

Brief Chronology of the Templars Court Project 0249/FUL/11

18 Apr 2011	Planning application received from McCarthy and Stone for the construction of 41 flats. The list of consultees excluded the Community Council.
27 May 2011	<p>Letter from the Community Council stating that following the discussion at the Linlithgow and Linlithgow Bridge Community Council meeting on the 24 May 2011 the Community Council concluded that it is not opposed to the principle of this development but was opposed to the inadequate number of car parking spaces and drew attention to the impact on Linlithgow Academy. It was cited that over 50% of Kinloch View residents downsized in Linlithgow. Concern was also expressed over the archaeological remains on the site. A 4-page letter from Transition Linlithgow concluded that Transition Linlithgow are not in favour of this development as it stands from a sustainable, environmental, social or economic perspective. It falls short in every regard.</p> <p>There was no recorded correspondence with the Community Council from West Lothian Council.</p>
4 Mar 2013	Conservation area consent was granted by Chris Norman, Development Management Manager, in accordance with the scheme of delegation.
11 Mar 2013	Minute of agreement in terms of section 75 of the Town & Country planning (Scotland) act 1997 signed by both parties included a £90,000 affordable housing contribution.
8 May 2013	Planning permission was granted by Chris Norman, Development Management Manager, in accordance with the scheme of delegation.
23 May 2013	Letter from Stephen Wiseman, regional managing director, McCarthy and Stone, confirming that McCarthy and Stone will act as main contractor and will be responsible for the development and requesting that West Lothian Council discharge condition 1 of the planning permission requiring the frontage building to remain until the developers demonstrated to the planning authority that contracts have been placed for the redevelopment of the site. Written confirmation must be received from the planning authority before demolition commences.
5 Jun 2013	Email from Michael Vipond, Director, the Planning Bureau Ltd, to Ralald Dods confirms the understanding that the appropriate planning conditions have been discharged to allow the works to progress. The reply from Ralald Dods is undated but states "your understanding about the suspensive conditions is correct. I have no concerns at this stage".

11 Jul 2013	Building warrant issued for the proposed development of 36 retirement flats for the elderly – stage I – ground improvement works, foundations, substructure, drainage.
5 Oct 2013	<p style="text-align: center;">1</p> 
24 Nov 2013	<p style="text-align: center;">2</p> 
	Notes on the above photographs: It should be noted that the majority of the SMT office has been removed. A section of the office was left by the demolition contractor presumably to stabilise the gable wall.
20 May 2014	Building warrant issued for the demolition of a single story height outbuilding.
24 Jun 2014	Building warrant issued - stage 2 - all other works including 5 retirement flats and 2 shell units on the High Street.

14 Aug 2014	<p>Building warrant application made 10 November 2011 for the demolition of existing High St building. The decision was made on 14 August 2014 to refuse the warrant.</p> <p>Note: this was after the building had been demolished.</p>
Easter 2015	<p>According to the account given on 1 February 2018 by Jonathan Fair the chimney moved during the initial stages of the demolition process [presumably the section left to stabilise the gable wall] which was halted whilst the chimney was stabilised. The demolition continued. The second movement in the gable wall occurred when excavation for new foundations was undertaken. Work ceased at this point.</p>
17 Feb 2016	<p>Blyth and Blyth designed a new foundation comprising piling, ground beams and insulation in situ concrete slab and made an application for a building warrant which was approved. It is presumed that because of the cost of the new engineering design it was at this point that McCarthy and Stone backed away from the project.</p>
14 Apr 2017	<p>An email was received from Jonathan Fair introducing himself as the Regional Managing Director of McCarthy and Stone in Scotland. The email states "as you'll be aware, since we received planning permission, there have been multiple issues which have hindered progress with construction of the front building within our development. This included ground investigations which revealed large areas of rock lying underneath the site and concluded that any additional heavy plant work would risk further movement to the adjacent buildings and the surrounding area. As a result, construction was halted as we continue to investigate the most prudent way to proceed." JK reply of the 14 April 2017 stated "I appreciate the problems brought about by the underlying rock and presumably the shallow footings of the adjacent building. Can you give any indication of the time period between realising an engineering solution and the completion of the frontage building?"</p>
27 Jul 2017	<p>An email received from Lynne Ziarelli, Senior Account Director, Pagoda Porter Novelli, states "engineering reports and designs for the foundations conditions for the front building are still being completed, and minor trial pits to inform those are being hand dug for this purpose. After these are available, McCarthy and Stone will have a clearer picture on what work is possible at the front of the site.</p>
26 Sept 2017	<p>A second email received from Lynne Ziarelli, states, "McCarthy and Stone has purchased the property affected by the construction work and has compensated the family concerned for their inconvenience and move to an alternative home. The company will now regularly monitor and maintain the condition of the property until technical and building warrant approvals can be obtained to carry out structural repairs.... As you will be aware, construction work was halted on the front building,</p>

	adjacent to the High Street, due to several issues including the complexity of the site. A series of ground investigations have been conducted since spring this year and have now been completed. The results of the show that the extent of the underlying rock and the ground conditions mean it is very unlikely that construction can proceed on the front building.”
5 Oct 2017	Meeting between 3 Councilors and McCarthy & Stone (no report)
9 Nov 2017	<p>It was noted that McCarthy and Stone have commenced work on the site although the Planning Forum is not aware of a revised planning application. JK contacted Wendy McCorrison to determine the current situation.</p> <p>Craig McCorrison replied on 14 November 2017 – “John, Wendy has passed your email to me and asked me to respond. I understand that the works being undertaken at the moment are not in connection with completing the frontage of the development. Colleagues in the enforcement section are seeking confirmation as to what works are being undertaken. I understand that McCarthy and Stone are looking at an alternative to the approved plans for the frontage of the site. Any changes are likely to require planning consent but, thus far, no application has been lodged with the council. Regards. Craig”.</p>
7 Dec 2017	PF minute - A meeting was held between McCarthy and Stone and the 3 councillors on 13 October 2017 at which McCarthy and Stone presented a programme which showed construction work to the existing gable of the adjacent property being repaired between 16 April and 14 August 2018. It is proposed by McCarthy and Stone that the remaining space become an "urban green square". The meeting judged this to be unacceptable within the conservation area. McCarthy and Stone requested a meeting with the Community Council in February 2018. It was decided to reply to this request but divert them to a Planning Forum meeting which is currently scheduled for 1st February 2018. A meeting is only useful if McCarthy and Stone are willing to discuss a new building on the site, as the existing planning application, and not a garden. It was agreed to write to Craig McCorrison to explain this conclusion.
29 Jan 2018	Email from Campbell Purves, Regional Planner, the Planning Bureau Ltd to Craig McCorrison enclosing landscaping proposals to be discussed at the Planning Forum meeting on 1 February 2018.
1 Feb 2018	Meeting with McCarthy and Stone: the meeting began on the site where Jonathan Fair (JF), Regional Managing Director of McCarthy and Stone, delineated the area under discussion and described the physical features of both the site and the neighbouring gable wall. After retiring to the Partnership Centre, the meeting reconvened and was able to ascertain several facts.

a. JF was appointed as regional managing director of McCarthy and Stone approximately 18 months ago. His association with the site has been over that period and his knowledge of prior events has been gained from company files.

b. The movement in the gable wall occurred around Easter 2015. Firstly the chimney moved during the initial stages of the demolition process which was halted whilst the chimney was stabilised. The demolition continued. The second movement in the gable wall occurred when excavation for new foundations was undertaken. In the opinion of JF the two buildings had come to rely on each other. McCarthy and Stone now own the property above the ground floor.

c. The consented building was designed as a load bearing masonry structure on a combination of pad foundations and contiguous driven piles.

d. A ground survey, which could not be undertaken until the existing structure was demolished, comprised five trial pits which revealed a mixture of sand and gravel. Bed rock was determined to be at a depth of between 17m and 20m.

e. In the opinion of JF the best solution was to stabilise the gable wall using steel channel section beams following the line of roof rafters and the line of the floors on each floor; tied back to the existing floor joists using steel tie rods. The gable wall (an internal wall of random rubble stonework) could be over-clad in zinc sheet or render. It was important that the finish was an applied lightweight finish as any masonry solution would require a foundation. The site would be landscaped to an acceptable specification and preferably adopted by West Lothian Council.

f. JF stated that the risks associated with any other solution were too great both in respect of the ex British Linen Bank and to the neighbouring property where a party wall situation exists. McCarthy and Stone are not prepared to take the risk and would if necessary leave an undeveloped site.

Two questions were asked namely:

a. What technical solutions have been considered beyond those described above. For example, has a bored pile and cantilevered ground beam solution been explored? There was no answer to this question. Note: had West Lothian Council been more forthcoming with the Community Council we would have known that an application had been made for a building warrant for the revised foundation design which was exactly as the question.

b. If McCarthy and Stone were not prepared to take the risk of a built solution would they be prepared to transfer the title to the site to a community organisation without charge?

TK stated that if McCarthy and Stone are adamant that they are not prepared to develop the site in accordance with the consented design, then they should submit a modification to the planning application

	denoting a change of design and submit that to the Council for proper process.
1 Feb 2018	Email from Craig McCorriston to Campbell Purves states “you will recall that when we met before Christmas I set out that the council would wish to be satisfied that there was not technically and financially viable solutions to implementing the consented scheme, or something similar, in advance of considering the treatment of the site as open space. Your client undertook to provide those details to the council. In terms of financial viability, I set out that the council would expect that to be considered on a companywide basis rather than a project basis. As far as I’m aware these details have not been provided to the council and against this background I am disappointed that a proposed scheme which may not secure the support of the council is being presented to community groups in advance of any further discussion with the council.”
6 Apr 2018	Email from Campbell Purves to Craig McCorriston confirms that while a building warrant has been granted for the permanent and essential remedial work to number 77 to 79 High St following discussion a planning permission has been applied for.
18 May 2018	Letter from Community Council objecting to planning application 0303/FUL/18. The letter states that at a Planning Forum meeting on 3 May 2018 apprehension was raised over the willingness of McCarthy and Stone to complete the consented works as detailed in planning permission 0249/FUL/11. Concern was raised that the first condition of the granting of planning permission namely, to protect the visual character and amenity of the Linlithgow Palace and High Street conservation area and in order to protect the adjoining listed buildings may have been ignored along with the conditions relating to the appearance of the High Street façade ... It should be acknowledged that the remedial works are necessary due to the method of undertaking the demolition works and the initial foundation works and once the remedial works are complete the consented building will be constructed to provide the façade described in the condition of the planning permission 0249/FUL/11. 0303/FUL/18 should not be seen as a permanent alternative to the consented façade.
07 Sept 2018	Planning permission 0303/FUL/18 granted with conditions notably condition 1 “notwithstanding the approved plans, the proposed render board, as shown on drawing number 1901.1011 is not approved.”
06 Oct 2018	McCarthy and Stone appeal against condition 1
15 Nov 2018	Email from Craig McCorriston to Ron Smith. States “the council’s preferred option for the frontage of the McCarthy and Stone side is that the development is completed in accordance with the submitted plans. I

	<p>am aware of McCarthy and Stone's assertion that the site cannot be developed because of ground conditions. I have asked them to provide evidence of this but, thus far, the company has not done so. Until the council can be satisfied that the site cannot be developed and keeping in mind that a building existed on the site for many years prior to its demolition, officers are unlikely to recommend an alternative approach to the development of the site".</p>
30 Nov 2018	<p>Letter from Jonathan Fair to Councillor Tait regarding the concerns about the appearance of the remaining undeveloped land makes a number of points including the statement "we wish to complete the planned remedial works as soon as possible. Indeed, had our application been approved in September, the work would now have been complete."</p>
24 Dec 2018	<p>Appeal dismissed by Scottish Government Reporter.</p>
5 Mar 2019	<p>Paper by Craig McCorriston to Linlithgow local area committee states "the failure to complete the frontage part of the development at the former bus garage in Linlithgow is causing significant public concern. This paper sets out the circumstances as they are known to offers and details the difficulties faced by the council, as planning authority, in securing a development on the site which complements the urban form of the High Street."</p>
26 Aug 2019	<p>Email from Keith Geddes, Policy Director, Pagoda Porter Novelli summarises the current position as understood by McCarthy and Stone and states "we have now secured all necessary consents and agreements to proceed with structural repairs and reinstatement of the adjoining damaged flat". The email lists the contractors involved with the work due to commence 2 September 2019 and comprise:</p> <ul style="list-style-type: none"> • Timber treatment one week • Structural bracing including drilling threaded rods into the structure and removal of raking shores 6 weeks • Stone repairs 2 weeks • Redecoration one week • Making good and leave site topped with light gravel <p>The email also confirms the offer of the front site to McCarthy and Stone customers for the notional sum of £1. In the event that the owners didn't wish to or were unable to reach agreement to proceed then the same offer would be put to the local authority. In the event of neither dialogues being successful then a commercial selling agent will be appointed to place the site on the open market.</p> <p>McCarthy and Stone have decided to cease pursuing new development opportunities in Scotland.</p>

28 Aug 2019	Email from Keith Geddes to Councillor Tait confirmed the stability of 77 High St and confirmed the willingness of McCarthy and Stone to consider an offer from the Community Council but that this would not be the first preference.
5 Feb 2020	Email from JK to the 3 councillors suggesting that a frontage building be social housing constructed by a housing association. The cost of undertaking a full site survey would be in the region of £20,000.
03 Jun 2020	Email from JK to Craig McCorriston confirming that there is only anecdotal evidence to support the contention that the ground is unstable and that the cost of a full site survey would be in the region of £20,000. A request was made to inspect building warrants. An opportunity for physical viewing is awaited.
22 Jun 2020	<p>Telephone conversation between JK and Craig McCorriston reported in an email to David Tait on 22nd of June. There were 3 main points:</p> <ol style="list-style-type: none"> 1. McCarthy and Stone to be contacted to determine progress on the repairs to the flat 2. Craig McCorriston confirmed that although he is in receipt of the email suggesting that the site be available for £1 West Lothian Council has received no formal offer including conditions from McCarthy and Stone. 3. Craig McCorriston confirmed that the £90,000 affordable housing contribution would have been deposited in the housing account for West Lothian as a whole and included in the housing investment plan which includes nothing for Linlithgow. In that case it is unlikely that the money could be used to subsidise the housing association development.

John Kelly
13 July 2020