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Subject: RE: FOI request: St James House & Roman House, Queen Street 121217013081

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From: Mike Fawcett (Mike.Fawcett@colchester.gov.uk)

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To: j.hayes496@btinternet.com;

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Date: Thursday, 10 January 2013, 16:09

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Dear Cllr Hayes

I am now able to respond to your Freedom of Information request logged on 17th December 2012 under reference 121217013081.

I urgently request the following information for the period from December 2008 up to and including July 2012:

1. The dates of, and parties to, any and all communications between any officer of the Borough Council and any officer, employee or agent of Whitbread Plc in which:
  - (a) The availability of the St James House and Roman House site, Queen Street, Colchester for development as a hotel was mentioned and
  - (b) The Council officer inquired whether Whitbread Plc was interested in developing the said site, and/or invited or encouraged Whitbread Plc to develop the said site or to enter into discussions about doing so.

An advertising prospectus describing the site and the St Botolph's regeneration project was published in April 2008. The Council's preferred developer sought to secure end users for their proposed scheme and some limited, informal and unrecorded discussions were held between the Council and Whitbread. It is standard practice in our Planning and Regeneration sections for all correspondence with prospective developers to be treated as being in commercial confidence until a formal planning application is made. Correspondence related to discussions held in commercial confidence would be withheld from release under Section 41 of the Freedom of Information Act 2000.

2. Copies of all documents (including but not limited to letters, memos, file notes and emails) evidencing:
  - (a) Any and all communications within request 1 above and the gist of its or their content; and
  - (b) The availability or otherwise of St James House and Roman House, Queen Street, Colchester for development by Whitbread Plc, including in particular whether and if so between what dates the said site was the subject of any legally binding obligation to any third party, such that it could not be made

available to Whitbread Plc.

No agreement was subsequently reached regarding the site. Only one item of correspondence was sent by CBC to Whitbread: an email dated 23<sup>rd</sup> May 2012 asking if they would consider the site; the reply stated that Whitbread were already purchasing another site; copies are attached. The names of persons not employed by CBC have been redacted under Section 40 of the Freedom of Information Act 2000.

3. Whether, and if so when, and by whom and by whose authority or with whose approval the Humberts Leisure Hotel Market Demand Appraisal and Sequential Site Assessment for Colchester was:
  - (a) Amended to include Colnebank House, St Peter's Street, Colchester as a possible hotel site.
  - (b) Incorporated with such an amendment into the Council's planning policy documents.

The Humberts Hotel Study is not a policy document and accordingly its content is determined by the independent consultants carrying out work on behalf of the Council. It is classified as an evidence based document and is used for plan making and informing decisions on planning applications. In particular, the 2009 Study was used to inform the Council's Site Allocations document.

The process for preparing evidence base documents involves consultants requesting relevant information from the Council, which in this instance includes sites which had come to the attention of the Council as having potential for hotel use. This would include proposals for planning permission as well as available sites within mixed use areas. The consultants do not require specific authorisation to consider sites, given that they have been retained to present an independent expert view.

The Council's approach to hotels was judged 'sound' by the independent Inspector examining the Council's Site Allocation document who rejected proposals by some objectors that specific sites should be allocated for hotel use:

*"I consider that the document is sound in the way in which it deals with suitable locations for hotel development. It is in conformity with the Core Strategy, and there is no conflict with policy DP10 of the Development Policies DPD (Tourism). It is not necessary for the Site Allocations document to allocate sites for hotels, since the policies make clear the general locations where hotels are an acceptable form of development. The site put forward [in Cymbeline Way] for allocation for hotel development is not within a location where hotel development is shown to be an acceptable form of development. On a similar basis, I see no sound reason for including hotel use in policy SA STA3."*

Whether and if so when and in what manner the Humberts Leisure Hotel Market Demand Appraisal and Sequential Site Assessment for Colchester (as distinct from the Executive Summary of the 2007 version) was published to the general public.

The Hotel Study is published on the CBC website list of Evidence Base Documents (CBC/EB/028, 029, 029a, 029b) [Evidence Base Documents - Colchester Borough Council](#) . The documents have, as the website notes, been edited to remove commercially confidential sections. They have been available on our website continuously since 2007.

The Adopted Site Allocation and Policy documents and the Local Development Framework map are published at:

<http://www.colchester.gov.uk/article/3866/Site-Allocations>

<http://www.colchester.gov.uk/article/3867/Development-Policies>

<http://connect.colchester.gov.uk/connect/?mapcfg=CurrentLDF>

I trust that this information will meet your needs. If however you have any further questions or concerns please contact me again quoting the reference shown above.

Yours sincerely

***Mike Fawcett***

Information Officer

Colchester Borough Council

Telephone: 01206 508793

Textphone users dial 18001 followed by the full number that you wish to call.

[mike.fawcett@colchester.gov.uk](mailto:mike.fawcett@colchester.gov.uk)

[www.colchester.gov.uk/contact](http://www.colchester.gov.uk/contact)

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**From:** "JOSEPHINE HAYES" <[j.hayes496@btinternet.com](mailto:j.hayes496@btinternet.com)>  
**Date:** 16 December 2012 22:57:16 GMT  
**To:** "AdrianPritchard" <[adrian.pritchard@colchester.gov.uk](mailto:adrian.pritchard@colchester.gov.uk)>  
**Subject:** FOI request: St James House & Roman House, Queen Street  
**Reply-To:** "JOSEPHINE HAYES" <[j.hayes496@btinternet.com](mailto:j.hayes496@btinternet.com)>

Dear Adrian,

I have concerns regarding the planning application by Whitbread plc decided in late September of this year, and therefore attach an urgent FOI request for information, and should be grateful for your attention.

Yours sincerely

Jo Hayes

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