
Appeal Decision

Site visit made on 6 October 2025

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCIArb MCIL**

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Reference: APP/Y0435/W/25/3370930

Wavendon Business Park, Ortensia Drive, Wavendon Gate, Milton Keynes MK17 8LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by COLCAP II (Wavendon) Limited against the decision of Milton Keynes City Council.
 - The application reference is PLN/2025/0177.
 - The development proposed is described in the application form as “the expansion of existing parking facilities to provide 105 additional car parking spaces, with associated landscaping works”.
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Decision

1. The appeal is allowed and planning permission is granted for “the expansion of existing parking facilities to provide 105 additional car parking spaces, with associated landscaping works”, at Wavendon Business Park, Ortensia Drive, Wavendon Gate, Milton Keynes MK17 8LX, in accordance with the terms of the application (reference PLN/2025/0177), subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on biodiversity.

Reasons

3. Wavendon Business Park is a commercial location, with access from Ortensia Drive, but adjacent to residential areas to the east, west and south. The Business Park is characterised by modern buildings in a landscaped setting, with mature trees and broad areas of grassland. There are existing extensive parking areas, which are attractively laid out and well planted, including with trees.
4. The proposed additional car parking areas would be set out in two separate areas, while preserving adjoining areas of grassland and areas of mature trees. In total, the scheme would provide 105 additional car parking spaces and the proposals include associated landscaping works.
5. The ‘National Planning Policy Framework’ emphasises the importance of “Conserving and enhancing the natural environment”, notably at Section 15. The importance of biodiversity is identified in the Development Plan, in Policies in ‘Plan:MK 2016-2031’, which was adopted in March 2019. Attention has been

- drawn to Policies NE1, NE2 and NE3 in Chapter 12 of 'Plan:MK 2016-2031, which addresses issues of "Environment, Biodiversity and Geodiversity".
6. The Council's 'Biodiversity: Supplementary Planning Document' (dated April 2021) is also relevant, although it does not carry the weight of the statutory Development Plan.
 7. On the occasion of the site visit, the existing car parks had a noticeably low level of occupation but it was also observed that some of the buildings in the Business Park were unoccupied at the time. It has been explained in the representations that the need for additional parking spaces is based on the prospect of full occupancy of the buildings. It has also been pointed out that, if inadequate parking provision is made there would be a likelihood of visitors to the Business Park making use of nearby residential roads for parking cars, which would be very unsatisfactory and detrimental to the living conditions of residents as well as to the character of the area.
 8. Currently, the areas that would be used for the provision of additional parking facilities are predominantly laid to grass. They add to the character of the estate but they are available to users of the site rather than to nearby local residents and I accept that the grassland makes only a limited contribution to biodiversity.
 9. The effect of the scheme on nearby trees would be very limited and protection measures could be introduced to mitigate the effect of the construction works on trees (subject to conditions). The new construction would markedly reduce the extent of the grassland, even though there would be some variation in the construction of the different car parking areas. Nonetheless, I accept that the impact on biodiversity could, again, be successfully mitigated by the imposition of conditions.
 10. National and local planning policies also emphasise the importance of good design, of course, and I am satisfied that the finished car parks will have been thoughtfully designed and laid out, to reflect the existing high quality character of the surroundings.
 11. In short, I am persuaded that the benefits of the scheme outweigh the effect on biodiversity (primarily the loss of areas of grassland), in this instance, subject to the imposition of conditions. In my view, the evidence submitted has been sufficient to justify the scheme in principle, although further submissions will be needed in due course, to satisfy planning conditions.
 12. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed car park extensions would provide a useful addition to the parking provision in the Wavendon Business Park. This would help to promote economic activity while discouraging undesirable impacts in the surrounding area.
 13. I have concluded that the project would not cause undue harm to biodiversity, that it would not be in conflict with the Development Plan, read as a whole, and that the objections to the scheme which have been raised can be overcome by the imposition of suitable conditions. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations I have found nothing to cause me to alter my decision.

14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of those suggested by the Council in the usual way, without prejudice to their main arguments in the appeal. I have also taken account of the appellant's submission on conditions.
15. I accept that the proposed condition relating to the preparation of a "Landscape and Ecological Management Plan" essentially replicates that which requires the preparation of a "Habitat Management and Monitoring Plan". The "Landscape and Ecological Management Plan" is unnecessary, therefore.
16. I note, however, that the appellant does not object to the other suggested conditions, including pre-commencement conditions. Although the remaining conditions are lengthy, I have concluded, for the reasons given in the representations, that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. They ought to be imposed, therefore, subject to minor amendments made in the interests of clarity.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise required by a condition attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
 - drawing number 263 – 0424-01 Rev B (Site Location Plan);
 - drawing number 263 – 0424-02 Rev A (Site Block Plan);
 - drawing number 263 – 0424-03 Rev B (Existing Topographical Survey);
 - drawing number 263 – 0424-04 Rev F (Proposed Additional Parking);
 - document L24415 – Materials Strategy;
 - document L24415-TLP-PA01 – Landscape Strategy.
- 3) All existing trees and hedgerows shown to be retained shall be protected in accordance with BS 5837:2012 “Trees in relation to design, demolition and construction – Recommendations” and the approved Arboricultural Impact Assessment and Arboricultural Method Statement.

Protective fencing and ground protection shall be installed prior to any site activity, including vegetation clearance, groundworks, or delivery of materials, and shall remain in place in good condition until all construction activity is complete, excluding soft landscaping.

Fencing shall be located on the Root Protection Area (RPA) margin and conform to the specification in Figure 2 (page 20) of BS 5837:2012, or Figure 3.a if agreed with the Local Planning Authority.

Warning signs shall be affixed to the fencing at intervals of no more than 10 metres, with a minimum of two signs per stretch, indicating the purpose of the fencing and penalties for damage.

The Local Authority Tree Officer shall be notified upon installation of the fencing to allow inspection and approval.

The Root Protection Area (RPA) shall remain free of all construction activity, including plant, machinery, personnel, excavation, service runs, changes in level, and storage of materials, for the duration of the development.

- 4) Prior to commencement of any development, a detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The documents shall be prepared in accordance with BS 5837:2012 and include the following:
 - A scaled plan showing retained trees and hedgerows, RPAs, fencing and ground protection areas;
 - Construction details for fencing and ground protection;
 - Details of hard and soft landscaping, service and drainage runs, and existing/proposed levels;
 - Methodology for works within RPAs using hand tools only;
 - Construction details for raised or no-dig surfaces and foundations;
 - Approach to managing significant roots encountered outside RPAs.Development shall be carried out in accordance with the approved details.

5) Prior to bringing into use any part of the development (or as otherwise agreed in writing), full details of new tree planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with BS 8545:2014 and include the following:

- Species, sizes, planting locations, spacings, and planting methods;
- Pre-planting ground preparation and long-term maintenance;
- Root deflection barriers and protection against compaction, vehicle impact, and de-icing salts;
- Confirmation of sufficient high-quality growing medium;
- Replacement of any trees that fail within five years of planting (the planting plan shall also show the location of street lighting columns, drains, and other services to demonstrate avoidance of conflict).

The approved scheme shall be implemented in full prior to the occupation or bringing into use of any part of the development (or as otherwise agreed in writing) and shall not be varied thereafter.

6) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR152, or a 'Further Licence') and with the proposals detailed on plan "New Car Parking: Impact plan for great crested newt District Licensing (Version 2)", dated 27 February 2025.

7) No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR152, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

8) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR152, or a 'Further Licence') and in addition in compliance with the following.

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

9) Prior to the commencement of any hardstanding or external surfacing works, an Ecological Enhancement Plan detailing the location and specification of faunal enhancements shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented so that physical measures are incorporated before the first use of the development hereby approved and thereafter retained in situ and not varied.

10) The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Statutory Biodiversity Metric and the approved Biodiversity Gain Plan has been submitted for approval by the Local Planning Authority. The HMMP shall include the following:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat for a period of 30 years from the completion of development, which shall be either first occupation of any building or any unit approved under this decision notice or practical completion of the development; and
- (e) a plan showing the detailed location of all the created and/or enhanced and/or retained habitats.

All the created and/or enhanced habitats within in the HMMP shall be installed prior to first occupation of any building or any unit approved under this decision notice or practical completion of the development.

Following first installation of all the created and/or enhanced habitats within in the HMMP, a written note confirming such installation, supported by annotated photographs showing all the created and/or enhanced habitats shall be submitted for approval by the Local Planning Authority.

The created and/or enhanced and/or retained habitats specified shall be managed and maintained in accordance with the approved HMMP including submission of monitoring reports for approval by the local planning authority in accordance with the methodology and frequency specified in the HMMP.

11) The development shall not be brought into use until a detailed scheme of sensitive lighting has been submitted to and approved by the Local Planning Authority. The scheme of sensitive lighting shall be prepared by a suitably qualified lighting professional, with evidenced input from a suitably qualified ecologist. The scheme of sensitive lighting shall include the following:

- A Lux contour plan showing the locations, intensity, and spill of any proposed lighting features overlain onto a plan of any features or habitats retained, enhanced, or created within the site of value to nocturnal wildlife (N.B. The Lux contours shall follow a readily interpretable colour scheme of intensity, the base map of the plan shall be a colour masterplan clearly annotated with the locations of habitats, features, and dark corridors);
- Detail on the mitigative measures and controls that shall be implemented to reduce light spill e.g., directional aids such as baffles and cowls, timing of operation and duration of any PIR activated lighting.

The development shall thereafter be completed in accordance with the approved details.

12) The development shall be carried out in full accordance with the approved Drainage Strategy Report for Proposed Car Park at Victory House, Wavendon, Milton Keynes, prepared by Abington Consulting Engineers, Revision C, dated 10 March 2025. The approved drainage measures shall be fully implemented prior to the first bringing into use of the car park and shall be retained and maintained thereafter.

13) The surface water drainage system shall include the following:

- Discharge at a rate not exceeding 2 l/s for all events up to the 1% AEP plus 40% climate change allowance;
- Attenuation via permeable paving and sub-base storage;
- Pumped discharge into the existing drainage system, with exceedance flows directed towards Walton Road;
- Water quality treatment in accordance with CIRIA SuDS Manual C753.

The drainage system shall be maintained in accordance with the submitted maintenance schedule and management plan for the lifetime of the development.

14) Prior to commencement of development, further details confirming the final discharge arrangements for surface water shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Confirmation of the outfall location and capacity of the receiving drainage system;
- Evidence of agreement in principle from the relevant third party to accept surface water discharge;
- Assessment of residual flood risk in the event of pump failure.

The development shall thereafter be carried out in accordance with the approved details.