

Flitcroft House, 114 – 116 Charing Cross Road, WC2

## Statement of Case

Appeal Ref: APP / x 5210 / A / 09 / 2101133 / NWF

**ESTATES AND AGENCY HOLDINGS LTD**

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## **1. INTRODUCTION**

1.1 A full planning application was submitted to Camden Council by The Design Solution on behalf of Estates and Agency Holdings dated 6 October 2008.

1.2 Planning permission was sought for change of use of the basement and ground floors from A1 shop use to A3 restaurant plus associated alterations including the installation of a new shop front on Charing Cross Road and Flitcroft Street frontages and plant on roof.

1.3 The application was accompanied by:

- Design, Planning and Access Statement with Appendix 1, Retail Frontage – Uses Survey, Appendix 2, Letter dated 25 September 2008 from Nash Bond, letting agents and Appendix 3, Noise Assessment of proposed restaurant plant.
- Photographs of the existing building.
- Site Plan, plans and sections as existing, plans, elevations and sections as proposed.

1.4 Additional information in support of the application was provided to Camden Council as follows:

- A Supplementary Statement on 24 February 2009. This set out the planning arguments in more detail.
- A Written Opinion by David Elvin QC on 2 March 2009. This augmented the Supplementary Statement and assessed the relevant policies in the UDP, the Revised Planning Guidance (RPG) and the impact of Crossrail.



- A letter from the applicant and owner together with correspondence with Nash Bond, the letting agent, on 19 March 2009 in response to a specific question by Camden Council on the marketing of the property.

1.5 The agenda of the Development Control Committee for 5 February was accessed by the applicant on Camden Council's website on 20 January 2009. The application was on the agenda with a recommendation of approval (with a notation "Granted"). The applicant, on later accessing the website, noticed that the agenda entry had been deleted without notice or explanation. On enquiry, the case officer informed the applicant's agent (Design Solution) on 28 January that the application had been withdrawn from the agenda and would be refused. Design Solution were also told that another planning officer would now be dealing with the application. Design Solution requested a meeting with him but to no avail. The planning application was then determined under delegated powers and was refused.

1.6 The decision letter dated 31 March 2009 refused planning permission for the following reason:

*'The proposed development, by reason of the reduction of the number of retail units on the Charing Cross frontage to below the threshold of two thirds (66%), would be detrimental to the character, function, vitality and viability of the area contrary to Policy R7 (protection of shopping frontages) of the London Borough of Camden Replacement Unitary Development Plan 2006.'*

1.7 However, an appeal had been lodged on 27 March 2009 on grounds of the failure of the local planning authority to determine the application within the statutory period i.e. prior to the date of the decision notice. Nonetheless, the reason given on 31 March is understood to be the basis for the Council's case to be met on appeal.

## **2. APPEAL SITE DESCRIPTION AND PLANNING HISTORY**

2.1 Flitcroft House is a five storey building on the corner of Charing Cross Road and Flitcroft Street. It is not listed but within the Denmark Street Conservation Area. It consists of a vacant retail unit on the basement and ground floors. The first floor has been converted to offices following the grant of permission in 2008.

2.2 Planning permissions have been granted as follows:

29.09.05 Installation of two shopfront windows.

17.10.08 Change of use of the first floor from retail (Class A1) use to office use (Class B1).

### 3. PLANNING POLICY CONTEXT

3.1 Relevant national guidance includes Planning Policy Statements 6 (PPS 6) and 12 (PPS 12) and the new draft PPS 4 (May 2009).

3.2 The Forward by the Right Hon Margaret Beckett, MP Minister for Housing and Planning stresses in the introduction to draft PPS 4 that:

*"The recent changes in economic circumstances have highlighted the continuing need for the planning system to be flexible and responsive."*

3.3 The draft PPS urges local planning authorities to have:

*"flexible town centre policies which are able to respond to changing economic circumstances and which recognise that designated town centre networks and hierarchies will change over time".*

3.4 The statutory development plan comprises two documents:

- (a) The London Plan Consolidated with Alterations since 2004 was issued in February 2008 (LP)
- (b) The Camden Replacement Unitary Development Plan was adopted in June 2006 (UDP).

3.5 The appeal site is within the Central Activities Zone (CAZ) of the LP. Both the UDP and LP contain policies regarding A1, A3 and other mixed uses and in general terms contain a number of policy strands, which include most significantly:

- Promotion of mixed uses in central London to serve both the local community and also the wider function of London as a capital city and tourist and leisure destination (LP 3D.1, 3D.2 and UDP Policy SD3);
- Protection of the vitality of retail uses and the main retail locations, especially in designated areas (LP 3D.3, 5G.4, UDP R1 to R3, R7);

- Fostering leisure uses and the night-time economy (LP para. 3.173, 3B.9, 3D.7, paras. 5.181-5.186; UDP para. 6.2, R1);
- Protecting residential amenity (LP 5G.5; UDP S2, SD6, R2, R7).

3.6 Policy R1 B of the UDP directs food and drink uses to locations such as Central London frontages. It recognises the role of leisure uses and A3 as part of the important mix in these locations. Paragraph 6.11 states:

*"The vitality and viability of centres is strongly influenced by the variety and choice of shops and services available in them, and the presence of other uses. There is a growing demand for leisure facilities and food and drink uses within centres which provide activity when shops are shut. Workplaces such as offices can provide an important source of customers, while the provision of housing can provide both customers and natural surveillance during the evening and at weekends. The Council will seek a mix of uses in each centre that maintains its particular character, but will allow changes in the mix that ensure its continued vitality and viability."*

3.7 According to paragraph 6.16 Central London frontages (and Town Centres) are best equipped to provide for food and drink uses. Paragraph 6.19 states that the Council will assess all applications for food and drink against policies R2 and R3 that seek to prevent such uses causing harm to the area. Development that involves the loss of A1 uses will be assessed against policy R7A.

3.8 Paragraph 6.26 recognises the role that A3 uses play in Central London frontages including the Charing Cross Road:

*"Food and drink uses and licensed entertainment can have an impact on the character of an area in a positive or a negative way. In centres, such uses may provide additional variety that adds to vitality and viability, with evening activity that makes use of transport infrastructure and provides natural surveillance. Having a range of food and drink uses alongside shops can reduce travel by allowing people to combine trips."*

3.9 Policy R2 permits food and drink if there is no harm to the character, amenity, function, vitality and viability of the area and the development is readily accessible

by public transport having regard to the cumulative effects of a development. Policy R3 sets out a number of criteria for assessing whether harm would be caused. Paragraph 6.43 states that uses which make a positive contribution include food and drink; the appropriate mix varying from centre to centre and location to location.

3.10 The reason for refusal cites Policy R7. Policy R7A resists the net loss of shopping floorspace and only grants permission for development which will not cause harm to the character, function, vitality and viability of the Central London frontages. However, it is important to note that the report which accompanied the refusal:

- Accepts the appropriateness of the appeal site for food and drink uses.
- Considers that all the policy requirements (including those of the SPG) to be satisfied other than in respect of the percentage of A1 units in this one section of one part of the eastern side of Charing Cross Road (the policy does not apply to the whole length or to the western side of the Charing Cross Road).

3.11 The Revised Planning Guidance for Central London (RPG) was adopted by Camden Council on 4 October 2007. The RPG seeks to manage the location, size and concentration of uses including food and drink to ensure that harmful impacts do not result whilst taking a 'proactive' approach in assessing proposals. This is because the Council recognises that *'constraining particular uses can have negative impacts and actually exacerbate some of the problems associated with such uses.'* (para. 5.6). These problems are defined in paragraph 6.9 as including noise and fumes, traffic congestion and parking problems, litter and refuse, crime and anti-social behaviour.

3.12 Part D of the RPG defines the appeal site as within the Tottenham Court Road / Charing Cross Road Central London Frontage. This comprises virtually the whole length of Tottenham Court Road from Euston Road to St Giles Circus, the immediately adjoining area of New Oxford Street and the eastern side of Charing Cross Road as far as Cambridge Circus. It acknowledges in Para 15.22 that the



retail frontage of Charing Cross Road is not as significant in terms of size and number of uses as the other two and has the potential to accommodate some additional non-retail uses provided that the overall level of retail use does not fall below two-thirds (66%) of uses on the frontage.

- 3.13 There is no specific mention of the RPG in the reason for refusal even though it is this document that refers to the percentage threshold of retail units and it is the only source of policy for the basis of the reason for refusal. The RPG is referred to in the Council's report on the application.
- 3.14 The policies in both the UDP and the London Plan set out the general objective but do not contain prescriptive percentages or how the balance of uses should be calculated. It is notable that the GLA, in responding to the draft RPG, considered that it was prescriptive. It requested, inter alia, where reference is made to a maximum percentage of food, drink and entertainment uses being in one frontage that the word 'normally' should be inserted and reference should be made to special circumstances that may exist to justify such uses in any commercial frontage exceeding the specific figure.
- 3.15 In the Appellant's view, the RPG goes further than is warranted by the UDP and proceeds by an over-rigid and formulaic approach rather than by a full consideration of all the factors relevant to the Development Plan policy requirements. This is demonstrated by the following:
  - The use of two thirds (66%) appears to be derived from the assessment of the number of retail units already present in the frontage (para. 15.17) . This is inherently inflexible since it implies that only a *de minimis* change would be permitted regardless of any broader assessment of effects. It turns the "*resist net loss... and will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre*" policy test in R7 into one which effectively simply provides there should be no reduction below the base 66% A1 level. Instead of considering the impact of the

change of use in wider terms, including the policy objectives, it artificially confines the assessment to an arithmetical exercise.

- The use of a crude percentage fails to take into account other factors such as the size or length of frontage or the number of physical units. A department store (or large bookshop) counts as the same as a kiosk. If a frontage comprised a large department store, two small shops and an A3 unit, with the department store physically taking up 75% of the frontage, the RPG would require the refusal to change one small shop into A3 regardless of overall impact, since the A3 uses would, on the basis of Camden Council's calculation reduce the units of A1 occupation below 66% (from 75% to 50%). Similarly a shop which comprises several physical units / addresses, or comprises a substantial length of frontage, counts as one unit only. If physical units were acknowledged in the calculation of percentage then Borders occupy four and Blackwells occupy two addresses. If these were included, it would have a significant effect on the retail percentage (see Schedule 3). By simply counting units of occupation it not only ignores the fact that there may be very significant overall amounts of A1 within the frontage but by the same methodology it could allow a number of very large A3 establishments which could be harmful to the vitality of the area but which in terms of percentage units of occupation was within the percentage tolerance permitted by the RPG. Thus harm could be caused in several respects to the underlying policy objectives of the Development Plan by applying the percentage approach in the RPG (as the Council has done) as a proxy for considering the much broader based considerations of the Development Plan.

3.16 Indeed, it is considered that the 66% test is being used by Camden Council as a proxy for the wider judgement on the vitality and viability of Charing Cross Road required by the Development Plan and s. 38(6) of the 2004 Act. By seeking to substitute, for the broader approach in Policy R7, a uniform and arithmetical exercise based on 66% of units in the frontage, the RPG has gone further than is justifiable for supplementary guidance which is meant to support and exemplify

Development Plan Policy but not undermine that process. If a more prescriptive approach is thought to be justified, rather than broader issues of vitality and viability, then the Council should pursue that through DPD process not through supplementary guidance. However, such an approach would neither be consistent with the current London Plan nor national policy in PPS 6 or draft PPS 4.

- 3.17 In summary, an unduly narrow, mechanistic test is being used as a substitute for a broader reasoned analysis which would be both more appropriate to meeting the policy requirements of the Development Plan and the objectives of the RPG itself and which would properly take into account the material considerations set out in the next section.

#### **4. MATERIAL CONSIDERATIONS**

- 4.1 The Council has just one ground of concern since its Delegated Report accepts that, if the loss of a retail unit was considered appropriate, this is an acceptable location for an A3 use. So far as the Council is concerned, the appeal proposal would result in the number of retail units on the Charing Cross frontage falling below 66% and that is the sole issue.
- 4.2 It is the appellant's view that there are a number of considerations which, singly or cumulatively, justify the grant of planning permission. These may be summarised as:
- The appeal premises have been on the market for more than a year for a retail tenant without success, which strongly points to the lack of attractiveness of the site of A1 uses and its remaining vacant and adversely affecting the vitality of the road (contrary to the objectives of policy).
  - The benefits of the appeal scheme, which would fulfil the objectives of policy in supporting vitality and viability in a location agreed to be appropriate for food and drink uses.
  - Even if the 66% retail frontage were the principal criterion for this appeal, the threshold is satisfied having regard to a more reasonable interpretation of the relevant frontage than that adopted by the Council.
  - It is anomalous that different policies apply on opposite sides of Charing Cross Road when the overall objective is the same and the London Plan applies to the whole of the road.

**(i) Marketing Report**

- 4.3 From 30 April 2008, the administrators of the former tenant, Media Tools Ltd, sought to sell the business or the individual units, including the appeal premises, as a going concern. Following the failure of this, the appellants appointed the specialist agents, Nash Bond, to find a retail tenant. Their attempts since 14 May 2008 will be fully set out. This will demonstrate that there is no demand for a A1 unit in this location. It is not consistent with the requirement to maintain the vitality of Charing Cross Road for there to be a vacant unit.
- 4.4 Charing Cross Road has long been known for bookshops, including second hand and the art trade, and also for the sale of musical instruments. Both are adversely affected by the growth of internet trade and the number of outlets is declining. This trend is set to continue and is likely to reduce further the demand for retail units on Charing Cross Road for the foreseeable future. Pages 62 and 95 of draft PPS 4 highlight a number of challenges to town centres including competition from internet traders. The fate of the former occupants of the appeal premises exemplifies the consequences of the changing retail market.

**(ii) Benefits of the Appeal Scheme**

- 4.5 The appeal scheme will benefit the 'health' of Charing Cross Road and enhance the character and appearance of the Denmark Street Conservation Area:
- The current economic conditions reinforce the desirability of an occupied rather than a vacant unit with little likelihood of a retail tenant. Nos.138 – 148 Charing Cross Road are already boarded up due to Crossrail works and 3- 5 Caxton Walk has been vacant for several years. The changing demand for retail units on Charing Cross Road means that the character sought to be protected by the RPG may be changing beyond the Council's control in any event. In these circumstances the appeal proposal will enhance the vitality and viability of the frontage.

- Flitcroft Street is, at present, an unsavoury, drab and unwelcoming alleyway attracting unpleasant, unhygienic and anti-social behaviour. An A3 use will bring an active shopfront overlooking Flitcroft Street which improve amenity and security; in contrast an A1`shop would most likely lead to shutters and shelving on this 'secondary' retail frontage.
- The appellant is willing to contribute through a s106 Agreement an additional £10K towards the repair and refurbishment of the paving of Flitcroft Street together with the provision of street lighting. This will enhance the Conservation Area.

4.6 The Phoenix Theatre is immediately to the south of the appeal site and its owner, the Ambassador Theatre Group, supports the appeal proposal by letter dated 16 February 2008. The Council's Delegated Report makes no mention of this.

### **(iii) Proper Interpretation of the Retail Frontage**

4.7 Three Schedules are appended to this Statement. These show:

Schedule 1: This sets out 17 units on which there is no issue with Camden Council

Schedule 2: This sets out 6 units which should be excluded from the frontage.

Schedule 3: This sets out the various permutations of remaining A1 depending on the exclusion of the units in doubt in Schedule 2. Most result in a remaining retail percentage greater than 66%.

### **12 Flitcroft Street**

4.8 Camden's initial schedule, as conveyed by email dated 30 January 2009 to the Design Solution as agents for the planning application, included 12 Flitcroft Street

despite it having no frontage at all to Charing Cross Road. The '*continuous line*' on Map 16 of RPG runs along the main road frontage. 12 Flitcroft Street should not therefore be included. Camden's second schedule, contained in an email dated 16 March 2009 to Savills, omitted it.

- 4.9 On this basis, it is common ground that 12 Flitcroft is not part of the retail frontage but does demonstrate Camden's own uncertainties.

#### Centrepoint

- 4.10 The inclusion of Centrepoint within the defined shopping frontage in the RPG is perverse. Its address is 103 New Oxford Street and it has always been unrelated, both visually and functionally, to Charing Cross Road from which it is further severed by Andrew Borde Street. The area is hostile, virtually impassable for pedestrians coming from the south and never has contained any retail units fronting Charing Cross Road but comprises mainly fountains. The absence of frontage or retail will not change as a result of the Crossrail works (see below).
- 4.11 It would therefore be more logical and reasonable to exclude Centrepoint from the frontage.

#### Crossrail

- 4.12 The construction of Crossrail pursuant to the Crossrail Act 2008 is expected to continue until at least 2014 with the line itself probably opening in 2017. There are three practical consequences for the appeal scheme:
- The forecourt of Centrepoint will become a new entrance to the Tottenham Court Road station. It will still not perform any retail function. The pool and plaza will be demolished.

- The demolition of 148 was always necessary for Crossrail but the revised construction methodology now requires the demolition of the entire block, 138 – 148 Charing Cross Road. This block will not form any part of the Charing Cross Road retail frontage for the foreseeable future.
- The pavement on the eastern side of Charing Cross Road has now been closed from No. 136 to St Giles Circus and the junction with Oxford Street. Pedestrians on this stretch are now limited to the western side. .

4.13 The major impact, temporarily from construction and permanently, of the new Tottenham Court station and the demolition of 138–148 Charing Cross Road was not considered in the RPG despite the Bill receiving its first reading in the House of Commons in February 2005. Moreover by the time the RPG was issued for consultation, the main and several addendum Environmental Statements had been published which describe the proposed works in some detail. Camden Council was well aware of the Bill proposals, was a petitioner in Parliament and appeared before the Commons Select Committee on 8 February 2006 when (through leading counsel) it welcomed "the intention to improve the station at Tottenham Court Road" (See Crossrail Bill, First Special Report of Session 2006-7, Vol. II HC 235-II, Ev. 280 para 2842). The policy for Charing Cross Road should be reconsidered as a result of these matters.

4.14 As a result, quite apart from consideration relating to the Development Plan and draft PPS 4, this part of the RPG is out of date and effectively superseded since a major stretch of the frontage defined in the RPG no longer even exists.

#### Caxton Walk

4.15 Camden's Schedule includes 3 – 5 Caxton Walk which is excluded from the continuous line of Map 16. It does not fall within the frontage definition.



- 4.16 Moreover, 3 – 5 Caxton Walk has been vacant for several years. Planning permission was granted for A3 use in 2006 but has not been implemented. Until the change of use has commenced, the lawful use remains A1.
- 4.17 Therefore, Centrepont, Nos.138 – 148 and 3 -5 Caxton Walk can all or singly with good reason be excluded from the retail frontage.

### Conclusion

- 4.18 Schedule 3 demonstrates that even if the 66% retail frontage is the principal criterion for this appeal there are overwhelming arguments to conclude that the threshold is satisfied having regard to a proper interpretation of the relevant frontage.

### **(v) Different Policies on Charing Cross Road**

- 4.19 It is anomalous that the two different authorities which administer Charing Cross Road apply different policies to what, to customers and retailers, is a single shopping street.
- 4.20 Only the east side of Charing Cross Road between Tottenham Court Road and Cambridge Circus is within the London Borough of Camden. The whole of the west side together with the east side from Cambridge Circus south to Trafalgar Square is within the City of Westminster.
- 4.21 If the site was directly opposite on the west side, different planning policies would apply. Policy SS 5 in the Westminster UDP protects A1 uses but allows A3 use if it would not lead to a concentration of three or more consecutive non-A1 uses and would not cause or intensify an existing overconcentration of A3 and entertainment uses.
- 4.22 In this instance the first criteria is met and, with only three other A3 units in the frontage, it may be said that an 'overconcentration' would not result. Accordingly, it

may be concluded that planning permission would be granted had the boundary of Westminster extended across the road. Indeed, Westminster City Council was consulted on the application by Camden Council and by letter dated 15 December 2008 did not object.

- 4.23 Moreover, it is also probable that planning permission would be granted under the policies of the adopted Camden Replacement Unitary Development Plan (UDP) June 2006 if it were applied than the proxy formula from the Revised Planning Guidance used instead.
- 4.24 Policy R7 states that the Council will resist the net loss of shopping floorspace (Use Class A1) and will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre. That general objective (which is repeated in the RPG) is not undermined by the current proposal and, indeed, the points set out above support the view that the vitality of the locality will be enhanced by the application proposals given the very difficult market for A1 in this location and the undoubted environmental improvements which the application scheme would deliver. It should also be noted that Charing Cross Road is not mentioned as part of the key focus for retail in para. 5.181 of the London Plan 2008. This part of London is also important for leisure and night time activity as part of the CAZ and close to cinemas and theatres.
- 4.25 For the same reason as the proposal complies with Westminster's Policy SS5 so it would accord with Camden's UDP Policy R7.
- 4.26 The conclusion is that the RPG should now be given limited weight and that the proper approach is to apply the UDP policies having regard also to those parts of Charing Cross Road which lie within Westminster.

## **5. CONCLUSIONS**

5.1 It is the Appellant's case therefore that the appeal should be allowed and planning permission granted because:

- The appeal proposals are in accordance with the Development Plan.
- There are also other material considerations which support the grant of planning permission; and
- Any alleged breach of the percentage guidelines in the non-statutory RPG should not be accorded decisive (or any significant) weight against the proposals for the reasons set out in summary above, and in more detail in the application submissions to the Council which will be enlarged in evidence.

## **6. LIST OF DOCUMENTS AND DRAWINGS**

Planning Policy and Guidance including PPS 6, PPS12 and draft PPS4

The London Plan

Camden Unitary Development Plan

Westminster Unitary Development Plan

The Revised Planning Guidance for Central London (RPG)

Camden Retail Study

Crossrail Application Documentation

The planning application documentation

Relevant decisions

**FLITCROFT HOUSE, 114-116 CHARING CROSS ROAD, WC2**

**SCHEDULE 1: AGREED UNITS**

ADDRESS	TYPE	USE
136 Charing Cross Road	Bag Shop	A1
134 Charing Cross Road	Bag Shop	A1
130 Charing Cross Road	Newsagent	A1
128 Charing Cross Road	Music Shop	A1
126 Charing Cross Road	Music Shop	A1
118-124 Charing Cross Road	Bookshop	A1
114-116 Charing Cross Road	Appeal site	Formerly A1, A3 proposed
110 Charing Cross Road	Phoenix Theatre	Sui Generis
108 Charing Cross Road	Bookshop	A1
106 Charing Cross Road	Sandwich Bar	A1
104 Charing Cross Road	Newsagent	A1
100-102 Charing Cross Road	Bookshop	A1
96 Charing Cross Road	Nightclub	Sui Generis
92-94 Charing Cross Road	Music Shop	A1
88 Charing Cross Road	Ticket Shop	A1
24 Cambridge Circus	Med Kitchen	A3
117 Shaftsbury Avenue	Restaurant	A3
119 Shaftsbury Avenue	Fancy Dress Shop	A1

FLITCROFT HOUSE, 114-116 CHARING CROSS ROAD, WC2

**SCHEDULE 2: UNITS IN DOUBT**

Address	Type	Use	Reason for doubt
101-103 New Oxford Street	Centre Point	B1	Address is New Oxford Street and has never been part of Charing Cross Road shopping frontage visually or functionally
148 Charing Cross Road	Hairdressers	A1	Units are currently vacant and will remain so for the foreseeable future due to Crossrail works
146 Charing Cross Road	Takeaway	A5	
142 Charing Cross Road	Takeaway	A5	
138-140 Charing Cross Road	Internet Lounge	A1	
3-5 Caxton Walk	Vacant A1	A1 or A3	Does not have frontage onto Charing Cross Road. A3 permission not implemented.

**FLITCROFT HOUSE, 114-116 CHARING CROSS ROAD, WC2**

**SCHEDULE 3: PERCENTAGE IN A1 USE IF APPEAL IS ALLOWED**

<b>PERMUTATION</b>	<b>PERCENTAGE IN A1 USE</b>
Excluding Centre Point	65.2% (15 over 23)
Excluding 138-148 CCR	65% (13 over 20)
Excluding 3-5 Caxton Walk	65.2% (15 over 23)
Including 3-5 Caxton Walk as A1	66.6% (16 over 24)
Excluding Centre Point & 138-148	68.4% (13 over 19)
Excluding Centre Point, 138-148 & 3-5 Caxton Walk	72.2% (13 over 18)
Excluding 138-148 & 3-5 Caxton Walk	68.4% (13 over 19)
Excluding Centre Point & 3-5 Caxton Walk	68.1% (15 over 22)
Excluding Centre Point & 138-148 but include 3-5 as A1	73.6% (14 over 19)
Exclude Centre Point but include 3-5 as A1	69.5% (16 over 23)
All units with 3-5 as A1	66.6% (16 over 24)
Exclude 138-148 but include 3-5 as A1	70% (14 over 20)
Borders as 4 units and as Blackwells as 2 units	67.8% (19 over 28)