

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL COMMUNITY PLANNING FORUM - 6 SEPTEMBER 2007

STREET NAMING: HOUSING DEVELOPMENT AT BALLOCHMYLE, MAUCHLINE

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To request the Forum to consider a request by the developer, Ardgowan Homes Limited, that certain of the streets to be created by a private housing development located at Ballochmyle, Mauchline, be renamed.

2. BACKGROUND

- 2.1 In accordance with the decision of the Decentralisation Sub-Committee of the Policy and Resources Committee at its meeting on 4 June 1996, and in terms of Section 97 of the Civic Government (Scotland) Act 1982, the Cumnock Area Local Committee on 29 March 2007 agreed that the eight new streets at this location be named "Wilhelmina Walk", "Northgate", "Westgate", "Howford", "Adam Way", "Montgarswood", "Whitefoord" and "Jacob's Way".
- 2.2 In determining this matter, the Committee took cognisance of the views of Councillor George Smith, then Local Elected Member for Ballochmyle and Mauchline Community Council, who jointly recommended the names which were subsequently approved. The names suggested and allocated reflect the history of the site or have geographical connotations with the local area.

3. CURRENT POSITION

- 3.1 In accordance with the usual procedure, the Executive Head of Finance and Asset Management, following the decision of the Cumnock Area Local Committee in March 2007, advised a wide range of agencies and Council Departments of the street names (including the Post Office, the Valuation Board, utilities and the emergency services).
- 3.2 As at the date of writing, no street name plates have been manufactured in respect of this development.
- 3.3 The developer, Ardgowan Homes Limited, has indicated that they have found that the names allocated to certain of the streets are having a significantly adverse effect on their efforts to market the Ballochmyle development, and in particular the houses in these streets. The developer has now requested that the names of certain of these streets be changed as follows, namely:-
- "Adam Way" be changed to "Ballochmyle Way";
 - "Wilhelmina Walk" be changed to "Adam Way";
 - "Montgarswood" be changed to "Queen's Gate"; and

- “Whitefoord” be changed to “King’s Gate”.

3.4 In order to assist consideration of this matter, a plan showing the current street names for the eight streets within this development, together with the suggested changes submitted by the developer, will be displayed at the Forum meeting venue.

3.5 Mauchline Community Council are currently being consulted regarding the developers suggestions and it is hoped that the Community Council’s views can be intimated verbally at the Forum Meeting.

4. CONSIDERATION OF ISSUES

4.1 East Ayrshire Council has authority in terms of Section 97 of the Civic Government (Scotland) Act 1982, following due process, to change a street name.

4.2 Should the Forum accede to the developer’s suggestion to change the street names in question, the Act requires notification of the proposed change to be advertised in the local press and allows a period of 28 days for representations to be made and requires those representations to be taken into account by the Local Authority in determining whether or not to proceed with the change of name. The Forum would require to determine alternative names for the streets concerned, for the purposes of the statutory notification of the proposal.

4.3 Where a house is sold prior to any change to the street naming being implemented, should this be required, there may be a cost to the purchasers concerned in respect of the alteration of legal documentation.

4.4 It is considered that there are no financial implications for the Council arising from the renaming of streets in this case, beyond the cost of advertising the proposal for change, as referred to in Section 6.1, below.

5. LEGAL/POLICY IMPLICATIONS

5.1 The legal and policy authority in respect of this matter are as indicated in Paragraph 2.1 and Section 4, above.

5.2 Standing Order 40 of the Council’s Standing Orders prevent reconsideration of any item of business the same or substantially the same as one previously determined within six months of the making of the previous decision, unless two thirds of the Members present agree otherwise. Since the request for renaming falls within this timescale, two thirds of Elected Members present are required to agree to reconsider the above request.

6. FINANCIAL IMPLICATIONS

- 6.1** Advertising of the proposal for change of street names would result in expenditure of approximately £300.00, which would be met from the Departmental budget of Corporate Support (Democratic Services).

7. RISK MANAGEMENT IMPLICATIONS/COMMUNITY PLANNING ISSUES

- 7.1** It is considered that there are no significant risks or Community Planning issues associated with this matter.

8. RECOMMENDATIONS

- 8.1** It is recommended that the Forum:-
- (i) determine whether or not to reconsider this matter in terms of Standing Order 40;
 - (ii) if (i), above, is agreed, consider the request for a name change in respect of the streets concerned and, if appropriate, agree that the necessary statutory notification procedures be implemented and that, thereafter, a further report be submitted to the next meeting of the Forum for consideration; and
 - (iii) otherwise, note the terms of the report.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

21 August 2007

SN/SR

LIST OF BACKGROUND PAPERS

1. Procedure Note - Naming of Streets by Local Committees.
2. Plans of proposed new streets.
3. Report by the Depute Chief Executive/Executive Director of Corporate Support submitted to the meeting of the Cumnock Area Local Committee held on 29 March 2007.
4. Related correspondence.
5. The Civic Government (Scotland) Act 1982 (Section 97).

Any person wishing to inspect the background papers relative to this report should contact Stuart Nelson, Administrative Officer on Tel No (01563) 576151. Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on Tel No (01563) 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.