



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 01

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 complied with.

Condition 2. Prior to the commencement of works details of all proposed boundary treatments shall be submitted for the written approval of the Planning Authority. The scheme shall be completed in accordance with approved details unless otherwise in writing by the Planning Authority

Reason In the interests of visual amenity of the site and conservation area

Written approval was granted by the Council on 1 August 2019 for the proposed boundary treatments as shown on the drawing prepared by Holmes Miller as Drawing Number 3697_AL(0)119# - 'Boundary Wall Elevations'. This drawing shows the Fern Avenue Boundary Wall Elevation as viewed from Fern Avenue itself together with the Kirkintilloch Road Boundary Wall Elevation as viewed from Kirkintilloch Road and is identified by the Council in respect of the documents of the application as PL80 - 'Boundary Wall Elevations'.

It appears to the Council that Condition 2 has not been fully complied with, as not all of the proposed works to the boundary walls identified as 'Fern Avenue Boundary Wall Elevation' and 'Kirkintilloch Boundary Wall Elevation' have been completed in accordance with the approved drawing PL80 - 'Boundary Wall Elevations'.

The outstanding works comprise of the following:

1. Fern Avenue Boundary Wall Elevation

- (a) No infill of the existing opening in the wall i.e. the construction of a central stone section of wall together with the installation of an ornamental metal double gate feature to each side of this central stone wall as shown by the area coloured yellow and annotated 'A' on the drawing forming Appendix 1, attached and annexed to this Notice.
- (b) Half round coping stones remain to be fixed to a section of wall which has been cut down to allow for the visibility splay at the vehicular entrance/exit to the development site as shown by the area coloured red and annotated 'B' on the drawing forming Appendix 1, attached and annexed to this Notice.

2. Kirkintilloch Road Boundary Wall Elevation

- (a) The retained gates have not been fixed at a 90° open position at the pedestrian entrance/exit to the development site as shown outlined in the circle colour red and annotated as 'C' on the drawing forming Appendix 1, attached and annexed to this Notice.
- (b) No installation of the ornamental stone capping stone to the stone post, as shown by the area coloured blue and annotated 'D' on the drawing forming Appendix 1, attached and annexed to this Notice.

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

Disconnect and remove the temporary fence panels from the existing opening of the boundary wall of the Fern Avenue Boundary Wall Elevation and infill in accordance with the details shown by the area coloured yellow and annotated 'A' on the drawing forming Appendix 1, attached and annexed to this Notice.

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

Requirement 2

On completion of Requirement 1 remove the temporary fence panels and all associated items from the development site.

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

Requirement 3

Install the half round coping stones to the section of wall of the Fern Avenue Boundary Wall Elevation which has been cut down to allow for the visibility splay at the vehicular entrance/exit to the development site in accordance with the details shown by the area coloured red and annotated 'B' on the drawing forming Appendix 1, attached and annexed to this Notice.

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

Requirement 4

Install the existing gates at a 90° open position at the pedestrian entrance/exit to the development site of the Kirkintilloch Road Boundary Wall Elevation as shown outlined in the red coloured circle annotated as 'C' on the drawing forming Appendix 1, attached and annexed to this Notice.

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

Requirement 5

Install the ornamental stone capping stone to the stone post, as shown by the area coloured blue and annotated 'D' on the drawing forming Appendix 1, attached and annexed to this Notice.

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.

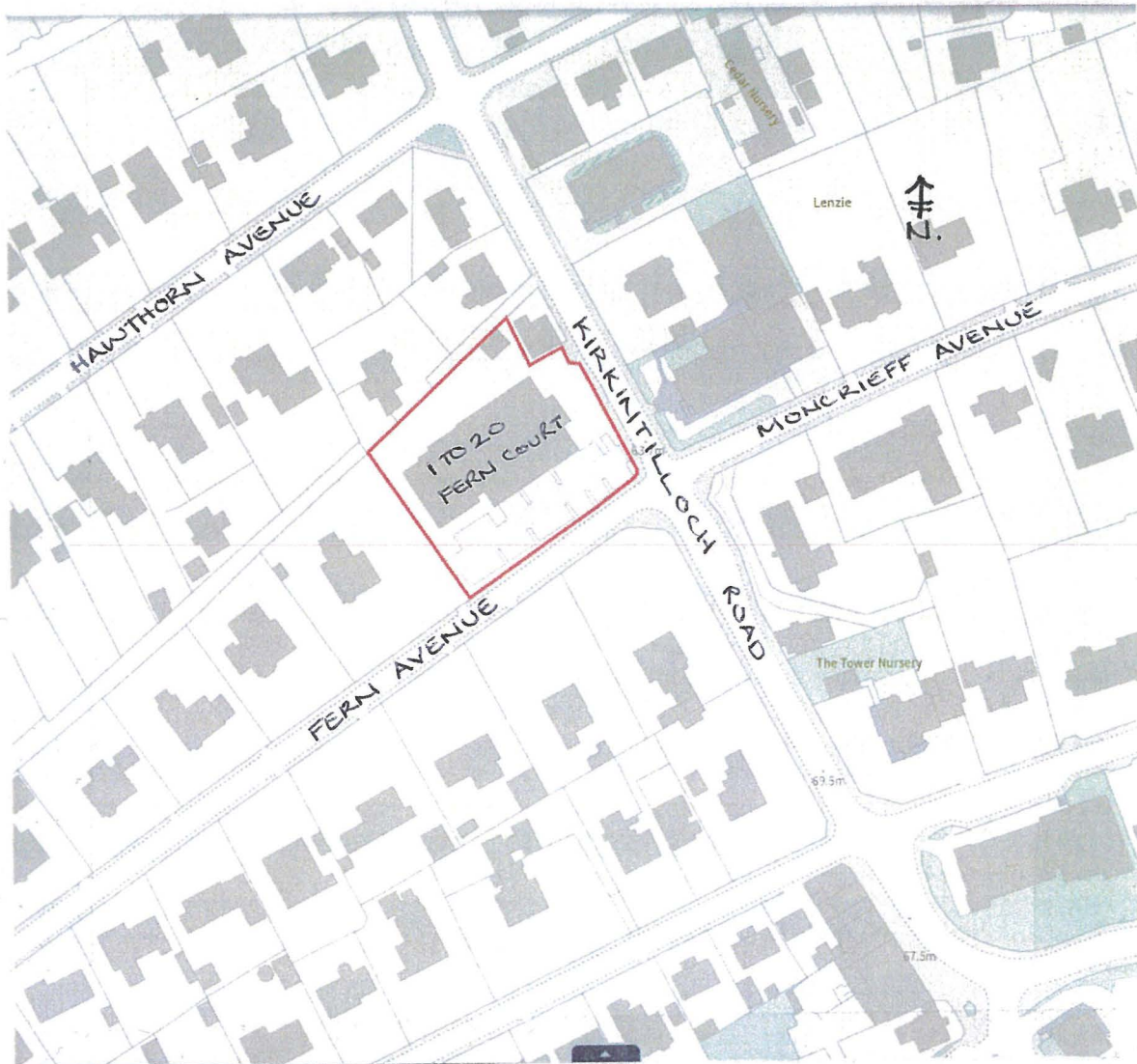
Signed: *Heather Holland*

Dated: 15 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: 15 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 01**

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

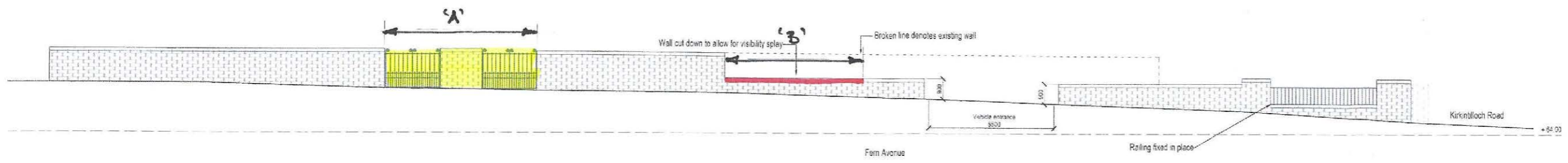
East Dunbartonshire Council
Place, Neighbourhood and Corporate Assets
Southbank House
Strathkelvin Place
Kirkintilloch
East Dunbartonshire
G66 1XQ

Tel: 0141 578 8539

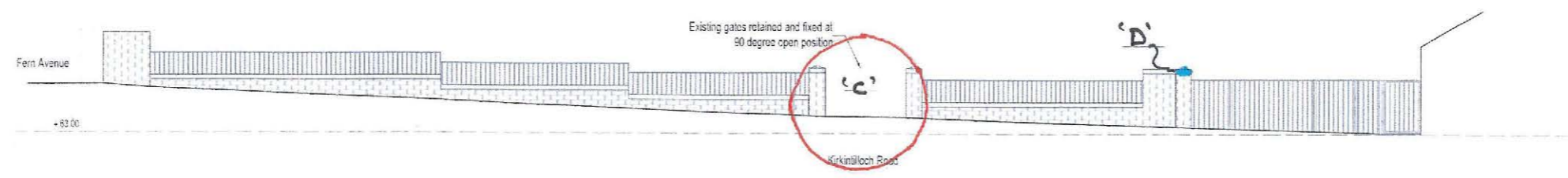
If you need independent advice about this notice, you are advised to urgently contact a solicitor, planning consultant or another professional adviser specialising in planning matters. If you wish to contest the validity of the notice you may only do so by an application to the Court of Session for judicial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

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

NOTES
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 DO NOT SCALE. Use figured dimensions only.
 Holmes Miller accepts responsibility for the
 accuracy of the information provided by others and
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 Holmes Miller does not accept liability for accuracy
 or veracity of survey information provided by others and
 relied on in the preparation of this drawing. All vertical and
 horizontal dimensions and levels provided by Holmes
 Miller and based on the survey information
 provided by others must be checked and verified on site.



Fern Avenue Boundary Wall Elevation



Kirkintilloch Road Boundary Wall Elevation

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APPENDIX 1

WORKS NOT CARRIED OUT IN COMPLIANCE WITH THE REQUIREMENTS OF CONDITION 2 – DETAILS OF PROPOSED BOUNDARY WALL TREATMENTS

#	FIRST ISSUE	15/01/24
REV	NOTES	DATE DRAWN



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 Glasgow G3 8LE
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 F 0141 204 2082
 glasgow@holmesmiller.com

PROJECT
 All Saints Living
 Proposed residential Dev
 Former Primary School
 Lenzie

DRAWING
 Boundary Wall Elevations

SCALE
 1:100@A1

NUMBER
 3697_AL(0)119#