



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

PLANNING CONTRAVENTION NOTICE

REFERENCE NUMBER: ED2016/0035/ENF

SERVED BY: East Dunbartonshire Council

**SERVED TO: Graeme Grant
Bearsden Tyres & Autocare Ltd.
1A West Chapelton Avenue
Bearsden
Glasgow
G61 2DG**

**RELATING TO: Bearsden Tyres & Autocare Ltd.
1A West Chapelton Avenue
Bearsden
Glasgow
G61 2DG**

WHEREAS:

1. It appears to the Council, being the Planning Authority for the purposes of Section 125(1) – (8) of the Town and Country Planning (Scotland) Act 1997 (“the Act”), that there has been a breach of planning control in respect of the land described in the attached **Schedule 1** below (“the land”).
2. The breach of planning control which has occurred is specified in the attached **Schedule 2** below.
3. This notice is served on you as a person who:-
 - a) Is the owner or occupier of the land or has another interest in it; or
 - b) Is carrying out operations in, on, over or under the land or is using it for any purpose.

4. In exercise of their powers under Section 125(2) and (3) of the Act, the Council requires you, so far as you are able, to provide the following information in writing within twenty-one days, beginning with the day on which this notice is served on you:-

- a) A written statement declaring whether the land is subject to any of the operations, activities or uses specified in the notice;
- b) A written statement declaring the nature of your interest in the land, your full name and designation i.e. Company Director;
- c) A written statement declaring the name and address of any other person known to you as having an interest in the land, whether as superior, owner, heritable creditor, lessee, bank, building society, other lender.

Dated: *26 January 2017*

Signed: *Thomas Glen*

Thomas Glen
Depute Chief Executive – Place, Neighbourhood & Corporate Assets

On behalf of: **East Dunbartonshire Council**
Southbank House
Strathkelvin Place
Kirkintilloch
Glasgow
G66 1XQ

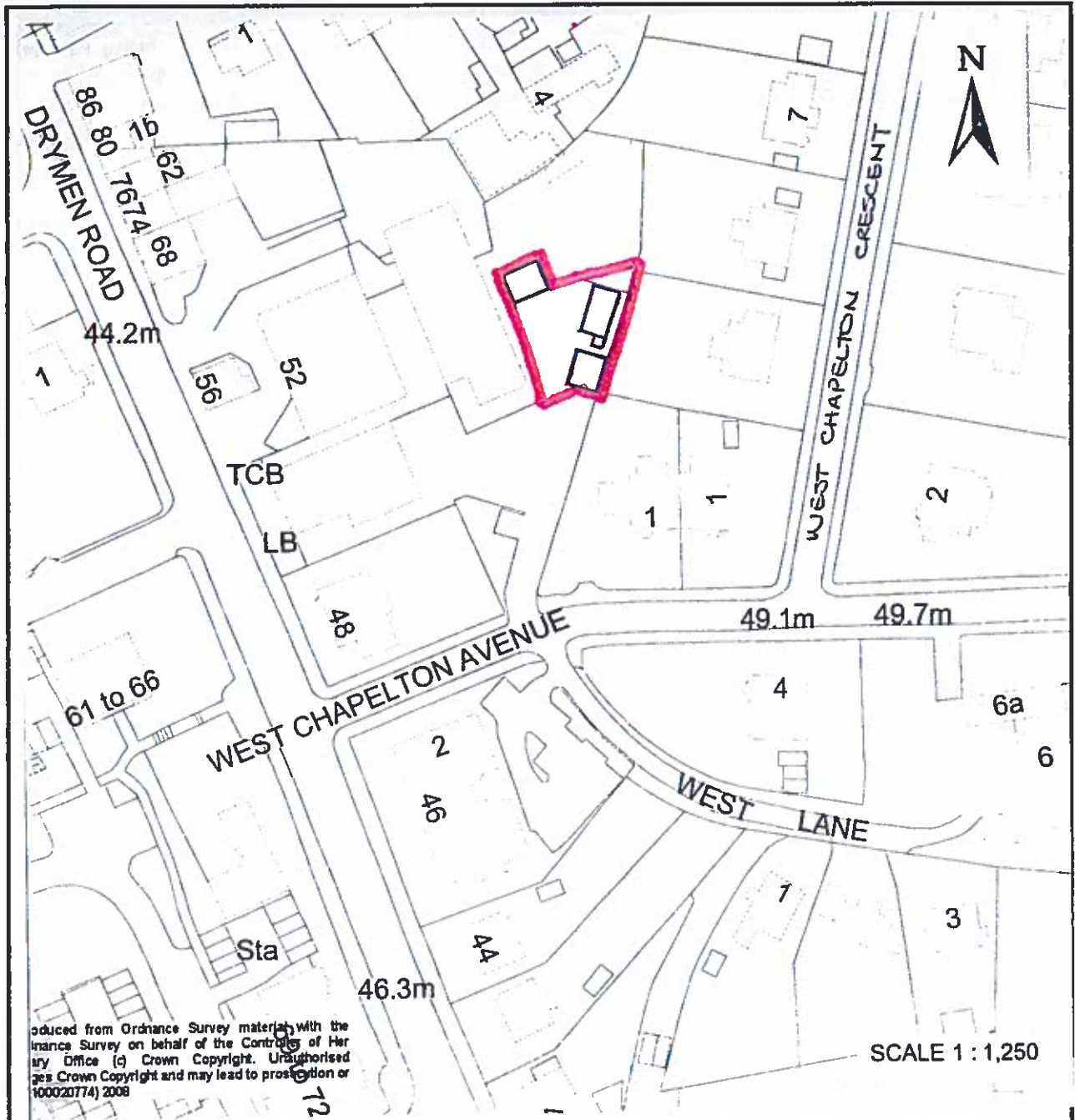
**PLANNING CONTRAVENTION NOTICE UNDER REFERENCE
ED2016/0035/ENF**

SCHEDULE 1

DESCRIPTION OF THE LAND REFERRED TO IN THIS NOTICE

The site to which this Notice relates forms an area of land and premises at **Bearsden Tyres & Autocare Ltd., 1A West Chapelton Avenue, Bearsden, Glasgow, G61 2DG** as shown edged in red on the Location Plan on Page 4 of 6.

LOCATION PLAN



This is the plan referred to in the foregoing **Planning Contravention Notice** served in accordance with the terms of Section 125 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 relating to land and premises, at **Bearsden Tyres & Autocare Ltd., 1A West Chapelton Avenue, Bearsden, G61 2DG** as shown edged in red.

Dated: *26 January 2017*

Signed: *Thomas Glen*

Thomas Glen, Depute Chief Executive – Place, Neighbourhood & Corporate Assets,
East Dunbartonshire Council, Southbank House, Strathkelvin Place, Kirkintilloch, Glasgow,
G66 1XQ.

**PLANNING CONTRAVENTION NOTICE UNDER REFERENCE
ED2016/0035/ENF**

SCHEDULE 2

**SUSPECTED BREACH OF PLANNING CONTROL REFERRED TO IN
THIS NOTICE**

Suspected breach of planning control:

Working outwith the hours identified in Condition 2. of the planning permission granted on 15 May 2013 under reference TP/ED/12/0233 for the change of use of the premises to the rear of 1A West Chapelton Avenue, Bearsden from Class 2 (Commercial) to Class 5 (Garage and Repair Centre). Condition 2. 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."

WARNING

- 1) It is an offence to fail, without reasonable excuse, to comply with any requirement of this notice within 21 days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.
- 2) It is also an offence to knowingly or recklessly give information in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this is a fine of £5,000.

ADDITIONAL INFORMATION

- 1) If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice under S127 of the Act, requiring the breach, or any injury to amenity caused by it to be remedied.
- 2) If the Council serve a stop notice, under S140 of the Act, S143 (5) (b) of the Act provides that should you otherwise become entitled (under S143) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

c) The mortgagee of the land?

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e) Any other person with an interest in the land?

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Nature of their interest?

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I [name] hereby declare that the answers to the above questions comprise a true and correct statement of all the information required by the said Notice, so far as the same is within my knowledge.

Date:

Signed:

Address:

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GUIDANCE ON COMPLETING THE PLANNING CONTRAVENTION NOTICE RESPONSE FORM

This form is supplied to assist you in providing the information required by the Council's Notice dated 26 January 2017 served under the provisions of Section 125 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended.

Please answer the following questions and complete the declaration at the end of the questions. If a question is not applicable, please state that this is the case.

1. Provide a written statement declaring whether the land is subject to any of the operations, activities or uses specified in the notice i.e. working outwith the hours identified in Condition 2. of the planning permission granted on 15 May 2013 under reference TP/ED/12/0233 for the change of use of the premises to the rear of 1A West Chapelton Avenue, Bearsden from Class 2 (Commercial) to Class 5 (Garage and Repair Centre). Condition 2. 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.*"

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2. As to interests in the land:

i. What is the FULL NAME, DESIGNATION AND POSTAL ADDRESS of:

a) The owner of the land?

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b) The Lessee of the land?

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Ref No.: ED2016/0035/ENF
Contact: Jim Jamieson
Date: 26 January 2017

Planning Department
Place, Neighbourhood and Corporate Assets
Southbank House
Strathkelvin Place
Kirkintilloch
G66 1XQ

Mr Graeme Grant
Bearsden Tyres & Autocare Ltd.
1A West Chapelton Avenue
Bearsden
Glasgow
G61 2DG

Tel: 0300 123 4510
Direct Line: 0141 578 8539
E-mail: jim.jamieson@eastdunbarton.gov.uk

Dear Mr Grant,

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:
SECTION 125 – PLANNING CONTRAVENTION NOTICE: Bearsden Tyres & Autocare Ltd., 1A West Chapelton Avenue, Bearsden, Glasgow, G61 2DG.

I enclose for your attention a Planning Contravention Notice in accordance with the terms of section 125 of the Town and Country Planning (Scotland) Act 1997 (as amended), which requires you to provide information about the ownership of the property and of any other person who may have an interest in it.

WARNING – Failure to respond to the enclosed Planning Contravention Notice is an offence. Those found guilty of such an offence will be liable on summary conviction to a fine of up to £1,000. It is also an offence to make a false statement in response to this Notice and is punishable on summary conviction to a fine of up to £5,000. The Council as Planning authority may seek prosecution of this matter in the Courts should there be a breach of this or any subsequent notice.

Please complete in full the Notice Reply form and return to me within 21 days of the date of this letter.

Should you wish to discuss any of the above in detail, you can contact the officer named above on the number given, who will be pleased to assist you. It is my hope that this matter can be resolved in a spirit of mutual co-operation.

Yours Sincerely,

Jim Jamieson

Jim Jamieson
Planning Enforcement Officer