

EAST AYRSHIRE COUNCIL

CUMNOCK AREA LOCAL COMMITTEE - 30 JANUARY 2003

CATRINE: HOUSING DEVELOPMENT OFF MAUCHLINE ROAD: STREET NAMING

Report by the Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1** To request the Committee to homologate action taken by officers of the Council in connection with the naming of streets at a new housing development located off Mauchline Road, Catrine and to redetermine the street names accordingly.

2. BACKGROUND

- 2.1** This Committee on 23 May 2001 determined street names for a private housing development comprising three new streets located off Mauchline Road, Catrine, as follows, namely: -

Street 1 - "Burnpark";
Street 2 - "Ballochmyle View"; and
Street 3 - "Burn O'Need Way".

- 2.2** Unfortunately due to an administrative oversight by Homes and Technical Services the formal notification issued by that Department on 6th June 2001, following the Committee's decision, to the developer and a wide range of agencies and Council Departments was as follows, namely:-

Street 1 - "Ballochmyle View";
Street 2 - "Burn O'Need Way"; and
Street 3 - "Burnpark".

3. PRESENT POSITION

- 3.1** As at the date of writing, 18 houses in street 1 (out of 29 plots) have been occupied; all 13 houses in street 2 have been occupied; and 4 houses (out of 15 plots) in street 3 have been occupied and have utilised the addresses notified by Homes and Technical Services. It is also understood that the purchasers of all other houses within the development have been advised by the developer of their new addresses, based on the allocation of names as notified by Homes and Technical Services.
- 3.2** Again as detailed in Paragraph 2.2 above in accordance with the usual procedure, Homes and Technical Services have advised a wide range of agencies and Council Departments of the street names (including the Post Office, the Valuation Board, the Utilities and the Emergency Services).All

agencies and Departments notified have again utilised the addresses notified by Homes and Technical Services

3.3 As of the date of writing, no street name plates have been erected.

4. DISCUSSION

4.1 The three streets in question have now been legally named in terms of section 97 of the Civic Government (Scotland) Act 1982 in the manner notified by Homes and Technical Services in June 2001. Any change in names to reflect the earlier Committee determination would accordingly require to be treated as an alteration and be carried out in accordance with the terms of section 97 of the Civic Government (Scotland) Act 1982 which 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 of by a local authority in determining whether or not to proceed with the change of name.

4.2 In view of the notification process undertaken and the length of time for which the existing residents, those purchasers who have yet to take occupation and other agencies etc have been using the notified addresses any change to the street names at this stage would result in, at least, considerable inconvenience and disruption to the residents and purchasers affected, particularly bearing in mind the stage which the development is at. It is accordingly anticipated that should the Council determine to proceed with an alteration to the notified names at this stage representations will be made by the affected parties which representations will of course require to be taken account of by the Council. In addition, the Solicitor to the Council advises that, bearing in mind that this situation has arisen as a result of an error by the Council, changing the names of the streets at this stage may result in claims from existing residents and those purchasers who have yet to take occupation relating to costs associated with alteration to legal documentation and other expenses, and also to general inconvenience/disruption.

4.2 It is recognised that the Local Member who had originally proposed the three street names which were approved by the Local Committee, had suggested particular street names for certain streets in order to reflect the geographical heritage/features of the development site and it is unfortunate that this has not been achieved. However, it is suggested that concerns in this respect may be mitigated by the fact that the three street names originally proposed by the Local Member have at least been allocated within the development.

5. CONCLUSION

5.1 Whilst recognising that the outcome of the street naming exercise does not accord with the decision of the Local Committee, it is suggested that, having regard to the legal and practical considerations discussed above, the names of the three streets in question should remain as notified by Homes and Technical Services.

6. FINANCIAL/POLICY IMPLICATIONS

- 6.1** There are no policy and financial implications arising from the action recommended in this report. Should the Committee determine to proceed to change the names to reflect the original Committee decision there are cost implications both in respect of the change of name process required and more particularly the potential compensation payments as detailed in Paragraph 4.2 above.

7. LEGAL IMPLICATIONS

- 7.1** There are no legal implications arising from the action recommended in this report. The legal position both in respect of the names as notified by Homes and Technical Services, the process to be followed should the Committee determine to proceed to change the names to reflect the earlier Committee decision and the wider liability issues are as detailed in Paragraphs 4.1 and 4.2 above.

8. RECOMMENDATION

- 8.1** It is recommended that the Committee homologate the naming of the three streets within this development as indicated in Paragraph 2.2, above.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources

6 January 2003

SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

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