



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)**

BREACH OF CONDITION NOTICE

REFERENCE NUMBER: ED2025/0004/ENF – BCN 02

SERVED BY: East Dunbartonshire Council

SERVED TO: Person who has carried out the development:

**Mr Gavin Fraser
Director
Vaga Developments Limited
Management Suite Eldon Gardens
Percy Street
Newcastle
Tyne & Wear
NE1 7RA**

- 1. THIS IS A FORMAL NOTICE** issued under the provision of section 145 of the Town and Country Planning (Scotland) Act 1997 (as amended) (hereinafter referred to as the “the Act”) by East Dunbartonshire Council (hereinafter referred to as “the Council”) as Planning Authority because it is considered by the Council that a condition imposed on a grant of planning permission relating to the land described below has not been complied with. The Council considers that you, as the person responsible should be required to comply with the conditions specified in this notice.
- 2. THE LAND AFFECTED BY THIS NOTICE**
The site to which this Notice relates forms an area of land and premises comprising of **Flats 1 to 20 Fern Court, Fern Avenue, Lenzie, East Dunbartonshire, G66 4BG** previously known as Lenzie Primary School, Kirkintilloch Road, Lenzie, East Dunbartonshire, G66 4LD all as identified and delineated in red on the Location Plan (hereinafter referred to as “the Site”), noted as such, attached and annexed to this Notice.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by East Dunbartonshire Council on 27 May 2019, for the conversion of the former Lenzie Primary School together with an extension to form a mix of flats and maisonettes (20 properties in total) at the site of the former Lenzie Primary School, Kirkintilloch Road, Lenzie, East Dunbartonshire under reference TP/ED/18/0378.

4. THE BREACH OF CONDITION

The following Condition has not been fully complied with.

Condition 8. Prior to the development commencing details of the play area shown on PL63, including equipment, surfaces and timescales for completion of these areas, shall be submitted to and approved in writing by the Planning Authority. The development shall be completed in accordance with the approved details. For the avoidance of doubt, a play area shall be completed and ready for use prior to the occupation of the first dwellinghouse, unless otherwise agreed by the Planning Authority. These facilities shall be retained for the lifetime of the development.

Reason To ensure that satisfactory play provision is provided on site.

Written approval was granted by the Council on 20 November 2019 for the installation of children's play equipment by Proludic Ltd within the identified Play Area. The equipment consists of an item of multi-play equipment, manufacturer's reference J4933 which is identified by the Council in respect of the documents of the application as PL84 - 'Proludic Play Equipment Spec' together with a Springer Duck - 'Edouard the Duck', manufacturer's reference J837 which is identified by the Council in respect of the documents of the application as PL86 - 'Springie Chicken Details'.

It appears to the Council that Condition 8 has not been fully complied with, as not all of the proposed works have been completed in accordance with the approved drawings. Due to the condition of the play equipment and lack of play area safety surface material, the Children's Play Area is surrounded by temporary fencing preventing access to it and as a result, its use.

The outstanding works comprise of the following:

1. Play Area

(a) No bench seating has been installed.

2. Children's Play Equipment

(a) The item of multi-play equipment has not been assembled and installed in accordance with the manufacturer's instructions.

3. Play Area Surface

(a) No play area safety surface material has been installed.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4, you are required to comply/secure compliance with the stated condition by taking the following steps:-

Requirement 1

Supply and install the specified bench seat in accordance with the details shown in the approved drawing identified by the Council in respect of the documents of the application as **PL63 - 'LENZIE LANDSCAPE PLAN'**.

Time Period for Compliance: Within 12 weeks from the date this notice takes effect.

Requirement 2

Complete the assembly of the item of multi-play equipment and ensure that its installation is in accordance with the details shown in the approved drawing identified by the Council in respect of the documents of the application as **PL84 - 'PROLUDIC PLAY EQUIPMENT SPECIFICATION'** and the manufacturer's written instructions.

Time Period for Compliance: Within 12 weeks from the date this notice takes effect.

Requirement 3

Install a suitable play area safety surface material as required by Condition 8.

Time Period for Compliance: Within 12 weeks from the date this notice takes effect.

Requirement 4

Upon completion of Requirements 1 to 3 above, and upon confirming that all of the children's play equipment is safe for use, remove the temporary fence from all sides of the Play Area.

Time Period for Compliance: Within 12 weeks from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect immediately upon it being served on you.

Signed: *Heather Holland*

Dated: 22 May 2025

Heather Holland
Executive Officer – Land Planning & Development

On behalf of: **East Dunbartonshire Council**
Place, Neighbourhood and Corporate Assets
Southbank House
Strathkelvin Place
Kirkintilloch
G66 1XQ

LOCATION PLAN



This is the Location Plan referred to in the foregoing **Breach of Condition Notice** in accordance with the terms of Section 145 of the Town and Country Planning (Scotland) Act 1997 (as amended) relating to the land and premises as shown outlined in red and comprising of **Flats 1 to 20 Fern Court, Lenzie, East Dunbartonshire, G66 4BG** previously known as Lenzie Primary School, Kirkintilloch Road, Lenzie, East Dunbartonshire, G66 4LD.

Signed: *Heather Holland*

Dated: 22 May 2025

Heather Holland, **Executive Officer – Land Planning & Development**, on behalf of **East Dunbartonshire Council**, Place, Neighbourhood and Corporate Assets, Southbank House, Strathkelvin Place, Kirkintilloch, G66 1XQ.

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

**BREACH OF CONDITION NOTICE UNDER REFERENCE
ED2025/0004/ENF - BCN 02**

SCHEDULE 1

**EXPLANATORY NOTE FOR THOSE IN RECEIPT OF A BREACH OF
CONDITION NOTICE**

NOTE

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. The maximum penalty for such an offence, following conviction, is **£5,000** (level 5).

Alternatively, in terms of section 145A of the Act, the Council may serve a fixed penalty notice offering you the opportunity to discharge any liability for conviction. The payment required under the terms of such a notice would be £300 payable within 30 days from the day following the date of service of the notice (reduced to £225, if paid within 15 days). There is no right of appeal against a fixed penalty notice.

A fixed penalty notice can be served in respect of a failure to comply with each step required to be taken by the Notice, or each activity it requires to be ceased. Consequently, several fixed penalty notices could be issued.

If you are in any doubt what this notice requires you to do, you should get in touch immediately with:

Jim Jamieson
Planning Enforcement Officer – Development Applications

East Dunbartonshire Council
Place, Neighbourhood and Corporate Assets
Southbank House
Strathkelvin Place
Kirkintilloch
East Dunbartonshire
G66 1XQ

Tel: 0141 578 8539

If you need independent advice about this notice, you are advised to urgently contact a solicitor, planning consultant or another professional adviser specialising in planning matters. If you wish to contest the validity of the notice you may only do so by an application to the Court of Session for judicial review. A solicitor will advise you on what this procedure involves.

**DO NOT DELAY TAKING ACTION IN RESPONSE TO THIS
NOTICE**

