

Developers do not wait for council decision on student flats proposed for Gillespie Crescent

In a carbon copy of what happened in Canonmills, developer S Harrison has referred an application to build purpose built student housing in a residential area straight to the government reporter – without any hearing taking place before the council.

The reason for the “appeal” is noted as “Failure to give a decision” and it seems that the developer is taking advantage of the council’s lack of progress and using what is a valid process to progress with their proposals.

The application was lodged with the council on 3 November and according to the council planning page remains open for comments until 26 January (although the determination deadline is noted as 29 December 2023).

The move means that locals who object to the plans to demolish what they regard as a perfectly good building and replace it with modern flats will not be allowed the opportunity of having their say.

The Planning and Environmental Appeals Division of The Scottish Government (DPEA) [has written to the council to confirm that the council](#) has to reply to the appeal by 25 January.

Christian Traynor of the Gillespie Crescent Residents Association said: "We've been working round the clock to get back to all of our residents to answer queries and points about commenting and the new appeal.

"I have spoken to the DPEA who've been very helpful, and they do say that on purely process-related grounds, the developers can appeal on no decision. But I'm also being contacted by lots of interested parties who are saying they've never heard of this before.

"Usually there would be a decision made, potentially a refusal, and then an appeal would be made on certain grounds of that decision. Clearly this appeal has just come early. So it's my view, and I think I can speak for most of the residents, that we feel this is quite underhand and slightly inappropriate.

"Also in the appeal the developers often refer to a feasibility and options appraisal report which nobody can access as it's private and confidential, but it is a large part of the justification for their appeal. They also say that the material consideration comments are not yet available from the council. Obviously this is due to the fact that they have done this before the end of the comments period. But they say in their appeal statement that there are therefore no material considerations and they would like to appeal. Well there are material considerations, they're just not ready yet."

A spokesperson for Harrison Developments said: "We have taken the decision to appeal to the DPEA, as the Council have been unable to determine the application within the statutory timescale set. It is clearly in the best of interests of the

Council, the community and ourselves, that this application is determined as quickly as possible in order to provide certainty to all those involved."

Tollcross Community Council lodged an objection with the council to the November 2023 planning application citing that the preservation of the building should be prioritised, particularly in light of the fact that an application for demolition had been refused in 2020. Their objection states: "The building is a good example of a high-quality interwar stone building which retains its original character and interest. It is sound and being of stone and slate fits in to the surrounding buildings and it makes a positive contribution to the character of the surrounding area. It is a local landmark and has a long history in the area." The council in 2020 decided that the removal of the building would "have an adverse impact on the character and appearance of the conservation area and therefore its demolition is not acceptable".

In their lengthy objection the community council also noted that the number of students and other transient residents must be considered as part of the application. The community council said that they believe the applicant has underestimated the percentage of students in the area. With recent developments the community council reckons the percentage of students living in the area is more than 40%.

The Cockburn Association also objected to the application and said that the plans do not meet the tests of the Local Development Plan "on the grounds that the scheme does not preserve or enhance the character or appearance of the Conservation Area; it results in the loss of "open-ness" with the loss of space that is currently undeveloped, reinforcing the impact to the character of the area; and finally, does not demonstrate high standards of design".

Cllr Finlay McFarlane one of the councillors for the City

Centre ward said: "The scale of development on Gillespie Crescent along with environmental and heritage concerns attributed to the demolition has rightly spurred the community into action, and an enormous amount of effort has been put in by local residents to educate and empower their neighbours to have their say in the democratic planning process.

"As their Ward Councillor I joined a large number of residents in objecting to the proposals and therefore share the feeling of shock and disappointment to see the developers cynically circumventing the ability for the views of the community to be heard at committee. By choosing to appeal directly to the Reporter before the public consultation period had even concluded the developers have disempowered the very people who would be living with the outcome of these proposals on their doorsteps."

Cllr Joanna Mowat, councillor for the City Centre Ward, said: "As a member of the Development Management Sub Committee I am limited in what I can say and have restricted my interaction on this to commenting on process.

"I know from the volume of correspondence that the local community are engaged and concerned and will be very frustrated that the developer has chosen to bypass the Committee and take this to Reporter. This is an unusual situation because the application is still open for comments due to additional information being provided by the developer and the community has asked whether submitting an appeal at this stage is valid and I am waiting on advice on this which I will circulate once this has been provided."

A spokesperson for The City of Edinburgh Council said: "It is not appropriate for us to comment give the application is now under appeal.

"We can state the factual aspect which is that the application has been appealed for non-determination. Information about the

appeal is contained on the [DPEA website](#)."

