

**APPENDIX 3**

**Affidavit of David Kemp**

IN THE MATTER OF  
GOLDEN LION PUBLIC HOUSE, 88 ROYAL COLLEGE STREET,  
LONDON NW1 0TH

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AFFIDAVIT OF DAVID KEMP

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I, **DAVID KEMP**, Director of DRK Planning Ltd whose registered office is 10-14 Accommodation Road, London NW11 8ED STATE ON OATH as follows:

1. I am a Chartered Surveyor with over 15 years' experience in planning and property consultancy. I am also a non-practising Solicitor and Barrister, called to the Middle Temple in 2004 and on the Roll of the Law Society since 2006. I have acted for private individuals, landowners, property developers and investment companies. I have also acted as internal and external legal advisor to Westminster City Council, and the London Boroughs of Lambeth, Croydon, Barnet, Southwark and Redbridge. Most recently, I was Principal Planning and Licensing Lawyer at the London Borough of Redbridge on a locum basis (March 2010 to February 2011). My practice is regulated by the Royal Institution of Chartered Surveyors.
2. I am instructed as the planning consultant in this matter by Norreys Barn Ltd, the applicant. I visited the property on four separate occasions.
3. On 19<sup>th</sup> August 2011, I first visited the Golden Lion Public House ("the pub") on 19<sup>th</sup> at around midday. It was at this time when I was first introduced to David Murphy, who is known to me as the publican. To my knowledge, the publican's mother is Mrs Mary Murphy, and I was given the impression by David Murphy that he has full knowledge of how the pub is run at all material times and I have no reason to suspect otherwise.
4. When I visited, I viewed the whole property. I inspected the room claimed by David Murphy to be a function room. This room was being used to store garments, many of which appeared to me to be on display for sale with price tags. I exhibit with this

affidavit a plan at **DK1**, showing the existing first floor plan to the pub, with the room marked thereon in red shading.

5. It was during this visit that David Murphy informed me that this room was being used by a friend of his who was 'in between' properties and that, as a favour, he had let him have the room for "a short time". I asked whether the room was being used for retail at all, to which Mr Murphy advised me that it was not. On the same floor is a smaller room, which is also marked on the plan which I exhibit with this affidavit at **DK1** and is marked thereon in green shading.

6. I exhibit with this affidavit photographs at **DK2**, showing photographs of the supposed 'function room' in use at this time taken by me. I confirm that they accurately show how the room was used and laid out at the time of my visit.

7. On 23<sup>rd</sup> March 2012 at 3pm, I visited the pub again as part of our pre-planning enquiries with the Council. I met with client representatives, and Alan Wito and Jonathan Markwell (Design and Planning officers, respectively) were in attendance from the Council. I recall that I arrived about 10 minutes late, by which time the officers had completed their internal inspection of the property. I was informed by Jonathan Markwell on arrival that they were unable to gain access to the first floor room that Mr Murphy claims to be a 'function room'.

8. As Mr Murphy had access throughout the property and now claims that the use of this room is integral to the 'community function' of this pub, I do find it surprising that he was unable to show this room to the Council's officers, thereby leaving the officers to draw their own conclusions as to the actual use of this room at this time. I suspect that this room was still occupied in the same manner that I first observed on 19<sup>th</sup> August 2011, an opinion that I consider is supported by the next inspection that took place.

9. On 12<sup>th</sup> June 2012 at 11:00am, I visited the property again with Mike German and Philip Seeley, both from the Designation Department of English Heritage. The reason for this visit was due to the recent request received by English Heritage to include the pub on the national list of buildings of special architectural or historic importance. I did not take photographs during this visit, although some were taken

by Mike German. However, as he was focussing on the issue of architectural details of note, he took no photographs of the room as a whole. However, he confirms in writing that at the time of his visit there were a number of clothes racks in this room, which would indicate that this room was still being used up to this time in the manner first observed almost a year before. I exhibit a copy of this email with this affidavit at exhibit **DK3**.

11. I **DAVID KEMP**, Director of DRK Planning Ltd whose registered office is 10-14 Accommodation Road, London NW11 8ED do solemnly and sincerely affirm that the facts stated in this affidavit are true.



MANUEL SWADEN SOLICITORS  
340 WEST END LANE  
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**Manuel**  
**Swaden**  
solicitors



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EXHIBIT DK1 TO AFFIDAVIT OF DAVID KEMP

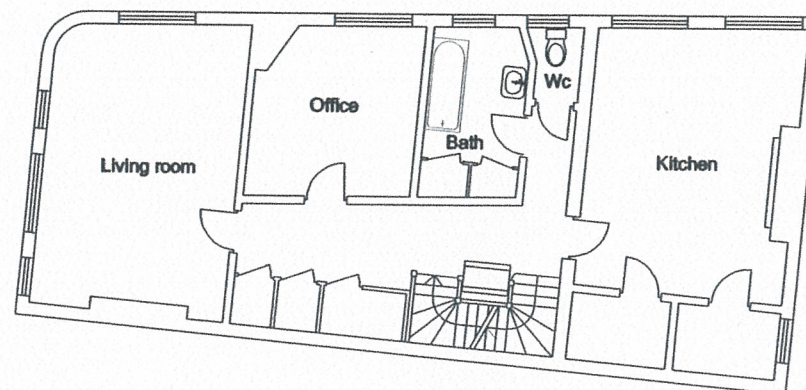
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I, **DAVID KEMP**, Director of DRK Planning Ltd whose registered office is 10-14 Accommodation Road, London NW11 8ED herewith exhibit the document referred to herein as Exhibit DK1.



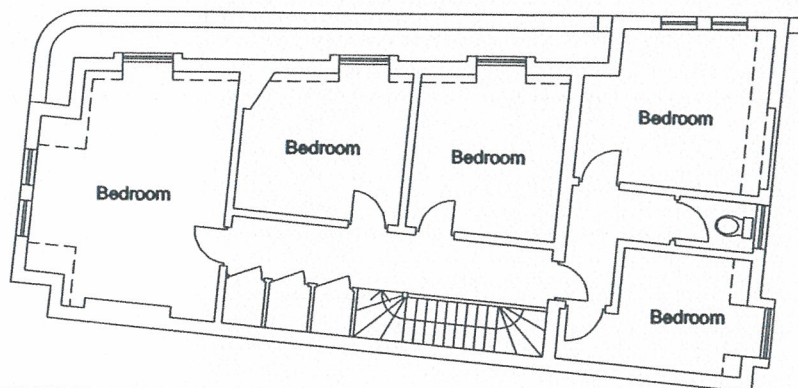
### FIRST FLOOR

Gross Area = 89.46 m<sup>2</sup>  
= 962.97 sqf



### SECOND FLOOR

Gross Area = 88.99 m<sup>2</sup>  
= 957.91 sqf



### THIRD FLOOR

Gross Area = 75.65 m<sup>2</sup>  
= 817.54 sqf

Planning Drawings

DRAWING TITLE:

EXISTING FLOOR PLANS

CLIENT / JOB TITLE:

GOLDEN LION 88 ROYAL COLLEGE STREET LONDON NW1

Scale:  
1:100 @ A3

Date:  
08. 2011

Drawn by:

Drawing no:  
W03

Revision:

1. This drawing must not be scaled.  
2. All dimensions to be checked on site by the contractor & any discrepancies reported immediately.  
3. This drawing and all details therein remain the copyright of Buildtech Building Surveyors and may not be used or copied without their permission.

**BUILDTECH**

BUILDING SURVEYORS

28 Shamrock Way, Southgate, London, N14 5RY  
Tel 020 8368 0605 Fax 020 8361 0677

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GOLDEN LION PUBLIC HOUSE, 88 ROYAL COLLEGE STREET,  
LONDON NW1 0TH

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EXHIBIT DK2 TO AFFIDAVIT OF DAVID KEMP

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I, **DAVID KEMP**, Director of DRK Planning Ltd whose registered office is 10-14 Accommodation Road, London NW11 8ED herewith exhibit the document referred to herein as Exhibit DK2.





VIEW TO THE REAR OF THE GOLDEN LION PH



FIRST FLOOR ROOM





FIRST FLOOR ROOM



FIRST FLOOR ROOM

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LONDON NW1 0TH

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EXHIBIT DK3 TO AFFIDAVIT OF DAVID KEMP

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I, **DAVID KEMP**, Director of DRK Planning Ltd whose registered office is 10-14 Accommodation Road, London NW1 8ED herewith exhibit the document referred to herein as Exhibit DK3.

## **DRK Planning Ltd**

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**From:** GERMAN, Mike <Mike.German@english-heritage.org.uk>  
**Sent:** 15 October 2012 11:07  
**To:** DRK Planning Ltd  
**Subject:** The Golden Lion PH, 88 Royal College Street, London NW1

Dear Mr Kemp

At your request I am sending this e-mail to confirm the presence of a number of clothes racks in the first floor billiards/function room of the Golden Lion during our site visit on 12 June 2012. I can also confirm that I have no photographs showing the racks as I took a couple of photographs of architectural details but none showing the room as a whole.

Yours

Mike German

Designation Department - South Team

0208 361 9895

Mobile: 07833-239476

1 Waterhouse Square 138-142 Holborn, London EC1 2ST

Details of all nationally designated heritage assets  
in England from buildings to battlefields are now  
available online - search [The National Heritage List for England](#)

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