

Variation of Conditions 2, 3, 9, 11 and 12 of Planning  
Permission 15/00032/FULM in order to allow for the erection of  
30 dwellings with a revised site layout

Report Item No  
A5

Land Off Forest Road Coalville Leicestershire

Application Reference  
16/00797/VCUM

Applicant:  
Mr Louis Masserella

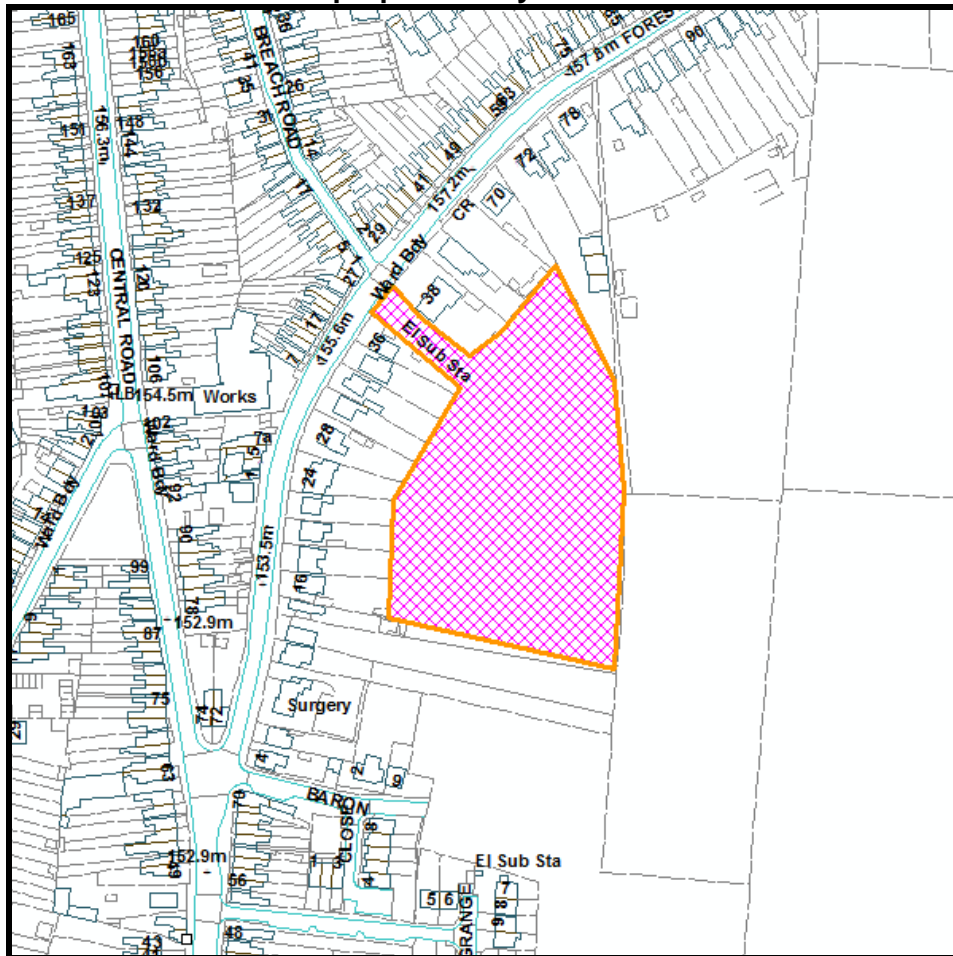
Date Registered  
12 July 2016

Case Officer:  
James Mattley

Target Decision Date  
11 October 2016

Recommendation:  
PERMIT Subject to a Section 106 Agreement Variation

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Proposal**

Planning permission is sought for the variation of conditions 2, 3, 9, 11 and 12 of planning permission 15/00032/FULM in order to allow for the erection of 30 dwellings with a revised site layout at Forest Road, Coalville. The originally approved layout is being varied in order to provide for the necessary access arrangements in respect of planning application 16/00798/FUL which proposes a further 8 dwellings to the south of the application site.

### **Consultations**

Members will see from the report below that no objections have been received in relation to the application.

### **Planning Policy**

The sole issue in the determination of this application is whether the scheme would be acceptable when having regard to the changes that are now proposed. Relevant policies in relation to the changes proposed are set out in the NPPF, the adopted Local Plan and the submitted Local Plan.

### **Conclusion**

The principle of 30 dwellings on the site has previously been deemed to be acceptable as part of planning application 15/00032/FULM. The main issue in respect of this application is whether the proposed scheme to erect 30 dwellings is acceptable with the amended layout now proposed.

The revised layout would still result in a development that would not appear out of character and appearance with that of the surrounding locality, and without significant adversely affecting the amenities of neighbouring residents and highway safety. There are no other material planning considerations that indicate planning permission should not be granted. The proposal, subject to relevant conditions, is therefore considered acceptable.

Therefore, it is recommended that the application be permitted.

**RECOMMENDATION:- PERMIT subject to conditions and subject to a deed of variation to the original Section 106 legal agreement;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the variation of conditions 2, 3, 9, 11 and 12 of planning permission 15/00032/FULM in order to allow for the erection of 30 dwellings with a revised site layout at Forest Road, Coalville. The originally approved layout is being varied in order to provide for the necessary access arrangements in respect of planning application 16/00798/FUL which proposes a further 8 dwellings to the south of the application site.

The application is being considered at Planning Committee because it is linked to planning application 16/00798/FUL which has been called to Planning Committee by Councillor Johnson due to a lack of affordable housing.

Relevant Planning History:

15/00032/FULM - Construction of 30 dwellings with associated access and open space - permitted.

16/00798/FUL - Construction of 8 dwellings with associated access and turning area (extension to site granted Planning Permission under 15/00032/FULM) - currently under consideration and reported on this planning committee agenda.

### 2. Publicity

38 neighbours have been notified (Date of last notification 20 July 2016)

Site Notice displayed 3 August 2016

Press Notice published 27 July 2016

### 3. Consultations

Hugglescote & Donington Le Heath PC consulted 19 July 2016

Environment Agency

LCC Flood Management

County Highway Authority

Environment Agency

NWLDC Urban Designer

Severn Trent Water Limited

### 4. Summary of Representations Received

No letters of representation have been received from surrounding members of the public.

**Environment Agency** has no objections to make.

**Hugglescote and Donington Le Heath Parish Council** has not responded at the time of writing this report.

**Leicestershire County Council - Highways** has no objections subject to conditions.

**Leicestershire County Council - Lead Local Flood Authority** has no objections subject to conditions.

**Severn Trent Water** has no objections subject to conditions.

## **5. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 17 (Core planning principles)  
Paragraph 32 (Promoting sustainable transport)  
Paragraph 34 (Promoting sustainable transport)  
Paragraph 47 (Delivering a wide choice of high quality homes)  
Paragraph 49 (Delivering a wide choice of high quality homes)  
Paragraph 57 (Requiring good design)  
Paragraph 59 (Requiring good design)  
Paragraph 60 (Requiring good design)  
Paragraph 61 (Requiring good design)  
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 173 (Ensuring viability and delivery)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 204 (Planning conditions and obligations)

### **Adopted North West Leicestershire Local Plan (2002)**

The following Local Plan policies are relevant to this application:

Policy S2 - Limits to Development  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E7 - Landscaping  
Policy E8 - Crime Prevention  
Policy F1 - National Forest General Policy  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H4g - Housing Allocations (Grange Road, Hugglescote)  
Policy H6 - Housing Density

Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy L21 - Children's Play Areas

### **Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy H4 - Affordable Housing  
Policy H6 - House Types and Mix;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;  
Policy Cc2 - Water - Flood Risk

### **Other Policies**

#### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Coalville area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Coalville area.

#### **North West Leicestershire District Council Play Area Design Guidance SPG**

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

#### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

### **6. Assessment**

#### **Principle**

The principle of this development has already been established by the granting of planning permission 15/00032/FUL. The sole issue in the determination of this application is whether the scheme would be acceptable when having regard to the changes that are now proposed to the plans and detailed within the 'Proposals and Background' section of this report. The main issues for determination in this application are considered to be in relation to design, residential amenity and highway safety issues.

#### **Design**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy H7 and submitted Local Plan Policy D1, but also paragraphs 57, 60 and 61 of the

NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The changes to the layout would result in dwellings being re-positioned along the western and southern boundaries of the site in order to allow for the access to run all the way to the site boundary. The variations would result in dwellings of differing sizes in comparison to the original approval but similar house types would be used and the proposed dwellings are still considered to be of an acceptable design. No objections have been received in respect of the proposals from the Council's Urban Design Officer. The ethos of the landscaping scheme that has been agreed as part of the original approval has been included in the variation application.

Therefore, the proposed alterations are considered to be in accordance with adopted Local Plan Policy E4 and E7 and submitted Local Plan Policy D1 as well as the advice contained in the NPPF.

### **Residential Amenity**

It is noted that no objections have been received from any surrounding neighbours as part of the consultation exercise. The varied layout would result in plots which would be sited further away from existing residential properties and, therefore, the scheme could not be considered to result in any significant overlooking, overbearing or overshadowing issues.

It is, therefore, deemed that the development would not have any significant detrimental impact upon surrounding amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

### **Highway Safety and Parking**

It has previously been established that suitable access and parking arrangements would be available at the site to accommodate 30 dwellings. The County Highway Authority have been consulted on the proposed scheme to establish whether they have any concerns with the varied road layout proposed as part of this proposal. The response from the County Highway Authority is that they raise no objections to the scheme subject to the imposition of suitable planning conditions.

It is considered that sufficient off-street parking provision along with vehicular manoeuvring facilities could be accommodated within the boundaries of the site and the County Highway Authority has provided suggested conditions in this regard should planning permission be granted.

On this basis of the above, and subject to the suggested conditions recommended by the County Highway Authority, the proposal would accord with Paragraph 32 of the NPPF and Policies T3 and T8 of the Local Plan.

**Other**

All other relevant planning conditions in respect of the previous planning permission on the site would continue to apply to the site and would need to be attached to any new planning permission on the site.

**Conclusion**

The principle of this development has already been established. The proposal is not considered to have any significant detrimental design impacts, highway safety issues or impact upon residential amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted and submitted Local Plan and the advice in the NPPF. It is therefore recommended that the application be permitted.

**RECOMMENDATION:- PERMIT subject to conditions and subject to a deed of variation to the original Section 106 legal agreement;**

- 1 The proposed development shall be carried out strictly in accordance with the following schedule of plans submitted as part of planning permission 15/00032/FULM:

Drawing number 150M (Proposed Site Plan) deposited with the Local Planning Authority on 25 August 2015;

Drawing number 270A (Proposed Plot 30) deposited with the Local Planning Authority on 3 August 2015;

Drawing number 271 (Proposed Plot 18) deposited with the Local Planning Authority on 3 August 2015;

Drawing number 251C (Proposed Plot 1, 2 and 3 - Elevations) deposited with the Local Planning Authority on 6 July 2015;

Drawing number 252B (Proposed Plot 4, 5, 6 and 7 - Floor Plans) deposited with the Local Planning Authority on 6 July 2015;

Drawing number 250B (Proposed Plot 1, 2 and 3 - Floor Plans) deposited with the Local Planning Authority on 6 July 2015;

Drawing number 253C (Proposed Plot 4, 5, 6 and 7 - Elevations) deposited with the Local Planning Authority on 6 July 2015;

Drawing number 261C (Proposed Plot 21 - Plans and Elevations) deposited with the Local Planning Authority on 29 June 2015;

Drawing number 259C (Proposed Plot 15, 19 and 28 - Plans and Elevations) deposited with the Local Planning Authority on 29 June 2015;

Drawing number 267 (Proposed Plot 20 - Plans and Elevations) deposited with the Local Planning Authority on 29 June 2015;

Drawing number 254C (Proposed Plots 8 and 9 - Plans and Elevations) deposited with the Local Planning Authority on 29 June 2015;

Drawing number 255C (Proposed Plot 10, 13 and 18 - Plans and Elevations) deposited with the Local Planning Authority on 29 June 2015;

Drawing number 258B (Proposed Plots 14 and 27 - Plans and Elevations) deposited with the Local Planning Authority on 29 June 2015;

Drawing number 256B (Proposed Plot 11 and 29 - Plans and Elevations) deposited with the Local Planning Authority on 12 June 2015;

Drawing number 260B (Proposed Plot 16 and 17 - Floor Plans and Elevations) deposited with the Local Planning Authority on 12 June 2015;

Drawing number 263B (Proposed Plots 22 and 23 - Floor Plans and Elevations) deposited with the Local Planning Authority on 12 June 2015;  
Drawing number 257B (Proposed Plot 12 - Plans and Elevations) deposited with the Local Planning Authority on 12 June 2015;  
Drawing number 264B (Proposed Plots 24 and 25 - Plans and Elevations) deposited with the Local Planning Authority on 12 June 2015;  
Drawing number 450 B (Proposed Street Scenes) deposited with the Local Planning Authority on 12 June 2015;  
Drawing number 265A (Proposed Plot 26 - Plans and Elevations) deposited with the Local Planning Authority on 12 June 2015;  
Drawing number 158A (Proposed Land to be Maintained by Management Company) deposited with the Local Planning Authority on 25 August 2015;  
Drawing number 157A (Proposed Fencing Plan) deposited with the Local Planning Authority on 25 August 2015.

as amended by the following schedule of plans submitted as part of planning permission 16/00797/VCUM:

Drawing number 257D (Proposed Plot 12) deposited with the Local Planning Authority on 25 October 2016;  
Drawing number 282 (Proposed Plot 16) deposited with the Local Planning Authority on 25 October 2016;  
Drawing number 268A (Proposed Plot 28) deposited with the Local Planning Authority on 25 October 2016;  
Drawing number 266E (Proposed Plot 18) deposited with the Local Planning Authority on 25 October 2016;  
Drawing number 258E (Proposed Plot 17) deposited with the Local Planning Authority on 25 October 2016;  
Drawing number 265D (Proposed Plot 26) deposited with the Local Planning Authority on 25 October 2016;  
Drawing number 2B (Landscape Proposals) deposited with the Local Planning Authority on 4 August 2016;  
Drawing number 180 (Proposed Site Plan) deposited with the Local Planning Authority on 12 July 2016;  
Drawing number 100A (Location Plan) deposited with the Local Planning Authority on 12 July 2016;  
Drawing number 267A (Proposed Plot 19 and 20) deposited with the Local Planning Authority on 12 July 2016;  
Drawing number 260C (Proposed Plot 14 and 15) deposited with the Local Planning Authority on 12 July 2016.

*Reason - To determine the scope of this permission.*

- 2 Notwithstanding the submitted plans, nor condition 2 above, no dwelling shall be erected above damp proof course until full details of both hard and soft landscaping works and boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a) Means of enclosure and boundary treatments to and within the site;
  - b) Hard surfacing materials;
  - c) Details of soft landscaping including schedules of plant species, plant sizes, planting plans and proposed numbers/densities where appropriate;



d) An implementation programme for the hard and soft landscaping and boundary treatments.

*Reason - In the interests of visual and residential amenities.*

- 3 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

*Reason - To provide a reasonable period for the replacement of any trees.*

- 4 No dwelling shall be erected above damp proof course until such time as a scheme for the parking courtyards, including numbering of spaces and illumination, has been submitted to and agreed in writing with the Local Planning Authority unless details have already been agreed by the Local Planning Authority under Condition 5 of Planning Permission 15/00032/FULM. The scheme shall be carried out in accordance with the agreed details.

*Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity.*

- 5 The scheme shall be carried out in accordance with the Risk Based Land Contamination Assessment that has been submitted to and agreed in writing with the Local Planning Authority under Condition 6 of Planning Permission 15/00032/FULM. If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 6 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority, unless a Verification Investigation has been agreed under planning condition 7 of planning permission 15/00032/FULM. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of

the completed site waste management plan if one was required;

- Contain Test Certificates of imported material to show that it is suitable for its proposed use;

- Demonstrate the effectiveness of the approved Remedial Scheme; and

- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 7 The scheme shall be carried out in accordance with the agreed tree protection plan and arboricultural method statement (including foundation designs and/or no-dig construction) which has been agreed under Condition 8 of Planning Permission 15/00032/FULM. The scheme shall be carried out in accordance with the agreed details and timescales.

*Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking / manoeuvring areas) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity.*

- 9 The utility boxes on the dwellings shall be carried out in accordance with the positioning and finishes agreed under condition 10 of Planning Permission 15/00032/FULM as amended by the locations included on the approved plans submitted as part of planning application 16/00797/VCUM.

*Reason - To ensure an appropriate form of design.*

- 10 The development shall be carried out in accordance with the surface water drainage scheme for the site agreed under Condition 11 of Planning Permission 15/00032/FULM. The scheme shall be carried out in accordance with the agreed details and timescales.

*Reason - To prevent the increased risk of flooding, both on and off site.*

- 11 The development shall be carried out in accordance with the foul water drainage scheme for the site agreed under Condition 12 of Planning Permission 15/00032/FULM. The scheme shall be carried out in accordance with the agreed details and timescales.

*Reason - To protect the water environment.*

- 12 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

*Reason - To ensure that breeding birds are not adversely affected, in the interests of nature*

*conservation.*

- 13 The development shall be carried out in accordance with the Written Scheme of Investigation for the site agreed under Condition 15 of Planning Permission 15/00032/FULM. The scheme shall be carried out in accordance with the agreed details and timescales. None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason - To ensure satisfactory archaeological investigation and recording, and to comply with the NPPF.*

- 14 Before first occupation of any dwelling hereby permitted, a visibility splay of 2.4 metres by 43 metres to the left hand side (south-west) shall be provided at the junction of the access with Forest Road; this shall thereafter be so maintained in future. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splay.

*Reason - To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.*

- 15 Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of each access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

*Reason - In the interests of pedestrian safety.*

- 16 Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on the submitted plan; the parking and turning areas shall be surfaced and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.

*Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.*

- 17 The development shall be carried out in accordance with the construction traffic/site traffic management plan for the site agreed under Condition 19 of Planning Permission 15/00032/FULM. The scheme shall be carried out in accordance with the agreed details and timescales.

*Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 18 Nothing shall be set, nor allowed to grow to a height exceeding 0.6 metres above the level of the adjacent adopted carriageway.

*Reason - To afford adequate visibility at the accesses/junctions to cater for the expected volume of traffic joining the highway network and in the interests of general highway safety.*

- 19 Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

*Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)*

- 20 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

*Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.*

- 21 Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be brought into use until such time as a scheme for the hard surfacing of public right of way N85 has been implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

*Reason - To provide for improved pedestrian access to nearby services, in the interests of ensuring the development is sustainable in transportation terms.*

- 22 Notwithstanding the submitted details, nor Condition 2 above, no work shall commence in respect of the construction of the proposed pumping station until such time as precise details of all associated above-ground works have been submitted to and agreed in writing by the Local Planning Authority unless details have already been agreed by the Local Planning Authority under Condition 24 of Planning Permission 15/00032/FULM. . The development shall be carried out in accordance with the agreed details.

*Reason - To ensure an appropriate form of development, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.*

### **Notes to applicant**

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.

**PLANNING APPLICATIONS- SECTION A**