APPENDIX C

Applicant: Mr Miguel Gibson-Galguera

Location: On the footway outside 99 Church Road, Upper Norwood, SE19

<u>Measurements:</u> The applicant has applied for a display area of 13m length and 5m width on an area of highway adjacent to the pavement. The entire pavement in front of the premises will be left clear for pedestrian access.

> Appendix C1 shows a plan of the site. Appendices C2 & C3 are photographs of the display.

Proposed Times of Trading:

Sunday 1000 hours until 2300 hours Monday and Tuesday 0800 hours until 2330 hours Wednesday 0800 hours until 2300 hours Thursday 0800 hours until 0000 hours (midnight) Friday and Saturday 0900 hours until 0030 hours on the days following.

To Display: Tables and Chairs and benches.

1. Detailed Considerations

- 1.1 The application was received by the Planning & Environment Department on 17th January 2013. A copy of the application is attached as Appendix C4.
- 1.2 The premises is situated on the borough boundary with Bromley therefore the application was advertised in both the Bromley & Croydon Guardians. A number of objections were received from local residents attached as Appendix C5
- 1.3 The Police licensing Officers, Food Safety team, Planning, Highways, and parking services divisions were invited to comment on this application, no objections have been received.

London Fire Brigade were also consulted on this application as the proposed display area of highway is marked 'FIRE PATH KEEP CLEAR'.

Their comments are as follows:

• The Fire Brigade have no objection to tables and chairs being placed outside in the proposed designated area.

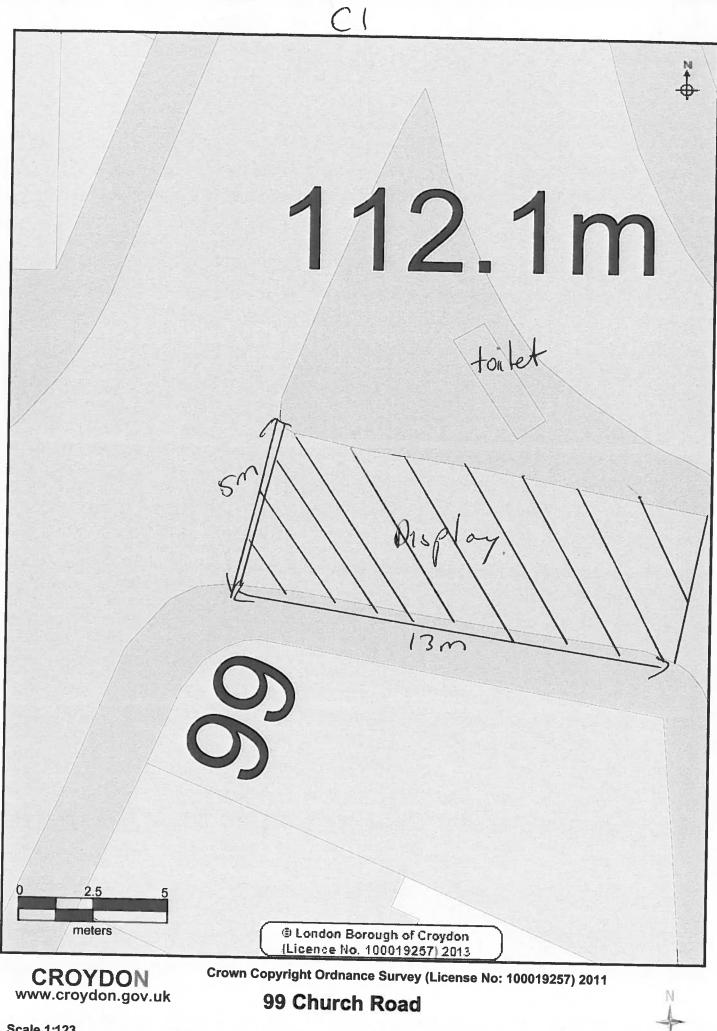
- The Fire Brigade have no objection to a reasonable number of tables and chairs which will allow free movement between tables
- The Fire Brigade would prefer the furniture not to be fixed permanently to the ground
- The Fire Brigade would prefer no decking or other items that could prove a trip hazard, and increase the fire loading of the immediate area.
- The Fire Brigade cannot see any practical reason why this should be called a 'Fire Path' and they do not have any legislation which would allow the marking of the highway in such a manner.

The Council Highways Department have confirmed that they have no objection to the proposed area being used for the display of tables, chairs or benches provide they are not permanently fixed to the ground.

- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- A temporary licence was issued to the applicant which is valid until the 19.9.2013 pending the committee's decision. A copy is attached as Appendix C6.
- 1.6 There is 1 other nearby premises in Church Road which currently holds street trading licence, no 96, tables and chairs.

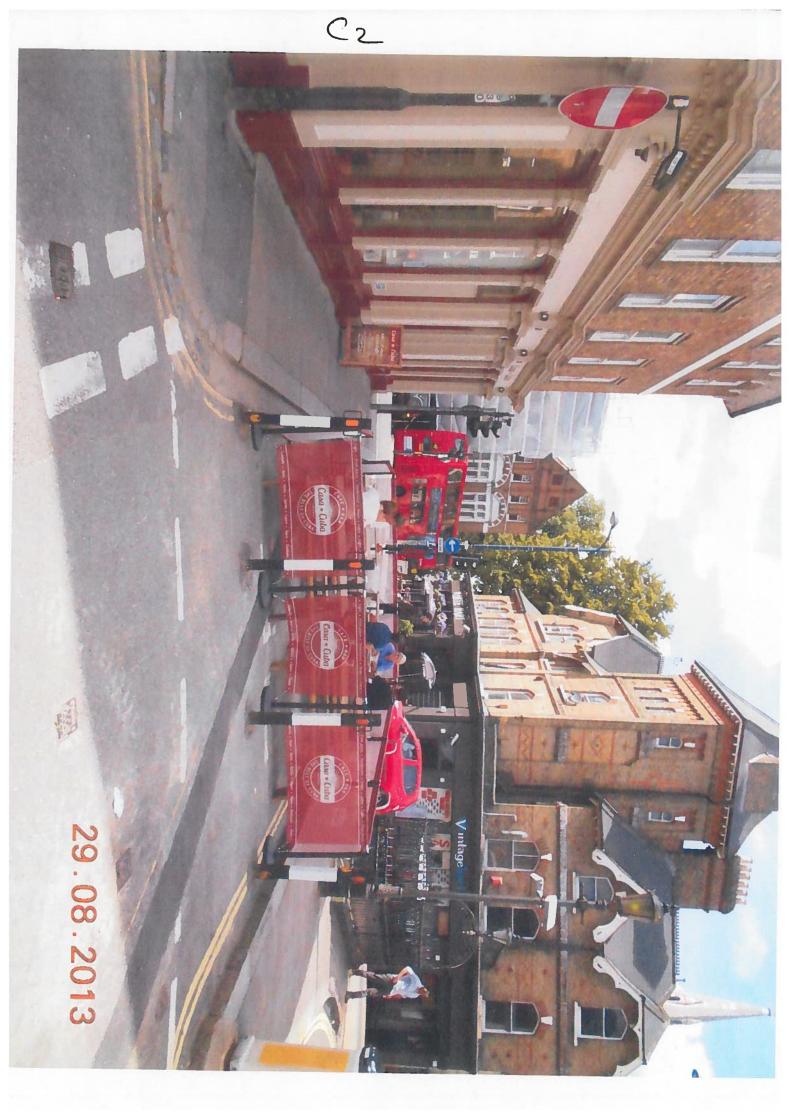
The position of this site is marked with a * and the site applied for is shaded on the attached map Appendix C7.

- 1.7 The applicant has submitted a 16 page petition from customers etc in support of his application, attached as Appendix C8.
- 1.8 If the application for a street trading licence is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year



27-Aug-2013

Scale 1:123





CROYDON www.croydon.gov.uk

STREET TRADING LICENSING

APPLICATION FOR A STREET DESIGNATION ORDER

Return completed form to: Licensing Team, Planning & Environment Department, Croydon Council, 9th Floor North Side, Taberner House, Park Lane, Croydon, CR9 3JS. Telephone: 020 3760 5466 Fax: 020 8760 5786.

PLEASE READ THE GUIDANCE NOTES ATTACHED BEFORE COMPLETING THIS FORM

1.	APPLICANT (see note A)
a)	First Name MIGUE to tak
b)	Last/Family Name 613801 - Garbourera
c)	Full Home Address of Applicant
d)	Home Tel No
f)	E mail address:
g)	Date of Birth :
i)	National Insurance No :j) Nationality:
L	
2.	SITE TO BE DESIGNATED (see Note B) For Mobile Vehicles/Trailers go to section 4
a)	Trading Name of Premises: CASIA CURA
b)	Trading Address: 99 CHURCH Room
	LOUDDE, SETS LIR.
c)	Business Tel No: 020 1149 5591
l	
3.	DISPLAY AREA (see note C)
	Dimensions of display area (state whether measured in feet or metres)
1	ength 13 m Width 5 m Height MA

	C4
b) -	lours that you would like to display the goods/services on the highway.
Sund	day: from 10 mm to 10 mm. Thursday: from to 10 Am
Mon	
Tues	day: from. 8 m to. 18 m [Saturday: from. 9 m to. 12:30 m
Wed	nesday: from. to litin
c) Ty	pe of goods or services to be displayed :
4. N	IOBILE VEHICLE/TRAILER (See note D)
a) A	Address of proposed pitch
b) (inneroy dimonsions of ushiele (trailer (state (built
	opprox dimensions of vehicle/trailer (state whether measured in feet or metres)
Leng	gthHeight
c) F	Registration No
d) F	Proposed hours and days of trading:
lf yo licer	u propose to sell hot food and drink after 2300 hours then you will require a premises ace under the Licensing Act 2003. (see note D)
	ce Use only Premises Licence No
I declare	e that all the information given on this form is accurate to the best of my knowledge.
	e a fee of £ 347
	make cheques payable to Croydon Council
Signatu	re of applicant(s) or applicant's Solicitor or other duly authorised agent:
	Date 17/01/13
lf you re Team o	equire any assistance with the completion of this form please contact the Licensin n 0208 760 5466
Office L	Ise Only Uniform No: 13 Collo STT
Receipt	Jse Only Uniform No: 13 00190/STT 1 No : CAN: 132.65 Date received: 17/1/13



31 May 2013

Vendy Shepherd Croydon Licensing Team London Borough of Croydon 9th Floor Taberner House Park Lane, Croydon CR9 3JS

Dear Ms Shepherd

Casa Cuba, 99 Church Road, Upper Norwood, London SE19 2PR

We refer to our telephone conversation and to our subsequent exchange of emails.

We wish to strongly object to both the extension of the licensing hours of Casa Cuba and the use of the Fire

We have been told by you that the London Fire & Emergency Service has agreed to the use of the Fire Path for seating but when we contacted their HQ on South Bank, they said they would send one of their staff down to look at the area and would discuss their findings with the local Fire Station.

We have now received an email from the Fire Safety Inspecting Officer and we quote:

"Further to our discussion earlier, I can confirm that I have discussed the matter further with the Station Manager at West Norwood Fire Station.

He is of the opinion that whilst it would be acceptable for tables and chairs to be located on the fire path, the number should be limited and should not be permanently fixed, to the extent that they could be moved quickly if the fire path needed to used by the LFB."

The Fire Safety Inspecting Officer has asked us to attach a copy of his email to our letter for your reference, which we have done. However, we understand that he is happy to write to you direct on this matter if you

Currently Casa Cuba has installed eight picnic bench tables seating 48 people and this could be extended to allow sealing for 60+. These structures are too large to be stored inside their premises and are left in-situ 24 hours a day, 7 days a week. When the premises are closed the picnic bench tables are chained together until morning, ie for approx 12 hours. This in accordance with the Council Ruling of securing such items to protect

When the premises are open the seating area is cordoned off with screens supported by a series of posts.

NONE of this is in accordance with the LFB guidelines.

What possible chance could a Fire Tender have of reaching any of our homes when faced with 48+ people with their food and drinks in a cordoned off area, housing this amount of heavy picnic bench tables?

We believe the above is reason enough to reject the use of the Fire Path for such a purpose but we would add the following to acquaint all members of the Licensing & Planning Committees of the supplementary concerns

Casa Cuba has a license to sell alcohol and has requested that its opening hours are extended on week nights and to 1am on Fridays and Saturdays (with live music). Even if Casa Cuba abide by the LFB guideline and nstall a few removable tables and chairs, our concern is that this is a large outside area and noise, rowdiness, etc. will continue long after the premises are closed. There are two pubs on the opposite corners to Casa Cuba, both of which have pub garden areas. Unlike the open area outside Casa Cuba, when these pubs close their doors, their garden areas also close. After closing time there is nothing to stop reveilers from both these pubs congregating in the Casa Cuba open seating area until the early hours.



...../2

A number of circumstances have come to our attention which we believe to be most irregular. One is that the Application for Extension of Opening Hours is not, as we first thought, an Extension of Licensing Hours. In fact, the premises has already been granted Licensing Hours in excess of the permitted Opening Hours specified by the Planning Committee. Why?

Another is that Casa Cuba are currently using the Victorian Lavatory on the Island as a receptable for all their catering food and bottle waste. This attractive structure is what adds charm and character to this foxes. When we brought this to the attention of Croydon's Principal Commercial Waste & Recycling Manager, to be collected by 6am.

However, we note that the Discharge of Condition 3 of the Planning Permission was granted to Casa Cuba if their refuse storage was secured within the existing integral area of their building, indicated on the Plan received by the Planning Department. The efforts of some members of Croydon Council appear to condone, indeed encourage, Casa Cuba's flagrant Breach of this Ruling.

Meanwhile Casa Cuba appear to have commandeered the Victorian Structure as their own in which to store their posts overnight, secured by a padlock and chain. Every day throughout opening hours, plastic bags of food and bottle waste are lobbed into the area by Casa Cuba staff. Overnight night the bags are ripped open by foxes and distributed all over the Island. Often the debris is not cleared up until midday.

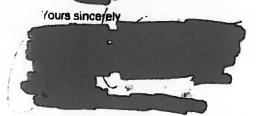
To précis our misgivings in Croydon's handling of Casa Cuba's various Planning Applications we find the following most irregular :-

- 1. The granting of a TEMPORARY Street Designation Order before going to Planning Committee.
- 2. Not publicising No 1 above to the correct catchment area we only discovered the removal of the Fire Path to our homes when picnic bench tables were erected.
- 3. Granting Licensing Hours in excess of the permitted Opening Hours agreed by the Planning Permission. Thereby allowing the Application for extended Opening Hours, currently being considered, to be a foregone conclusion.
- 4. Granting the original Premises License without going to Committee.
- 5. Condoning the flagrant Breach of the Conditions of the Planning Permission regarding rubbish disposal, including a Croydon Councillor setting up a meeting to find an alternative method of storing and disposing of rubbish.
- 6. Condoning the use of an important local structure, the Victorian Lavatory, for storage and for rubbish.

.Ve would welcome both the Licensing and the Planning Committees' comments on the above.

In conclusion, we believe the London Fire Service is to be commended for their Duty of Care to the Public in continuing to protect our lives and our homes by use of the Fire Path and that Croydon Council would be negligent in their obligations if they did not persue any Breach of Planning Permission Conditions, and also ensure that the Victorian Lavatory remains as an important feature and does not become a rubbish dump.

We trust that our objections will be put forward at the Committee Meeting which we and a number of residents from the second sec



3. S ver O stribution L st attached

From Sent: 14 May 2013 14:39 To: LICENSING Subject: street trading licence objection

Hello,

I would like to make an objection to an application for a street trading licence.

The licence number is: 13/00190/STT relating to Casa Cuba at 99 Church Street SE19 2PR.

The licence allows them to block a portion of the highway that appears to have been designated a fire path. I would have thought this is reason enough to prevent street trading, but my particular objection is that I use this section of highway on my bicycle commute into work as it allows a safer means of joining the traffic turning from Church Road into Westow Street. I cycle up Fox Hill and, instead of pulling out into a double stream of traffic, I turn right down Lansdowne Place and then left through the fire path where I join the traffic lights next to the White Hart pub. With the benches that have been set up in the road my way is impeded, and when barriers are erected around the bench space (and note that barriers are not specified in the temporary licence), my way is blocked completely.

Please can you let me know how I can officially submit this objection to the Licensing Committee.

many thanks



From:

Sent: 02 May 2013 01:40 To: LICENSING Subject: On street trading of cafe at 99 Church Road, SE19 2PR

Hello,

Does the cafe at 99 Church Road have a street trading licence/permission to cover the road outside their premises with astroturf and outdoor seating 24 hours a day? This was previously a section of public highway clearly marked with "FIRE PATH KEEP CLEAR" (Google streeview: <u>http://goo.gl/maps/JHFJR</u>) although it is now pretty much impossible to get any kind of vehicle through since they've taken it over. The section of Road in question connects Lansdowne Place to Church Road.

Given that this used to be a useful exit point onto Church Road when cycling if this use of the road is not authorised it would be appreciated if you could ask the venue to return the road to public use.

Regards,



Shepherd, Wendy

From:	
Sent:	08 April 2013 12:32
To:	Shepherd, Wendy
Cc:	

Subject: Licensing Committee Hearing 14 May (Casa Cuba) Dear Ms Shepherd,

Re: Licensing Application from Casa Cuba, Belvedere Road, Crystal Palace

We noted recently the erection of bench seating outside the Casa Cuba cafe situated at the junction of Belvedere Road and Church Road at the corner of Crystal Palace triangle.

We were slightly surprised at this development, since the seating has been placed in small area prominently marked "Keep Clear: Fire Path", and evidently intended to provide a clear passage for fire

We now discover that an application has been made to the Licensing Committee which will be considered on the 14th May. As residents of Bromley we had no prior notice of such an application. We do, however, live one minute's walk away and within clear ear shot of the Casa Cuba, and have lived in this quiet residential section of the Conservation Area of Belvedere Road for over twenty five years.

Our principal objection relates to the application by Casa Cuba to extend its licensing hours to 11.30 pm on week days, and to half past midnight at weekends, and more especially to a related application

Any consideration of these connected requests must surely take into consideration the location of the cafe concerned. Casa Cuba is situated directly opposite two busy public houses - The White Hart and the Alma - both of which are very lively at weekends, especially in the evening. Over recent years there have been several occasions when we and our neighbours have had cause to complain of noise disturbance emanating from the closed garden of the Alma pub. This problem is very acute during the summer months. We are concerned that at closing time the overspill from these two pubs will congregate on the planned public seating area outside the Casa Cuba after closing time, and cause ongoing disturbance to

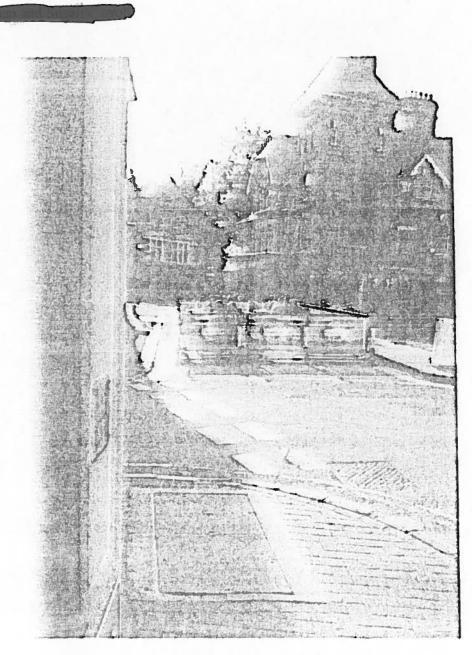
On these grounds we wish to lodge an objection to the application.

Yours sincerely,



Once the warm weather comes our Road will be restricted in access, peace and whatever else this new development has to throw up. When the application for change of use of the original Print Shop premises to a Wine Bar/Travel Agent was made late last Summer residents of the road were not notified nor asked to comment. Please stop this extension of the license while law and order is easy to maintain, and permit drinking only for inside the premises. With weeknight permission for street use, along with late drinking and music at weekends, we residents will lose more of our rights to freedom from public nuisance and noise and encounter significant difficulty and hazard in using the pavement and road to reach Church Road and Westow Street.

Yours Faithfully



Outdoor Seating on Belvedere Road Fire Access Route with Screens to stop Through Traffic



June 03 2013

Dear Ms Shepherd,

CASA CUBA WINE BAR LICENSE EXTENSION

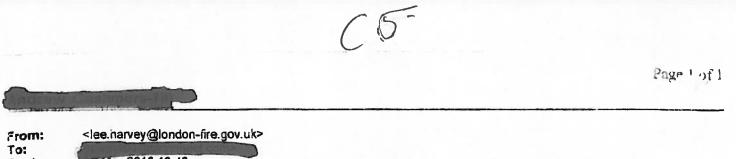
In early April we were surprised to find pub tables and seats in place on Belvedere Road outside the Casa Cuba Wine Bar/Travel Agent. This road is in Bromley Borough and originally formed part of the entrance from the Westow Street/Church Road junction of the Crystal palace triangle. Following the introduction of the one way system in 2003, around the triangle, it was closed and traffics bollards were placed which can be removed for Fire Access. With the tables in place the road is blocked and this inhibits emergency vehicles which may need the route for either access or egress to Belvedere Road and Lansdowne Road.

We also learned that a license extension application had been made sometime before April. However a notification was not posted outside the premise as is required and there was no notification given to us or other Belvedere Road residents by Croydon about this application. A subsequent application was made and is the subject of these comments.

These proposals effect us as residents of the road living near the bar. We have many concerns on how it will affect our use of the pavement and provide a severe nuisance from noise and drinking particularly during the summer months. The premises are too small for the number of clients which the bar would like to serve with alcohol and therefore the outside public space has been appropriated for seating. The bar owners having sequestered this area for their own use, state that they have been given permission by London Fire and Emergency Services, and Croydon Council.

The pavement space along the road in front of the bar serves as a pedestrian freeway for a very large community of residents here. It is almost impossible to pass on the pavement in front of the premises when drinkers are standing outside along with an advertising board, and of course the roadway is not available as it is cordoned off with screening. The central Victorian island which is a conservation feature is used to store rubbish and the cordon equipment when not in use. Because of loss of access on this pavement the pedestrian is forced to cross on the slip road from Church Road and face the danger of any speeding traffic which leaves Church Road. This is already a hazardous area for pedestrians due to the narrowness of pavements on Church Road, and various street furniture and advertising boards in place. (A picture is attached of day-time drinkers. At night this becomes busier with the addition of people on the pavement)

There are now three drinking premises on this corner of the triangle. We already experience problems from late night clients of the Alma and White Hart pubs: significant broken glass, empty beer bottles, glasses, and drinkers vomiting or relieving themselves. This is certain to increase since the late extension, outside drinking and music will attract more drinkers.



Sent: 22 May 2013 13:40 Subject: Fire Path outside Casa Cuba, 99 Church Road, Crystal palace

Further to our discussion earlier, I can confirm that I have discussed the matter further with the Station Manager at West Norwood Fire Station.

He is of the opinion that whilst it would be acceptable for tables and chairs to be located on the fire path, the number should be limited and should not be permanently fixed, to the extent that they could be moved quickly if the fire path needed to used by the LFB.

If you have any additional questions please do not hesitate to contact me.

Regards

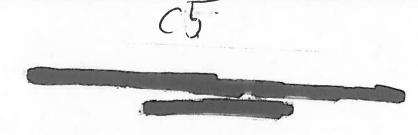
Lee

Lee Harvey Fire Safety Inspecting Officer

London Fire Brigade Croydon/Sutton Team Tel. 0208 555 1200 ext 32616 Mobile. 07825 996394

For fire safety advice please go to http://www.london-fire.gov.uk/YourSafety.asp

EMAIL DISCLAIMER: The Information in the email may contain confidential or privileged materials. Please read the full email disclaimer notice at <u>http://www.london-fire.gov.uk/EmailDisclaimer.asp</u>.



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CROYDON Content C. 6

TEMPORARY LICENCE -STREET TRADING

The Council of the London Borough of Croydon being the Local Authority for the purposes of the London Local Authorities Act 1990

HEREBY LICENCE TO USE SITE KNOWN AS

TO DISPLAY SIZE OF DESIGNATED DISPLAY PERMITTED DAYS & TIMES Mr Miguel Adan Gibson-Galguera Casa Cuba 99 Church Road Upper Norwood SE19 2PR Tables and Chairs and Benches Length 13m, Width 5m Sunday 1000 hours until 2300 hours Monday & Tuesday 0800 hours until 2330 hours Wednesday 0800 hours until 2300 hours Thursday 0800 hours until 0000 hours (midnight) Friday and Saturday 0900 hours until 0030 hours on the days following

Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times. This licence may not be transferred to any other person.

Date Licence Valid From:	26.02.2013
Date Licence Expires:	19.09.2013
Licence Number:	13/00190/STT

Maddard

Michael Goddard Trading Standards and Licensing Manager Planning & Environment Department

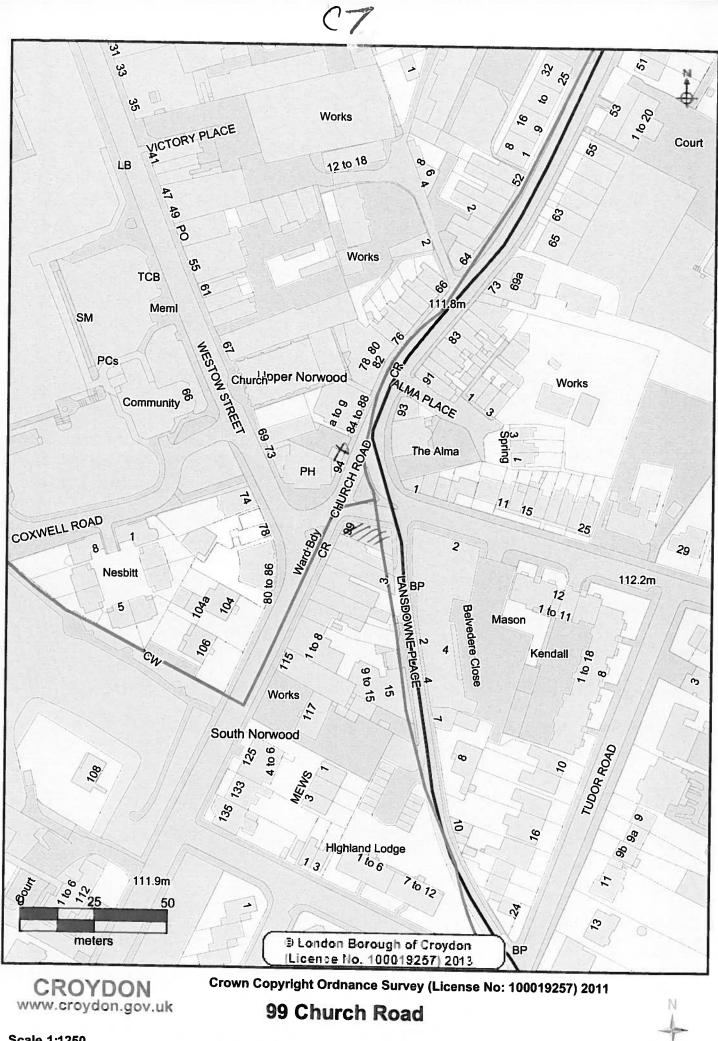




Licence Conditions

Non Transport for London Maintained Roads

- 1. The Licence shall ensure that there is a minimum clear passage of 2.0 metres between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp posts etc) - whichever is the nearer to the display
- 2. A clear copy of the licence shall be displayed in the front window of the premises at all times and should be visible to passers - by.
- 3. Please note that the person named on the licence and whose photograph appears on the licence is responsible for the premises at all times. This licence may not be transferred to any other person.
- 4. The right to trade from the designated site will be temporarily suspended when Utility Companies or the Highway Authority require access to the footway to carry out necessary works, until the completion of those works.
- 5. The limits of the designated area may be marked on the footway/roadway by the Council to enable verification by Council & Highway Officers.
- 6. Premises displaying tables and chairs shall enclose the display area with a suitable barrier material e.g. rope.
- 7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.



27-Aug-2013

Scale 1:1250

99 Church Road London SE19 2PR

August the 14th, 2013

Mrs Wendy Shepherd Safety/Licensing Officer Planning and Environment Department 9th Floor, Taberner House, Park Lane Croydon CR9 3JS

REFERENCE: 13/00190/STT

Dear Ms Shepherd,

I am writing in support of Street Licence 13/00190/STT.

As you can see from the enclosed documents many local residents have been very supportive of our temporary street license. The tables that we have erected outside of our business (under the terms of the existing temporary license) have proved popular with a broad swath of the local community and a wide variety of different people enjoy them regularly – as evidenced by the enclosed documents.

C 8

I very much hope that the above application will be considered favourably and that we can continue fostering what we hope will become a focal point for local residents.

Please do not hesitate to contact me if I can be of any further assistance.

Yours faithfully,

Miguel A Gibson-Galguera

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We, the signatories, believe that the outdoor seating facilities recently licenced to Casa Cuba by Croydon Council is a fantastic outdoor space that we, the community, very much welcome in the Crystal Palace Triangle. It is also an important aspect of the overall improvement of Church Road, a road in need of a lot development. Crystal Palace lacks such spaces and so we believe it should stay. Therefore we hereby sign this petition in support of this beautiful outdoor space.

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