



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods, Regeneration
and Sustainability

Contact: Sam Taylor Ext: 78654

Item 1

15th April 2025

24/00240/LOCAL – 240 Albert Drive, Glasgow, G41 2NL

Use of premises (Class 1A) as cafe (Class 3)

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the above review.

Recommendations:

That Committee consider the content of this report in coming to their decision.

Ward No(s): 6 – Pollokshields

Citywide: N/A

Local member(s) advised: Yes ☐ No ☐

consulted: Yes ☐ No ☐

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1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The proposal site is located on the corner of Albert Drive, on the commercial unit on the ground floor of a mid-terraced three-storey blonde sandstone tenement block. Residential units occupy the upper floors.
- 1.2 The site is located within the East Pollokshields Conservation Area. The building is unlisted.
- 1.3 The site is located within Albert Drive Local Town Centre.
- 1.4 The site is in an area of High Public Transport Accessibility.
- 1.5 The proposal (24/01822/FUL) seeks consent for a change of use from a Class 1A unit to a Class 3 (café/sealed unit cooking) Use.
- 1.6 The proposed opening hours of the café are 08:00-23:00, Monday to Sunday.
- 1.7 The proposed cooking equipment specified in an email from the agent includes an “Air Fryer-Lighfry LF18EHC-400VHigh capacity Air Fryer” and an “Electric Oven-Turbochef 15-Ventless oven/microwave.” It is not specified the proposed hot food being prepared, though takeaway desserts are mentioned in the application.
- 1.8 Internally, there are alterations to the development shown in the drawings which are not subject to planning as the building is unlisted. No external extraction is proposed.
- 1.9 The application property was occupied by Bank of Scotland (formerly Class 2, now Class 1A) until it was made vacant in 2023. Marketing of the property commenced on 10 August 2023, and the agent confirmed in email that the applicants “took over the premises” in February 2024.

2. DEVELOPMENT PLAN POLICIES

- 2.1 NPF4 is part of the statutory Development Plan. Where there is an area of incompatibility it is expected that the newest policy document will take precedence, which will be NPF4 for the time being.

In this case, the relevant policies from NPF4 are:

- Policy 1: Tackling the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaptation
- Policy 7: Historic Assets and Places
- Policy 12: Zero Waste
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 23: Health and Safety
- Policy 27: City, Town, Local and Commercial Centres

2.2 The relevant City Development Plan policies are:

- CDP1: The Placemaking Principle
- CDP4: Network of Centres
- CDP9: Historic Environment
- CDP11: Sustainable Transport

2.3 The relevant Supplementary Guidance is:

- SG1 (Part 2): The Placemaking Principle
- SG4: Network of Centres
- SG9: Historic Environment
- SG11: Sustainable Transport
- East Pollokshields Conservation Area Appraisal

3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)

3.1 The reasons for refusal are set out below:

01. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.
02. The proposed development is contrary to NPF4 Policy 14: Design, Quality and Place, Policy 23: Health and Safety, and Policy 27: City, Local and Commercial Centres, and it is contrary to City Development Plan Policies CDP1 and SG1 (Part 2): The Placemaking Principle, and CDP4 and SG4: Network of Centres, and there is no overriding reason to depart therefrom.
03. The proposed development is contrary to NPF4 Policy 14, Policy 23, Policy 27, CDP1 and SG1 (Part 2), and CDP4 and SG4 in that the use of the property as a café Class 3 would result in a significant loss of residential amenity of the adjacent residential flats above the unit and north of the unit through the effects of increased noise, activity and/or cooking fumes.
04. The proposed development is contrary to NPF4 Policy 27 and CDP4 and SG4 in that the use of the property as a café Class 3 (sealed unit cooking) would result in an overconcentration of non-Class 1A food or drink uses within this street block, at 33.33% or four out of six units, and as such would negatively impact on the vitality and character of the Local Town Centre and undermine its primary retail function.

4 APPEAL STATEMENT

4.1 A summary of the material points raised in the appeal statement is given below.

01. The proposal description of 'Class 1A Premises', which broadly includes shops and financial services, fails to recognise the premises was not in retail use. The proposed use was not fully understood by the planner
02. It is bizarre that a Noise Impact Assessment was asked for, given this is a café. Such reports cost in the region of £1500-£2500. The hours of operation were explained but the offer to shorten the hours was offered. As far as cooking noise that is simply foolish. There is little or no noise from air fryers, merry chefs and microwaves.
03. The ROH contains a great deal of policy information which has no relevance to this application, relating as it does to a full scale class 3 restaurant use with external flue and open cooking equipment which this is not. This application is for a café/dessert bar.
04. It is untrue that there is no waste management plan, stating: "the proposed development makes provision for the storage of all waste materials within a designated store within the property. The refuse will only be placed outside for uplift at the appointed time by the appointed contractor, so problems with bins being left on the footpath and resultant litter will not arise."
05. The reality is that while the main use will be a specialist dessert bar the proposal does refer to a small retail. To slavishly defend the retail use in the absence of any demand for such uses must be addressed, as it will result in a plethora of empty units and the loss of a community focus
06. It is further claimed that there is no pattern of vacancies in the town centre and that "the vacant bank will easily attract and accommodate a range of retail and other uses." This is an observation borne out of a lack of understanding of the current market.
07. Albert Drive is a rather sad and uninviting place, even more so after dark. This new venue will bring some vitality and life into this part of the street.

4.2 The applicant did not request any further procedure in the determination of the review.

5 REPRESENTATIONS AND CONSULTATIONS

- 5.1 During the application process, there were five representations received, one objecting to the proposal, two deemed neutral and two in support. At the appeal stage no further comments were given. A summary of the points raised are given below:

Support

- General support of property being used as café and community hub, subject to the protection of residential amenity and the amenity of the area from increased littering, noise, activity, parking, and cooking fumes issues.
- Retention of, and no external works to, the exterior of the property.
- Conversion of the vacant unit into a use which has an active frontage, and which will attract locals and visitors to the area with the benefit of increasing economic activity.

Objection

- Noise from operation and visitors resulting in loss of residential amenity for flats in the tenement building.
 - Inappropriate extended hours of operation (stated in submitted Planning Statement as 8am to 11pm every day) given the proximity to residential properties.
 - Clarification should be sought regarding the method of cooking and whether or not ventilation would be required.
 - Litter and improper waste storage, attracting pests (cockroaches and rats are already an issue with the site) and detrimental to residential amenity and the amenity of the area.
 - Insufficient parking for the additional use and increased parking and double-parking on Albert Drive which cause traffic flow and safety issues.
- 5.2 During the initial application stage, NRS Environmental Health were consulted on the development. They objected to the proposal and raised the following points:
- The development does not propose a suitable means of ventilation for the removal of cooking odours, this is imperative where this application, if granted, could allow other more extensive cooking, and thus cooking odours, in the future'
 - The cooking methods proposed would require mechanical ventilation system which includes an externally mounted high level flue that terminates at a minimum of 1m above the eaves of the roof is required to meet environmental health standards, to a standard as set out in SG4 Assessment Guideline 12.'
 - Advisory notes should be added requesting a noise impact assessment for the extraction system required.

6 COMMITTEE CONSIDERATIONS

6.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations.

6.2 The following are relevant policy considerations

6.3 **NPF4 Policy 1: Tackling the Climate and Nature Crises, NPF4 Policy 2: Climate Mitigation and Adaptation**

NPF4 Policy 1 states that: “When considering all development proposals significant weight will be given to the global climate and nature crises.”

NPF4 Policy 2 states that:

- a) “Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.”

Committee should note:

- The proposal is broadly in line with aims of development within established urban areas for compact growth.
- Committee should consider whether they are completely satisfied the development considers the climate and nature crises.

6.4 **NPF4 Policy 7: Historic Assets and Places, NPF4 Policy 14: Design, Quality and Place, CDP9: Historic Environment & SG9: Historic Environment, CDP1: The Placemaking Principle and SG1: The Placemaking Principle (Part 2), East Pollokshields Conservation Area Appraisal**

Policy 7 The intent of the policy is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 14 intends to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. The policy required development to be designed to improve the quality of an area regardless of scale. Development will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Policy 14 states that proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Further details of the six qualities of place can be found in Annex D of NPF4.

CDP/SG1 Part One includes the six Qualities of Place that apply to all development proposal:

- A place with character and identity: a place that is distinctive.
- A successful open space: a place that is useable, high quality and multi-functional.
- A legible and safe place: a place that is accessible, easy to navigate, and welcoming.
- A place that is easy to move around: a place that is well-connected and focussed on active travel.
- A vibrant and diverse place: a place that has multiple uses and high levels of street level activity.
- A place which is adaptable and sustainable: a place that is adaptable for future needs and demonstrates sustainable design.

This overarching policy for CDP/SG1 states that new development should encourage placemaking by being design-led, aspiring towards the highest standards of design while directing development to the right place. All development should respect and protect the City's heritage by responding to its qualities and character of its site and surroundings. Development should make the City an appealing place to live, work and visit for all members of society, providing high quality amenity to existing and new residents.

Committee should note:

- Within this application, no external alterations have been proposed.
- Committee should consider if the proposal preserves the character and appearance of East Pollokshields Conservation Area.
- Committee should consider whether this proposal is consistent with the qualities of successful places.
- Committee should consider if this proposal is of a high design standard that respects the City's place quality.

SG1 provides the following detailed guidance in relation to this proposal:

Alterations to Shops and Other Commercial Buildings

This guidance seeks to ensure that alterations to shops and other commercial buildings enhance the appearance of buildings and the street scene generally, respecting the historic character of the property, and cause no dis-amenity to neighbours as a result of noise, vibration, etc.

Proposals for alterations to shops and other commercial buildings should:

- a) respect the period, style and architectural character of the building.
- b) not detract from the historic character of a listed building or property within a conservation area, see also SG9 - Historic Environment; and
- c) not adversely affect residential amenity as a result of noise, vibration, etc.

3.11 Chiller/Air Conditioning Units/Flues - The following guidance applies

- a) external fittings such as air conditioning units should be located out of sight of public view, on rear/side elevations, concealed on a roof, or in back yards.
- b) within residential buildings, units should be located to minimise noise and vibration. In general units should be located away from any residential window; and
- c) the title deeds of a tenemental property, or other building, may require that the agreement of other owners be obtained before any structure is fitted to a wall in common ownership. Any grant of planning permission does not remove this obligation, which is a separate legal matter.

Committee should note:

- No external alterations are proposed.
 - The Environmental Health officer consulted on this application stated that the proposed sealed unit (or enclosed) cooking equipment would require a ventilation system. They therefore objected to the proposal.
 - No menu was provided, so the type of cooking proposed is not confirmed.
 - The site is directly above residential units and the required flue vent would likely be within 1.5m of several residential windows.
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- Committee should consider if the lack of an extraction vent is suitable for the proposal.
 - Committee should consider if the development adversely affects the architectural character of the conservation area.
 - Committee should consider if they are satisfied that dis-amenity to neighbours would not occur as a result of noise and vibration from the flue vent and the use of the cooking equipment requested by Environmental Health.

6.5 NPF4 Policy 12: Zero Waste and CDP1/SG1: The Placemaking Principle - Waste Storage, Recycling and Collection and SG4: Network of Centres

NPF4 Policy Intent: To encourage, promote and facilitate development that is consistent with the waste hierarchy.

The relevant guidance is:

Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i. provision to maximise waste reduction and waste separation at source, and
- ii. measures to minimise cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste and recycling and localised waste management facilities.

SG1 provides the following detailed guidance:

All new developments must include appropriate and well-designed provision for waste storage, recycling and collection. All waste/recycling areas must be located discreetly, to have no adverse visual impact or cause traffic/noise nuisance to neighbours. Applications must provide full details of the provision for waste storage, recycling and collection in the initial submission for planning permission.

SG4: Network of Centres - Assessment Guideline 14: Waste Management and Disposal

Proposals for food, drink and entertainment uses will only be considered favourably if suitable arrangements for the management and disposal of waste (including recyclables) can be provided, to the complete satisfaction of the Council. Plans to show details of on-site waste storage facilities will be required.

Committee should note:

- It is proposed that the 'development makes provision for the storage of all waste materials within a designated store within the property. The refuse will only be placed outside for uplift at the appointed time by the appointed contractor, so problems with bins being left on the footpath and resultant litter will not arise.'
 - NPF4 and SG4 requires clarity on appropriate segregation, expected levels of waste generated and details of collection for both recycling and waste in a waste management plan.
 - The area marked for refuse on the floor plan is in the basement. An objection by a member of the public was raised around the storage of waste in the basement due to concerns of pests being attracted.
- Committee should consider whether they are completely satisfied with the absence of a waste management plan.

6.6 NPF4 Policy 13 and CDP11/SG11: Sustainable Transport

NPF4 Policy Intent: To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

SG11 provides the following detailed guidance:

Cycle Parking

The Council shall require the provision of cycle parking, in line with the minimum cycle parking standards specified (below), as well as the following guidance:

- a. Wherever possible, employee cycle parking should be located within buildings or a secure compound. Where such a location is not feasible, provision should be close to areas of high activity, such as the main entrance of development, to ensure cycling is encouraged through enhanced security provided by passive surveillance.
- b. Cycle parking should always be *safe, sheltered and secure*. The form of cycle parking provided should facilitate the securing of the frame of the bike to the "stand". "Sheffield" racks are a good, and preferred, example of such provision.
- c. Employment sites shall provide on-site showers, lockers, changing and drying facilities, as a means of promoting walking and cycling to work. These are important trip-end facilities that can positively affect an individual's decision to walk, run or cycle regularly.

Minimum standard for Restaurants/Cafés:

Staff: 1 space per 10 staff

Customer: 1 space per 50sqm public floor area.

Vehicle Parking

Vehicle parking provision should be assessed against the standards set out below.

Maximum standard for Restaurants/Cafés:

High Accessibility: 2 spaces per 100sqm public floor area

Committee should note:

- The Appeal Statement does not give information into the number of staff members on site, but the amount of publicly accessible ground floor has a floor area of 81sqm.
- When consulted NRS Transport Planning stated that on street parking is within the vicinity of the site, which is considered appropriate for visitors 'should no room be available for 1 or 2 onsite.'
- A revised drawing (32028/13a) show four cycle parking spaces in the basement area.
- No vehicle parking is proposed. An objection was raised by a member of the public for insufficient parking in the area.

- The site is located within a High Public Transport Accessibility Area.
- Committee should consider whether the cycle parking provision provided is adequate in this case.
- Committee should consider whether no vehicle parking provision is acceptable for this area.

6.7 **NPF4 Policy 27: City, town, local and commercial centres and CDP/SG4: Network of Centres**

NPF4 Policy Intent: To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

The relevant guidance is:

- a. Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- b. Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
 - i. Hot food takeaways, including permanently sited vans.
 - ii. Betting offices; and
 - iii. High interest money lending premises.

Committee should note:

- The proposal text describes the use as a 'Class 3... a specialist dessert bar with a retail', it is unclear what food types (hot or cold) will be sold for off-site consumption - given both will be sold - and what proportion of the business is planned to take place on and off site.
- The NRS Environmental Health team's raised concern about the methods of cooking; a sample menu has not been provided.
- Committee should consider whether the proposal will enhance and improve the vitality and viability of the town centre.
- Committee should consider if they are satisfied enough information is provided to evidence the use will be Class 3 and not a composite use.
- Committee should consider if the proposed use would undermine the character and amenity of the area.

SG4 provides the following detailed guidance:

Food, Drink and Entertainment Uses

This section is relevant when assessing development proposals for the following uses: Class 3 (Food and Drink), Class 11 (Assembly and Leisure)

and specific Sui Generis uses (including hot food shops, public houses and composite/hybrid uses). This guidance states the Council has to strike a balance between the encouragement of uses that make the City more vibrant, and the need to preserve a reasonable level of amenity for adjoining occupiers, particularly neighbouring residents.

Assessment Guideline 5: Proposed Non-Retail Uses within Local Town Centres

In assessing proposals within Local Town Centres, the Council will seek to maintain a sustainable level of retail within each Centre, whilst also supporting other appropriate uses in order to enhance the vitality of these Centres.

- a. If the proportion of ground floor Class 1 shop units is more than 70%, applications for change of use from Class 1 to non-Class 1 may be considered favourably where it can be demonstrated that the proposal will:
 - i. Contribute positively to the character and appearance of the Town Centre and provide an active frontage; and
 - ii. Not have an unacceptable effect on town centre or residential amenity.
- b. If the proportion of ground floor Class 1 shop units *is less than 70%*, applications for change of use from Class 1 to non-Class 1 may be permitted where it is demonstrated that the proposal will satisfy a)(i) and (ii) above and will achieve at least one of the following:
 - i. Protect the retail function of the Centre by resulting in not more than 3 adjacent non-Class 1 units within a street block;
 - ii. Deliver the re-use of long-term vacant premises**; and/or
 - iii. Accord with relevant Spatial Supplementary Guidance.
- c. It will not be necessary to satisfy the criteria within Section b) where there is a long-term pattern of vacant units in a Centre (ie. where the vacancy rate has exceeded 10% for the preceding 2 years or more).
- d. The loss of an operating retail unit, where there are vacant units in a Centre, will normally be resisted.

Assessment Guideline 10: Food, Drink and Entertainment Uses

The following criteria will be applied:

- a. City-Wide:
 - i. Proposals for food, drink and entertainment uses must not result in a detrimental effect on the amenity of residents through the effects of increased noise, activity and/or cooking fumes. No more than 20%* of the number of units in a street block frontage, containing or adjacent to residential uses, should be in use as a hot food shop, public house, composite public house/Class 3 or composite hot food shop/Class 3 use.
 - ii. Public houses, Class 11 and Sui Generis uses must not be located under new build residential development.
 - iii. The Council will not support food, drink and entertainment uses (including extensions to existing uses or extensions of opening hours) in rear lanes that are immediately adjacent to residential properties,

unless part of a comprehensive redevelopment of an existing rear lane or creation of a new rear lane, where it can be demonstrated that residential amenity will not be adversely affected.

- b. Outwith the City Centre:
- i. Public houses, Class 11 and Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings.
 - ii. Applications for extensions to existing public houses, Class 11 and Sui Generis uses must not increase the floorspace for public use under residential flats, or extend into residential backcourt areas.
 - iii. Hours of operation will be agreed with the Planning Authority, based on local circumstances and the impact of the proposal on residential amenity, but shall not exceed 08:00 to 24:00 hours.

* When calculating the proportion of hot food shops, the Council will include any use which incorporates a hot food takeaway service and any unimplemented planning permissions for changes of use to hot food shop, public house, or Class 3 use, likely to include a hot food takeaway service.

Committee should note:

- If this application was granted four out of six units or 66.67% of the street block would be Class 1A and 33.3% would be non-Class 1A, surpassing the threshold above, requiring further criteria to be met.
 - The proposal if granted would result in 3 adjacent non-Class 1A uses, contrary to policy.
 - The proposal is outwith the City Centre.
 - The proposed opening hours are 08:00-23:00 Monday to Sunday.
 - The site is located immediately adjacent to/below an existing residential unit.
 - According to the Council's Retail Survey, the site has not been vacant for over 2 years.
- Committee should consider if they are satisfied the site will contribute positively to the area, and would not affect residential amenity.
- Committee should consider whether the proposed use, hours of operation, and proximity to residential units will have a negative impact on residential amenity.

Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes

- a. Proposals for a food and drink use will only be considered favourably if suitable arrangements for the dispersal of fumes can be provided, to the complete satisfaction of the Council. The following information will be required:
- i. Plans to show all proposed cooking/heating equipment, with full details of the fume dispersal method. This information must be shown on both the Plan and Elevation drawings;
 - ii. Full specifications of the proposed ventilation system, including the design, size, location and finish;

- iii. A full maintenance schedule of the ventilation system to ensure its continued effectiveness; and
 - iv. Prior to the installation of any system for the dispersal of cooking fumes or odours, a certificate from a member of the Building Engineering Services Association (BESA) shall be submitted confirming that the proposed fume/odour treatment method will operate to its fullest specification, when fitted at the application site. The requirement will be secured by a suspensive condition imposed on any relevant planning permission granted.
- b. Dispersal of cooking/heating fumes should be by an externally mounted flue, erected on the rear or side elevation to a height sufficient to disperse fumes above any nearby property.

Committee should note:

- It is proposed the site will use sealed cooking equipment only without flue vent or mechanical dispersal of cooking and heating fumes.
 - No details of hot food prepared has been given, though the appeal statement states the food would be 'solely related to desserts.'
 - NRS Environmental Health raised an objection stating that the application 'does not propose a suitable means of ventilation for the removal of cooking odours, this is imperative where this application, if granted, could allow other more extensive cooking, and thus cooking odours, in the future' and that advisory notes should be added requesting a noise impact assessment for the extraction system required.
- Committee should consider whether they are completely satisfied that no arrangements are proposed for the dispersal of cooking fumes, contrary to Environmental Health advice

7 COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with the same or different conditions from those listed below; or
- b. Refuse planning permission.
- c. Continue the review to request further information.

8 Policy and Resource Implications

Resource Implications:

Financial: n/a

Legal: n/a

Personnel: n/a

Procurement: n/a

Council Strategic Plan: n/a

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify. n/a

What are the potential equality impacts as a result of this report? no significant impact

Please highlight if the policy/proposal will help address socio-economic disadvantage. n/a

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify: n/a

What are the potential climate impacts as a result of this proposal? n/a

Will the proposal contribute to Glasgow's net zero carbon target? n/a

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report
N

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

9 Recommendations

That Committee consider the content of this report in coming to their decision.