

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991).

BREACH OF CONDITION NOTICE.

RE: UNIT 4, 6 ERSKINE ROAD, LONDON NW3 3AJ.

ISSUED BY : THE LONDON BOROUGH OF CAMDEN.

1. THIS IS A FORMAL NOTICE which is issued by the Council, under Section 187A (2) (b) of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described below, has not been complied with. They consider that you should be required to comply with the condition specified in this notice.

2. THE LAND AFFECTED BY THE NOTICE.

Land and premises at UNIT 4, 6 ERSKINE ROAD, LONDON NW3 3AJ being land shown outlined in black on the attached plans.

3. THE RELEVANT PLANNING PERMISSION.

The relevant Planning Permission to which this Notice relates is Planning permission PE9900293 dated 19 August 1999, a copy of which is attached:

Change of use from offices to a yoga institute, as shown on drawing numbers: PFP1-2, and letters from Peter Pendleton & Associates Ltd dated 14/4/99, 19/4/99, 12/5/99 and 23/6/99.

4. THE BREACH OF CONDITION.

- Noncompliance with:

Condition (02) which states:

" No music shall be played on the premises in such a way as be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of adjoining premises and the area generally".

The condition has been breached in that:

Recorded music could be clearly heard from the yoga centre during mother and baby classes, held at 2pm on Saturdays and noon on Tuesdays. Music could be heard in a neighbouring residential premises on Tuesday 26 September at noon where recorded music, including nursery rhymes and Bob Marley's "Is this Love?" could be heard inside the premises. A warning letter was sent to the operators of the centre but the condition continues to be regularly broken.

5. WHAT YOU ARE REQUIRED TO DO.

As the person responsible for the breaches of condition specified in Paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps:-

No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

TIME FOR COMPLIANCE: 1 Month beginning with the day on which this notice is served on you.

6. WHEN THIS NOTICE TAKES EFFECT.

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated : 22 JANUARY 2007.

(Signed).....

M. J. Field

Head of Legal Services [Acting], on behalf of the London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP.

WARNING.

THIS IS NO RIGHT OF APPEAL AGAINST THIS NOTICE.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in doubt about what this notice requires you to do, you should get in touch immediately with the Council's nominated office to deal with enquiries : Gary Bakall, Development Control, Environment Department, London Borough of Camden, Town Hall, Argyle Street, London WC1H 8EQ. [0207-974-5618]

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other 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 High Court for judicial review. A lawyer will advise you on what this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE.

Website Address: [Http://www.camden.gov.uk](http://www.camden.gov.uk)
Email Address: env.devcon@camden.gov.uk



Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND
Tel 020 7278 4444
Fax 020 7974 1975

Peter Pendleton and Association,
194 New Kings Road,
London
SW6 4NF

Application No: PE9900293/
Case File:H9/14/A

19th August 1999

Dear Sir(s)/Madam

DECISION

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure)
Order 1995
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT - Subject to Conditions

Address :
Unit 4, 6 Erskine Road, London NW3

Date of Application : 19/04/1999

Proposal :

Change of use from offices to a yoga institute,
as shown on drawing numbers: PFP1-2, and letters from
Peter Pendleton & Associates Ltd dated 14/4/99, 19/4/99,
12/5/99 and 23/6/99.

The Council has considered your application and decided to grant
permission subject to the following conditions:

Standard condition:

The development hereby permitted must be begun not later than the
expiration of five years from the date of this permission.

Standard Reason:

In order to comply with the provisions of Section 91 of the Town
and Country Planning Act 1990.

Additional conditions:

- 1 The building shall be used only as a yoga institute and when
that use ceases the lawful use shall revert to business use
within the B1 Use Class.
- 2 No music shall be played on the premises in such a way as
be audible within any adjoining premises or on the adjoining
highway.

Website Address: [Http://www.camden.gov.uk](http://www.camden.gov.uk)
Email Address: env.devcon@camden.gov.uk



ENVIRONMENT

Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND
Tel 020 7278 4444
Fax 020 7974 1975

- 3 The use of the premises to hold yoga classes shall not be carried out outside the following times: between 0630 - 2100 hours Monday to Friday, 0630 - 1800 hours Saturday and Sunday.

Reasons for additional conditions:

- 1 To ensure that the accommodation is used in accordance with the intentions of the proposed scheme and is not used for unauthorised purposes.
- 2-3 To safeguard the amenities of the adjoining premises and the area generally.

This application was dealt with by Rob Brew on 020 7278 4444 ext 2559.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in cursive script that reads "M.W. Gibbs" followed by a small flourish.

Environment Department
(Duly authorised by the Council to sign this document)

DecfplanWC/TPFU

SECTION 187A OF THE TOWN AND COUNTRY
PLANNING ACT 1990

(as amended)

(Breach of Condition Notices).

"Section 187A. Enforcement of Conditions.

(1) This section applies where planning permission for carrying out any development of land has been granted subject to conditions.

(2) The local planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a 'breach of condition notice' on -

(a) any person who is carrying out or has carried out the development ; or

(b) any person having control of the land,

requiring him to secure compliance with such of the conditions as are specified in the notice.

(3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.

(4) The conditions which may be specified in a notice served by virtue of subsection (2) () are any of the conditions regulating the use of the land.

(5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.

(6) The authority may be notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.

(7) The period allowed for compliance with the notice is -

(a) such period of not less than twenty-eight days beginning with the date of service of the notice as may be specified in the notice ; or

(b) the period as extended by a further notice served by the local planning authority on the person responsible.

(8) If, at any time after the end of the period allowed for compliance with the notice

(a) any of the conditions specified in the notice is not complied with; and

(b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased,

the person responsible is in breach of the notice.

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(11) It shall be a defence for a person charged with an offence under subsection (9) to prove -

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice ; or

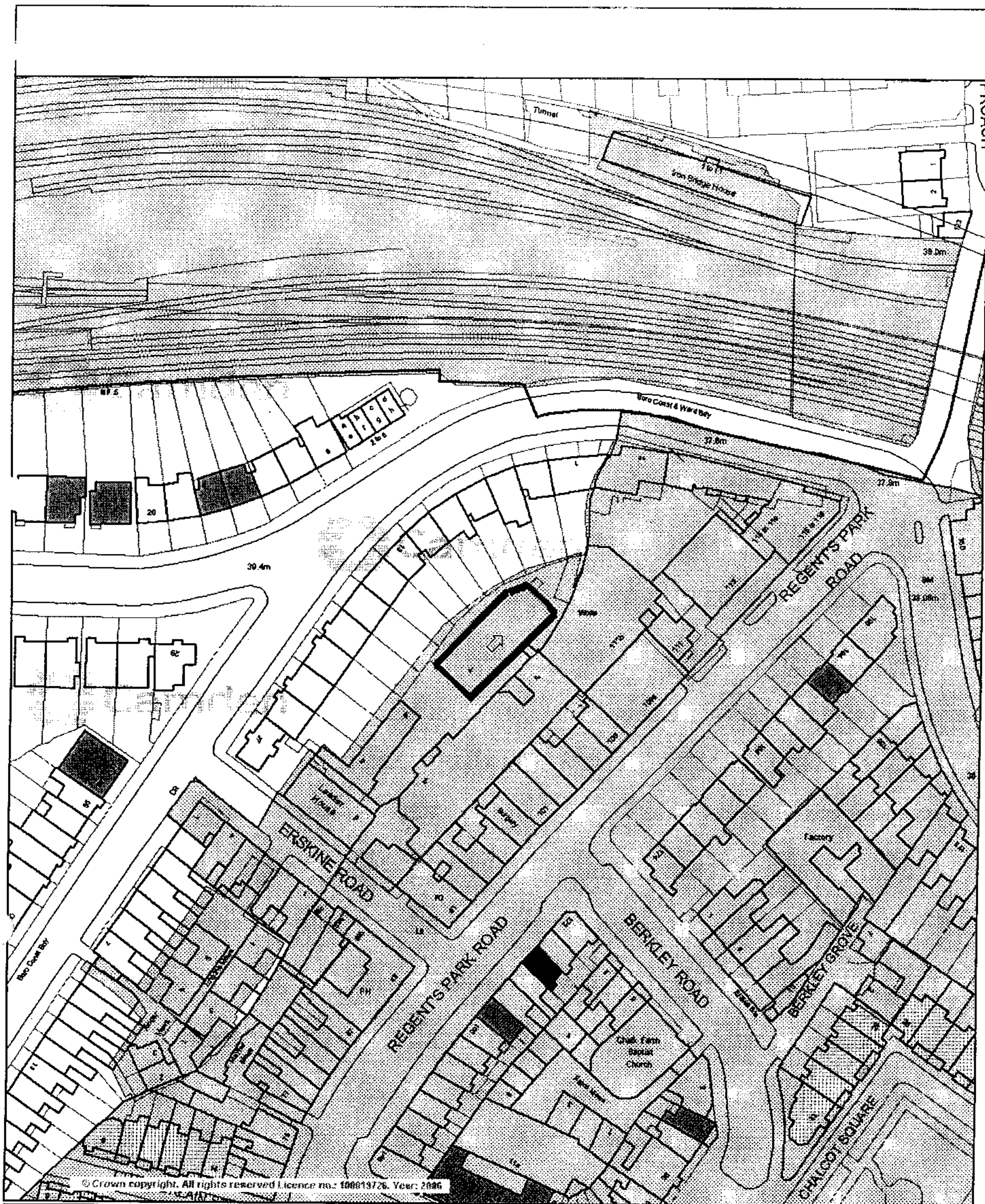
(b) where the notice was served on him by virtue of subsection (2) (), that he no longer had control of the land.

(12) A person who is guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In this section -

(a) 'conditions' includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so).



© Crown copyright All rights reserved
Licence number: 100019726. Year: 2006.

Scale 1/790 Date 25/9/2006

Centre = 527928 E 184218 N

Unit 4, 6 ERSKINE Road
London NW3 2AT