

Planning Department
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

My reference: 22 005

Your reference:

For the attention of Jonathan Markwell

28th February 2013

Dear Sirs

Town and Country Planning Act 1990
Golden Lion PH, 88 Royal College Street, London NW1
Application reference: 2012/6655/P

1. We write further in respect of the recent application by Norreys Barn Ltd, to apply for planning permission for the following:

"Conversion of existing public house (Class A4 use) to 8 self-contained flats (Class C3 use) comprising 1 x 3-bedroom unit, 4 x 2-bedroom units and 3 x 1-bedroom units and associated alterations to the existing third floor dormer extension and creation of new lightwell comprising glazed blocks plus metal grille enclosure at ground floor level at Pratt Street frontage."

2. We previously submitted to the Council a supplemental planning statement for this application dealing with the principle of the proposed loss of A4 use. We now wish to add to that statement further to our meeting on site with officers of 22nd February 2013.

Summary of Submissions relating to the principle of loss of A4 use

3. With regard to the NPPF and the Council's planning policies, we contend that:
 - a. The pub provides poor facilities for the community beyond merely the use of the premises as a public house.
 - b. There is a lack of evidence of its 'community role'.
 - c. Notwithstanding the £6,089 cumulative profit made by the pub business since 2007, the potential external dilapidations liability currently stands between an estimated £20,000 and £25,000 (plus a contingency of £2,500 to £3,000 to put the electrics in order), which would completely wipe this profit out and place the business deep into debt.
 - d. The tenant currently pays £28,000 per annum, but this does not take into account that he benefitted from a consistent reduction in rental over a period of time from March 2011 in order to assist his ailing business. The open market rental value of the premises is likely to be significantly more than this at roughly £35,000 per annum.

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4. During the site visit, it was evident from sporting league tables pinned to the wall near the pool table and the darts board that the pub competes against other premises in local leagues. Photographs evidencing participation in these leagues is shown in the attached document.
5. This further statement supplements and amends our earlier planning statement of 19th of December 2012 to take into account the evidence of participation of patrons of the pub in local darts and pool leagues and also the viability of the pub in terms of the "Public House Viability Test" prepared by the Campaign for Real Ale (CAMRA).
6. Overall, we submit that this industry-specific viability test, when applied to this case, supports our contention that this public house is not only not currently economically viable but that it is unlikely that any other tenant or company would be able to turn this public house into an economically viable concern. Therefore, we have sought to look not just at the current situation, but also consider the potential of the pub in all the circumstances.

CAMRA and the Public House Viability Test

7. CAMRA is a campaign group which seeks to prevent the unnecessary loss of pubs and "*sees the protection of public houses as one of its highest priorities*".
8. With the benefit of several planning appeal decisions, CAMRA has sought to draw together a variety of different factors that collectively help to assess the potential of a public house to be economically viable. The aim of this guidance is to look at all of these factors together to understand the potential strengths and weaknesses, opportunities and threats to the public house in question, and then apply this so as to understand whether these factors can be changed or influenced so as to improve the trading conditions of the business and allow it to turn a profit. A copy of CAMRA's Viability Test is enclosed with this letter.
9. In applying this test, we are seeking to be as fair, reasonable and objective as possible in making our case to the Council, so that officers, Councillor and third parties can understand the real challenges faced by the Golden Lion Public House.
10. CAMRA refers to the following key considerations:
 - a. Trade Potential – location, character of the area, potential developments.
 - b. Visitor/Tourist Potential – character of area, transport/travel connections, advertisement, sporting activities and competitions.
 - c. Competition – number of other pubs within walking distance, character of the pub compared to other pubs nearby, alternative provision, factors contributing to success of other pubs.
 - d. Flexibility of the site – site constraints and potential for expansion, function rooms, extant consents, age and character of the pub, wants of repair and dilapidations.
 - e. Multiple uses – potential for letting of rooms and serving food, presence of other community facilities in the area.
 - f. Performance of the present business.
 - g. Interest from other public house operators.

(A) Trade Potential

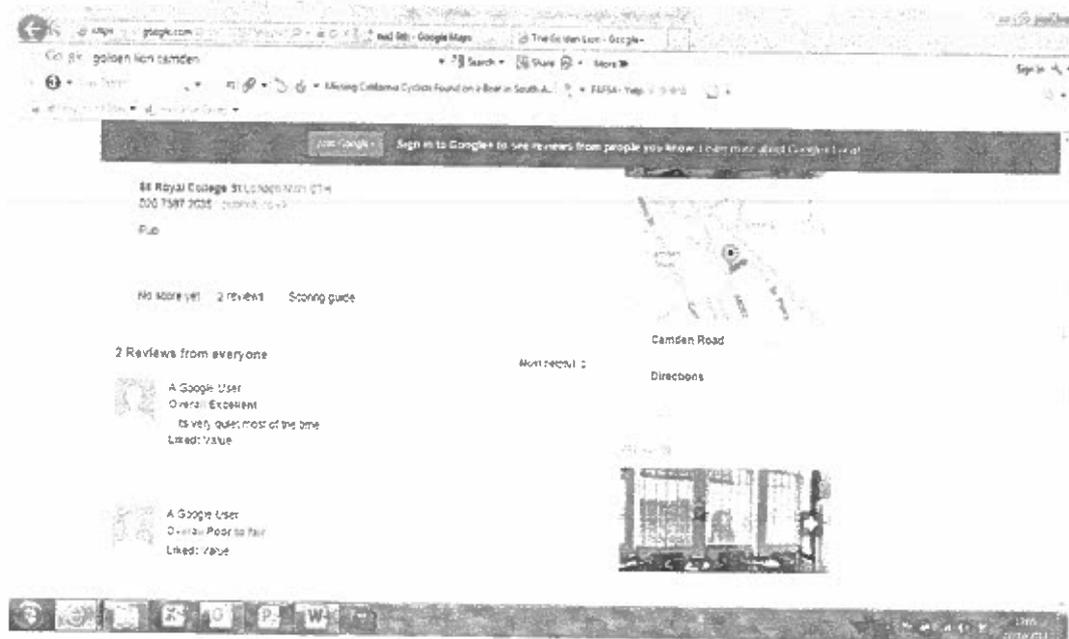
11. Royal College Street is a one-way single carriageway road. It is not a busy main road, and compared to the nearby parallel streets of Camden Street and Camden High Street, it sees significantly less traffic. For this reason, it tends to be more used as a 'rat run'

between St Pancras and Camden Town, avoiding the busier Camden Street and Camden High Street. The presence of speed 'bumps', separate cycle lanes and width restrictions (as near the junction with Pratt Street, opposite the Golden Lion PH) is consistent with the use of this road in this way.

- 12. In December 2012, the Council and TFL initiated a joint consultation with residents in the area. A copy of this leaflet is enclosed. This leaflet describes the higher than average accident rate and dangerous average driving speeds on Royal College Street, all involving cyclists and pedestrians, two of which were "serious". Notwithstanding the proposed improvements, the results of this consultation are not yet known and the timescale for any implementation of these proposals remains uncertain. Meanwhile, this area remains a potentially hostile and dangerous environment for pedestrians and cyclists, which will continue to adversely impact on the trading potential of the pub in the meantime.
- 13. This is not helped by the absence of off-street car parking and very limited on-street parking available in the area, particularly as it is within a Controlled Parking Zone. Public transport links to this area may be excellent (PTAL of 6a), but the potentially dangerous nature of this environment for pedestrians and cyclists undermines the ability of the pub to attract anything more than local regulars.
- 14. We are not aware of any other planned developments in the immediate area which would be likely to improve the pub's trading potential.

(B) Visitor/Tourist Potential

- 15. We have already referred to several blogs and websites on which this pub is featured (see Planning Statement of 19th December 2012). In addition, the reviews on Google below are sparse and emphasise the "very quiet" nature of this pub. This is not a sign of a vibrant, thriving business. These reviews are generally consistent with other comments already noted in our earlier planning statement.



16. The potentially hostile and dangerous environment for pedestrians and cyclists partly accounts for this lack of general interest. In addition, the appearance of the immediate area is not one that would be generally appealing to tourists in any event, comprising as it does an industrial estate, a Post Office depot and a car/tyre repair centre.
17. The premises do not appear to feature in any pub guides of note and the lack of food or variety in beers is unlikely to entice customers in from the wider area.
18. Unlike nearer Camden Town Underground Station, this is not in an area generally renowned or encouraged for its tourism and it faces stiff competition from other pubs in the area which are either better located or provide a more vibrant atmosphere for customers.
19. Occasionally, the pub competes with other premises in the area in local darts and pool leagues. Photographs are enclosed listing the other teams involved, and this is summarised together with the identity and approximate distance of each of these other premises from the Golden Lion PH below (names of pubs relating to each team where not shown is written in brackets below after the team name; where no name in brackets then the name of the team is the same name for the pub):

Team Name (DARTS)	Premises/Postcode	Distance from Golden Lion (miles)	Approx walking distance (minutes)
North Nineteen	194-196 Sussex Way London, Greater London N19 4HZ	2.2 miles	45
Winchester	206 Highgate Ave, London, Greater London N6 5BA	2.6 miles	56
Admiral Mann	9 Hargrave Pl, London Borough of Camden, N7 0BP	1 mile	20
Royal Oak A & B (The Royal Oak)	250 St John's Way, London, Greater London N19 3RJ	2.4 miles	49
Nicholas Nickleby	6-8 Ferme Park Rd, London, Greater London N4 4ED, UK	3.1 miles	1hr 4mins
Boston (Boston Arms)	178 Junction Rd, Tufnell Park, London N19 5QQ	1.4 miles	30
Hope and Anchor	74 Crowndale Rd, London, Greater London NW1 1TP	0.4 miles	8
Crown (The Old Crown)	90 Highgate Hill, London N19 5NQ	2.3 miles	49
Sheephaven Bay	2 Mornington St, Primrose Hill, London NW1 7QD	0.5 miles	10
Doyles (Doyles Tavern)	379 Caledonian Rd, London N7 9DQ	1.2 miles	24
Whittington Cat	Archway, 26 Highgate Hill, London N19 5NL	2.2 miles	47
Phibbers	203 Holloway Rd, London, Greater London N7 8DL	1.6 miles	33
Team Name (POOL)	Premises/Postcode	Distance from Golden Lion (miles)	Approx walking distance
Boston Rimmers (Boston Arms)	178 Junction Road N19 5QQ	1.4 miles	30

Sovereign	7A Stanhope Parade Stanhope St NW1 3RD	0.8 miles	16
Kings Cross Hawks (Hurricane Room)	368 Grays Inn Rd WC1X 8BB	1.1 miles	21
Sir Robert Peel A & B (The Sir Robert Peel)	108 Malden Road NW5 4DA	1.2 miles	24
Mother Red Cap	665 Holloway Road N19 5SE	2.0 miles	42
Prince of Wales Dynamos (The Prince of Wales)	101 Willesden Lane NW6 7SD	3.3 miles	1hour 8mins
Kings Cross Hurricanes (Hurricane Room)	368 Grays Inn Rd WC1X 8BB	1.1 miles	21
Reilly's Chargers (O'Reilly's)	289-291 Kentish Town Road NW5 2JS	0.8 miles	16
Bank of Friendship	224-226 Blackstock Road N5 1EA	2.6 miles	51
Green Man	144A Essex Road N1 8LX	2.2 miles	43
Northumberland Arms	379 Caledonia Road N7 9DQ (NEW VENUE)	1.2 miles	24
Slattery's	69 Camden Road NW1 9EU	0.3 miles	6
Peckwater	4 Peckwater St. NW5 2UE	1.0 miles	20
Cock Tavern A (The Cock Tavern)	23 Phoenix Road NW1 1HB	0.7 miles	13
Gloucester Globetrotters (The Gloucester Arms)	59/61 Leighton Road NW5 4DA	1.2 miles	24

20. With reference to the above table, the following premises are all within a one mile walking distance of the Golden Lion PH and therefore provide an alternative opportunity for the pub's patrons to continue their participation in the same darts and pool leagues:

- a. Admiral Mann (Darts)
- b. Hope and Anchor (Darts)
- c. Sheephaven Bay (Darts)
- d. Sovereign (Pool)
- e. O'Reillys (Pool)
- f. Slattery's (Pool)
- g. Peckwater (Pool)
- h. Cock Tavern (Pool)

21. Notwithstanding its presence in both leagues, the Golden Lion PH still makes a loss overall. On average, it hosts league games for one evening, once every two weeks, which is unlikely to make a significant impact to the profitability of the business in the long term.

(C) Competition



22. There are roughly 15 to 20 other pubs within a reasonable walking distance of the Golden Lion and it therefore operates in an extremely competitive environment.
23. The publican of the Golden Lion has gone on record as wishing to claim that the Golden Lion is unique in terms of its character and what it offers the local community: "*The other pubs around here, they're not quite right for the people round here. Where will they all go?*" (Camden New Journal, 12th April 2012, page 5). However, away from the 'bistro-bar' and sports-bar culture of some other public houses in the area, there are several nearby pubs that are similar to the Golden Lion in that they have a more traditional, intimate, family-run character:
- Slattery's, 69 Camden Road, Camden NW1 9EU (5 minutes' walk/0.3 miles).
 - The Old Eagle, 251 Royal College Street, Camden NW1 9LU (7 minutes' walk/0.3 miles).
 - Quinn's, 65 Kentish Town Road, Camden NW1 8NY (9 minutes' walk/0.4 miles).
 - O'Reilly's 289-291, Kentish Town Road, Camden NW5 2JS (16 minutes' walk/0.8 miles).
24. These public houses are renowned for their unpretentious and quieter character, away from the gastro-pubs in the area. They are long-established and often described as being popular with local regulars and 'hidden gems'. They pride themselves on being 'no-frills, no-nonsense, traditional boozers'. Therefore, even within the niche profile that the Golden Lion claims to occupy, it faces stiff competition from other very similar public houses nearby. Furthermore, Slattery's is only half a mile (roughly 5 minutes' walk away) from the Golden Lion PH and participates in the same pool league. O'Reilly's also takes part in the same pool league and is less than one mile away from the Golden Lion PH.

(D) Flexibility of the Site

25. As already set out in considerable detail in our planning statement of 19th of December 2012, the premises provide poor access to the elderly, disabled and infirm, especially in respect of the first floor room which the publican claims is a 'function room' and critical to the community role of the pub.
26. The first floor room is very small, suffers from poor, narrow and dimly-lit access, provides no security for the private rooms on the same level or on the second floor, and there is no bar area either.
27. Other than the upper floor extensions proposed in this application, the building provides no further opportunity for expansion. The building is also regarded as making a 'positive contribution' to the local area and is likely to be 'locally listed' at some point in the future. Therefore, the flexibility of the site is generally very poor.
28. The special character of the building in local terms provides additional burdens on the publican, who is obliged to maintain the building in good repair and condition. He has failed to do this so far and is therefore currently undertaking considerable works to the building to remedy external defects and wants of repair. This work is being monitored by Messrs Curzon & Webb (Chartered Surveyors), who estimate that this work is likely to cost the publican in the region of £20,000 to £25,000 plus a further £2,500 to £3,000 for electrical works (not including VAT and fees).
29. Aside from wiping out completely any cumulative profit in the business and setting back its profitability by perhaps another 10-20 years, any new tenant looking to take the

business over will be extremely wary about having to take on such a potential liability over future years along with the very fragile viability of the business itself.



(E) Multiple Uses

30. The publican is permitted under the terms of the lease to let out rooms in the premises and to serve food, as long as either activity remains subordinate to the primary use of the premises as a public house under Use Class A4. These are not onerous or unreasonable conditions; see further Clause 3(10)(a) of the lease at Exhibit SA1 to Sandra Austin's affidavit (Appendix 1 to planning statement of 19th of December 2012).
31. The publican does appear to make some use of the rooms on the first and second floors for additional accommodation. However, the lack of flexibility of the building and absence of a kitchen at ground floor level counts against the possibility of an ancillary restaurant operation which might otherwise help to attract additional custom.
32. The public house is within walking distance of other community facilities in the Camden Town area (e.g. Post Office, shops, clubs and entertainment venues) and its loss would not give rise to an absence of any such services from the local area where not already provided elsewhere.

(F) Performance of the present business

33. As already set out in our last statement, the current business is performing poorly. The pub made a measly profit of just £55 in 2011/12, which represents a cumulative profit of only £6,089. Taking into account an external dilapidations liability of over £25,000, more than four times the profit made over the last five years, and the potential for an increase in the rent by a further £5,000 to £10,000 per annum, the present pub business is clearly not economically viable and stands to be mired in debt for the next 10-20 years.
34. The landlord has tried to assist the tenant through rental concessions and reductions and has provided him with an opportunity to make more money from multiple use of the premises. However, no reasonable pub landlord can allow such a situation to continue year after year without taking further action.

(G) Interest from other public house operators

35. The agent acting for Admiral Taverns in the sale of the property to Norreys Barn Ltd (the applicant) was Paramount Investments (2000) Ltd. The agent acting on behalf of Paramount was Gavin Sherman, who notes in his letter of 21st of March 2012 (Appendix 5 of our statement of 19th December 2012) that:

"A decision was made that the chances of the pub remaining economically viable over the long term was extremely low and we were instructed to market the property to Pub Companies, Investors and Developers. We received limited interest from companies in the Leisure Industry and a number of offers from investors interested in the potential in the property for alternative uses over the medium term." [Emphasis added]

36. I have been further advised by Gavin Sherman in respect of this statement as follows:
 - a. *Means of advertisement.* The property was marketed by Paramount Properties via their interactive website www.paramountinvestments.co.uk. In addition to

- marketing the property to the 10,000 applicants on their website the property was also distributed in national property portals such as 'businessesforsale.com', 'daltonswweekly' and 'findaproperty.com'. Paramount properties specialise in the sale of public houses to licensed leisure operators along with property investors and developers and advertise in the property press (Estates Gazette and Property Week) along with the pub press (The Publican and Morning Advertiser).
- b. *Length of advertisement/marketing.* The property was marketed for at least a 6 months period.
 - c. *Offered as a going concern.* Paramount acted for Admiral Taverns in the sale of the property subject to the occupational tenancy to Mr Murphy for 10 years from 23rd August, 2002.
 - d. *Price and value, and reflection of trading activity.* The main influences on price were income and property yield. The total income receivable on the property was £48,000 pax. This comprised of rental income of £28,000 pax and beer income of £20,000. The income was capitalized at a yield of 9% reflecting the tenure and quality of the covenant in situ in order to arrive at the price.
 - e. *Offers received or accepted.* By the end of the marketing period 5 offers were received all below the asking price of £550,000. Given the nature of the property and occupational tenancy all offers were from investors looking at the property with medium term potential. Interested parties were put off by the fact that the future of the tenant was uncertain following numerous rent concessions given by the then landlord Admiral Taverns.

Overall Potential Viability

37. It is quite clear that this pub is a loss-making venture. However, taking into account the following factors as explained in detail above, it is very unlikely that any other pub operator would be able to turn this pub into a viable, profit-making business:
- a. Hostile and dangerous road environment for pedestrians and cyclists, and lack of car parking.
 - b. Area lacking vibrancy and generally very quiet away from the stronger 'pull' of Camden Town, and lack of presence in tourist guides.
 - c. Very stiff competition from other pubs in the local area, some of which are similar in character to this pub.
 - d. Poor facilities and access for the wider public, 'tired' and poorly maintained feel to the premises and lack of flexibility.
 - e. No kitchen and very limited or no potential for a kitchen to provide food. Publican very limited to the extent that ancillary uses (e.g. letting of rooms) can aid the viability of the main pub business.
 - f. Services and other community facilities within walking distance.
38. As a result, this pub is unsurprisingly not economically viable and possesses little or no potential to improve its performance. This explains not just its current business performance but also the lack of interest from other Leisure and Pub operators when it was up for sale by Admiral Taverns.

National and Camden Pub Policy

39. Through its presence in local darts and pool leagues, the pub does provide some community benefit. However, there is little sense in protecting a pub merely for this reason if it has little or no potential to remain economically viable as a business. Furthermore, if patrons can still take part in such activities through other nearby public houses, then the alternative provision of such activities helps to mitigate any harm to the community as a result of the loss of a pub.

40. Camden's policies allow the loss of pubs if there is either alternative provision in the area or the pub is economically unviable. Both conditions exist in this case.
41. We recognise the general concern in Camden regarding the loss of pubs. However, each case should be considered on its merits and applications should be judged as objectively as possible. We have attempted to do just that through applying a Viability Test recommended by an organisation that itself seeks to resist the loss of pubs. Therefore, by CAMRA's own test, this pub is no longer economically viable.
42. Housing is regarded as the Council's priority land use (Core Strategy paragraph 1.8). In this application, the Council is faced with a choice between preserving a failing pub with no potential for improvement, despite the prospect of reasonable alternative community provision and similar pubs nearby, and on the other hand providing for much-needed extra housing (including family units) built to a high standard, which are environmentally sustainable and help to secure the condition of an important building in the local area.
43. Accordingly, we respectfully ask the Council to grant planning permission and allow the change of use of this pub to residential.

Please contact David Kemp on 07711 672185 or at david@drkplanning.co.uk if you require any further information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Kemp', written over a horizontal line.

David Kemp
Director
DRK Planning Ltd

Encs. Photographs
CAMRA Viability Test
Royal College Street Cycling and Road Safety Improvements (Camden/TFL)

