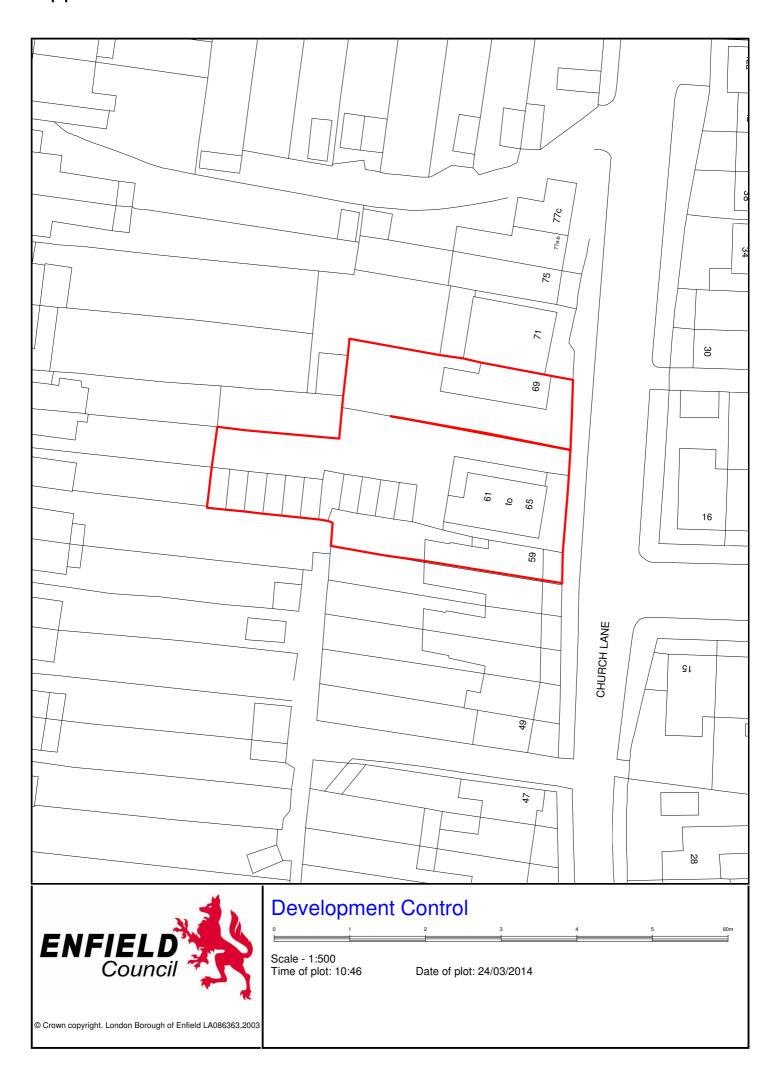
Agent Name & Address:

Lamont Planning Associates P O Box 339 Watford WD19 4NP

RECOMMENDATION:

It is recommended that planning permission be **GRANTED** subject to conditions.

Application No:- P14-00372PLA



1. Site and Surroundings

- 1.1 The site is occupied by a two storey detached building located on the western side of Church Lane. The site is surrounded predominantly by residential properties. The building has permission to be used as a place of worship granted under planning reference TP/03/0483.
- 1.2 The site is located on the western side of Church Lane, directly opposite the junction with Wimborne Road.

2. Proposal

- 2.1 Planning permission is sought for the erection of a replacement temple, change of use of ground floor of No. 59 Church Lane from residential to provide a meeting room, shop and computer room associated with the temple and provision of off street parking.
- 2.2 Parking is proposed to the front and rear of the site, comprising of a total of 15 spaces.

3. Relevant Planning Decisions

- 3.1 TP/99/0302 Single storey rear extension at 61-65 Church Lane granted
- 3.2 TP/03/0483 Change of use from light industrial to meeting hall with associated facilities on ground floor with self-contained 2-bed flat above, granted 09-May-2003 subject to conditions including:
- 3.3 TP/03/0483/2 Continued use of premises as a meeting hall with associated facilities, incorporating extension of hours of use between 8am and 10pm granted
- 3.4 TP/03/0483/1 Details of refuse, sound insulation to first floor flat and amplified sound generation from the premises, pursuant to condition 1, 3 and 4 under Ref: TP/03/0483, in connection with the change of use from light industrial to meeting hall with associated facilities on ground floor with self-contained 2-bed flat above granted
- 3.5 TP/04/0609 Formation of pitched roof to replace existing flat roof- granted
- 3.6 TP/06/0241 Demolition of existing building and erection of a part 2-storey, part lower ground detached building with basement parking for 14 cars to provide a Prayerhall refused for the following reasons:
 - 1. The proposed erection of a part 2-storey, part lower ground detached building to provide a Prayerhall, by reason of its design, detailing, height, scale and mass results in a cramped, intrusive and discordant form of development which is considered detrimental to the visual amenities of the area and the street scene. This would be contrary to Policies (I) GD1, (I) GD2 and (II) GD3 of the Unitary Development Plan.
 - 2. The proposed erection of a part 2-storey, part lower ground detached building to provide a Prayerhall, by reason of its size, siting and excessive rearward projection within the site, would give rise to conditions through a loss of light, outlook and privacy, that would adversely affect the residential amenities enjoyed by the occupiers of adjacent residential

properties. This would be contrary to Policies (I)GD1 and (II)GD3 of the Unitary Development Plan.

- 3. In light of the absence of information concerning the nature, operation, number of visitors and intensity of the use as a Prayer hall, the Local Planning Authority are unable to accurately assess the acceptability of the proposed car parking provision in accordance with the standards adopted by the Council and therefore the proposal may give rise to kerbside parking in the adjacent streets to the detriment of safety and free flow of traffic including pedestrian traffic on the highway. This would be contrary to Policy (II)GD6 and (II)GD7 of the Unitary Development Plan.
- 4. In light of the absence of information concerning the nature, operation, number of visitors and intensity of the use as a Prayer hall, the Local Planning Authority are unable to accurately assess the acceptability of the proposal in terms of noise and disturbance to the surrounding properties and therefore it is considered the proposal would result in increased activity and general noise and disturbance associated with the potential level of occupation that would detract from the existing residential amenities of the adjoining residential property. This would be contrary to Policies (I) GD1 and (I) GD2 of the Unitary Development Plan.
- 3.7 TP/09/1251 First floor rear extension at 59 Church Lane refused
- 3.8 TP/09/1678 Two storey rear extension, first floor side extension and side/rear with hipped roof over and alterations to fenestration at all sides refused
- 3.9 TP/09/1705 Retention of covered walkway to the side of the property refused
- 3.10 TP/11/0143 Two storey rear extension, first floor side extension and side/rear with hipped roof over and alterations to fenestration at all sides granted
- 3.11 P12-02206PLA Erection of a replacement temple with detached Mandapam and mixed use of No. 59 Church Lane as residential accommodation, meeting area, shop and computer room ancillary to temple use. Withdrawn

4. Consultations

4.1 Statutory and non-statutory consultees

4.1.1 Traffic and Transportation

Traffic and Transportation raise no objection subject to conditions

4.1.2 Biodiversity Officer

The Biodiversity officer raises no objection subject to conditions

4.1.3 Trees and Landscape

No objections

4.1.5 Environmental Health

Environmental Health officers raise no objection

4.1.6 Fire and Emergency Planning

No objection

4.1.7 Sustainable Design

The Sustainable Design officer raises no objection subject to conditions

4.1.8 London Fire and Emergency Planning Authority

The LFEPA have confirmed that they are satisfied with the proposals for brigade access subject to the requirements of Building Regulations ebing met.

4.2 Public

- 4.2.1 Consultation letters have been sent to 412 adjoining and nearby residents. In addition site notices has been displayed. A total of 28 responses have been received raising the following objections:
 - Visitors to temple block local business and affect profit level
 - Community respect rights of people to worship
 - Existing temple has negative impact on small and peaceful community
 - Allowing temple use to persist amounts to harassment and total disregard for human rights of community
 - Congestion, parking, litter and antisocial behaviour remain unaddressed
 - Congestion resulted in some minor unreported accidents
 - Once parking spaces are full, other visitors have to park on surrounding streets
 - Proposed bus service will emit CO2 emissions
 - Impact during demolition
 - Number of people attending will increase
 - Volume of traffic is at bursting point
 - Applicants transport statement shows large number of members are not local
 - Existing opening hours are not adhered to
 - Construction will present risks to safety
 - Disappointed that matter not fully settled since last application
 - Most other places of worship are on main roads
 - Please the design is more in keeping with the locality but proposal is still an overdevelopment
 - The lane is insufficient for current needs
 - Number of visitors are too high
 - Emergency vehicles will struggle to reach destinations
 - Project is not in favour of residents
 - Problems with traffic congestion
 - Temple has negative impact
 - Too close to my property

- Privacy is totally compromised
- Day light will be obstructed
- Development will bring extra traffic and pollution
- Proposed building will not meet needs of the temple
- Applicants questionnaire/survey was carried out in summer when people on holiday
- Temple are not serious about addressing concerns of the community
- Increased thoroughfare will create disturbance
- Meeting and computer rooms will not benefit community
- Will open the doors to change the area from residential to commercial

4.3 Petition

4.3.1 A petition signed by 141 residents has been submitted objecting to the proposed development (Please note the petition contains 143 signatures however two residents appear to have signed it twice).

5. Relevant Policy

- 5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed local planning authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period local planning authorities could give full weight to the saved UDP policies and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.
- 5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27th March 2013 for submission to the Secretary of State for examination. Examination and subsequent adoption is expected later this year. The DMD provides detailed criteria and standard based policies by which planning applications will be determined.
- 5.3 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

5.4 <u>The London Plan (including Revised Early Minor Alterations)</u>

Policy 3.16	Social infrastructure
Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and wastewater infrastructure
Policy 5.15	Water use and supplies
Policy 5.16	Water self-sufficiency
Policy 5.18	Construction, excavation and demolition waste
Policy 6.3	Assessing the effects of development on transport capacity

Policy 6.7 Policy 6.10 Policy 6.11 Policy 6.12 Policy 6.13 Policy 7.1 Policy 7.2 Policy 7.4 Policy 7.6 Policy 7.8 Policy 7.19 Policy 8.2	Better streets and surface transport Walking Smoothing traffic flow and tackling congestion Road network capacity Parking Building London's neighbourhoods and communities An inclusive environment Local character Architecture Heritage assets and archaeology Biodiversity and access to nature Planning Obligations		
Local Plan – Core Strategy			
CP9 CP20 CP21 CP24 CP25 CP30	Supporting community cohesion Sustainable energy use and energy infrastructure Delivering sustainable water supply, drainage and sewerage infrastructure The road network Pedestrians and cyclists Maintaining and improving the quality of the built and open environment		
CP36 CP46	Biodiversity Infrastructure contributions		
Saved UDP Policies			
(II) GD3 (II) GD6 (II) GD8 (II) H2	Aesthetics and functional design Traffic Generation Site Access and Servicing Existing dwellings		
Submission Version DMD			
DMD16 DMD17 DMD37 DMD38 DMD45 DMD45 DMD47 DMD48 DMD49 DMD50 DMD51 DMD53 DMD55 DMD55 DMD56 DMD56 DMD57 DMD58 DMD61 DMD79 DMD81	Provision of New Community Facilities Protection of Community Facilities Achieving High Quality and Design-Led Development Design Process Parking Standards and Layout New roads, access and servicing Transport Assessments Sustainable Design and Construction Statements Environmental Assessment Methods Energy Efficiency Standards Low and zero carbon technology Use of roof space/vertical surfaces Heating and cooling Responsible sourcing of materials, waste minimisation and green procurement. Water Efficiency Managing surface water Ecological enhancements Landscaping		
	Policy 6.10 Policy 6.11 Policy 6.12 Policy 6.13 Policy 7.1 Policy 7.2 Policy 7.4 Policy 7.6 Policy 7.8 Policy 7.19 Policy 8.2 Local Plan — C CP9 CP20 CP21 CP24 CP25 CP30 CP36 CP46 Saved UDP F (II) GD3 (II) GD8 (II) GD8 (II) H2 Submission V DMD16 DMD17 DMD37 DMD37 DMD38 DMD45 DMD45 DMD45 DMD45 DMD53 DMD55 DMD56 DMD57 DMD58 DMD57 DMD58 DMD57 DMD58 DMD57 DMD58 DMD57		

5.8 Other Relevant Policy Considerations

National Planning Policy Framework National Planning Practice Guidance Section 106 Supplementary Planning Document

6. Analysis

6.1 The key considerations in the determination of this planning application will focus on the principle of development, the impact of the development on the character and appearance of the street scene, highways and access issues, and neighbouring amenity.

6.2 Principle of development

- 6.2.1 Planning permission was granted for the change of use of the existing building from light industrial to meeting hall with associated facilities on the ground floor with self-contained 2-bed flat above (TP/03/0483). This permission was granted subject to a condition restricting the opening hours between 1000 and 2200 for one year. Permission was subsequently granted later in 2003 for the continued use of the premises between 0800 and 2200 (TP/03/0483/2). Permission was granted with consideration of the effects of the extended hours of opening upon the surrounding environment and surrounding properties.
- 6.2.2 Core Policy 9 of the Enfield Plan indicates that the Council will promote community cohesion by promoting accessibility whereby all members of the community have access to social facilities in locations that serve the community. In addition, London Plan Policy 3.16 states that development proposals which provide high quality social infrastructure will be supported in the light of local and strategic needs assessments. Facilities should also be accessible to all.
- 6.2.3 Planning permission was granted in 2011 for the extension of the temple. The planning permission was subject to a condition that there shall be no more than 100 people present on site at any time. This condition was attached in order to protect the amenities of nearby residents and in the interest of highway safety. The permission has not been implemented.
- 6.2.4 The 2011 permission granted a two storey extension of the temple together with the removal of the internal first floor providing a total of 153sqm of worship space.
- 6.2.5 A previous application (P12-02206PLA) proposed the provision of a total of 168sqm of worship space with an additional 80sqm of basement storage space. This development providing for an increase in worship space was considered unacceptable and was referred to the Planning Committee with a recommendation for refusal. However, the application was withdrawn by the applicant prior to the committee.
- 6.2.6 The development now proposed will provide a total of 126sqm of worship space. This represents a reduction of 10sqm of worship space compared to the existing temple and a reduction of 27sqm compared to that granted permission in 2011. The creation of a purpose built temple may have the potential to attract additional worshippers above the numbers who currently

- attend. However this proposal represents a reduction in worship space compared to that consented.
- 6.2.7 The level of activity on the application site appears to have steadily increased over time since permission was first granted in 2003. This is demonstrated through noise complaints and an increase in penalty charge notices issued in vicinity of the site (discussed in sections 6.6 and 6.5). Further increases in attendances have the potential to increase disturbances for nearby residents and worsen the existing parking situation.
- 6.2.8 The 2011 permission included a condition restricting the number of people on site to a maximum of 100. In order to ensure that disturbance is kept to a manageable level, the same condition is recommended should permission be granted.
- 6.2.9 The existing site is currently used as a place of worship and therefore the use is established in principle. Given the extant permission, which provided a modest extension to the worship space, the proposed development which will comprise a reduction of worship space compared to both the extant permission and existing, the proposal is considered on balance to be acceptable in principle.

6.3 Loss of residential

- 6.3.1 The proposed development will include the use of the ground floor of number 59 for purposes associated with the temple. The uses will include a meeting area, shop and computer room which are ancillary to the temple use.
- 6.3.2 The first floor of number 59 is to be retained as a single residential flat while number 65 will be retained completely for residential use as a single family dwelling.
- 6.3.3 The existing temple building also contains a residential flat used by the priesthood. While this flat will be lost as part of the proposed development, given that it is associated with the temple and does not form standard market accommodation its loss is considered acceptable with regards to Core Policies 1 and 2 of the Core Strategy and Policy (II)H2 of the UDP.

6.4 Character of the Surrounding Area

- 6.4.1 The application site currently contains a small two storey detached building used as a place of worship.
- 6.4.2 The National Planning Policy Framework advises that Local Planning Authorities should not attempt to impose architectural styles or particular tastes, and that design policies should concentrate on guiding factors such as the layout of the new development in relation to neighbouring buildings. It is however proper to seek to promote or reinforce local distinctiveness. In addition, Core Policy 30 seeks to maintain and improve the quality of the built and open environment, whilst Policy (II) GD3 of the UDP seeks to promote high standards of functional design in developments. London Plan policies 7.4 Local Character and 7.6 Architecture are also relevant.
- 6.4.3 The area is characterised by residential properties. The existing building whilst of a more modern design still maintains a residential characteristic with

a simple appearance and modest scale. The proposed building, as with a number of places of worship is intended to emphasise its use as a destination and thus has an appearance which reflects this albeit rather modestly. The building has been reduced in terms of scale and mass since the previous submission. The siting of the proposed building has been set back from the back edge of the pavement, which not only provides parking spaces and an opportunity for some modest landscaping, but also respects the character of the area. The scale, siting and design of the proposed temple is therefore considered to respect the character and appearance of the street scene and surrounding area and is therefore acceptable with regards to Core Policy 30 of the Enfield Plan, Policy (II)GD3 of the UDP, Policies 7.4 and 7.6 of the London Plan and Emerging Policy DMD37 of the Submission Version DMD.

6.5 <u>Highway Safety, Access and Parking</u>

- 6.5.1 The site is located on Church Lane, in an area with a PTAL of 2. Church Lane is non-classified public adopted highway. The surrounding roads are also non- classified, including Wimborne Road, St Joans Road, Latymer Road, and Winchester Road.
- 6.5.2 The site is not within a controlled parking zone (CPZ). The main parking restrictions consist of junction protection marking and existing dropped kerb crossovers. It is noted that two wheel parking is possible along stretches of Church Lane on both sides of the road, and also along Winchester Road.
- 6.5.3 A site visit undertaken on 13th March 2013 between 19:00 and 19:30 revealed that parking was limited. Table 1 shows the number of spaces that were available.

Road	Total Spaces	Spaces	% Occupied
Church Lane Wimbourne	67	7	90%
Road	20	1	95%
St Joans Road Winchester	18	8	56%
Road	72	14	81%

- 6.5.4 Whilst the survey was being undertaken additional observations revealed congestion taking place around the Church Lane / Church Road junction. The high volume of parking on both sides of Church Lane and the narrow width made it difficult for vehicles to find spaces to park in to allow oncoming vehicles to pass them.
- 6.5.5 The main considerations associated with this application are the impact on the on street parking demand and the traffic generation. It is noted from figures included in the Transport Assessment (TA) and from site observations that parking is approaching saturation levels on Church Lane, Wimbourne Road and Winchester Road. Figures from surveys in the TA show that on three of the four days on which the surveys were undertaken that Church Lane and Wimbourne Road had parking saturations of above 90% at 18.30. This is not unexpected as they are the roads immediately adjacent to the site; however the surrounding roads also had a relatively high parking occupancy with Winchester Road showing saturation levels of 53%, 79%, 89% and 79%

- at 18.30. Litchfield Road had similar levels, at 71%, 86%, 86% and 86%. Surveys undertaken by the Council gave similar results.
- 6.5.6 Unlike previous proposals to expand the temple which would have increased the overall floor space (including the worshipping space), this application will have an overall net reduction in floor space by 125.5sqm, it is accepted that the intensity of the use is unlikely to increase and that the number of people who can be accommodated within the temple will be limited by its size.
- 6.5.7 Nevertheless it is recognised that visitors will still naturally try to park as close as possible to the temple, and continue to cause congestion and increase the chance of conflicts, particularly around Church Lane / Church Road junction. The narrow footway widths as a result of the two wheel parking also make the footways unsuitable for high numbers of pedestrians and limits visibility for people crossing the road, but given that additional parking is being provided then these concerns are overcome to an extent.
- 6.5.8 It is noted that the development will have a travel plan and that the applicant has submitted a Unilateral Undertaking (UU) to secure the use of a shuttle bus to and from Edmonton Station, as well as provide additional car parking using Latymer School car park. These initiatives are welcomed although there could be difficulties securing the use of the car park for the lifetime of the development.
- 6.5.9 Overall it is considered that the revisions to the scheme have resulted in a proposal which will not exacerbate existing on street parking and traffic conditions.
- 6.5.10 The proposed development is therefore considered acceptable with regards to Policies (II)GD6 and (II)GD8 of the UDP, Policy 6.13 The London Plan 2011, and Policy 45 of the Enfield DMD.

6.6 Neighbouring Amenity

- 6.6.1 The proposed development will be sited on the western side of Church Lane. The surrounding area is predominately residential in character with mostly modest two storey terraced properties. Numbers 59 and 65 Church Lane form part of the application site and will partly be retained in residential use as part of the proposed development.
- 6.6.2 Emerging Policy DMD16 states that planning permission for new community facilities will be granted where the proposed development does not harm the amenities of neighbouring and nearby properties. While the proposed development is not a completely new community facility, given the nature of the proposed development as a new purpose built building, the principles of policy DMD16 are considered applicable in the determination of the planning application.
- 6.6.3 The proposed development will involve the demolition of the existing place of worship comprising of the former warehouse building and replacement with a purpose built temple.
- 6.6.4 Environmental Health officers do not object to the proposed development. Given that the proposal will provide less worship space than the existing and extant permission and in the light of the imposition of the same condition

restricting the number of people that can be on site at any one time, the proposal is unlikely to give rise to additional impact on the residential amenities of the occupiers of neighbouring properties with regards to Core Policies 22 and 30 of the Core Strategy, Policy (II)GD3 of the UDP and Policy DMD16 of the Submission Version DMD.

6.7 <u>Sustainability</u>

- 6.7.1 Core Policy 20 of the Enfield Plan requires all new developments to address the causes and impacts of climate change by: minimising energy use; supplying energy efficiently; and using energy generated from renewable sources.
- 6.7.2 The applicant has submitted a sustainability statement as part of the application which indicates that the development is likely to achieve a 'Very Good' rating which ensures that the development has considered the principles of Sustainable Design and Construction. Should permission be granted, this will be conditioned.
- 6.7.3 The submitted energy statement indicates that a 68% saving over building regulations would be achieved which is considered very high. However this appears to be as places of worship are exempt from building regulations. The sustainable design officer has advised that given the proximity of the development to the proposed Edmonton Decentralised Energy Network, there should be a commitment for the applicant to connect to this if it is delivered in the future. This can be secured through condition should permission be granted.
- 6.7.4 The proposed development, subject to conditions, is considered to be acceptable with regards to Core Policy 20 of the Enfield Plan, Policies 5.1, 5.2 and 5.3 of the London Plan and Emerging Policy DMD50 of the Submission DMD.

6.8 <u>Biodiversity</u>

- 6.8.1 The applicant has submitted an Ecology Report with the application which has been reviewed by the Biodiversity Officer. The report concludes that the site has negligible potential to support roosting bats and no evidence of bats on site was found. However, given that two bats were seen in the vicinity during an Activity Survey it is recommended that bat boxes are secured as biodiversity enhancements on site. If planning permission is granted these will be secured by condition.
- 6.8.2 The habitat survey also identifies that the site has the potential to support nesting birds. Therefore any vegetation to be cleared should be carried out outside of the bird nesting-season. This will be secured by condition should permission be granted.

6.9 Trees

6.9.1 The proposed development does not involve the removal of any trees on site. The applicant has indicated that trees on neighbouring land will not be affected by the proposed development. The submitted arboricultural assessment relates to the previous larger temple. While the proposed temple is now smaller, in order to ensure adjacent trees are not harmed during the

development, a condition requiring the submission of a revised arboricultural method statement will be attached should permission be granted.

6.10 Construction Impact

6.10.1 The proposed development will involve demolition and construction in close proximity to residential properties. Construction activity is largely regulated by the Control of Pollution Act 1974. Given the nature of the works and to ensure that disruption to residential properties and the local highway network is kept to an acceptable level the developer will be required to submit a construction method statement to demonstrate how construction will be carried out to minimise impact on the residential amenities of the occupiers of nearby residential properties. The construction management plan should be written in accordance with London best practice.

6.11 Planning Obligations

Parking, waiting restrictions and minibus

6.11.1 The applicant has submitted a unilateral undertaking committing to the provision of a minibus service from Edmonton Green Station, waiting restrictions and two on street disabled parking spaces along Church Lane and the use of the Laytmer Primary School car park for those attending the temple.

Section 106 Monitoring

6.11.2 In accordance with the council's Section 106 Supplementary Planning Document, a fee of £350 monitoring fee is payable per non-monetary heads of terms.

6.12 Community Infrastructure Levy (CIL)

- 6.12.1 As of the April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow 'charging authorities' in England and Wales to apportion a levy on net additional floor space for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sum. The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2014.
- 6.12.2 In this instance the proposed residential development would be subject to a £20 per square metre levy in accordance with the GLA's CIL Charging Schedule.
- 6.12.3 The applicant has indicated that the new development would result in an overall reduction of floorspace on site and thus the development would not be liable for any CIL payment.

7. Conclusion

7.1 Having regard to all of the above, it is considered that on balance the scheme is acceptable with regards to the development plan, the amenities of adjoining and nearby residents and local highway conditions.

8. Recommendation

- 8.1 It is recommended that planning permission be GRANTED subject to the following conditions in summary:
 - 1. C60 approved plans
 - 2. C07 details of materials
 - 3. C11 details of enclosure
 - 4. C12 parking and turning facilities
 - 5. C16 private vehicles only
 - 6. C17 details of landscaping
 - 7. Highways works
 - 8. Maximum of 100 people
 - 9. Arboricultural method statement
 - 10. Ecological/biodiversity enhancements
 - 11. Construction management plan
 - 12. BREEAM
 - 13. Energy
 - 14. Edmonton Decentralised Energy Network connection
 - 15. Time limited permission (3 years)

