

REPORT OF HEAD OF COMMUNITIES & PLACE

To: Community & Resources Committee

Subject: New Development off South Street Car Park, Torrington

Date: 05/12/2022

Reference: N2022/38

PURPOSE OF REPORT:

To request that the committee assign a name to the new street under construction off South Street Car Park, Torrington

1. INTRODUCTION

The Street Naming & Numbering Officer has received an application where the developer, Pearce Construction Ltd of Barnstaple, and the local town council have contrasting views as to the best name of a street.

The Street Naming & Numbering Policy states that disputes of this kind must be resolved by the community & resources committee of Torrington District Council.

2. REPORT

On 29/07/2022, Torrington District Council received an application for a new development near South Street Car Park, Torrington. Following payment of the invoice, the applicant suggested the street name "**Market Gardens**". The applicant's justification was that the street will be located behind Torrington Pannier Market and that the site was previously used as a market garden.

This was presented to Great Torrington Town Council for consultation on 23/08/2022. The town council responded on 28/09/2022 stating that they object to the developer's suggestion. On 18/10/2022, the town council then submitted their own list of suggestions for a street name: "**Queens View**", "**Royal View**" or "**Royal Square**". The town council's justification was that they would like to commemorate Her Late Majesty, Queen Elizabeth II.

The applicant rejected these new proposals on 25/10/2022, commenting that there is already a street in Torrington called "Elizabeth Court" honouring the late queen.

3. IMPLICATIONS

Legal Implications

Section 18 of the Public Health Act 1925 gives Torrington District Council the right to assign a name to a street that doesn't already have a name.

Under the same act, the applicant has a right to appeal the council's decision before a magistrates' court.

Section 4(1)d of the Trade Marks Act 1994 requires that any use of "words, letters or devices likely to lead persons to think that the applicant either has or recently has had Royal patronage or authorisation" requires the consent of the Lord Chamberlain's Office, on behalf of His Majesty, King Charles III.

Financial Implications

Not applicable as the applicant will be liable for erecting signage reflecting the council's decision.

Human Resources Implications

Not Applicable.

Sustainability/Biodiversity Implications

Not Applicable.

Equality/Diversity

Not Applicable.

Risk Management

Not Applicable.

Compliance with Policies and Strategies

The policy states that disagreements between the parish / town council and the applicant must be referred to the Community & Resources committee.

Any names containing royal connotations must first be approved by the office of the Lord Chamberlain, contactable via the Cabinet Office. This approval must be sought by the Street Naming & Numbering Officer.

Data Protection (GDPR) Implications

The personal details of contacts within the applicant organisation have been withheld from this report & from consulted councillors.

Ward Member and Lead Member Views

Cllr Bright (Ward Member): Consulted 27/10/2022

"I think that Market Garden is an appropriate name for this site, history being as such. Although I share the town council's wish to commemorate the passing of the Queen being the honourable, diligent, hardworking, and long-standing role model she was. But I do think it needs to be stated to the developer that it is the town council's role to shape the town's character, not the developer. The developer can still suggest names, and they can do it by competition if they wish, but they should make it clear in the competition from the outset that the town and district councils may not agree with the winning name, and it may be changed. At the end of the day, from the competition entrant's side, they don't want to be promised one thing then told they can't have it; because the developer promised something they knew wasn't theirs to keep, or that either town or district council could overrule their idea. which ends up looking bad from all sides."

Cllr Cottle-Hunkin (Ward Member): Consulted 27/10/2022

"I have spoken to a few of the neighbours living very close to the new development and they were in agreement that they liked the name "Market Gardens". It has a lot of historical relevance and will serve as a reminder of what was once there. It's just a shame that the area was turned into a housing development rather than being brought back to life as actual market gardens."

Cllr Brown (Ward Member): Consulted 27/10/2022

Cllr Hicks (Lead Member): Consulted 27/10/2022

4. CONCLUSIONS

The applicant and town council have disagreed on the best name of this new street. It therefore falls to Torridge District Council, as the street naming & numbering authority, to assign a name.

5. RECOMMENDATIONS

That the committee give final approval to **one** name of the suggestions provided by either the town council or the applicant or to assign a different name of their own choosing.

SUPPORTING INFORMATION

Other consultations:

Date of Consultation: 23/08/2022

Applicant &
Great Torrington Town Council

Officers Consulted: Estates Officer,
Contracts Officer, Head of Communities &
Place

Contact Officer: Oliver Kearney

Background Papers: Advice Document &
Annexes from TDC Legal Dept.