

**WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE**

**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 £1,000.

Alternatively, in terms of section 145A of the 1997 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.

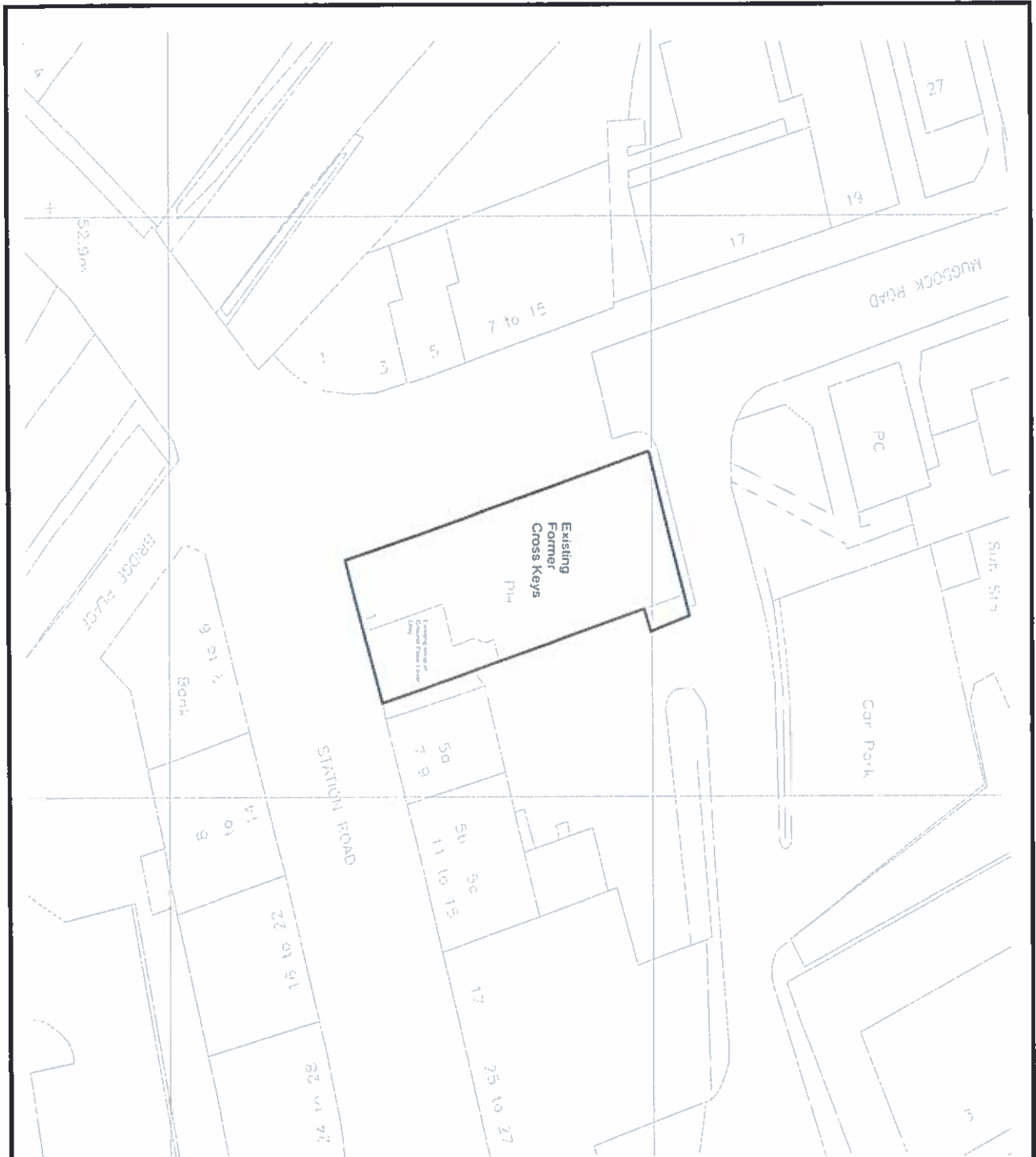
If you are in any doubt what this notice requires you to do, you should get in touch immediately with:

**Max Wilson**  
**Planning Officer**  
East Dunbartonshire Council  
Development and Regeneration Services  
Southbank House  
Strathkelvin Place  
Kirkintilloch  
East Dunbartonshire  
G66 1XQ  
Tel: 0141 578 8637

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**

# LOCATION PLAN



This is the 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 by the Planning etc. (Scotland) Act 2006 relating to the land and premises as shown edged in red **1 Station Road, Milngavie, East Dunbartonshire, G62 8PG**

Dated: 22/04/15

Signed: Max Wilson

Diane Campbell, Director of Governance & Regulation, East Dunbartonshire Council, 12 Strathkelvin Place, Kirkintilloch, East Dunbartonshire, G66 1TJ.

**4. THE BREACH OF CONDITION**

The following Condition has not been complied with;

- 3 The design, installation and operation of any plant, machinery or equipment for the above development shall be such that any noise generated, when measured within any nearby dwelling or noise sensitive premises (with windows open for ventilation), complies with the requirements of the Environmental Protection Act, 1990 and, in particular, shall not exceed the equivalent of Noise Rating Curve NR35, between the hours of 7.00a.m. and 8.00p.m. and Noise Rating Curve NR25, at all other times.

**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:-

- (1) The submission of an acoustic analysis for the written approval of the Planning Authority within 28 days of the date of this notice which assesses the noise output of the plant and equipment to the rear of the property. This report shall additionally propose mitigation measures and if necessary the replacement or repositioning of equipment to ensure that condition 3 of consent TP/ED/13/0057 is complied with.*
- (2) The mitigation measures shall be carried out as finally agreed with the Planning Authority.*

**Time Period for Compliance:** 28 days from the date this notice takes effect.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect immediately from when it is served on you.

Dated: 22/04/15

Signed: Max Wilson

Diane Campbell  
**Director of Governance & Regulation**

On behalf of: **East Dunbartonshire Council**  
12 Strathkelvin Place,  
Kirkintilloch,  
East Dunbartonshire,  
G66 1TJ.



**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED BY THE  
PLANNING ETC. (SCOTLAND) ACT 2006)**

**BREACH OF CONDITION NOTICE**

**REFERENCE NUMBER: TP/ED/13/0057**

**SERVED BY: East Dunbartonshire Council**

**SERVED TO: Messrs P and R Randev  
2 Hilton Road  
Glasgow  
G64 2PN**

- 1. THIS IS A FORMAL NOTICE** issued under the provision of Section 145 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 by East Dunbartonshire Council (hereafter 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 at **1 Station Road, Milngavie, East Dunbartonshire, G62 8PG**, as shown edged in red on the attached Location Plan (Page 3 of 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 March 2013* for *external alterations to include application of render, new openings and replacement windows, emergency staircase and first floor extension to rear elevation and change of use from public house to restaurant at first floor at 1 Station Road, Milngavie G62 8PG* under TP/ED/13/0057