Item No. 7.2	Classification: OPEN	Date: 9 July 2013	Meeting Name: Planning Sub-Committee B
Report title:	 Development Management planning application: Application 13/AP/0409 for: Full Planning Permission Address: 284-302 WATERLOO ROAD, LONDON, SE1 8RQ Proposal: Change of use of part of the eighth floor from hotel gym to bar (Use Class A4), creation of roof terrace for bar, erection of canopy and balustrade and alterations to windows / doors at 8th floor level. 		
Ward(s) or groups affected:	Cathedrals		
From:	Head of Development Management		
Application S	tart Date 28/02/207	13 Applica	tion Expiry Date 25/04/2013
Earliest Decision Date 11/04/2013			

RECOMMENDATION

1 Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

2 This item is brought before the Planning Sub-Committee for a decision at the request of Councillors and with the agreement of the Chair of the Planning Committee.

Site location and description

- 3 The site is currently occupied by the H10 hotel and lies at the southern end of Waterloo Road, close to St. George's Circus. It is bounded on either side by Waterloo Road and Dodson Street, with Westminster Bridge Road to the south. Adjacent uses comprise a public house to the south, a student housing block which adjoins to the north and residential to the east and west on Waterloo Road and Dodson Street.
- 4 The building is arranged over basement, ground and 12 floors and was constructed in 2010. The main entrance is from Waterloo Road and the rear entrance is from Dodson Street.
- 5 Planning policy designations (Proposals Map):

Central Activity Zone Air Quality Management Area Elephant and Castle Opportunity Area The Elephant and Castle Major Town Centre

Details of proposal

6 Planning permission is sought for change of use of part of the 8th floor of the building from a gym to a bar, Use Class A4. The bar would be accessible to members of the

public and not just patrons of the hotel, and as such is considered to be a stand-alone use requiring planning permission. It is also proposed to utilise the flat roof area at 8th floor level as a roof terrace ancillary to the bar; the existing hotel gym would be relocated to the basement.

- 7 A timber framed glazed canopy, free-standing metal louvres and glass balustrade are proposed for the terrace area.
- 8 It terms of alterations to the existing facade, it is proposed to enlarge one of the openings facing the terrace and insert a set of sliding glass doors. It is also proposed to replace a window with a door to facilitate a fire escape route from the terrace.

Planning history

- 9 09/AP/0408 Planning permission granted (08/09/09) for: Erection of a 13 storey (40.265m high) plus basement building providing 177 hotel rooms with ancillary space including a reception, bar/dining areas, offices and storage, gymnasium, car parking, bicycle and refuse storage (Amendments during course of construction to reduce the number of hotel bedrooms and associated elevational alterations to permission ref. 05-AP-2673 for the erection of a 13 storey plus basement building providing 212 hotel rooms with ancillary space including a reception, bar/dining area, offices, breakfast room, car parking and bicycle storage).
- 10 05/AP/2673 Planning permission granted (01/08/2006) for: Erection of a 13-storey (40.265m high) plus basement building providing 212 hotel rooms with ancillary space including a reception, bar/dining area, offices, breakfast room, car parking, and bicycle storage.
- 11 05/AP/1990 Planning permission granted (22/12/05) for: Demolition of existing building and redevelopment to provide a thirteen storey building comprising commercial space at basement, ground and first floor levels and 60 x 1, 2 and 3 bedroom residential units at second to eleventh floors plus associated car, motorcycle and cycle parking.

Planning history of adjoining sites

12 10/AP/1394 268-282 Waterloo Road - Planning permission granted (07/09/10) for: Demolition of existing building and construction of a new 8 storey building with basement level and plant at roof level (maximum height 29.4 metres AOD), to accommodate 192sqm of commercial floorspace at ground floor level (flexible A1 / A2 / A3 / A5 / B1or D1 uses) and 146 student bedrooms over ground to seventh floors. One disabled parking bay at ground floor, cycle storage at basement level and roof terrace at eighth storey level.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 13 The key issues with this application are as follows:
 - (a) Principle of development

(b) Impact of proposed development on amenity of adjoining occupiers and surrounding area including noise issues

(c) Design Issues

(d) Transport Issues

Planning policy

National Planning Policy Framework (NPPF)

- 14 Relevant Sections
 - 1. Building a strong competitive economy
 - 2. Ensuring the vitality of town centres
 - 7. Requiring good design.

London Plan 2011

15 Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy 2011

- 16 1 Sustainable Development
 - 3- Shopping Leisure and Entertainment
 - 10 Jobs and Businesses
 - 12 Design and conservation
 - 13 High environmental standards

Southwark Plan 2007 (July) - saved policies

- 17 The Council's cabinet on 19th March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the polices and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.
- 18 Southwark Plan (2007) saved policies
 - 1.7 Development within town and local centres.
 - 3.1 Environmental Effects
 - 3.2 Protection of Amenity
 - 3.12 Quality in Design
 - 3.13 Urban Design

Elephant and Castle SPD (March 2012)

Principle of development

19 Concerns have been raised that there is a public house in close proximity to the site, however saved policy 1.7 of the Southwark Plan permits a range of uses within town centre locations including retail and services, leisure and entertainment and as such no objections are raised in principle. The bar would not be of a particularly large scale and impacts upon the amenity of neighbouring occupiers are considered below.

Environmental impact assessment

20 Not required for this application.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

21 The nearest residential occupiers are located at the student accommodation at 270-280 Waterloo Road, the adjoining building to the north of the site. 1-48 Dobson Street is located approximately 20m to the north-west of the site and 1-5 Cranfield Row is approximately 30m to the south-west. The main potential impacts on these neighbouring residential properties are overlooking and noise impacts from the use of the flat roof area as a terrace associated with the bar.

Overlooking

22 The properties with the most potential to be overlooked are those located at 1-48 Dobson Street. A site visit to the roof terrace area revealed that while there will be views towards the windows of these properties, these are oblique views from above and as the terrace would be located some 20m from these properties it is not considered that any significant loss of privacy would occur. The terrace would look down onto the roof of the adjoining student block and would not cause any loss of privacy, and the separation distance to the buildings on the opposite side of Waterloo Road would be 24m which would be sufficient to ensure that there would be no unacceptable overlooking.

<u>Noise</u>

- 23 There is potential for surrounding occupiers to be impacted as a result of noise and disturbance from roof terrace and a number of residents have raised this as a concern.
- 24 The glazed balustrades around the edges of the terrace would be acoustic barriers and a noise report submitted with the application concludes that with the inclusion of these barriers, noise arising from use of the terrace would be 10 dB below the lowest measured background noise levels at all times.
- 25 The assessment is based on a scenario of 10 seated persons talking with raised voices on the terrace simultaneously, and the resultant noise level would be 10dB below the background level at all times when assessed at 1m from the nearest noise sensitive residential properties.
- 26 Raised planters would be provided on the north, east and western sides to provide a further buffer, and the glazed screens themselves would be set back 0.3m from the east and western edges of the building and 0.65m back from the northern edge facing the student block.
- 27 The Environmental Protection Team has advised that having considered the design of the screening and the acoustic consultants assessment and report, noise from the terrace could be adequately contained up to certain times and have recommended it be open no later than 23:00 Monday to Saturday and 22:00 on Sundays. However, officers consider that 22:00 would be more appropriate and recommend a condition to that effect. It is also recommended that there is no amplified music to be played or broadcast onto the terrace at any time, and this can be secured by way of a condition. Further discussions have taken place with the Council's Environmental Protection Team and a condition limiting the number of patrons on the terrace at any one time to 10 is also recommended; given the fairly limited size of the area in question it is considered that this would not be difficult to enforce by members of staff.
- As such, having regard to the contents of the noise report and the proposed mitigation measures outlined, it is not considered that the surrounding occupiers will be

adversely impacted upon having regard to noise and disturbance. Residents have also raised concerns regarding noise from servicing and deliveries and empty bottles being taken away. The applicant has advised that deliveries to the hotel normally take place on Fridays at 1pm by a lorry that parks at the back of the hotel on Dodson Street. The glass / cardboard and other recycling materials are deposited in the hotel bins everyday from 11am to avoid nuisance to the neighbours and the waste management company collect the material from 4pm daily. It is proposed that the new bar would be included within these arrangements and no objections are raised.

Light Pollution

29 It is noted that a number of objections have raised the issue of light pollution and note that no details of lighting have been submitted. It is considered reasonable to request details of lighting by way of condition to ensure that the terrace is lit in an appropriate way and to ensure that there is no impact on neighbouring occupiers having regard to light pollution.

Impact of adjoining and nearby uses on occupiers and users of proposed development

30 It is not considered that surrounding uses will have an impact on users of this proposed roof terrace and bar area.

Transport issues

31 It is not considered that any transport issues will arise as a result of the proposal, subject to servicing details. The site is well served by public transport with a Public Transport Accessibility Level (PTAL) of 6b (excellent) and is located in a controlled parking zone.

Design issues

32 The appearance of the proposed balustrade, canopy and louvres are considered to be acceptable. Given the small scale nature of the development and the fact that the terrace would not be highly visible from street level, the impact on the surrounding streetscape would be minimal. The minor alterations to the northern facade to the windows and doors would preserve the appearance of the building, subject to a condition requiring matching materials to be used.

Mayoral CIL

- 33 Section 143 of the Localism Act 2011 states the any financial sum that an authority has received, will, or could receive in the payment of CIL as a material "local financial consideration" in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
- 34 CIL is payable on change of use applications where no part of this existing building has been in lawful use in the previous six months. The building has been in use and as such no CIL is payable in this instance.

Conclusion on planning issues

35 The principle of the proposal is acceptable in land use terms and subject to conditions, it is not considered that the proposed terrace will impact on the amenities of surrounding residents. The design of the proposal is acceptable and no adverse transport impacts would occur. As such proposal the recommendation is to grant planning permission.

Community impact statement

- 36 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a) The impact on local people is set out above.
- b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.
- 39 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

40 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 41 14 objections have been received in relation to this application from residents on Dobson Street and Westminster Bridge Road. The issues raised are:
 - noise impacts
 - there already is a pub on Dodson Street
 - is noisy in the evenings
 - terrace will increase disturbance
 - will overlook bedrooms
 - no details of opening closing times
 - bar will be busy every night of the weekend.
 - will have an impact on sleep
 - nothing can be done to reduce the effect of noise
 - increase in the volume of empty bottles taken down to the recycling bins
 - existing disposal is noisy
 - impact of light pollution
 - planning application does not indicate if the enclosure around the bar will be directly on the edge of the building or if it will be away from the edge
 - being on the edge will mean customers leaning over the edge and possibly throw cigarette butts onto the street below.
 - Dodson Street is a residential area. Proposed development would provide for short term one off visitors at the expense of long term residents
 - how does proposal comply with Strategic Policies 2 and 13?
 - Local Authorities have a duty to manage noise.
 - impact of building work
 - no limits on number of people
 - no information on whether it is a smoking area, or of lighting

- will it be open to the public
- there is no need for another bar
- existing pub has worked hard to keep noise levels to a minimum and to keep a good relationship with the community
- proposal could compromise this relationship.
- not all residents and tenants have received a consultation letter for the proposed development

Human rights implications

- 42 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 43 This application has the legitimate aim of providing a change of use to a bar and the use of the terrace as a seating area associated with the bar use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1241-288	Chief executive's	Planning enquires telephone:
	department	020 7525 5403
Application file: 13/AP/0409	160 Tooley Street	Planning enquires email:
	London	planning.enquiries@southwark.gov.uk
Southwark Local Development	SE1 2QH	Case officer telephone:
Framework and Development		020 7525 5420
Plan Documents		Council website:
		www.southwark.gov.uk

APPENDICES

No.	Title	
Appendix 1	Consultation undertaken	
Appendix 2	Consultation responses received	
Appendix 3	Neighbour Consultee List	
Appendix 4	Recommendation	

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management			
Report Author	Rónán O'Connor, Senior Planner			
Version	Final			
Dated	14 June 2013			
Key Decision	No			
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER				
Officer Title		Comments Sought	Comments included	
Strategic Director of Finance & Corporate Services		No	No	
Strategic Director, Environment and Leisure		No	No	
Strategic Director, Housing and Community Services		No	No	
Director of Regeneration		No	No	
Date final report sent to Constitutional Team27 June 2013			27 June 2013	

APPENDIX 1

Consultation undertaken

47 **Site notice date:** 18/03/2013

Press notice date: n/a

Case officer site visit date: 22/04/13

Neighbour consultation letters sent:

19/03/13

Internal services consulted:

48 Environmental Protection Team Transport Planning Team

Statutory and non-statutory organisations consulted:

Transport for London

Neighbours and local groups consulted:

As per Appendix 3

Re-consultation:

None

APPENDIX 2

Consultation responses received

Internal services

Environmental Protection Team

- 49 I had reservations over the proposed roof terrace bar and its potential to impact adversely on residents of Dodson Estate in terms of noise. Having examined the design of the canopy and screening and read the acoustic consultants assessment and report, I believe that people noise from use of the terrace could be adequately contained up to certain times. The application does not set out hours of use and I would suggest that this is restricted by planning condition to no later than 23:00 Monday to Saturday and 22:00 on Sundays (you may wish to consider earlier) and no earlier than 08:00.
- 50 We would also need to ensure that any music based activity is restricted. Since recent relaxations in the Licensing Acts it would be possible to hold certain music events where alcohol is licensed without restriction, therefore I believe we should take this opportunity through planning to regulate this and suggest a condition that no amplified music is to be played on or broadcast onto the terrace at any time.

19th June 2013

51 Verbal comment that the number of patrons using the bar at any one time should be restricted to 10 and this should be secured by way of a condition.

Transport Planning Team

8th April 2013

- 52 No cycle storage is proposed. Normally Transport Planning would request this, however, given the nature of the proposal it is not deemed necessary in this instance to insist that the applicant provides cycle storage.
- 53 The applicant will need to provide details as to how they are expecting the site to be serviced.
- 54 Given the nature and location of this proposal there will be no trips associated with vehicles other than that of servicing vehicles. Transport Planning does not believe that this proposal will have an adverse affect on the highway network.
- 55 Transport Planning does not have any reason to suggest a refusal with regard to this application.

Statutory and non-statutory organisations

56 Transport for London - no response received at the time of writing.

Neighbours and local groups

- 57 14 objections have been received in relation to this application. The main issues raised are:
 - noise impacts
 - there already is a pub on Dodson Street
 - is noisy in the evenings

- terrace will increase disturbance
- will overlook bedrooms
- no details of opening closing times
- bar will be busy every night of the weekend.
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- planning application does not indicate if the enclosure around the bar will be directly on the edge of the building or if it will be away from the edge
- being on the edge will mean customers leaning over the edge and possibly through cigarette butts onto the street below.
- Dodson Street is a residential area. Proposed development would provide for short term one off visitors at the expense of long term residents
- how does proposal comply with Strategic Policies 2 and 13?
- Local Authorities have a duty to manage noise.
- impact of building work
- no limits on number of people
- no information on whether it is a smoking area, or of lighting
- will it be open to the public
- there is no need for another bar
- existing pub has worked hard to keep noise levels to a minimum and to keep a good relationship with the community
- proposal could compromise this relationship.
- not all residents and tenants have received a consultation letter for the proposed development

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 13/AP/0409

ТР No Арр. Туре	TP/1241-288 Site 284-302 WATERLOO ROAD, LONDON, SE1 8RQ Full Planning Permission
Date Printed	Address
19/03/2013 19/03/2013	24 DODSON STREET LONDON SE1 7QL 25 DODSON STREET LONDON SE1 7QL
19/03/2013	26 DODSON STREET LONDON SET 7QL
19/03/2013	21 DODSON STREET LONDON SE1 7QL
19/03/2013	22 DODSON STREET LONDON SE1 7QL
19/03/2013	23 DODSON STREET LONDON SE1 7QL
19/03/2013	27 DODSON STREET LONDON SE1 7QL
19/03/2013 19/03/2013	30 DODSON STREET LONDON SE1 7QL 31 DODSON STREET LONDON SE1 7QL
19/03/2013	32 DODSON STREET LONDON SE1 7QL
19/03/2013	28 DODSON STREET LONDON SE1 7QL
19/03/2013	29 DODSON STREET LONDON SE1 7QL
19/03/2013	3 DODSON STREET LONDON SE1 7QL
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19/03/2013	12 DODSON STREET LONDON SE1 7QL
19/03/2013	13 DODSON STREET LONDON SE1 7QL
19/03/2013	MCLAREN HOUSE 1 ST GEORGES CIRCUS LONDON SE1 0AP
19/03/2013	1 DODSON STREET LONDON SE1 7QL
19/03/2013 19/03/2013	10 DODSON STREET LONDON SE1 7QL 14 DODSON STREET LONDON SE1 7QL
19/03/2013	18 DODSON STREET LONDON SE1 7QL
19/03/2013	19 DODSON STREET LONDON SE1 7QL
19/03/2013	2 DODSON STREET LONDON SE1 7QL
19/03/2013	15 DODSON STREET LONDON SE1 7QL
19/03/2013 19/03/2013	16 DODSON STREET LONDON SE1 7QL 17 DODSON STREET LONDON SE1 7QL
19/03/2013	33 DODSON STREET LONDON SET 7QL
19/03/2013	6 DODSON STREET LONDON SE1 7QL
19/03/2013	7 DODSON STREET LONDON SE1 7QL
19/03/2013	8 DODSON STREET LONDON SE1 7QL
19/03/2013 19/03/2013	47 DODSON STREET LONDON SE1 7QL 48 DODSON STREET LONDON SE1 7QL
19/03/2013	5 DODSON STREET LONDON SE1 7QL
19/03/2013	9 DODSON STREET LONDON SE1 7QL
19/03/2013	ASSISTANT HALL MANAGERS FLAT MCLAREN HOUSE 1 ST GEORGES CIRCUS LONDON SE1 0AP
19/03/2013	HALL MANAGERS FLAT MCLAREN HOUSE 1 ST GEORGES CIRCUS LONDON SE1 0AP
19/03/2013 19/03/2013	PROFESSORS FLAT MCLAREN HOUSE 1 ST GEORGES CIRCUS LONDON SE1 0AP 284-302 WATERLOO ROAD LONDON SE1 8RQ
19/03/2013	NORTHCOTT HOUSE 259 WATERLOO ROAD LONDON SE1 8JU
19/03/2013	FLOWERS OF THE FOREST 14-18A WESTMINSTER BRIDGE ROAD LONDON SE1 7QX
19/03/2013	46 DODSON STREET LONDON SE1 7QL
19/03/2013	37 DODSON STREET LONDON SE1 7QL
19/03/2013 19/03/2013	38 DODSON STREET LONDON SE1 7QL 39 DODSON STREET LONDON SE1 7QL
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19/03/2013	FLAT 105 WELLINGTON LODGE 270-280 WATERLOO ROAD LONDON SE1 8RQ
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20/06/1837 20/06/1837	email address X Jurston Court Dodson Estate London