

Our Ref: ED 2013/0136/ENF  
Your Ref:  
Date: 2 October 2013  
If calling please ask for: **Jim Jamieson**



## GOVERNANCE & REGULATION

### Governance & Regulation

Broomhill Industrial Estate  
Kilsyth Road  
Kirkintilloch  
Glasgow  
G66 1TF

Telephone: 0141 578 8600

Fax No: 0141 578 8575

Direct Line: **0141 578 8539**

E-mail: [jim.jamieson@eastdunbarton.gov.uk](mailto:jim.jamieson@eastdunbarton.gov.uk)

MR GRAEME COLIN  
BEARSDEN TYRES  
1A WEST CHAPELTON AVENUE  
BEARSDEN  
EAST DUNBARTONSHIRE  
G61 2DG

Dear Sir,

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

**BREACH OF CONDITION NOTICE: MATERIAL CHANGE OF USE FROM CLASS 2 (COMMERCIAL PREMISES) TO CLASS 5 (GARAGE AND REPAIR CENTRE) AT LAND TO REAR OF 1A WEST CHAPELTON AVENUE, BEARSDEN G61 2DG.**

I enclose for your attention a Breach of Condition Notice pursuant to Section 145 of the Town and Country Planning (Scotland) Act 1997, as amended, which relates to the failure to comply with conditions attached to the Full Planning Permission granted by this Council as planning authority on 17 May 2013 under TP/ED/12/0233 for the material change of use from Class 2 (commercial premises) to Class 5 (garage and repair centre) at land to rear of 1A West Chapelton Avenue, Bearsden, East Dunbartonshire, G61 2DG.

Should you wish to discuss this matter further please do not hesitate to contact me direct on 0141 578 8539 or e-mail me on [jim.jamieson@eastdunbarton.gov.uk](mailto:jim.jamieson@eastdunbarton.gov.uk).

Yours faithfully,

*Jim Jamieson*

Jim Jamieson  
Planning Enforcement Officer

C.c. Alex Laidler, Planner, Broomhill.  
C.c. Jenny Burns, Solicitor, Broomhill.



# 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 land and premises at "Bearsden Tyres", 1A West Chapelton Avenue, Bearsden, East Dunbartonshire, G61 2DG.

Dated: 2 October 2013

Signed: 

Diane Campbell, Director of Governance & Regulation, East Dunbartonshire Council, Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, East Dunbartonshire G66 1TF

**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:

**Jim Jamieson**  
**Planning Enforcement Officer**  
East Dunbartonshire Council  
Governance & Regulation  
Broomhill Industrial Estate  
Kilsyth Road  
Kirkintilloch  
G66 1TF

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**

**4. THE BREACH OF CONDITION**

The following Conditions attached to the relevant planning permission, have not been complied with;

- 1) **Condition 1.** which states "Within three months of the date of this planning permission, the 'Proposed parking layout' (PL 3) shall be implemented in full with all vehicles being serviced or otherwise attending the approved Class 5 Use (car repair garage) being parked wholly within the site and in accordance with the approved 'Proposed Parking Layout' (PL 3). This requirement shall remain in effect for the lifetime of the development unless otherwise agreed in writing with the Council as Planning Authority. The only exception to this are the parking spaces shown within the existing building within the southern edge of the site highlighted green on the 'Proposed parking layout' (PL 3)."
- 2) **Condition 2.** which states "That the operating hours of the business be limited to: 08.30 - 17.30 Monday - Friday and 08.30 - 13.00 on Saturdays. The business shall be restricted from operating during official Scottish bank holidays."

**5. WHAT YOU ARE REQUIRED TO DO**

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

- 1) **Condition 1.**  
Cease the parking of any and all vehicles being serviced or otherwise attending the approved Class 5 Use (car repair garage), otherwise than in accordance with the approved 'Proposed Parking Layout' (PL 3).

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

- 2) **Condition 2.**  
Cease operating the approved Class 5 Use (car repair garage) business outwith the times specified in Condition 2.

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

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect immediately it is served on you.

Dated: 2 October 2015

Signed: 

Diane Campbell  
**Director of Governance & Regulation**

On behalf of: **East Dunbartonshire Council**  
Broomhill Industrial Estate,  
Kilsyth Road,  
Kirkintilloch,  
Glasgow,  
G66 1TF



**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: ED2013/0136/ENF**

**Served By: EAST DUNBARTONSHIRE COUNCIL**

**Served To: MR GRAEME COLIN  
BEARSDEN TYRES  
1A WEST CHAPELTON AVENUE  
BEARSDEN  
EAST DUNBARTONSHIRE  
G61 2DG**

- 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. As the person responsible, the Council requires you 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 **“Bearsden Tyres”, 1A West Chapelton Avenue, Bearsden, East Dunbartonshire, G61 2DG** 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 Full Planning Permission granted by East Dunbartonshire Council on 17 May 2013, for the material change of use from Class 2 (commercial premises) to Class 5 (garage and repair centre) at land to rear of 1A West Chapelton Avenue, Bearsden, East Dunbartonshire, G61 2DG under TP/ED/12/0233.