

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Area Planning Panel (Shipley) held on Wednesday 21 March 2012 at the Town Hall, Shipley

Commenced 1005  
Adjourned 1305  
Site Visits 1305-1440  
Re-convened 1440  
Concluded 1505

### PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
McCabe	Dredge	Cole
	Sajawal Hussain	
	Shabir Hussain	
	Smithies	

Apologies: Councillors Binney and Imdad Hussain

Observers: Councillor Heseltine (Minute 52(b) and (d)), Councillor L'Amie (Minute 52(c)) and Councillor Townend (Minute 52(a))

### Councillor Shabir Hussain in the Chair

#### 49. DISCLOSURES OF INTEREST

Councillor Cole disclosed a personal and prejudicial interest in the item relating to Laverly House, West Lane, Baildon (Minute 52(c)) as the Liberal Democrat candidate for the area was in favour of the application, though he had refrained from commenting on the application. He therefore withdrew from the meeting during the consideration of this item in accordance with the requirements of the Members' Code of Conduct (Part 4A of the Constitution) and the Members' Planning Code of Conduct (Part 4B of the Constitution).

Councillor Smithies disclosed a personal interest in the item relating to Laverly House, West Lane, Baildon (Minute 52(c)) as she was a Member of the Social Care Overview and Scrutiny Committee but as the interest was not prejudicial she remained in the meeting.

**ACTION: City Solicitor**



## 50. MINUTES

**That the minutes of the meetings held on 7 December 2011 and 18 January 2012 be signed as a correct record.**

## 51. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

## 52. PUBLIC QUESTION

There were no questions submitted by the public.

## 53. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

The Strategic Director, Regeneration and Culture presented **Document “X”, “Y” and “Z”**. Plans and photographs were displayed and/or tabled in respect of each application and representations summarised.

### Decision following Site Visit

#### (a) 37 Springfield Road, Baildon

#### Shipley

Retrospective householder application for the construction of an extension to the rear of No 37 Springfield Road, Baildon - 12/00253/HOU

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the application was retrospective and the dwelling was a semi detached property located in a residential area. Baildon Parish Council had not commented on the application, however, five objections had been received along with seven in support. The issues raised were outlined in the officer's report all the neighbours had been notified. The Strategic Director, Regeneration and Culture confirmed that it was not considered that the additional depth of the extension was a significant issue. The side windows did create some overlooking, though this was not considerable. There was no alteration to the parking arrangements or drainage and the extension was not an excessive development in the garden. It was noted that encroachment was a private matter. The application was then recommended for approval subject to the conditions as set out in the report.

In response to Members' questions, the Strategic Director, Regeneration and Culture confirmed that:

- The plans submitted detailed a dormer and gable and the drawings identified the lower and upper floors. The alterations undertaken had been made under permitted development rights.
- The projection would be highlighted during the site visit. The original plans detailed a similar projection on both dwellings.
- No changes had been made prior to the extension being built.
- The extension was too big in respect of what had been recommended, though the

application could be approved if it had no adverse effect on neighbours.

- There was a great deal of space at the side and to the rear of the dwelling. The extension was not an overdevelopment and was only 400mm greater than what was allowed under permitted development rights.
- The extension did not have an adverse effect on the adjoining neighbour as there already was a projection.
- It had not been determined where the boundaries were and if there had been any damage or encroachment.
- The lower half of the extension had been constructed in stone and matched existing materials. The extension was not prominent on the street scene.

A Ward Councillor was present at the meeting and questioned why photographs had not been taken from 39 Springfield Road. In response the Strategic Director, Regeneration and Culture confirmed that it was not normal procedure for officers to go into other properties other than that relating to the planning application.

The Ward Councillor then raised the following concerns:

- She strongly objected to the application.
- The property was semi-detached and only a projection of 3000mm was allowed under permitted development rights.
- A planning application would be required as the depth was 3400mm.
- The ridge height of the roof was two thirds higher.
- The extension was out of scale.
- The materials used were out of keeping.
- The guttering would overhang the curtilage of 39 Springfield Road.
- The extension caused overshadowing and a loss of privacy to 39 Springfield Road.
- The owner of the property and builder had a cavalier attitude.
- The extension had been built without planning permission.
- The application should be refused.

An objector was present at the meeting and raised the following issues:

- The extension had been built without planning permission.
- The extension covered the full width of the house.
- It was possible that the extension encroached over the boundary.
- It was not built within the permitted development rights.
- If the guttering were fitted then it would overhang her property.
- The extension was out of keeping with the rest of the dwelling.
- It overshadowed her garden.
- The extension's roof protruded over her boiler room, threw water onto it and this could cause damp.
- No thought had been given to the extension.

A supporter of the application was present at the meeting and made the following points:

- The extension did not cause an intrusion.
- The extension was an existing conservatory.

The applicant's representative was present at the meeting and stated the following:

- The property had been purchased five years ago and a conservatory had been in situ.

- Planning officers had been consulted and they had informed him that the extension would be within permitted development rights.
- A new extension had been created but the conservatory was not new.
- The extension was less than four square metres.
- A planning application had been submitted as soon as it had been realised that it was required.
- The extension complied with all planning policies.
- It did not create any overshadowing or overbearing.
- There were no highway safety implications.
- It did not have an impact on ground water.
- The materials used were stone, render and glass.
- The extension was within building regulations.
- The loft conversion was within permitted development rights and was not an issue.

A Member questioned whether there would be written confirmation of the advice given by planning officers. In response the Strategic Director, Regeneration and Culture confirmed that in respect of permitted development rights, officers would advise that a Certificate of Lawfulness would have to be submitted and there was no indication that this had not been undertaken.

Following the site visit, Members raised concerns in relation to the incomplete construction work, the lack of guttering and the affect on the adjoining neighbour's residential amenity. It was suggested that additional conditions were placed on the application in order to resolve the matter. Members also acknowledged that the boundary issue was a private legal matter and that a footnote had been placed on the application.

#### **Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture's technical report and also subject to the following additional conditions:**

- (i) **That the solid wall of the extension along the boundary between 37 and 39 Springfield Road be rendered; and**
- (ii) **That guttering be added to the solid wall of the extension along the boundary between 37 and 39 Springfield Road.**

#### ***ACTION: Strategic Director, Regeneration and Culture***

- (b) **Bridge House, Riverside Buildings, Bailey Hills Road, Bingley** **Bingley**

Variation of condition 2 of permission 10/03573/FUL dated 12/11/10 to permit hairdressing to be carried out in addition to the range of nail and beauty related treatments already approved to be provided at Bridge House, Riverside Buildings, Bailey Hills Road, Bingley – 12/00171/VOC

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and explained that the application was to vary condition 2 of the permission in order to permit hairdressing to be carried out on the premises. The business was located at the edge of Bingley Town Centre along side three other commercial buildings in a mainly residential area. The business premises had its own courtyard with three parking spaces, however, the majority of the parking was on the public highway. The Strategic Director, Regeneration and Culture reported that twelve representations had been

received and since the report had been publicised a further thirty letters had been submitted. The principal concern was the generation of additional traffic in the area and the need for parking. It was noted that the Council's Highways Department had not raised any concerns initially, however, a more detailed response had been submitted in light of the additional objections.

The Strategic Director, Regeneration and Culture then informed Members that the Highways Department had acknowledged that the premises were located in a residential area at a junction. There were double yellow lines to the south on Old Main Street and two hours permitted parking to the north. Similar arrangements were in place on Main Street, however, there were no parking restrictions to the front of the premises. It was noted that there was sufficient on-street parking on Main Street to facilitate the site. The Highways Department had indicated that the parking requirement for the premises based upon the floor space was eight spaces, which meant there was a shortfall of five spaces. If the business use and the number of staff employed were taken into consideration then eleven spaces would be required, which would equate to a shortfall of eight spaces. In conclusion the Highways Department had recognised that there was an absence of on-street parking, however, there was alternative parking provision within a reasonable distance and therefore they had not raised any objections.

The Strategic Director, Regeneration and Culture confirmed that the business uses had been compared and it had been noted that more use could be generated by providing hairdressing services, though it could not be confirmed whether this would be a significant increase. There would not be a considerable increase in traffic in the area and the on-street parking provision would be adequate. The application was then recommended for approval subject to the conditions as set out in the report.

In response to Members' questions the Strategic Director, Regeneration and Culture and confirmed that:

- The parking was time limited to two hours.
- There were six employees and there would be a parking capacity for nine members of staff.
- The other businesses in the vicinity had not objected to the application.

A Ward Councillor was present at the meeting and raised the following issues:

- Residents were concerned in relation to traffic congestion.
- The area was affected by town centre parking.
- A meeting with the Council's Highways Section had taken place recently to discuss issues.
- The perception by local residents was that the additional provision would affect the area.
- The issue of on-street parking should be looked at.
- The traffic management in the area needed to be resolved.
- The additional vehicles that would be attending the visiting the premises should be taken into consideration in conjunction with other traffic coming into the area.
- The concerns of residents should be taken into account.
- Further commercial expansion should be refused.

An objector was present at the meeting and outlined the following concerns:

- The proposal was in breach of planning permission as there already were hairdressers at the premises.

- A traffic survey had been undertaken over the past seven months.
- Residents had to park on the street.
- There were times when the road was quiet but there were still problems.
- The traffic congestion had increased in the area since the premises had commenced hairdressing.
- It was a conservation area but this was being lost due to the parking and highways issues.
- The interpretation of the Government guidelines regarding centre development needed to be looked at.
- It was a residential area.
- Thirty objections had been received.
- All uses had to be applied for as the business was not in the town centre.
- The conservation area was being damaged due and the out of town centre was being extended.
- The applicant had breached planning consent.
- The application should be refused.

The applicant's representative was present at the meeting and made the following statements:

- The Council's Planning Office at Keighley had been very helpful.
- He had been told that he was not authorised to undertake a traffic survey.
- The clients of the business attended on an appointment system and many were dropped off and collected.
- The business had moved 130 metres from its original location.
- He did not accept that the business was causing the traffic and parking problems.
- The business was not taking customers from businesses in Bingley. The business was a market leader in the area.
- The business had access to three additional car parking spaces and it had never had a problem with parking before.
- The conclusion of the objector was rejected.
- The area suffered from people parking and getting on the train to Leeds.

During the discussion a Member stated that the parking problem in the vicinity was an issue for the Area Committee to resolve. The business operated an appointment system which would restrict the numbers at the premises and this would not have an adverse impact on residents.

#### **Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture's technical report.**

***ACTION: Strategic Director, Regeneration and Culture***

**Decision following Site Visit****(c) Laverly House, West Lane, Baildon****Baildon**

Full planning application for demolition of existing house and erection of a 56-bedroom nursing home at Laverly House, West Lane, Baildon - 11/05133/FUL

The Strategic Director, Regeneration and Culture gave a presentation setting out the proposals and tabled plans detailing the layout. It was explained that the site was within a residential area at the junction of Stubbings Road. The Parish Council had objected to the application and 23 representations had been received, including one from a MP and two from local Ward Councillors along with 17 letters in support. The issues raised were detailed in the officer's report. It was noted that amended plans had been submitted and no objections had been received from consultees, subject to the conditions on the application.

The Strategic Director, Regeneration and Culture reported that the site was within the World Heritage Site Buffer Zone and it had been requested that care be taken in relation to the materials and colours to be used. The existing property did not have any architectural merit and the principle of the use of the site was acceptable. It was noted that the existing property would be demolished and a nursing home built upon the Brownfield site. Objectors had stated that the area was not well served by public transport, however, this was not a compelling reason to refuse the application. The proposed building differed in form and massing to those in the area due to the nature of the building, though the height was broadly comparable to a two-storey dwelling. The Strategic Director, Regeneration and Culture indicated that the building would be set back from the road and not have a significant or overbearing impact on the street scene. The materials to be used would be artificial stone, render and natural blue slate, which would have less of an impact on the World Heritage Site. With regard to the impact on neighbours, it was reported that the distances to adjacent properties would be acceptable and not have an adverse effect on their outlook or privacy. Objections had been received from the occupiers of the bungalows opposite, which were elevated, therefore, as the building would be set back there would not be a significant impact upon their residential amenity.

In relation to construction disturbance, the Strategic Director, Regeneration and Culture confirmed that conditions that would limit this had been placed on the application. The parking provision had been increased from 20 to 24 spaces and disabled spaces would be provided. The vehicle access from West Lane was to a reasonable standard and the proposed building would not exceed the capacity of the highways network. It was noted that the trees on the southern boundary would be retained and a condition had been placed on the application in respect of a new planting scheme. The application was then recommended for approval, subject to the conditions as set out in the report.

In response to Members' questions the Strategic Director, Regeneration and Culture confirmed that:

- The application was for a 56 bedroom nursing home.
- The existing planning permission on the site was for six houses.
- The increased number of 26 parking spaces had been taken into account by the Highways Department.
- The existing trees on the boundary would remain and new trees would be planted.
- The existing wall would be retained.
- The main impact of the proposal on the World Heritage Site would be the colour and materials used, which would have to be appropriate.

- The proposed building would be more traditional and have character.
- Some of the proposed building was south facing so there maybe scope for the installation of solar panels on the roof.

A Ward Councillor was present at the meeting and outlined the following concerns:

- The development of the site was not being contested.
- The existing permission was at the upper limit of the site's capacity.
- The proposal would be an overdevelopment of the site and out of keeping with the area.
- The proposed building looked like a hotel or office block.
- A change of use could be applied for if the nursing home did not prosper.
- The building would be the largest in the area.
- The proposal was contrary to Policy UR3 as it would have a negative effect on neighbours.
- There would be overlooking from the first floor of the public area.
- The acceptable distances between properties may not be relevant for a nursing home.
- The proposal was contrary to Policy D1 as it should make a positive contribution to the area.
- The street scene drawing showed the building as being highly visible from West Lane.
- It would take decades for the trees to mask the building.
- The site was not brownfield.
- The application was garden grabbing.
- There were sustainability and highways issues.
- The area was poorly served by public transport.
- The proposed access was not suitable for a nursing home.
- The proximity of the access point to Stubbings Lane was not acceptable.
- The facility would not be used by local people.
- The proposal may not provide jobs for local people and it was not easy to reach.
- There were other sites in Baildon that were more central to access for visitors and staff.
- The access was difficult and did not comply with the Local Development Framework.
- More jobs would be created on a better site.
- If the principle of the development was accepted then a smaller single storey building should be constructed.

A representative of the Parish Council was present at the meeting and raised the following issues:

- The Parish Council had objected to the application.
- The proposal was too large for the size of the plot.
- The proposal was incongruous with the street scene.
- There was terrible traffic congestion ion the area.
- The proposed parking facilities were insufficient.

An objector was present at the meeting and made the following points:

- There were more objectors than supporters of the proposed scheme.
- The proposed establishment would provide care for those with acute needs.

- Local General Practitioners (GPs) had indicated that there was no need for this specific provision.
- There already was a care home in Baildon that had vacancies.
- It was a quiet residential area that should not have to tolerate the proposed development.
- Employees could travel from all over the District.
- The proposed development had 77 rooms in total and this would be a very large building.
- The proposed development could be constructed as two self sufficient nursing homes.
- It would be a large and intrusive building.
- There were 19 significant buildings on Stubbings Road.
- The proposed development would overlook 'Seven Steps' and 'Glen Wood'.
- The proposal would create an invasion of privacy.
- The Council's Conservation officer had raised concerns in relation to the scale of the proposed building and suggested that consideration be given to breaking the development into blocks.
- The proposal should be for the construction of one nursing home on one level.
- The application should be refused due to the overbearing and size of the building.

The applicant's agent was also present at the meeting and stated the following:

- The developer lived near to the site.
- The applicant had worked with officers and amended the proposal.
- The proposal would meet local need and provide employment.
- The commercial viability of the proposal was not a planning matter.
- The developer had substantial experience.
- There were less than 50 care home beds available in the area.
- He sympathised with the views of supporters who currently had to travel to get to care homes.
- A major review of care homes in the District was being undertaken and many would not be fit for purpose or comply with the Care Quality Commission (CQC) standards.
- The proposed new home would exceed CQC standards.
- The proposal would provide employment for approximately 40 to 50 people.
- The recommendation had been based upon sound judgement.
- He hoped that objectors would realise that the development would be an asset for Baildon.

Following the site visit, a number of Members commented that the public transport in the area was adequate and all the issues had been addressed. It was noted that the site needed to be developed and the proposal provided a good opportunity.

#### **Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture's technical report.**

***ACTION: Strategic Director, Regeneration and Culture***

(d) **Requests for Enforcement/Prosecution Action**

(i) **1 Lucy Hall Farm Close, Baildon**

**Baildon**

An unauthorised raised decking platform with attached fencing has been constructed to the front of 1 Lucy Hall Farm Close - 11/00676/ENFUNA

Enforcement Action to remove the decking and attached fencing was authorised on 15<sup>t</sup> February 2012.

(ii) **Land at Faweather Grange, Sconce Lane, High Eldwick, Bingley**

**Bingley**

An unauthorised timber shed has been constructed on land within the Green Belt and within the Rombalds Ridge Landscape Character Area - 09/01140/ENFUNA

A retrospective planning application was submitted to retain the shed however this was refused in April 2011. An appeal was submitted against the refusal of planning consent however this was dismissed by The Planning Inspectorate on 5 December 2011.

Enforcement Action to remove the shed was authorised on 15 February 2012.

(iii) **Wharfeside Hand Car Wash, Coutances Way,  
Burley in Wharfedale**

**Wharfedale**

The unauthorised use of land as a hand car wash currently operating without the benefit of planning permission - 11/01312/ENFCOU

The Planning Enforcement Manager on 21 February 2012 authorised an enforcement notice up requiring that the hand car wash business cease operating from the land within 7 days from the date the notice takes effect.

**Resolved –**

**That the decisions be noted.**

***ACTION: Strategic Director, Regeneration and Culture***

(e) **Decisions Made by the Secretary of State**

**APPEAL ALLOWED**

(i) **24 Festival Avenue, Shipley**

**Windhill/Wrose**

Retention of existing timber decking.

Case No: 11/02527/HOU

Appeal Ref: 11/00216/APPHOU

**APPEALS WITHDRAWN**

(ii) **Burley Township School House, 133b Main Street,  
Burley in Wharfedale**

**Wharfedale**

Construction of detached residential bungalow.

Case No: 11/02835/FUL

Appeal Ref: 11/00177/APPFUL

(iii) **Rockfield, Hardaker Lane, Baildon**

**Baildon**

Construction of detached dwelling.

Case No: 11/01392/FUL

Appeal Ref: 11/00204/APPFUL

**Resolved –**

**That the decisions be noted.**

***ACTION: Strategic Director, Regeneration and Culture***

(f) **Airedale House, Micklethwaite Lane, Bingley**

**Bingley**

A full application for the construction of 27 dwellings with associated highways, parking and landscaping at Land South of Airedale House, Micklethwaite Lane, Bingley - 11/01491/MAF

The Strategic Director, Regeneration and Culture began by informing Members that an additional objection to the scheme had been received on the grounds that it would be detrimental to the character of the conservation area. It was then explained that the application had been submitted to the Panel meeting held on 18 January 2012 and deferred in order for condition 10 to be clarified and additional financial information provided.

Members then requested that the public be excluded from the meeting in order to allow the discussion of sensitive information and, therefore, at 1205 it was agreed that:

**Resolved –**

**That the public be excluded from the meeting during the discussion of the item relating to Airedale House, Micklethwaite Lane, Bingley on the grounds that it is unlikely, in view of the nature of the business to be transacted or the nature of the proceedings, that if they were present exempt information within Paragraph 3 (financial or business affairs) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and it is considered that, in all the circumstances, the public interest in allowing the public to remain is outweighed by the public interest in excluding public access to the relevant part of the proceedings for the following reason:**

**It is in the overriding interests of proper administration that Members are made fully aware of the financial implications of any decision without prejudicing the financial position of the applicants.**

At 1235 the public were allowed into the meeting.

The City Solicitor reported that the Panel had considered the information provided within the **Not for Publication Appendix of Document “Z”** in respect of the viability of the Section 106 Agreement and were satisfied that the financial information that the Council had received was sufficient.

A Ward Councillor was present at the meeting and raised the following issues:

- The site had a green vista and framed the remainder of the area.
- The Sty Lane application was subject to a Planning Inspection and a decision on this site should not be made prior to the Inspector's decision.
- There was the issue of the swing bridge.
- The residential roads had capacity limits.
- There was nothing within the report to state that the roads could accept any more traffic.
- Could the local infrastructure cope?
- A system needed to be implemented in relation to the traffic in the area.
- A great deal of work had been undertaken in Micklethwaite village in relation to ground water.
- Ground water flowed into the River Aire and caused flooding issues.
- Consideration of the application should be deferred until after the Planning Inspector's report was published or the application should be refused.

An objector was present at the meeting and outlined the following concerns:

- Objectors had urged the Panel to refuse the application at the meeting held on 18 January 2012.
- He had been advised that the application should be withdrawn and considered at the same time as the other Sty Lane applications.
- How many houses could minor roads sustain?
- When the swing bridge broke down it was chaotic.
- How many added vehicles would be permitted to drive along dangerous narrow lanes?
- The site was not allocated as housing and the Executive's recommendation did not redeem the situation.
- The width of the road should be 4.8 metres to allow two vehicles to pass.
- Large vehicles used the roads and these would not be able to pass each other.
- If the application was to proceed then the road should be widened.
- The site access visibility splays had been based upon an inadequate road traffic survey.
- He was not against development, but the housing should be to a standard.
- The site was part of S/H2.10 Sty Lane and part of the Public Inquiry.
- The addition of 22 houses would not preserve the conservation area.
- Micklethwaite Lane was not wide enough.
- The visibility splays did not comply with the Manual for Streets.

In response the Council's Principal Highways Engineer explained that the application needed to be considered on its own merits and there was no demonstrable harm to the highway. He confirmed that the developer had been asked to widen the road to 4.1 metres, which was adequate in areas and a speed limit of 30 miles per hour had been requested.

The Strategic Director, Regeneration and Culture then confirmed that the site had been allocated as housing, however, it had not been carried forward. It was proposed that the site would have a full Sustainable Urban Drainage System (SUDS) and the application could be determined on its own merits.

The applicant's agent was also present at the meeting and stated the following:

- The application had been deferred previously and the additional information had been accepted.
- The amendment to Condition 10 and the provision of SUDS was acceptable.
- The development would consist of 27 dwellings comprising of a range of two, three and four bedrooms.
- The design issues in respect of the conservation area and canal had been addressed.
- The materials to be used would be natural stone and slate.
- There was adequate parking and turning provision on the site.
- Suitable care had been taken in respect of the new dwellings relationship with the conservation area and listed buildings.
- There was a clear need for housing in the District.
- The site had previously been allocated as housing.
- The site was separate to the others in the vicinity.
- The application for the other site had been refused due to highways issues and the swing bridge.
- The highways infrastructure was acceptable for 27 dwellings.
- There was no merit in deferring the application again.
- The officer's report was comprehensive and welcomed.
- The application should be approved.

During the discussion Members acknowledged that the financial information previously requested had been provided, which justified the developer's request and that all the issues had been addressed. The Strategic Director, Regeneration and Culture outlined the four options available to Members and confirmed that Option A was the preferred option.

#### **Resolved –**

**That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration and Culture's technical report and also subject to the completion of a Section 106 Agreement to provide for four affordable housing units, the full contribution towards education facilities of £85,138, the provision of an area of 1490 square metres of public open space as a green reserve with a holistic management plan for the site and an overage agreement which will be triggered once the profit return from the development is in excess of 20%.**

***ACTION: Strategic Director, Regeneration and Culture***

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.**

i:\minutes\pls21March

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER