

APPEAL RESPONSE:

Proposal: Mixed-use development at Military Road/St. John's Road.

Applicant: OPW

Reg. Ref: 1290/04

Introduction

The decision of the Planning Authority to grant planning permission has been appealed by The Irish Georgian Society, The Friends of Kilmainham and An Taisce.

The following is the response of the Planning Authority and we would also like to refer the Board to the Planners report recommending a grant of permission.

It is noted that all appellants have welcomed the regeneration of this derelict site, the reuse of historic buildings for cultural uses (although see the objection of An Taisce below), the mix of uses, the creation of new public spaces, the opening up of formerly inaccessible lands of cultural and historic interest and the improvement in the public domain. The Irish Georgian Society draws particular attention to The Children's Museum. The Friends of Kilmainham acknowledge the professionalism and thought that has gone into preparing the proposal and consider it to be an ambitious scheme which will have a significant impact on the development of Dublin for years to come. The objections to the proposed development focus on the tall building although An Taisce does acknowledge that the tall building has a "sculptural quality".

Essentially the objection to the tall building focuses on the historic nature of the area with institutional buildings of great architectural merit not least RHK/IMMA, Wellington Monument, Heuston Station etc. and important landscapes such as the Phoenix Park. It is agreed by the applicant, the Planning Authority and the third parties that the tall building will have (and is intended to have) a significant impact on the skyline. The question as set out in the Planner's Report and reiterated by the Irish Georgian Society is whether this impact would be of either a positive or negative nature.

Policy Development

The proposed development on this site is the outcome of a model process of policy development. The 1999 Development Plan identified Heuston as a "Gateway" to the city. The need to achieve the optimum development of brownfield sites and to consolidate the metropolitan area was identified in a number of policy documents. The DEGW study "Managing Intensification and Change" identified this area as having potential for tall buildings. The City Council then commissioned the Heuston Gateway Regeneration Strategy to ensure the highest quality and integrated development of this extensive area. (This has now being recognised in the draft plan with the extension of the city centre zoning westwards and in the designation of Heuston as a Framework Development Area.) In discussions with the City Council, the OPW and their consultant team appropriately interpreted and modified the guidelines set out in the framework. The applicants have given the most careful painstaking consideration to the proposal leading to the application and later in reply to the request for further information indeed this high level of professionalism is recognised by the appellants.

An Urban Landscape of Radical Change

This is a constantly evolving urban area both in its physical form and its meaning or narrative. The Royal Hospital itself was in the late seventeenth century a major intervention into the landscape and included partitioning off an area of the Phoenix Park. The Cultural Heritage chapter of the EIS states that this new development might have been built on the site of the medieval monastic settlement of Kilmainham or Cill Maignenn (p. 13.2). According to a recent study, RHK was constructed at a time of immense turbulence and religious upheaval in Irish society; it is the largest and earliest of secular institutions and by virtue of its existence:

*Expressed the demise of the medieval way of life in Ireland*¹

Other significant interventions include Collins Barracks, the Wellington Monument, Clancy Barracks and Kilmainham Gaol. It is interesting to note how much the story of this area is about war, the military and imprisonment with the twentieth century development of the Memorial Gardens being a meditation on the horrors of war.

The introduction of the railway in the nineteenth century with its extensive tracks, marshalling yards etc. had a fundamental and dramatic effect on the wider area. According to a recent study, the Victorian railway was the most important single agency in the transformation of the central area of many cities. This was because it could only function by occupying large tracts of lands and so altered the internal geography of many cities. Railways are a large and obtrusive land use and once located often acted as a barrier to future development except for lower value uses. According to this study “The coming of the railways caused the same problem for Dublin as in other cities”. (*Dublin: Through space and Time*, J. Brady and A. Simms p241). Other major industrial revolution interventions into the urban landscape include high profile industrial buildings on the Guinness site.

Twentieth century interventions include the Chapelizod by-pass/St. John’s Road. More recently An Bord Pleanala granted planning permission (following a decision to grant permission by the Planning Authority) for a major mixed-use development on the Eircom site between Military Road and the RHK/IMMA and this will have a more immediate effect on the RHK. The nine-storey corner building is being developed by Eircom as their corporate headquarters and this is a great boost to the regeneration of the area. A major development has commenced on the Nestle site opposite Kilmainham Gaol and at the western end of RHK/IMMA (granted on appeal following decision to grant by the Planning Authority). There is a current planning application the Clancy Barracks site for a mixed-use development of 100,000sq.m. including 950 housing units. This site is also part of the Heuston Regeneration Area.

The meanings/narrative of the area has also undergone profound change. Military places such as Collins Barracks are now devoted to culture or will become residential

¹ “Remembering and Forgetting” by Loughlin Kealy in *Twentieth Century Architecture: Ireland*, A. Becker et al (eds) p69.

places such as Clancy Barracks. A place of imprisonment as in Kilmainham Gaol becomes a place to remember and be informed by the past. It is fitting that the RHK, a great work of contemporary seventeenth century art/architecture should now house the Irish Museum of Modern Art and be engaged with the proposed tall building designed as a first rate work of twenty-first century architecture. The great nineteenth century monument in this area commemorates war and conquest and this would be counterpoised by the proposed tall building, a celebration of domesticity.

It would seem that an underlying motif in the objections to the proposed development is a lack of confidence in our ability to make significant but positive interventions which would enhance an urban landscape of great character and continue a heritage of radical change. The recent National Economic and Social Council (NESC) Report *Housing in Ireland: Performance and Policy* (2004) is instructive in this regard. It refers to the opening and modernisation of the Irish economy which challenged the self-perception that Ireland was a cohesive society, but one that could not aspire to the levels of material prosperity found elsewhere. The recasting of policies and approaches in the 1980's challenged the self-perception that the Irish are a creative and convivial people but not capable of high-grade manufacture of sophisticated objects. NESC states that there is another self-limiting perception that although we can create a dynamic economy, we cannot make quality sustainable cities and towns.

Since earlier self-perceptions were confounded by the emergence of a prosperous society and a world centre of engineering and information technology, there is no reason why we cannot prove ourselves wrong again (p.139).

As regards the objections to the proposed development, it would seem that there is a self-limiting perception that this generation is not capable of creating contemporary architecture and urban landscapes on a par with previous generations.

The EIS summarises with elegant simplicity the continuous evolution of the city skyline with each new landmark reflecting the spirit of the age in which it is built. In this continuing evolution, the proposed tall building will be it is stated:

An expression of a newly self confident twenty-first century Ireland. The dramatic contrast in scale, form and technology will establish a dialogue with its historic predecessors in the locality and other tall buildings on the city skyline (EIS p3-16)

Landscape and Visual Appraisal: EIS

Chapter 12 of the EIS sets out a very useful analytical framework. The Urban Landscape has two separate but closely related aspects. The first is **visual impact**, which is the extent to which a new structure in the city can be seen. The second is **character impact** i.e. responses which are felt towards the urban landscape. Effects on character and views are considered separately in the impact assessment.

The urban landscape of the area is characterised by transport, institutional/amenity, industrial and some residential use. The area has national importance as a transport centre and this use is a dominant part of the urban character. *The landscape is characterised by continual movement and change* (our italics). To the north lies Heuston Station (the most important rail terminus in the country) and St. Johns Road, a major arterial route into the city and part of the N4 National Primary Route. This role and character has been enhanced by the Luas and major investment in the station and further planned including possibly an Interconnector linking all the rail stations with new stops at Stephens Green etc.

High industrial buildings within the Guinness lands are significant landmarks in this part of the city. The area lacks permeability (EIS, p12-4).

The strategy of placing landmark buildings in an established urban framework will inevitably produce a variety of responses from observers it is stated. These will vary from those who appreciate the new intervention as an exciting and relevant contribution to the city to those who see the new structures as damaging a much-loved locale. To many the introduction of a tall building to this part of Dublin will be a positive impact as it will add interest to the skyline, define the edge of the city and become a guiding landmark to help orientate both visitors and city residents. To others the presence of a tall building will constitute a negative impact. In summary as regards the tall building:

The perceived impacts will depend on the judgement and perception of the viewer (p12.7)

It is stated that the development will create a strong sense of place and the location of the landmark building will suggest a place which has an importance within the urban complex. It is the view of the Planning Authority that this western district of the city has and will have even greater significance for the city. The Heuston Regeneration area is part of the strategy to rebalance the city on an east-west basis and to open up extensive brownfield sites for high quality, mixed-use and sustainable developments. The strategy provides for c500, 000 sq.m. of development and this is complemented by major improvements in rail infrastructure.

Impacts it is stated in the EIS may be categorised as follows:

- Neutral Impact: a change which does not affect the quality of the environment
- Positive Impact: a change which improves the quality of the environment
- Negative Impact: a change which reduces the quality of the environment.

It is the view of the Planning Authority that the proposed ensemble of development including the tall building will have a significant **Positive Impact** on the environment.

OPW and Architecture

It should be noted that the applicant in this case is the Office of Public Works who have responsibility for much of our architectural heritage and promotion of the highest quality of contemporary architecture. As an operational arm of government the OPW implements government policy which in relation to architecture is to

promote high standards of design. The OPW has a responsibility for nearly all the architectural set pieces and amenity spaces in the surrounding area including the RHK/IMMA, the Phoenix Park, the War Memorial Gardens, Collins Barracks and Kilmainham Gaol. The OPW has a great track record in the promotion of leading contemporary architecture and this is documented in a recent study *Building for Government: The Architecture of State Buildings. OPW: Ireland 1900-2000*. For example, regarding Dublin Airport (1942), it is stated that it is a salute to the technological age, “the Irish state’s elegant tribute to international modernism” (p23), symbolising “the rising confidence and ambition of the new nation” (p15). It marks a moment in the nations history when a public building first expressed:

“unalloyed enthusiasm for the challenge of contemporary experience” (p23)

The proposed development in all its aspects; architecture including the tall building, urban design, imaginative provision of cultural spaces, opening up RHK/IMMA to the city, the conservation of historic buildings, and the creation of significant public spaces; can be considered to reflect the growing confidence and ambition of Ireland not just in economic and social terms but also architecturally and in the creation of new city districts of international quality. The proposed development including the tall building can also be seen as reflecting an unalloyed enthusiasm for the challenges of twenty first century experience.

Cultural Provision

The generous provision of cultural space in the proposed development is one of the key positive, public gain aspects of the proposed development. It will contribute significantly to the enhancement of this evolving cultural/museum quarter and will be a great resource for city residents and visitors alike. There is a documented lack of cultural space in the city and this hinders the proper cultural development of the city. It should be noted that a strong and growing cultural component is a vital element of successful and competitive cities. It is strange then that An Taisce should question/oppose the generous cultural provision stating as follows:

It would be important to establish the extent to which there is a need for the amount of cultural space proposed, and the extent to which such uses will detract from existing cultural uses in an area such as Temple Bar. There is no cost benefit analysis within the planning application, which would provide an indication of the costs and benefits of the proposal.

This would seem to suggest that Irish society has a limited need or demand for cultural facilities. The reference to Temple Bar would seem to suggest that we reached our limit in the 1990s and that no more cultural spaces should be provided in Dublin from now on despite the powerful economic progress in the intervening period. The reference to the need for a cost/benefit analysis is strange as even economists would regard this as a crude measure of value and one wonders whether it is suggested that, for example, the renovation of heritage buildings should only proceed after such a cost/benefit analysis. This viewpoint could undermine essential and positive aspects of the development and set a most undesirable precedent

hindering the provision of cultural space and the Planning Authority would urge the Board to support and indeed copperfasten the proposed cultural facilities.

Conclusion

This is a desirable, innovative and indeed a model development which will make a major contribution to the strategic regeneration of the Heuston gateway area and the city in general. The diversity of uses including extensive cultural uses such as the 'Exploration Station' will be a fundamental boost to this emerging cultural/museum quarter and an economic generator in terms of tourists/visitors. The urban design with its extensive, carefully considered and permeable streets and squares is a strong planning gain not least opening up IMMA/RHK to the city. The architecture is of the highest quality vide the Children's museum. The tall building has a powerful and restrained aesthetic and will be a confidant and proper twenty first century intervention in this regeneration area of great character and architectural merit. The quantum of development is modest.

The character of Dublin including this area is due in many ways to radical interventions (some controversial in their time) in the urban fabric from the seventeenth century onwards. The objections to the tall building raise the question of when if ever this generation or succeeding generations can make similar dramatic but positive interventions into the urban form and skyline? The objections to the tall building would seem to suggest that the skyline of this extensive part of the city should be 'freeze-framed' in the past despite all the fundamental economic, social, technological and other changes that have taken place. There would seem to be a self-limiting perception operating here and, in the words of the NESC, as earlier self-perceptions were confounded, "there is no reason why we cannot prove ourselves wrong again".

As set out in the EIS, the perceived impacts of the tall building will depend on "the judgement and perception of the viewer". It is the opinion of the Planning Authority that the proposed development and the tall building will be perceived as "An expression of a newly self confident twenty-first century Ireland" and welcomed as such.

The proposed development represents the best aspects of urban development in twenty-first century Ireland, combining a profound understanding of the historical context with a great sense of verve and ability going into the future.

The Planning Authority would urge the Board to grant permission in this case.

Kieran Rose
Senior Planner

2005

Planning Authority Summing Up; Clarence Hotel Oral Hearing

First of all, thank you Inspector for providing a forum that allowed for a calm and rational discussion that allowed the facts to be set out.

In particular, the detailed and illuminating presentation by Padraig Murray, Conservation Architect for the Applicants, who clearly demonstrated the facts of this particular case; the radical changes that have taken place in this part of the City over a thousand years; and also the radical changes that place on this site, demolitions and rebuilding and then the many and drastic changes to the physical fabric of, for example, the Clarence Hotel over many periods including the 1990s, so that now there is little of the original fabric left.

It probably goes without saying but I think we should remember that the City Council has a proven track record in implementing best practice Conservation policy and has invested considerable resources in time and money in various projects. The City Council's commitment to enlightened Conservation would stand up to the closest scrutiny.

Over the past few days it has become clear that there is general agreement, amongst the Applicants, the City Council and the Third Parties, on the critical importance of the Quays to the City and also the great importance of the Clarence Hotel and the ensemble of elevations onto the Quays.

The difference of opinion lies in how best to secure and enhance the Quays and the Clarence Hotel. This difference of opinion arises in part because of different time horizons. Looked at over a thousand year history from the Viking period with the reclamation of this land from the river (as Padraig showed), the changes proposed here are modest and meaningful. The objections would appear to be based on a more limited time horizon, perhaps a 100 years to the 19th century, and that this part of the City should be 'freeze-framed' now.

The difference of opinion also revolves around ambition and confidence. As a City we must have the ambition to make great interventions and improvements (like the Wide Street Commissioners) and the confidence that we can deliver the highest quality change that will greatly enhance the City. With all the massive public and private investment now available for the City we now have the realisable potential to become a truly world class city.

The last great era of city-making is described in Niall McCullough's study *Dublin: An Urban History*. He describes the 18th century as Dublin 'greatest era', a period of 'heroic growth' when there was 'an explosion in the economy, population and construction'. He stresses the role of private developers and entrepreneurs in making the new City. The Duke of Ormonde had a key role in creating the vision of Dublin as a great European city and in ensuring that the practical changes were made to the urban form. Niall McCullough stresses how Ormonde played a critical role in 'protecting initiatives in urban growth against entrenched positions'.

In many ways Dublin now is similar to that era of heroic growth with similar potential and opportunities. And similar problems in the sense that we have to face up to the 'entrenched positions' we have seen over the past few days opposing this development.

One of the major objections to this development, irrespective of its merits, is the precedent it might set in terms of the demolition of parts of Protected Structures. However the City Council took the view that we cannot be paralysed by precedent. We cannot abdicate our responsibility to make difficult decisions. We need to have a confidence in our ability to say 'yes' and 'no' as appropriate in particular cases.

Several studies of the Irish public service concluded that one of the significant problems was that we are 'risk averse' (in this case, the fear of precedent) and unwilling or unable to make difficult decisions that might attract opposition or controversy.

Just to clarify one point; during the Oral Hearing there have been references to the report or the views of the 'Department'. What we have before us are the views of the Department in relation to the Protected Structures. The DOEHLG has of course a much wider remit in relation to the proper planning and sustainable development of the country and these are set out in various statutory guidelines. For example, the statutory guidelines on architectural heritage must be considered but so also must the guidelines on Development Management which set out a positive, responsive and high standards approach for Planning Authorities.

There was some suggestion that the decision of the Planning authority is a Material Contravention of the Development Plan. That is not of course the case, in fact the proposed development is in accordance with the policies and objectives of the Development Plan and will make a significant contribution towards their implementation.

Interventions into heritage buildings will always involve gain and loss. What we have in front of us is the potential for a great gain for the City enhancing its heritage. What we also face is a possible great loss, a missed opportunity if this scheme does not go ahead.

The Planning Authority has made its decision and we have put our case.

Now it is a matter for consideration and decision by the Inspector and the Board.

Kieran Rose
Senior Planner
18.4.08

DCC Planning Ref. 1394/07
ABP Ref. 295 22 68 34

Clarence Oral Hearing

Does Dublin have the ambition and courage to fulfil its possible destiny as A ‘Global City’, An ‘Open City’, A ‘City of Immigration’, A ‘Multi-Cultural Diverse City’, Gay-Friendly, A ‘City of Excellence, a global player in setting new models for a confident reinterpretation of itself and its future.

In his study of modern Ireland ‘*Preventing the Future*’, Tom Garvin asks the question in the subtitle ‘*Why was Ireland so poor for so long?*’ A critical factor, he states, was that there was a ‘reluctance to engage seriously with the modern world’ and this encouraged ‘cultural pessimism, a passivity even a hopelessness’. The notion of a static and unchanging order that was to be regarded as ideal was quietly accepted and Ireland was to pay dearly for these choices. He concludes that ‘The Irish, it sometimes seems, were hell-bent on preventing the future while pretending to embrace it’. What Tom Garvin describes as a clear anti-modernist streak in some Irish official and clerical thinking was also expressed in architecture. According to a recent study, *Building for Government: The Architecture of State Buildings. OPW: Ireland 1900-2000*, the 1942 Dublin Airport symbolised “the rising confidence and ambition of the new nation” and it marks a moment in the nations history when a public building *first Italics* expressed:

unalloyed enthusiasm for the challenge of contemporary experience

Max Page has written a great study of the massive redevelopment of New York in the period 1900-1940 entitled *The Creative Destruction of Manhattan* and there are many parallels for Dublin, he describes New York as ‘a city in the process of becoming’. He writes that in the various battles over (add) new buildings, demolition, and planning lay:

the fundamental tension between a celebration of the metropolis – its dynamism and diversity – and a profound nostalgia born of a fear for what the modern city portended

We need to be informed by (add)and cherish our (omit the) past based on a wide understanding of our history including economic, social, urban, and labour history. One of the significant barriers to change and progress is an antiquarian and limited understanding of our past and heritage.

We must engage with, but we cannot become prisoners of a past. Richard Florida puts this well when he states that new creative cities can emerge and surpass established players very quickly. He analyses how some cities lose out and says the answer is simple, ‘these cities are trapped by their past’, in the culture and attitudes of a bygone age and so innovation and growth shift to new places.

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In general this is a high quality, carefully considered, innovative and creative scheme that will contribute significantly to the betterment of the local area and the City. The decision to hold an international competition for the design of the scheme indicates an ambition for quality and creativity that is a model for other redevelopment schemes.

The good mix of uses including the shopping and especially the cultural facilities is most desirable. The network of new pedestrian streets and public spaces will provide a most attractive and urbane new centre for Ballsbridge. The apartment housing is of the highest quality especially in terms of the generosity of floor areas and this will have a significant public benefit in undermining the 'cultural resistance' to apartments. The architecture and landscaping is of the highest quality. The Sustainability commitments set a new benchmark for developments. The commitment to assembling a site of sufficient area to allow for this mix of uses, this level of integration and this critical mass is also to be commended.

As regards the taller building A, there is widespread agreement that this is a building of great merit and indeed architectural excellence. The Applicants put forward a persuasive case in the Urban Character Impact Study and this is backed up in the 3D visualisation submitted and the physical model. The tall building complies with many of the criteria set out in the Development Plan including the fact that an international design competition was held. Building A will have a significant impact on the city skyline; the question is whether this will be a positive or negative impact and, given the architectural excellence of the proposal, this depends on the judgement, perception and cultural values of the observer.

There is a balanced and nuanced judgement to be made in this case. The Planning Authority must be mindful not to undermine the many significant positive gains in the proposal and that it should encourage creative and innovative development proposals.

Kieran Rice

2008