Dear Sirs

LOCAL DEVELOPMENT FRAMEWORK DRAFT SITES AND POLICIES DPD (JANUARY 2012) – CONSULTATION RESPONSE

Introduction

1. Following notification of the above consultation, we have been instructed by our client Capital Gardens Ltd to provide written representations in respect of the draft Sites and Policies DPD. Our comments are in regard to the Metropolitan Open Land (MOL) and Open Space designations of Morden Hall Garden Centre (see attached plan).

2. Our client is a garden centre operator (Capital Gardens Ltd) who run the Garden Centre at Morden Hall Park. Capital Gardens have had a lease on the site from the National Trust since 1992. The attached plan outlines the extent of the garden centre and the car park which it shares with the National Trust café and shop (which is also included).

Designations

3. Under the UDP (2003) Proposals Map the site is designated as:
   - Wandle Valley Metropolitan Open Land
   - Open Space Policy Area
   - Wandle Valley Conservation Area
   - Area at risk of flooding
   - Historic Park and Garden
   - Green Corridor Policy Area
   - Green Chain Policy Area
   - A small part of the site is designated as a Site of Importance for Nature Conservation
   - Proposed Local Nature Reserve (22P)
4. The proposed LDF Proposals Map (2012) designates the site as:

- Wandle Valley Metropolitan Open Land
- Open Space Policy Area
- Wandle Valley Conservation Area
- Area at risk of flooding
- Historic Park and Garden
- Green Corridor Policy Area
- Green Chain Policy Area
- A small part of the site is designated as a Site of Importance for Nature Conservation

Planning History

5. Having reviewed the online records relating to this site we have not ascertained that there are any relevant planning history entries which relate to it.

6. As advised above our client has been in situ for 20 years, which in planning terms is a considerable period of time. It is clear from what we have been advised that the site has a long established use as a garden centre and associated parking.

MOL Designation

7. The site is currently covered by a number of buildings and associated hardstanding for car parking and in our view performs no function in terms of the wider MOL. In addition the MOL designation limits and restricts the refurbishment and upgrade of the garden centre site. Removing the area from the MOL designation would not affect the treatment of the designation of the whole Park. It would also afford certainty and security for investment in the garden centre.

8. It should be recognised that the garden centre and the associated businesses within the complex of the centre support the costs of maintaining the Park. It is therefore considered that the garden centre itself should not be within the MOL designation, which reflects its current physical state and its role in supporting the activities of the Park. Moreover the removal of this site from MOL would protect the wider MOL designation of the Park.

9. In addition it is considered that the other designations placed upon the site (such as its Conservation Area, flooding and Historic Park and Garden designations) will protect the complex from inappropriate development in the future, ensuring that any proposed development associated with the garden centre would be both sensitive to these designations and the designations on the wider Park.

Open Space Designation

10. The site is covered in a significant number of buildings and hardstanding for car parking and as such is not open space in the strict understanding of that term. Given the existing development on the site it appears illogical to have the site identified within the open space designation. Its removal from that designation, while logical given the existing development on the site, causes no harm to wider open space designation.
11. We will continue to monitor the emerging Sites and Policies DPD for the London Borough of Merton with interest and would welcome the opportunity to comment on future draft documents and to be kept informed of its progress.

12. Should you have any queries regarding any of the above representations, please feel free to contact Nina Jones (02073322118) at this office.

Yours faithfully

[Signature]

DALTON WARNER DAVIS LLP