



Proposal to declare an area of pavement at St Luke's Avenue, Dublin 8 to be a public road

1. INTRODUCTION

Further to the decision of the South Central Area Committee at its meeting of 16th January 2019, the Area Office has initiated a process to take-in-charge land at St Luke's Avenue, Dublin 8, by declaring this section of pavement to be a public road for the purposes of the Roads Act 1993.

At its meeting of 17th July 2019, the South Central Area Committee noted the report on the outcome of the public consultation undertaken in accordance with the Roads Act 1993 and gave its agreement to the proposal of the South Central Area Manager to take-in-charge said land at St Luke's Avenue, Dublin 8 (refer to Drawing No. 37010 attached, area hatched in grey).

The proposal is now referred to the Members of Dublin City Council for their decision. The declaring of land to be a public road is a reserved function.

2. PROPOSAL BACKGROUND

The proposal refers to an area of pavement to the rear of the public footpath at St Luke's Avenue in Dublin 8, at the junction with Newmarket Street (refer to Drawing No. 37010 attached, area hatched in grey). The subject land is owned by Dublin City Council, having been acquired under CPO for the development of the Coombe Bypass, now St Luke's Avenue. Full title was vested in Dublin City Council under the Newmarket/The Coombe Area CPO 1970 (Folio DN23314F) and Cork Street CPO 1998 (Folio DN153722F).

A portion of the land currently forms a paved forecourt to the Newmarket Hall development, which includes the main pedestrian entrance to the apartment building and the entrances to the two commercial units at ground floor. The forecourt area is used for carparking which appears to be monitored by a private contractor - NCPS. However, this carparking results in vehicles illegally crossing a bus lane, a mandatory cycle track and then mounting and crossing the public footpath to access the area. Parking often encroaches on the public footpath and other areas of public space. Cars regularly impede pedestrians on St Luke's Avenue and those using the steps to access Newmarket Street.

In the past year, Dublin City Council has undertaken a number of improvements to the public realm here including:

- i. The creation of a new public park to the front of the former St Luke's Church (Thomas Burgh House) including new steps and ramp entrances, which was previously a green verge.

- ii. The removal of a disused drainage chamber at the base of Newmarket Street and its replacement with paving and a built planted area.
- iii. The passing of the Newmarket & Environs Public Realm Improvement Plan under Part VIII, which provides for the remodelling and widening of the stepped entrance into Newmarket Street to create a major entry point to Newmarket.

These changes enhance the street at this point and allow for greater use of the area by pedestrians. As such, the current practice of parking on the pavement becomes an issue. The current, privately operated NCPS contract does not extend to the full pavement area. The ability of Dublin City Council to enforce Parking Control Bye-Laws on the subject land is unclear. Furthermore, responsibility for the maintenance of the pavement at this location is unclear as the area is not in charge of Roads Maintenance Services.

3. CONSEQUENCES OF DECLARING THE SUBJECT LAND TO BE A PUBLIC ROAD

A number of consequences arise if the Council determines to declare the subject land to be a public road:

- i. The full extent of the pavement at this location will fall to Dublin City Council Roads Maintenance Services to maintain and repair as necessary.
- ii. The ability of the Management Company or other agents of Newmarket Hall to regulate car parking on the forecourt area is suspended.
- iii. Dublin City Council Parking Control Bye-Laws will apply to the full extent of the area.
- iv. Other policies and bye-laws of Dublin City Council which apply to public roads will apply to the subject land, e.g. licencing of street furniture.

4. STATUTORY CONSULTATION PROCESS

A statutory consultation process was undertaken between Thursday 16th May 2019 and Friday 28th June 2019 to canvas the views of affected parties to this proposal. In accordance with statute, a public advertisement of the intent to declare the subject land to be a public road was posted in The Irish Times and Dublin Gazette on 16th May 2019. Site notices were erected at St Luke Avenue for a period in excess of 1 month. A report on the proposal was made available at the Public Counter, South Central Area Office, while copies of the report were also issued to the immediately affected parties including Newmarket Hall Management Company and the 2 no. commercial units at Newmarket Hall fronting onto St Luke's Avenue.

Four submissions were received within the statutory consultation period, which are summarised below:

Mr Kieran Rose, 42 The Tannery, Cork Street

Strongly support the taking in charge process, noted the extent and effect of unauthorised parking, noted the design intent at the time of the development of Newmarket Hall to create a quality pedestrian space to the front of the building as planning gain.

Mr Gerry McConville for Capital Credit Union Francis Street, St Luke's Avenue

Asking that parking amenities in the area are not further eroded.

MG & DM Farrell, Whitefriars Childcare Ltd, Newmarket Hall, St Luke's Avenue

Asking that the parking facility be retained and that a loading bay is provided at this location.

Mr David Berber, Unit 2 Newmarket Hall, St Luke's Avenue

Noted the value of current parking to his tenant in Unit 2 and that alternative on street parking is available at Newmarket Street, accessed via steps. Noted the number of

businesses in the area seeking car parking space and the regular issue of cars illegally stopping in the bus lane and double-parking in the area during school runs. Noted a previous application for a loading bay at St Luke's Avenue was refused permission by Dublin City Council. Notes the historically poor quality of the environment in the area that has made trading difficult and requests a compromise arrangement.

5. COMMENT

Three of the observations received reference the value to their businesses of current free parking on St Luke's Avenue. However, generally in the city centre area, on-street car parking is provided by Dublin City Council as a service to the public (including business owners), and the Council attempts to manage a finite resource and to ensure that other roads users do not suffer from an over-concentration of private vehicles. ***Taking in charge the subject land will allow Dublin City Council to enforce its Parking Bye-laws in this area.***

As noted, accessing the forecourt area requires vehicles to illegally cross a bus lane, a mandatory cycle track and to mount and cross the public footpath. The use of pavement for parking is contrary to Dublin City Council transport policy, which places the pedestrian at the top of the transport hierarchy in the city. With the continued use of this area for parking (particularly by large vans), pedestrians are regularly impeded from using the public footpath and the pedestrian steps to St Luke's Avenue. ***The removal of car parking from the subject land will create a safer space for pedestrians and prevent current illegal manoeuvres such as crossing the public footpath.***

The original design intent of setting Newmarket Hall back from the public footpath at St Luke's Avenue was to create a more generous public realm for pedestrian uses. For example, it may well have been envisaged that the commercial units here would avail of the area for seating terraces rather than parking (it is noted that a previous business at Unit 2 Newmarket Hall operated as a café with outdoor seating often set out alongside parking vehicles). It is noted that a previous planning application by David Berber and Whitefriars Crèche & Montessori Company to dish the pavement and formalise parking at the location was invalidated due to insufficient legal interest (Ref. Ref: 3406/14). ***The removal of car parking from the subject land will create a more pleasant and safer space for pedestrians.***

The Council has recently made significant investment in the public realm at St Luke's Avenue to undo its previously neglected state, including the development of a new pocket park at the former St Luke's Church. The process of development is set to increase with permitted redevelopment of the former IDA Enterprise Centre and the Council's own Newmarket & Environs Public Realm Project set to transform the frontage to St Luke's Avenue and greatly increase pedestrian use of the area. With these developments, use of the public pavement for car parking becomes increasingly unacceptable. ***The removal of car parking from the subject land will create a more pleasant and safer space for pedestrians and supports the continue enhancement of the public realm along St Luke's Avenue.***

6. AGREEMENT OF THE RELEVANT AUTHORITY TO TAKE IN CHARGE

The taking in charge of this road is governed by the Roads Act 1993 Section 11. Under Section 11 (b) where a road authority proposes to declare a road to be a public road it must satisfy itself that the road is of a general public utility and it must consider the financial implications for the authority of the proposed declaration. In considering these requirements the Environment and Transportation Department (as the Roads Authority) is satisfied that the section of road in question is of general utility. Road Maintenance Services have

identified that some minor works are required to bring the road up to taking in charge standard. The estimated cost of these works is €5,000.

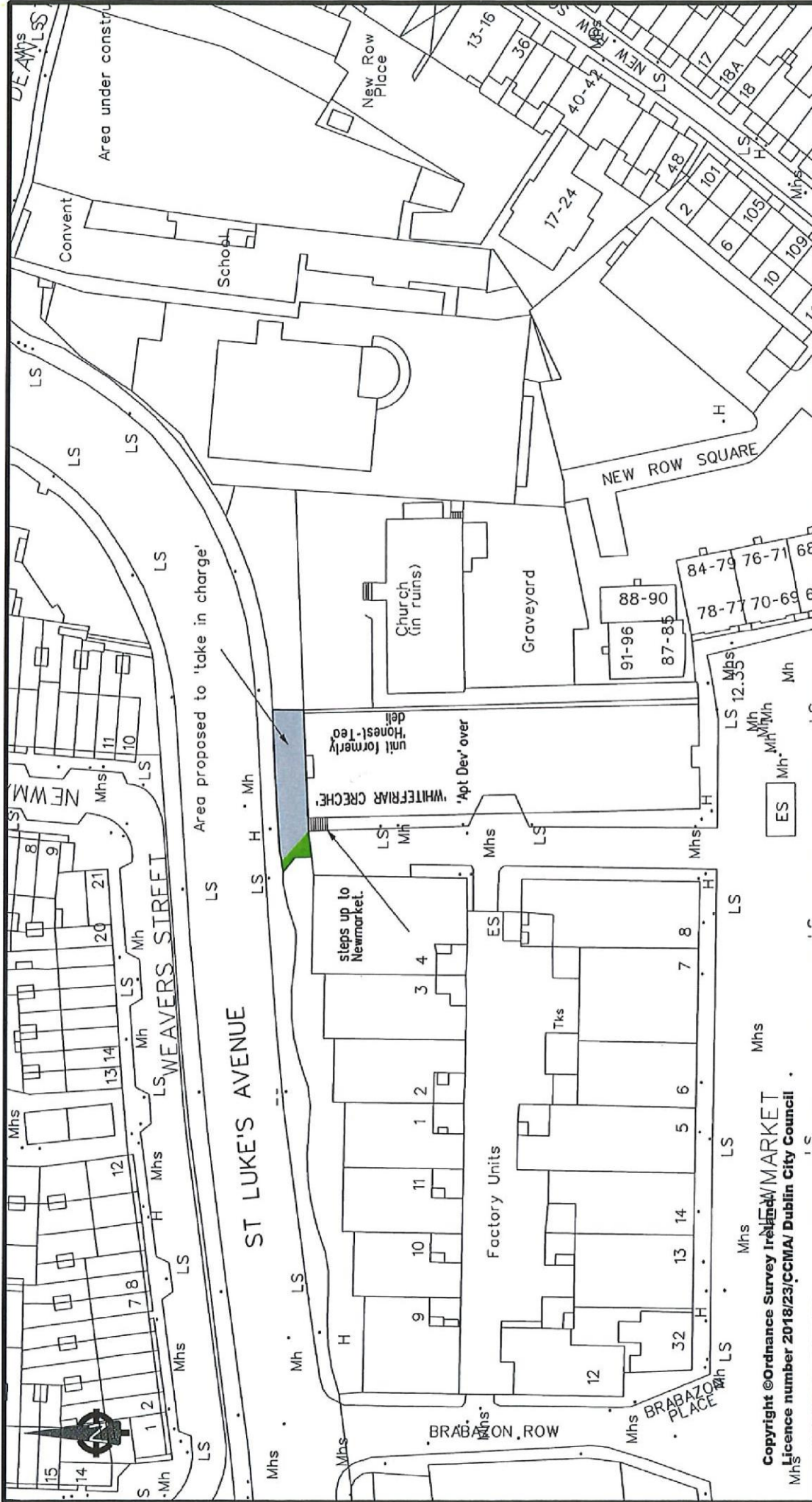
7. RECOMMENDATION

The Roads Authority through the South Central Area Office therefore recommends to Elected Members to declare the subject land to be a public road for the purposes of the Roads Act 1993 to allow for its taking in charge by Roads Maintenance Services.

Resolution:

“It is hereby resolved that we, the Lord Mayor and members of Dublin City Council, being the Road Authority for the City of Dublin declare the roads and footpaths at St. Luke’s Avenue, Dublin 8 to be public roads and footpaths as shown on Drawing R.M. No. 37010 in accordance with Section 11 of the Roads Act 1993.”

Mary Taylor
Executive Manager
19th August 2019



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Proposed taking in charge of
 area of footpath at St Lukes Avenue, D.8.
 (preliminary)

REFERENCE DRAWINGS	DATE	DESCRIPTION	REVISION
	/ / 20		
	/ / 20		
	/ / 20		

DATE	DESCRIPTION	REVISION
/ / 20		
/ / 20		
/ / 20		

ROADS MAINTENANCE DIVISION

Comhairle Cathrach
 Bhaile Átha Cliath
 Dublin City Council

ENVIRONMENT & TRANSPORTATION DEPARTMENT,
 CIVIC OFFICES,
 WOOD QUAY, DUBLIN 8.

Dr John W. Flanagan CEng FIEI FICE
 City Engineer

SCALE 1:1000
 DATE 07/08/2018

DRAWING No.
 R.M. 37010

Views of the subject land



Fig 1: Subject land prior to improvement works at St Luke's Church and removal of redundant drainage chamber.



Fig 2. Parking overspill from the forecourt area. Note the large van also encroaches on the public footpath.



Fig 3: Parking on the forecourt area during works to develop St Luke's Garden.



Fig 4: View of the forecourt area (denoted by the flag paving) with parking