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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

<b>Applicant</b>	Family Mosaic	<b>Reg. Number</b>	14/AP/0764
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2229-186
<b>Recommendation</b>	Grant subject to Legal Agreement		

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### Draft Decision Notice

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**Planning Permission was GRANTED for the following development:**

Erection two new buildings, the first fronting on Havil Street being up to five storeys in height, with the second fronting onto Southampton Way and being up to four storeys in height together comprising 24 residential units (10 x 1 bed, 11 x 2 bed and 3 x 3 bed) with associated balconies and terraces, wider landscaping and cycle / refuse stores

**At:** 184-188 SOUTHAMPTON WAY/ 5A HAVIL STREET SE5 7EU

**In accordance with application received on 12/03/2014**

**and revisions/amendments received on 07/08/2014, 13/08/2014, 18/08/2014, 03/09/2014**

**and Applicant's Drawing Nos.** PL\_101 Site Location Plan; PL\_102 Existing Ground floor / Block plan; PL\_120 Existing Elevations 1 and 2; PL\_121 Existing Elevations 3 and 4; PL\_122 Existing Elevation 5; PL\_123 Existing Elevations 6 and 7; PL\_124 Existing Site Photographs; PL\_110J Proposed Ground floor / Block plan; PL\_111E Proposed First floor plan; PL\_112D Proposed Second floor plan; PL\_113E Proposed Third floor plan; PL\_114D Proposed Fourth floor plan / Roof Plan; PL\_115C Proposed Roof Plan; PL\_130H Proposed North Elevation - Southampton Way; PL\_131G Proposed West Elevation - Havil Street; PL\_132E Proposed Rear East Elevation - Core B; PL\_133F Proposed Rear South Elevation - Core C & Section A-A; PL\_134F Proposed Side Elevations - Core B North Elevation; PL\_136F Proposed East Elevation Core C & Section B-B; PL\_330D Proposed North Elevation - Southampton Way - Bay Study; PL\_331B Proposed West Elevation - Havil Street - Bay Study; PL\_332A Proposed Rear East Elevation - Core B - Bay Study; PL\_333A Proposed Rear South Elevation - Core C - Bay Study; PL\_334B Proposed Side Elevations - Core B North Elevation - Bay Study; PL\_500B Typical Wheelchair Flat layout;

Planning Statement April 2014; Planning Statement July 2014; Design and Access Statement March 2014; Design and Access Statement June 2014; Daylight and Sunlight Report; Transport Statement; Travel Plan; Summary of Parking Survey Results; Flood Risk Assessment; Ecological Appraisal; Air Quality Assessment; Noise Impact Assessment; Demolition and Site Operations Plan; Report on Ground Investigation; Energy Efficiency Strategy; Code for Sustainable Homes Pre-Assessment; Accommodation Schedule 2534-SCH-001 Rev R; Accommodation Schedule 2534-SCH-003 Rev E; Tree Survey F499AIA

**Subject to the following twenty-seven conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

PL\_110J Proposed Ground floor / Block plan; PL\_111E Proposed First floor plan; PL\_112D Proposed Second floor plan; PL\_113E Proposed Third floor plan; PL\_114D Proposed Fourth floor plan / Roof Plan; PL\_115C Proposed Roof Plan; PL\_130H Proposed North Elevation - Southampton Way; PL\_131G Proposed West Elevation - Havil Street; PL\_132E Proposed Rear East Elevation - Core B; PL\_133F Proposed Rear South Elevation - Core C & Section A-A; PL\_134F Proposed Side Elevations - Core B North Elevation; PL\_136F Proposed East Elevation Core C & Section B-B; PL\_330D Proposed North Elevation - Southampton Way - Bay Study; PL\_331B Proposed West Elevation - Havil Street - Bay Study; PL\_332A Proposed Rear East Elevation - Core B - Bay Study; PL\_333A Proposed Rear South Elevation - Core C - Bay Study; PL\_334B Proposed Side Elevations - Core B North Elevation - Bay Study; PL\_500B Typical Wheelchair Flat layout

Reason:

For the avoidance of doubt and in the interests of proper planning.

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Details of bird and/or bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 12 nesting boxes / and 8 bat bricks/tubes shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 3D.14; and 4A.3; of the London Plan 2008, Policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;  
loading and unloading of plant and materials;  
storage of plant and materials used in constructing the development;  
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;  
wheel washing facilities;  
measures to control the emission of dust and dirt during construction;  
a scheme for recycling / disposing of waste resulting from demolition and construction works

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

- 5 a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.  
i) The Phase 1 (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.  
ii) Any subsequent Phase 2 (site investigation and risk assessment) shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13 'High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012.

- 6 The development shall be undertaken in full accordance with the Flood Risk Assessment prepared by Create Consulting Engineers (Revision B, dated 7/8/14), including requirements that Sustainable Drainage Systems (SuDS) are implemented as detailed, i.e. below ground storage in cellular systems (two attenuation tanks of 65.3 and 20m<sup>3</sup> storage), flow control devices and green roofs on all three proposed buildings, and that the surface water runoff rate from the site is restricted to 5 l/s for all flood events up to and including the 1% AEP storm.

Reason: To ensure that the development is safe and resilient to flooding and to minimise the potential for the site to contribute to surface water flooding in accordance with saved policies 3.9 Water and 3.29 Development within the Thames Policy Area of the Southwark Plan, Strategic policy 13 of the Core Strategy (2011) and guidance in the Sustainable Design and Construction SPD (2009).

- 7 The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the Tree Survey F499AIA. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

#### Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

**Commencement of works above grade** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 8 Notwithstanding the approved plans showing the powder coated pressed metal coping, details of the bricks, windows, metal panels and coping stone (2 copies) to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

#### Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 9 Prior to the commencement of above ground works, detail section-drawings (scale 1:5, or as noted) for the principle features/components of the following elements shall be submitted to this Local Planning Authority and approved in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

boundary wall treatment;  
window + door openings;  
car-parking gates/doors in elevation at 1:20;  
balconies;  
parapet walls and roof edges;

junction with existing buildings.

Reason:

In order to ensure that the design and details are of high quality and in the interest of the nearby listed buildings in accordance with: The National Planning Policy Framework 2012, Section 7 Requiring good design; The London Plan 2011, Policy 7.6 Architecture; The Local Plan, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: Saved Policy 3.12 Quality in Design; Saved Policy 3.13 Urban Design; of The Southwark Plan 2007.

- 10 Before any above grade work hereby authorised begins, detailed drawings [select scale 1:50, 1:100 or 1:500] of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

- 11 Prior to commencement of above grade work, an independently verified Code for Sustainable Homes interim certification that seeks to achieve a minimum Level 4 or equivalent Code Level rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;  
Before the first occupation of the building hereby permitted, a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 12 Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:  
biodiversity based with extensive substrate base (depth 80-150mm);  
laid out in accordance with plan PL-115 hereby approved; and  
planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 3D.14; 4A.3; 4A.9 and 4A.11 of the London Plan 2008, saved policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

- 13 Details of native planting as part of the landscape strategy/plan (showing a minimum of 30% of native plants) shall be submitted to and approved in writing by the Local Planning Authority prior to any works above grade commences.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 3D.14; and 4A.3; of the London Plan 2008, Policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

- 14 Prior to any above grade works a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements: Maintenance of the brown roof, amenity space and the maintenance and monitoring of the nest and roost features.

Reasons:

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and ODPM Circular 06/2005 Biodiversity and Geological Conservation - Obligations and their Impact within the Planning System.

- 15 Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries including privacy screens to balconies shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In the interests of visual and residential amenity in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.

- 16 Prior to the commencement of any works above grade, details of the proposed children's play area and associated landscaping (including management arrangements) shall be submitted to, and approved writing by the local planning authority. No part of the development hereby approved shall be occupied, until works agreed in accordance with the agreed details are completed on site.

Reason: To improve the public realm, provide quality communal amenity space and playspace in accordance with policies 2.5 Planning Obligations and 4.2 Quality of residential accommodation of the Southwark Plan 2007.

- 17 Prior to the commencement of development, detailed drawings of the solar panels (scale 1:10) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved and the equipment shall be installed and fully operational prior to the occupation of the building.

Reason:

In order that the Local Planning Authority may be satisfied as to the energy efficiency measures and sustainability of the development, in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011).

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 18 Before the first occupation of the building the cycle storage facilities as shown on the approved ground floor drawing shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 19 Before the first occupation of the building hereby permitted, the refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the dwellings and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007.

- 20 Before the first occupation of the building hereby permitted a Service Management Plan detailing how all elements of the site are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 21 Prior to any above grade works of the authorised development, an acoustic report detailing the rated noise level from any plant, together with any associated ducting (which shall be 10 dB (A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority. The method of assessment is to be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 22 Prior to their occupation the wheelchair accessible units hereby approved as shown on the drawings hereby approved shall be constructed and fitted out to the South East London Wheelchair Design Guide.

Reason

To ensure the wheelchair units approved are delivered to the relevant standard in accordance with The National Planning Policy Framework 2012, Policy 7.2 An inclusive environment of the London Plan 2011, Strategic Policy 2 Sustainable Transport of the Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007.

- 23 Prior to occupation of the units hereby approved, 4 No. (four) disabled parking spaces available for the wheelchair units, as shown on the drawings hereby approved, shall be made available, and retained for the purposes of car parking for the disabled for as long as the development is occupied.

Reason

To ensure that the parking spaces for disabled people are provided and retained in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.7 Parking standards for disabled people and the mobility impaired of the Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 24 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 25 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 30dB LAeq, T \* and 45dB LAFmax  
Living rooms- 30dB LAeq, T ç

\*- Night-time 8 hours between 23:00-07:00  
ç Daytime 16 hours between 07:00-23:00.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

- 26 The habitable rooms within the development sharing a party wall element with the other shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that the party wall is constructed to meet a minimum of 5dB improvement compared with the Building Regulations standard set out in Approved Document E. A report shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

- 27 Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted.

Reason

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.