

Objection to Planning Application PL/2026/03683

Cannings Hill Garage, Horton Road, Devizes, SN10 2JG

Proposed McDonald's restaurant/takeaway with drive-through facility, car parking, landscaping and associated works, including Customer Order Displays

Objector: Paul Howlett

Address: Elder, London Road, Devizes, SN10 2HF

Date: 17 July 2026

Note on Evidence and Approach

This objection is evidence-led. Its principal factual propositions are drawn from the applicant's submitted documents, with the relevant source identified where material.

Where I rely on my own observation, third-party material or indicative measurements scaled from the applicant's drawings, I say so and distinguish those matters from surveyed or information verified by the applicant.

The Executive Summary is intended to stand alone. It identifies the principal grounds of objection and the requested outcome. The numbered sections that follow provide the supporting evidence and analysis.

The objection advances two related but distinct cases:

- demonstrated conflict with the development plan and relevant national policy, principally Core Policies 2, 38 and 57 and Policy H1 of the Devizes Area Neighbourhood Plan; and
- failure to demonstrate compliance where the submitted evidence is incomplete, internally inconsistent, preliminary or does not assess the relevant impact or receptor.

The first concerns the planning judgment to be made on the evidence available. The second concerns whether the material before the Council is sufficient to support a reliable conclusion on the matters concerned.

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Executive Summary

I object to planning application PL/2026/03683.

This Executive Summary identifies the principal grounds of objection; each is developed in detail in the numbered sections that follow.

I live at Elder, a detached house on the London Road / A361 frontage directly opposite the proposed development site. Elder stands at the head of a short run of five homes on this frontage. The other four homes lie between the roundabout and Elder, all facing the site across the road with an open, unscreened aspect.

As the closest dwelling to the site, Elder would be among the most affected. That is supported by the applicant's own noise assessment, which identifies an adverse night-time delivery impact at Elder, and by the applicant's odour assessment, which identifies sensitive residential receptors to the north-west, including the London Road frontage.

The harm I describe would not stop at my boundary. The neighbouring London Road frontage homes share the same open relationship to the site. While I write in my own capacity, the applicant's own assessments indicate that the amenity concerns described are not unique to Elder.

I do not object to redevelopment in principle. My objection is to the specific form, intensity and location of this proposal: a 24-hour, vehicle-based restaurant and drive-through immediately beside the A361/Horton Road roundabout and close to existing homes.

This application must also be read alongside the three linked advertisement and signage applications:

- **PL/2026/03702** — illuminated building signage, PAY/COLLECT drive-through lettering, digital booth screen and soffit lighting;
- **PL/2026/03737** — 8-metre internally illuminated freestanding totem sign;
- **PL/2026/03738** — site signage, digital menu boards, banner unit, Play Land sign and operational signs.

Those applications are not freestanding. They form part of the same proposed 24-hour drive-through environment, and their cumulative effect must be assessed alongside the main planning application.

My objection rests on two strands: the harm the development would cause to me at Elder and to other nearby residents, and the wider harm it would cause to public amenity, highway safety, ecology, air quality and the proper planning of this edge-of-town location.

Residential amenity

Using the applicant's scaled PDF drawings, the approximate distances and their principal residential-amenity relevance are summarised below. These are indicative scaled measurements, not surveyed dimensions.

Element and application	Approximate distance from Elder's façade	Residential-amenity relevance
Site boundary across London Road (PL/2026/03683)	20–25 metres	Demonstrates the close and open spatial relationship between the frontage homes and the proposed 24-hour drive-through environment.
8-metre internally illuminated totem (PL/2026/03737)	25–30 metres	The tallest proposed illuminated element, visible in close relationship with first-floor bedroom accommodation. The 1.1-metre boundary treatment would not screen elevated windows from its visual presence or illumination.
Nearest parking and circulation area (PL/2026/03683)	25–35 metres	Vehicle arrivals and departures, headlights, voices, car doors and repeated vehicle turnover, including during late-night and early-morning periods.
Delivery vehicle route, manoeuvring and unloading activity (PL/2026/03683)	25–35 metres	A large articulated delivery vehicle would enter through the customer access, manoeuvre within the customer parking and circulation area and unload near the Corral. The applicant's noise assessment predicts night-time delivery noise at Elder at 43 dB against a 36 dB background, an excess of 7 dB classified as an adverse impact, and therefore requires deliveries to be prohibited between 23:00 and 07:00.
Drive-through circulation lane (PL/2026/03683)	35–45 metres	Engine noise, vehicle movements, idling, braking, acceleration and repeated headlight sweep within the 24-hour operation.
Play Space and internally illuminated Play Land sign (PL/2026/03738)	50–55 metres	External activity and an illuminated sign specified at up to 600 cd/m ² , within the visual corridor from first-floor accommodation and contributing to cumulative night-time illumination.

Element and application	Approximate distance from Elder's façade	Residential-amenity relevance
Nearest south-facing building signage and drive-through lettering (PL/2026/03702)	50–60 metres	Illuminated branding forming part of the commercial frontage and contributing to the cumulative night-time lighting environment.
Digital menu boards (PL/2026/03738)	60–70 metres	Illuminated digital displays specified at up to 600 cd/m ² , adding brightness, contrast and commercial imagery, with potential content changes.
Customer Order Displays and drive-through canopies (PL/2026/03683)	70–85 metres	Ordering audio, illuminated canopies, vehicle dwell time and repeated late-night operational activity.
<i>Note: Distances are approximate and derived from the applicant's scaled PDF drawings; the applicant should confirm precise siting, separation distances and sightlines. (Section 5.)</i>		

Taken together, these elements would create an intensive 24-hour operational environment directly opposite existing homes, with the greatest effects during late-night and early-morning periods when background noise is lower and sensitivity to disturbance and illumination is highest. (Sections 6, 7 and 12.)

The first-floor relationship is particularly important. At Elder, a bedroom adjoins an ensuite whose window faces the site across the A361. Although obscure glazed, the window would still admit light, which would also be perceptible from the bedroom through the glazed internal door. The applicant's own noise assessment records that the dwellings on Elder's side of the A361 "will have full view of the site", unlike the southern properties screened by mature trees. (Section 7.)

The Site Layout Plan shows only a 1.1-metre close-boarded "headlight screen" facing Elder, while the proposed car-park and drive-through luminaires would be mounted at 6 metres within the open visual corridor from first-floor accommodation. That ground-level treatment cannot reasonably be assumed to screen elevated windows from luminaires, headlights, illuminated signage, glow or reflected light. (Sections 7 and 11.)

Nor does the Proposed Lighting Layout assess that impact. It provides horizontal ground-level illuminance calculations at z=0, not light levels at first-floor windows, and does not assess direct visibility of luminaires, glare, reflected light, night-time glow or the combined effect of signage, site lighting and vehicle activity from elevated residential accommodation. (Sections 7 and 11.)

The applicant's noise assessment also identifies night-time delivery noise at Elder as an adverse impact and requires deliveries to be prohibited during night-time hours. That is a material concession: the proposed 24-hour use cannot operate without significant restriction if residential amenity is to be protected. (Sections 7 and 12.)

Lighting, signage and visual impact

The proposed development would create a comprehensive illuminated branded drive-through environment.

The combined package across PL/2026/03683, PL/2026/03702, PL/2026/03737 and PL/2026/03738 includes illuminated building signage, illuminated Golden Arches, illuminated PAY/COLLECT lettering, a digital booth screen, digital menu boards, an illuminated Play Land sign, a large freestanding banner unit, operational signage, Customer Order Displays, ordering canopies, site lighting and an 8-metre internally illuminated totem. (Sections 1 and 10.)

The site-signage application confirms one single digital menu board, three double digital menu boards, an internally illuminated Play Land sign, a double-sided banner unit approximately 4.82 metres wide and 2.06 metres high, and 17 DOT signs.

The digital menu boards and Play Land sign are each specified at a maximum luminance of 600 cd/m². This is not modest site identification. It is the illuminated and digital apparatus of a 24-hour drive-through operation. (Section 10.)

The applicant's own lighting material raises further concerns. The LiAS Design Notes refer to an E3/E4 Environmental Zone, despite the site's edge-of-settlement location close to open countryside. The existing night-time environment is characterised principally by highway and street lighting rather than continuous high-brightness commercial illumination.

The Proposed Lighting Layout identifies drive-through lighting with an average of 26.96 lux and maximum of 89.37 lux, car-park lighting averaging 25.81 lux, 20,000-lumen fittings mounted at 6 metres, no dimming in the wider site-lighting calculation, and a preliminary "PROPOSAL (NOT FOR CONSTRUCTION)" status.

Those matters undermine confidence in the assessment of cumulative night-time lighting, especially for first-floor residential accommodation at Elder. (Sections 7, 10, 11 and 25.)

The submitted material also contains unresolved inconsistencies. The PL/2026/03702 application form and sign schedule specify 500 cd/m² for the PAY/COLLECT lettering, while the corresponding drawing specifies 600 cd/m². The external-lighting documents also give conflicting outputs of 8,000 and 20,000 initial lumens for the relevant fittings.

The Council should not accept the applicant's conclusions on lighting, signage, residential amenity, ecological impact or driver distraction without a consolidated and verified lighting and signage schedule. (Section 11.)

Highway safety and active travel

The proposal would intensify car movement on the A361/Horton Road corridor, immediately beside a sensitive roundabout and close to the proposed site access, pedestrian crossing points and bus-stop activity.

The applicant's Transport Assessment does not adequately test the proposal against the hour of peak restaurant demand, and it should not be accepted without further scrutiny. (Section 8.)

The proposal would also conflict with the Council's own active-travel and transport strategy. London Road is identified in the Devizes Local Cycling and Walking Infrastructure Plan as a priority walking route with existing deficiencies.

Wiltshire's Local Transport Plan 4 seeks to reduce unnecessary car use, improve active-travel safety and move towards a Vision Zero approach. A car-dependent, 24-hour drive-through at this location points in the opposite direction. (Sections 4, 8 and 9.)

Sequential test and development-plan conflict

The site lies outside the defined limits of development for Devizes, contrary to Core Policy 2 of the Wiltshire Core Strategy and Policy H1 of the made Devizes Area Neighbourhood Plan. That boundary position was confirmed by a Secretary of State appeal decision. No equivalent tilted-balance presumption applies to this out-of-centre, 24-hour drive-through proposal. (Sections 3 and 23.)

The proposal is also an out-of-centre main town-centre use. The applicant records the building as 288 sqm gross internal area and 310 sqm gross external area, both exceeding the 200 sqm gross-floorspace threshold in Core Policy 38. The applicant instead relies on a customer area of 103 sqm, which is not the gross-floorspace test set by the policy. Although the applicant's Sequential Test contains a short section headed "Retail Impact", it does not provide the policy-compliant assessment required to examine effects on trade, investment, footfall, vacancy and the vitality and viability of Devizes town centre.

The sequential case is likewise deficient. It relies on a potentially inflated site-area requirement and does not demonstrate that sequentially preferable sites have been assessed through a sufficiently rigorous search or with the required flexibility on format, scale, parking and layout. The applicant has therefore not demonstrated compliance with either the sequential approach or Core Policy 38. (Section 13.)

Ecology, biodiversity net gain and Hilperton

The applicant's ecological evidence remains inadequate. It relies on a single dusk bat survey undertaken late in the active season, affected during the critical post-sunset emergence period by rain the surveyors recorded as too heavy for bats to emerge and fly in, and internally inconsistent as to which building was surveyed.

The applicant's later Lighting Review describes the site as having "Moderate Suitability" for foraging and commuting bats, raising a question as to whether the survey effort remains adequate. The ecological baseline has also been affected by scrub clearance before assessment. (Section 20.)

The applicant's own Preliminary Ecological Appraisal requires strict lighting controls, including warm-white lighting, avoidance of direct illumination of boundary habitats, retained trees and bat-box locations, and ecologist-reviewed lux scatter plots.

The submitted lighting material does not demonstrate that those requirements are met. In particular, the Proposed Lighting Layout is preliminary, not for construction, and does not account for obstructions such as trees. (Sections 11 and 20.)

Statutory biodiversity net gain is not met on site. The applicant proposes to rely on off-site habitat units and statutory credits, but the submitted material does not provide a complete and secured Biodiversity Net Gain Delivery Plan. (Section 19.)

Wiltshire Council refused a closely comparable McDonald's drive-through beside an A361 roundabout at Paxcroft / Hilperton, PL/2023/05469, with refusal reasons including insufficient ecological and drainage information. The facts are not identical, but the relevance is clear: unresolved ecological evidence has been treated by this

authority as capable of justifying refusal of a comparable McDonald's drive-through proposal. (Section 23.)

Air quality, odour, litter and wider operational effects

The proposal risks exacerbating air-quality harm on the A361 / London Road corridor. Although Wiltshire Council has indicated that revocation of some AQMAs may be possible, possible future revocation is not present revocation. Unless and until the Devizes AQMA is formally revoked, it remains part of the current planning context.

The application site forms part of the same affected A361 / London Road corridor. The Council should therefore not rely on a narrow assessment that fails to consider drive-through idling, queuing and the wider cumulative position on that corridor, including the live Aldi/Bike School application, committed development and emerging proposals nearby. (Sections 2 and 15.)

The applicant's odour assessment assigns the proposal a risk score of 30, classified as "High", reflecting the very high odour potential of the cooking process, the size of the kitchen and the proximity of sensitive residential receptors. (Section 14.)

Odour, litter, third-party courier activity, Play Space activity, delivery and refuse movements, construction impacts, land contamination and drainage all require careful scrutiny. These are not isolated technical matters. They form part of the same overall question: whether this compact site, directly opposite homes and beside a sensitive roundabout, is suitable for a 24-hour drive-through operation. (Sections 12, 14, 16, 17, 18, 21 and 22.)

Cumulative impact

The proposal should not be assessed against a static baseline. Nearby committed, live and emerging developments would add further commercial activity, vehicle movements, servicing, lighting, signage, pedestrian activity, air-quality pressure and residential-amenity impacts to the same A361/Horton Road corridor. (Section 2.)

The applicant's Transport Assessment and lighting/ecology material do not adequately assess the cumulative position now before the Council, including the live Aldi/Bike School application on the same corridor.

The Council should require updated cumulative assessment before relying on conclusions on highway safety, lighting, ecology, air quality or residential amenity. (Sections 2, 8, 11, 15 and 20.)

Planning balance

The employment the proposal would create is a genuine benefit, but it is not specific to this site. The applicant's Supporting Statement states that the development would provide "over 120 jobs for the community", but that is a gross headline figure, not a net gain specific to this location.

Comparable employment is already committed or being proposed nearby, and the proposal does not represent the sustainable, low-carbon growth the Council's own strategy seeks. That benefit does not outweigh the harms identified or the conflict with the development plan. (Section 24.)

Requested outcome

My primary position is that planning permission should be refused. If the Council is not prepared to refuse the application on the evidence presently available, determination

should be deferred until the further information identified in Section 25 has been provided, published and, where appropriate, subject to consultation.

If, contrary to my primary position, the Council remains minded to approve the application, the safeguards and conditions identified in Section 25 should be imposed in precise and enforceable terms.

They are a fallback only and should not be read as diluting the primary objection or as acceptance that a 24-hour drive-through use can be made acceptable in this location.

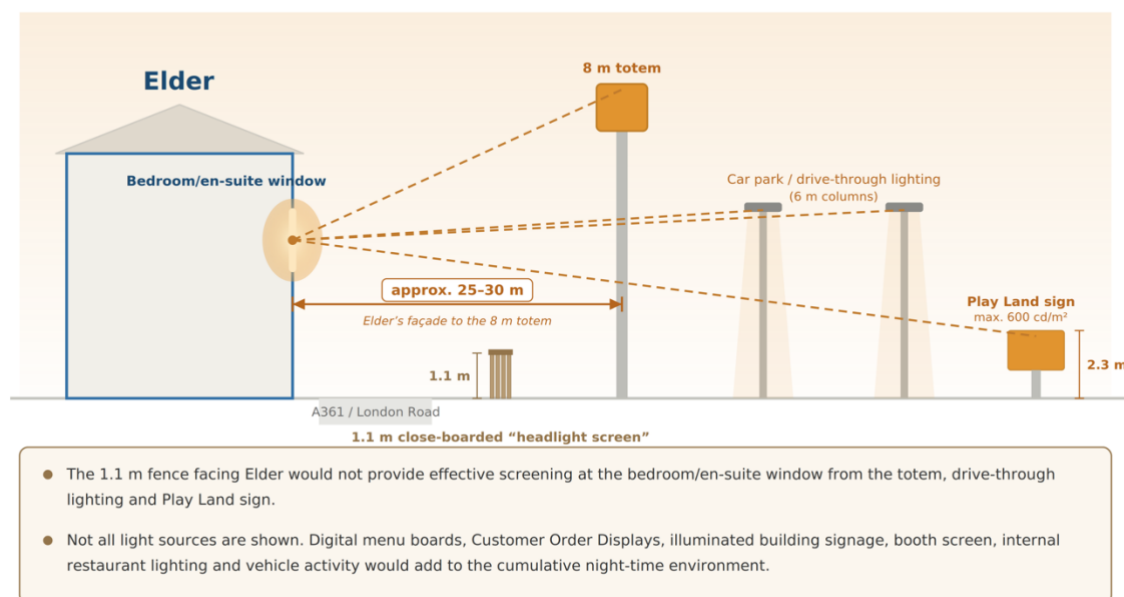
I also ask that the application be determined by Planning Committee rather than under delegated powers, and considered alongside the related applications.

Proximity of the proposed 24-hour drive-through and illuminated signage to Elder

The following indicative section shows why the proposed 1.1 metre close-boarded “headlight screen” would not provide effective screening for the first-floor bedroom/en-suite at Elder from the 8 m totem, 6 m lighting columns, Play Land sign and wider illuminated drive-through environment.

Cumulative night-time light intrusion into the first-floor bedroom/en-suite at Elder

Application PL/2026/03683, with linked applications PL/2026/03702, 03737 and 03738 — Cannings Hill Garage, Devizes
Objector's indicative section — not to scale; based on the applicant's submitted layout, signage and lighting information.



The diagram is not to scale and is based on the applicant's submitted layout, signage and lighting information. Not all light sources are shown; digital menu boards, Customer Order Displays, illuminated building signage, the booth screen, internal restaurant lighting and vehicle activity would add to the cumulative night-time environment.

This proximity is also relevant to the wider amenity impacts considered in Sections 7, 10, 12 and 14. The applicant should provide verified sightline sections and lux calculations for first-floor residential receptors.

Principal Reasons Why Permission Should Be Refused

The following are the principal reasons why I consider the application should be refused. Each is developed, with supporting evidence, in the numbered sections that follow; the relevant sections are given in brackets.

1. Unacceptable harm to residential amenity

As a 24-hour drive-through immediately opposite existing homes, the proposal would cause unacceptable harm through night-time light intrusion into first-floor accommodation, noise, deliveries and servicing, odour, vehicle activity, Customer Order Display activity, vehicle headlights and cumulative illuminated signage.

That harm is sharpened by the close proximity to Elder, the open line of sight recorded in the applicant's own material, the 1.1-metre Elder-facing headlight screen, 6-metre lighting columns, illuminated and digital signage, and the absence of verified first-floor sightline or lux calculations.

The Proposed Lighting Layout calculates horizontal ground-level lux at $z=0$; it does not assess light reaching first-floor residential windows. (*Sections 5, 6, 7, 10, 11, 12 and 14.*)

2. Inadequate highway, lighting, air-quality and cumulative assessment

The Transport Assessment does not adequately test highway impact against the proposal's own peak restaurant demand. No assessment before the Council properly tests the cumulative effect of this proposal alongside the live Aldi/Bike School proposal and nearby committed or emerging development. The lighting and ecological evidence also remains incomplete and internally inconsistent.

In particular, the applicant's lighting material relies on an E3/E4 Environmental Zone assumption, preliminary lighting drawings, unresolved lighting-output inconsistencies, and ground-level lux calculations which do not assess elevated residential receptors.

The Council should require further information before determination, including a consolidated lighting and signage schedule, verified first-floor sightline and lux assessments, an updated Transport Assessment, cumulative assessment, repeat bat surveys and further BNG evidence. (*Sections 2, 7, 8, 9, 11, 15, 19, 20 and 25.*)

3. Failure of the Sequential Test and Retail-Impact Requirements of Core Policy 38

The site is out of centre, and the applicant has not demonstrated compliance with either the sequential approach or Core Policy 38. The proposal exceeds the policy's 200 sqm gross floorspace threshold.

Although the Sequential Test includes a section headed "Retail Impact", it does not provide a policy-compliant assessment of effects on trade, investment, footfall, vacancy or the vitality and viability of Devizes town centre.

The sequential case is also deficient. It relies on a potentially inflated site-area requirement, treats the preferred drive-through format and parking provision as substantially fixed, and does not demonstrate that sequentially preferable sites have been assessed through a sufficiently rigorous search or with appropriate flexibility on format and scale. (Section 13.)

4. Unresolved ecological evidence and biodiversity net gain

The bat and ecological survey evidence remains inadequate and internally unclear. The applicant relies on a single dusk bat survey undertaken late in the active season, affected during the critical post-sunset emergence period by rain which the surveyors recorded as too heavy for bats to emerge and fly in. The ecological baseline has also been affected by clearance before assessment.

The applicant's own ecological material requires strict lighting controls, but the submitted lighting evidence does not demonstrate that those controls would be met. Statutory biodiversity net gain is not met on site and remains dependent on off-site habitat units and statutory credits without a complete and secured delivery plan.

These are deficiencies Wiltshire Council has treated as capable of justifying refusal of a comparable McDonald's drive-through at Hilperton. (*Sections 11, 19, 20 and 23.*)

5. Conflict with the development plan

The site lies outside the defined limits of development for Devizes, where Core Policy 2 of the Wiltshire Core Strategy and Policy H1 of the made Devizes Area Neighbourhood Plan impose strategic restraint on development beyond those limits. This boundary position was confirmed by a Secretary of State appeal decision.

The proposal would also conflict with Core Policy 57 by introducing an intensive 24-hour drive-through use, with lighting, signage, noise, odour, vehicle activity and servicing impacts, into a constrained edge-of-settlement location close to homes and open countryside. (*Sections 3, 7, 10, 11 and 23.*)

6. Conflict with active-travel and sustainable-transport policy

The proposal would intensify vehicle movement on a corridor already identified by the Council as deficient for walking and cycling. London Road is identified in the Devizes LCWIP as a priority walking route requiring improvement, while Wiltshire's Local Transport Plan 4 seeks to reduce unnecessary car use, improve active-travel safety and move towards Vision Zero.

The applicant proposes 37 parking spaces against a Council maximum standard of between 14 and 20 spaces on the applicant's own public-floorspace figures, and states that this level of parking is required to meet operational demand. That confirms the car-dependent nature of the use and sits uneasily with the Council's current transport strategy. (*Sections 4, 8 and 9.*)

7. The planning balance

The employment benefit relied upon is a genuine consideration, but it is a gross headline figure, not a net gain specific to this site. Comparable employment is already committed or proposed nearby, and the proposal does not represent the sustainable, low-carbon growth the Council's own strategy seeks.

That benefit does not outweigh the identified harms: unacceptable residential amenity impact, inadequate lighting and ecological evidence, highway and pedestrian-safety concerns, failure of the sequential test, conflict with the development plan, and the absence of a proper cumulative assessment. (*Section 24.*)

For the reasons set out in the following Sections, I respectfully request that the application be refused.

1. Related Applications

This objection relates to the main planning application PL/2026/03683. However, it cannot be assessed in isolation from the following linked advertisement applications, which together constitute the full scope of the proposed development:

- PL/2026/03702 — illuminated building signage, PAY/COLLECT drive-through lettering, digital booth screen and soffit lighting;
- PL/2026/03737 — 8-metre internally illuminated freestanding totem sign;
- PL/2026/03738 — site signage, digital menu boards, banner unit, Play Land sign and operational signs.

Taken together, these applications describe a comprehensively illuminated, digitally branded, 24-hour drive-through environment. They should be assessed cumulatively, not as separate and independent applications.

2. Cumulative Development Context

The McDonald's application should not be assessed against a static existing baseline. The A361/Horton Road corridor is already subject to committed, live and emerging proposals which, taken together, could materially alter the traffic, servicing, lighting, signage, pedestrian, air-quality and amenity context in which this proposal would operate.

Live Aldi / Bike School application

There is a live hybrid planning application by Aldi, PL/2026/01361, on land south of London Road. Its Transport Assessment assesses a 1,787 sqm Aldi food store, a coffee drive-through unit of up to 205 sqm and an 8-space EV charging hub on the adjoining London Road / Horton Road corridor.

That proposal would introduce a new all-movements ghost-island priority junction onto the A361 London Road, adding a further access point, turning movements, customer traffic, servicing traffic, pedestrian and cycle movements, drive-through activity and EV-charging activity to the same short corridor.

The Aldi Transport Assessment forecasts total development trips of 83 two-way movements in the weekday morning peak, 199 in the weekday evening peak and 289 on Saturday before trip-type adjustment.

After applying trip-type assumptions, it identifies a net effect at the London Road / Horton Road roundabout of 26 two-way movements in the AM peak, 76 in the PM peak and 105 on Saturday.

The McDonald's Transport Assessment does not assess the live Aldi / coffee drive-through / EV-charging proposal cumulatively, even though the Aldi application had already come forward before the McDonald's Transport Assessment was finalised.

Conversely, the Aldi Transport Assessment does not assess the McDonald's proposal. Each applicant has therefore assessed its own scheme against a baseline that excludes the other.

Committed business park and emerging Moonraker Park

There is also committed development nearby to the east. A business park on land off Horton Road was allowed at appeal on 16 February 2024, under PL/2022/00977. That

consented scheme is not speculative; it forms part of the planning context against which the McDonald's application must be assessed.

However, the same general land is now being promoted as Moonraker Park. The emerging consultation material describes a more retail-led proposal, including a Tesco food store, a DIY superstore, a Starbucks coffee shop and small commercial units. I do not treat that as a planning application or committed development, but it is relevant to any realistic assessment of how this corridor may change.

The distinction matters. The committed scheme is an employment / business-park proposal. The emerging Moonraker Park material points towards a potentially different retail-led form of development, with a different traffic, servicing, lighting, signage and activity profile.

Why this matters

I do not put this as a simple roundabout-capacity objection. The cumulative issue is wider than junction capacity. It includes highway safety, turning movements, the new Aldi A361 access, the McDonald's Horton Road access, HGV servicing, pedestrian and cycle movements, drive-through circulation, illuminated signage, customer dwell time, air quality and the overall operational intensity of the corridor.

The issue is not whether Aldi, the consented business park, or Moonraker Park are acceptable in their own right. The issue is whether the McDonald's proposal has been assessed against a realistic cumulative corridor scenario. In my submission, it has not.

Before determining PL/2026/03683, the Council should require an updated cumulative assessment covering transport, highway safety, servicing, pedestrian and cycle movements, lighting, signage, air quality, noise and residential amenity.

3. Relevant Planning Policy

The application must be assessed against the development plan and the National Planning Policy Framework.

National policy

The relevant NPPF provisions include:

- paragraph 135: design, amenity, safety and quality of life;
- paragraphs 110 and 115–118: sustainable locations, sustainable transport, pedestrian and cycle priority, transport assessment and highway safety;
- paragraph 198(c): limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation; and
- paragraphs 187 and 193: biodiversity enhancement, measurable net gain and the mitigation hierarchy.

Wiltshire Core Strategy

The relevant Core Strategy policies include:

- Core Policy 57: design, compatibility of uses, residential amenity, noise, light intrusion, fumes, smells, waste and litter;
- Core Policies 60, 61 and 62: sustainable transport and highway impacts;
- Core Policy 50: biodiversity and geodiversity;

- Core Policy 55: air quality;
- Core Policy 56: contaminated land; and
- Core Policies 67 and 68: flood risk and water resources.

In my submission, the proposal conflicts with these policies because it would introduce an intensive 24-hour drive-through use in a constrained location, close to homes and beside a sensitive roundabout junction, with unacceptable impacts from vehicle activity, lighting, signage, noise, servicing, odour and ecological disturbance.

Outside the limits of development

Core Policy 2 is also engaged. It directs development to sustainable locations and restricts development outside defined settlement limits unless justified by other policies of the Plan.

The application site lies outside the defined limits of development for Devizes. No exception policy has been identified which would justify a 24-hour illuminated drive-through restaurant in this location.

That position is reinforced by the made Devizes Area Neighbourhood Plan. Policy H1 defines the Settlement Framework Boundary and explains that it exists, among other things, to protect the landscape setting of the settlement and the transitional edge between urban and rural environments.

The application site lies outside that boundary, on the rural side of the transitional edge. That is consistent with the applicant's own description of the site as an edge-of-town location.

Read together, Core Policy 2 and Policy H1 provide a clear development-plan basis for objection. Core Policy 2 supplies the strategic restraint outside defined settlement limits, while Policy H1 confirms the relevant Devizes boundary and the local purpose it serves.

Appeal decisions on the Devizes boundary

This interpretation is supported by the Secretary of State's decision in appeal reference APP/Y3940/A/13/2206963, dated 21 September 2016. Although that appeal concerned a larger mixed-use proposal, it is directly relevant because it confirms the status and purpose of the Devizes Settlement Framework Boundary.

The Inspector found that Policy H1's Settlement Framework Boundary equated with the "limits of development" for the purpose of Core Policy 2, and that the development plan imposed a restriction on development outside those limits. The Secretary of State agreed that the proposal was contrary to Core Policy 2 and Policy H1 and dismissed the appeal.

A later housing appeal, APP/Y3940/W/22/3312268, was allowed under the tilted balance because of housing land supply. No equivalent presumption applies to an out-of-centre, 24-hour drive-through. This proposal must therefore be assessed against Core Policy 2 and Policy H1 on their own terms.

Rural-edge character and dark skies

The proposal would change the character of this part of the parish by introducing a branded, comprehensively illuminated, highway-oriented 24-hour drive-through on the Bishops Cannings side of the Devizes Settlement Framework Boundary, close to open countryside.

External lighting, illuminated and digital signage, vehicle headlights and continuous night-time activity would intensify the commercial roadside character of this transitional edge, eroding its relative darkness and tranquillity.

This would fail to respect the distinction between Devizes and the open countryside that Policy H1 seeks to protect.

In my submission, this creates further conflict with Core Policy 57, NPPF paragraph 198(c), and the purpose of the Settlement Framework Boundary defined by Policy H1.

4. Conflict with the Council's active-travel and transport strategy

London Road is already identified as deficient

The proposal should be assessed against Wiltshire Council's adopted Devizes Local Cycling and Walking Infrastructure Plan (LCWIP, March 2023). The LCWIP identifies London Road as a priority walking route, DW1, and treats existing walking and cycling conditions on this corridor as a documented problem requiring intervention.

Stakeholder feedback recorded in the LCWIP describes the route as narrow, discontinuous and not fit for purpose, with safety concerns arising from HGVs, narrow road conditions and high-speed traffic. Horton Road is specifically identified as having high vehicle speeds and narrow road conditions.

LTP4 points in the opposite direction

Wiltshire's Local Transport Plan 4, endorsed by Full Council in March 2025, is built around an "Avoid, Shift, Improve" framework. It seeks to reduce unnecessary travel, influence demand for private car use, deliver LCWIP infrastructure, improve active-travel safety, reduce vehicle speeds near residential areas, and adopt a "Vision Zero" ambition.

A car-dependent, 24-hour drive-through that intensifies private-vehicle movements at this junction runs against those adopted aims. The applicant's Transport Assessment cites the LCWIP as a benefit to the site but does not properly address the same document's identification of this corridor as deficient and prioritised for active-travel investment.

The applicant's own parking case confirms car dependency

The applicant's Transport Assessment proposes 37 parking spaces against a Council maximum standard of between 14 and 20 spaces on the applicant's own public-floorspace figures, and states that this provision is "required to meet the operational demand of the proposed restaurant."

The applicant therefore accepts that the development requires substantially more parking than the Council's maximum standard permits on any of its own figures, confirming the car-dependent nature of the use.

The parking assessment also relies on comparator restaurants, but the Transport Assessment is internally unclear about which restaurants were used: Table 5A refers to Corby and Skelton, while paragraph 6.2.1 refers to Skelton and Totton.

The Highway Authority should confirm which comparator sites were used, whether they are representative of this location, and whether the parking and demand assessment can safely be relied upon.

The Council has recognised this corridor as a problem for years

These concerns are neither new nor isolated. The made 2015 plan recorded significant congestion, poor pedestrian and cycle provision, and an extensive Air Quality Management Area along Devizes' main roads.

The 2023 LCWIP records the same corridor as a deficient priority route. More recently, following public consultation in 2025, the Council confirmed that it is progressing active-travel improvements along London Road, including a feasibility study for a new pedestrian and cycle bridge.

The Council has therefore documented and acted upon walking, cycling and safety problems on this corridor over a sustained period. Against that background, the applicant's conclusion that the proposal raises "no highway safety issue that needs to be addressed" should be treated with caution.

The proposal's intensification of car movement on this corridor is contrary to the direction of the Council's current transport strategy.

5. Residential Proximity and Site Constraint

The applicant's Site Location Plan identifies a compact application site of approximately 3,887 m² directly opposite Elder across the A361. Within that area, the proposal accommodates a 24-hour restaurant and drive-through, parking, servicing, circulation, Customer Order Displays, Play Space, lighting and extensive signage.

The indicative distances set out in the Executive Summary, including approximately 20–25 metres to the site boundary and 25–30 metres to the proposed 8-metre illuminated totem, demonstrate the close and open relationship between the development and the frontage homes.

Those measurements were derived from the applicant's scaled PDF drawings, from the nearest visible part of Elder's façade to the nearest part of each feature. They are indicative rather than surveyed dimensions, and the applicant should confirm the precise separation distances and sightlines.

The open relationship between Elder, the application site and the A361/Horton Road roundabout, including the first-floor residential outlook and the existing day- and night-time context, is shown in the accompanying Schedule of Photographs. Those photographs were taken on 16 July 2026. They are ordinary photographs and are not calibrated measurements of illuminance, luminance or distance.

6. The Proposal is a 24-Hour Drive-Through Use, Not an Ordinary Restaurant

The application form confirms unrestricted 24-hour operation, Monday to Sunday and Bank Holidays. This is not a conventional restaurant. It is a sui generis restaurant/takeaway and drive-through use, with Customer Order Displays, car parking, drive-through circulation, grill bays, deliveries, refuse provision, plant, external signage and operational lighting capable of activity throughout the night.

The applicant's supporting brochure, *Goal Post Height Restrictor and COD/Canopy — Digital Drive Thru Lane* (Butterfield Signs), illustrates the character of the drive-through ordering infrastructure proposed.

Each Customer Order Display is a substantial engineered structure carrying a speaker, microphone, camera, illuminated "ORDER HERE" lettering and a fluorescent-tube-lit canopy niche, set beneath a GRP canopy and served by double

digital menu-board screens, with a height-restriction goal post spanning the ordering lane. The submitted site layout plan confirms that two such COD and canopy units are proposed on this site.

These are not the incidental fittings of an ordinary restaurant. They are the illuminated, audible and managed apparatus of a 24-hour drive-through ordering lane.

The existing site is a petrol filling station, car sales and vehicle repair operation. That use generates daytime traffic and commercial activity. It is materially different in character from a 24-hour restaurant and drive-through. It does not generate late-night or early-morning customer visits, idling vehicles, ordering activity, amplified voices, headlights sweeping across residential properties, illuminated digital signage or continuous operational noise through the night.

The contrast is reinforced by the terms of a recent permission on the same corridor. In the 2023 Coate Road appeal, reference APP/Y3940/W/22/3312268, the commercial element allowed was not a standalone roadside operation. It was a small local centre ancillary to housing, capped at 1,000 square metres gross internal area, subject to conditions restricting deliveries to between 07:00 and 23:00 on weekdays, with shorter hours on Sundays, and requiring the Council's approval of its operating hours.

Even where the planning system permitted commercial uses on this corridor, and did so under the tilted balance, it confined them in scale and prevented them from operating through the night. The present proposal, by contrast, is a standalone, uncapped, 24-hour drive-through expressly designed to trade overnight.

The Council is therefore asked to:

- assess the proposal as a 24-hour drive-through operation, not as an ordinary restaurant;
- assess the Customer Order Displays, canopies, digital menu boards and ordering infrastructure as part of the operational, lighting, noise and residential-amenity impact of the use;
- assess the real-world impact of the proposed use as a whole, rather than simply comparing it with the existing commercial use on the site;
- refuse unrestricted 24-hour operation unless the applicant has demonstrated that late-night and early-morning amenity impacts can be made acceptable.

7. Harm to Residential Amenity

Cumulative 24-hour disturbance

The principal residential amenity concern is the cumulative and continuous effect of a 24-hour drive-through use, including customer vehicle arrivals and departures, drive-through movements, ordering activity, idling engines, car doors, voices, amplified music from vehicles, Customer Order Display audio, headlights, car-park and drive-through lighting, illuminated signage, deliveries, refuse activity, litter and potential late-night anti-social behaviour.

These effects would be most intrusive during late-night and early-morning periods, when background noise is lower and residents are entitled to expect quiet and darkness.

Cumulative night-time light intrusion into a first-floor bedroom

The night-time lighting impact would bear directly on first-floor accommodation at Elder. A first-floor bedroom adjoins an en-suite whose window faces the application site across the A361 frontage. Although that window is obscure glazed, obscure glazing reduces outlook, not light. Illumination entering the en-suite would also be perceptible from the bedroom through the glazed internal door.

The applicant's own noise assessment records that dwellings on Elder's side of the A361 "will have full view of the site", in contrast to the screened southern properties. Elder is not unique in that respect: the neighbouring London Road frontage homes share the same open relationship with the site.

The harm is cumulative. It arises from the combined night-time effect of the 8-metre internally illuminated totem, digital menu boards, the illuminated Play Land sign, Customer Order Displays and canopies, car park and drive-through lighting, illuminated building signage, vehicle headlights and internal restaurant lighting.

The proposed 1.1-metre close-boarded "headlight screen" facing Elder is a ground-level treatment. It cannot reasonably be assumed to protect first-floor accommodation from light intrusion, glow, vehicle headlights, illuminated signage or lighting columns within a 24-hour drive-through environment.

That screening concern is sharpened by the height of the proposed lighting columns. The applicant's lighting material identifies drive-through and car-park luminaires mounted at 6 metres.

On the applicant's layout, those columns appear to sit directly opposite Elder and within the visual corridor from first-floor accommodation towards the application site. They would stand well above the 1.1-metre boundary treatment.

The Proposed Lighting Layout also does not assess the relevant impact. Its figures are horizontal illuminance values at ground level, measured in lux at $z=0$ across the car park and drive-through.

They are not calculations of light reaching first-floor windows at Elder, and they do not assess direct visibility of luminaires, glare, reflected light, night-time glow or the combined visual effect of signage, site lighting and vehicle activity from elevated residential accommodation.

That omission is material. A 24-hour drive-through opposite first-floor sleeping accommodation requires assessment of elevated residential receptors, not only ground-level spill.

The applicant should therefore be required to provide verified sightline sections and lux calculations for first-floor residential receptors at Elder and the neighbouring London Road frontage homes.

This is a recognised harm to residential amenity, engaging Core Policy 57 and NPPF paragraph 198(c).

Night-time servicing concession

The applicant's own noise assessment acknowledges that night-time delivery noise at Elder would result in an adverse impact, requiring deliveries to be prohibited during night-time hours. That is a material concession. It demonstrates that the proposed 24-

hour use cannot operate without significant restriction if residential amenity is to be protected.

Late-night activity and anti-social behaviour

A 24-hour hot-food drive-through is capable of attracting late-night congregation, litter, vehicle activity and disturbance. Litter, noise and anti-social behaviour associated with late-night fast-food premises are recognised material considerations, engaged here by NPPF paragraph 135(f).

Police.uk data for the Devizes Town policing area records anti-social behaviour as the second most commonly reported crime category in April 2026, with 32 reports. I do not suggest that this proposal would itself cause crime, but the Council should consult Wiltshire Police, including the Designing Out Crime Officer, before permitting unrestricted 24-hour operation.

The applicant's treatment of anti-social behaviour at paragraphs 3.21 to 3.23 of the Supporting Statement is generic and reactive: conflict-resolution training, liaison with the Council and Police, CCTV and witness statements after the event. It is not site-specific, not secured by condition, and does not design out the risk before it arises.

Mitigation does not avoid the harm

Proposed planting, fencing and operational management are not the same as avoiding harm. Much of the planting would be immature at opening and cannot be assumed to screen headlights, signage, lighting and 24-hour vehicle activity from day one.

Conditions cannot overcome the fundamental unsuitability of unrestricted 24-hour operation in this location.

8. Highway Safety and the Roundabout Context

The site lies immediately adjacent to the A361/Horton Road roundabout, with access from Horton Road. This is not a minor local junction: it sits on the A361, the principal route north-east from Devizes towards Bishops Cannings and Swindon.

Vehicles entering and leaving the site would do so close to a junction where drivers are simultaneously slowing, accelerating, turning and negotiating approach lanes. The proposal therefore requires careful scrutiny of the local highway environment, not simply the capacity of the roundabout itself.

Speed environment and stopping distances

The applicant's own Transport Assessment confirms that the national speed-limit terminal is only 86 metres north-east of the A361/Horton Road roundabout.

For drivers travelling out of Devizes, the national speed limit commences at that point; for drivers approaching from the Bishops Cannings / Swindon direction, it marks the point at which the national speed limit ends shortly before the roundabout. Drivers must therefore respond to the speed-limit transition, the roundabout, the proposed site access, highway signs and other traffic movements within a short distance.

The Transport Assessment also incorrectly describes Horton Road as subject to a 50mph speed limit. The current speed limit at the proposed access is 40mph, which does not inspire confidence in the robustness of the Assessment.

Introducing a 24-hour drive-through access, delivery and refuse movements, and additional illuminated commercial signage into this already demanding highway

environment increases driver workload and should be assessed against the actual daytime and night-time operating conditions.

Queuing and peak-hour assessment

The applicant's own surveys record queues of up to ten vehicles on the A361 north-east approach to the A361/Horton Road roundabout (Transport Assessment, paragraph 7.1.7).

On my own observation, inbound traffic towards Devizes also queues on this approach during the weekday morning peak and during the weekday late-afternoon peak, broadly between 16:00 and 18:00, the latter overlapping with the restaurant's own identified PM peak of 17:00–18:00.

The approach also contains red high-friction surfacing, a feature the Highway Authority should take into account when considering braking, queueing and approach-speed conditions.

The applicant's own accident review records two slight personal-injury collisions within the study area, both at the A361/Horton Road roundabout, including one involving a pedal cycle in darkness (Table 2E).

While the applicant concludes that this does not indicate a highway-safety problem requiring action, it confirms that the recorded injury collisions are concentrated at the very junction where customer, servicing and delivery movements would intensify.

Has the proposal been assessed against the right conditions?

The applicant concludes that the development would not have a material impact on the roundabout. However, that conclusion should be tested against the relevant period.

The Transport Assessment assesses network conditions during the weekday PM peak of 15:00–16:00, whereas the restaurant's own PM peak is identified as 17:00–18:00 (Table 5B). The Assessment therefore does not adequately test conditions during the period of greatest restaurant demand.

The traffic baseline also requires caution. The Transport Assessment includes the full traffic generation of the former petrol filling station, despite acknowledging that the filling station is currently closed and that only the repair/MOT centre and car sales remain operational (paragraph 2.3.1).

The Council should distinguish between that lawful theoretical baseline and the current operational conditions when assessing the proposal's traffic impact.

Pedestrian safety on Horton Road

Bishops Cannings Parish Council, while supporting the neighbouring Aldi application, recorded serious pedestrian-safety concerns on Horton Road. It stated that Horton Road is already busy, with large buses serving stops on both sides of the road several times each hour, and that farm traffic and HGVs routinely use the road, making crossing difficult for pedestrians.

It also noted that vehicles often overtake stationary buses at those stops, and that two serious road accidents had been recorded within the last five years involving cars and children crossing Horton Road.

That evidence is local, specific and balanced. The Parish Council supported development on this frontage but nevertheless considered pedestrian safety sufficiently important to seek assurance that safe crossing facilities would be provided.

Bus stops and school activity

This concern has a particular focus close to the proposed access. The Ferozeshah Road bus stop on Horton Road (NaPTAN reference 4600WIA10264) lies a short distance from the proposed vehicular access.

From local experience, this stop serves school journeys to and from Bishops Cannings Church of England Primary School. Parents park and gather there at school times, adding pedestrian activity and stationary or manoeuvring vehicles to this stretch of Horton Road at predictable times of day.

Collision data is not enough

The Transport Assessment concludes at paragraph 2.5.4 that there is "no highway safety issue that needs to be addressed", relying principally on the recorded collision history. That conclusion should not be accepted without further scrutiny.

Police-recorded collision data is relevant, but it is not a complete assessment of pedestrian safety. It may not capture damage-only incidents, unreported incidents, near misses, local crossing difficulty, bus-overtaking behaviour or the practical experience of pedestrians using this road.

The Council should therefore assess the McDonald's access and crossing arrangements against the actual pedestrian environment of Horton Road, not collision data alone.

Proposed highway works

The applicant's Site Layout Plan shows that the proposal relies on further highway works at the A361/Horton Road roundabout and site frontage, including:

"Highway works, including road widening, pedestrian route, site access and crossing improvements - All under separate agreement with L.A. and all as Highways engineers details."

The plan also labels new pedestrian crossings and a new pedestrian island crossing. These works are material to the safety and operation of the scheme, but their final design, geometry, land-take and relationship with the roundabout, site access, pedestrian routes and residential frontage are not fixed in the application drawings.

The Council should not treat these works as resolved mitigation unless it has before it a clear, assessable and deliverable highway design.

That is particularly important because the site is already tightly configured, with a 24-hour drive-through, 37 parking spaces, delivery and refuse movements, Customer Order Displays, drive-through circulation, pedestrian routes, landscaping and lighting. If road widening or crossing works alter the frontage layout, their effect on parking, servicing, circulation, pedestrian safety and residential amenity should be assessed before determination.

Cumulative highway interventions

This is particularly important because the live Aldi/Bike School application on the same corridor proposes its own new all-movements ghost-island priority junction onto the

A361 London Road, serving a 1,787 sqm Aldi food store, a coffee drive-through unit of up to 205 sqm and an 8-space EV charging hub.

Its Transport Assessment also acknowledges the adjoining permitted employment development to the east.

The Council therefore has before it more than one live or committed highway intervention on the same short corridor, and those effects should be assessed together rather than scheme by scheme.

Servicing, refuse and parking conflict

Servicing and refuse movements require particular scrutiny at this constrained junction. The applicant's material confirms that deliveries would be made by a 16.62-metre articulated vehicle and that refuse would be collected from the waste corral/compactor area.

The Site Layout Plan does not show a dedicated service yard or marked delivery bay. Instead, the articulated vehicle appears to enter through the customer access, manoeuvre within the customer car park and circulation area, unload near the Corral, and exit back onto Horton Road. That is consistent with Transport Assessment paragraph 4.6.8.

The Transport Assessment relies on swept-path analysis, but that analysis appears to assume sufficient customer parking and circulation space is available during deliveries. The applicant's own Transport Assessment identifies peak parking demand of 28 vehicles on Friday and 32 on Saturday against 37 spaces.

The Delivery Management Plan (DMP) confirms that deliveries would occur three to five times per week between 07:00 and 23:00, and that ten parking spaces plus the motorcycle bays would be coned off during deliveries, leaving only 27 spaces available. That is below the applicant's own assessed Saturday peak demand.

The DMP states that deliveries would be confined to "quiet trading periods", but "quiet" is undefined, not secured by condition, and the permitted delivery window begins at 07:00, coinciding with the weekday network morning peak identified in the Transport Assessment. The risk of deliveries overlapping with busy trading or peak network conditions therefore cannot be discounted.

The applicant's own Noise Impact Assessment also concludes that night-time deliveries at Elder would be unacceptable. Servicing and refuse activity must therefore be confined to controlled daytime hours, making it essential that the Council is satisfied those movements can be accommodated safely without parking conflict, access obstruction, waiting on Horton Road or reversing onto or off the highway.

Matters for Wiltshire Council and the Highway Authority

Before determining the application, Wiltshire Council and the Highway Authority should require:

- verification that the Transport Assessment has assessed the proposal against the current highway environment, including the 40mph speed limit on Horton Road;
- assessment of highway impacts during the restaurant's own peak trading period (17:00–18:00), as well as the weekday morning peak;

- a clear, assessable and deliverable design for the proposed highway works before those works are treated as mitigation;
- swept-path analysis demonstrated with the car park occupied to the applicant's own assessed parking-demand levels;
- reconciliation of the Transport Assessment's "no highway safety issue" conclusion with the recorded concerns of Bishops Cannings Parish Council, including the interaction between the proposed access, the Ferozeshah Road bus stop and school-time pedestrian activity.
- a servicing and parking management scheme demonstrating how deliveries, refuse collection, customer parking, drive-through circulation and access movements would operate safely when demand is high; and
- an assessment of the cumulative effects of these highway works alongside the live Aldi proposal on the same corridor.

9. Travel Plan Inadequacy

The submitted Travel Plan is primarily concerned with staff travel. That is a fundamental weakness, because the dominant transport impact of this proposal arises from customer vehicle movements, not staff commuting.

The Travel Plan does not adequately address customer vehicle trips; drive-through demand and queuing; late-night and early-morning vehicle movements; weekend and evening peak periods; interaction with the A361/Horton Road roundabout; third-party courier activity; idling and short-stay parking; or conflict between pedestrians, parked vehicles, delivery vehicles and drive-through traffic.

A Travel Plan focused on staff travel cannot adequately mitigate the principal transport and amenity effects of a vehicle-based 24-hour drive-through use and does not meet the expectation in NPPF paragraph 118 for an adequate travel plan and transport assessment where significant movement is generated.

The Council should require a full assessment of customer vehicle movements, drive-through queuing and night-time activity before any permission is granted.

10. Cumulative Lighting, Signage and Visual Impact

The combined signage package across PL/2026/03683, PL/2026/03702, PL/2026/03737 and PL/2026/03738 includes illuminated building signage, illuminated Golden Arches, illuminated PAY and COLLECT drive-through lettering, a digital booth screen, digital menu boards, an illuminated Play Land sign, a large freestanding banner unit, operational signage and an 8-metre internally illuminated freestanding totem.

The site-signage application PL/2026/03738 confirms that the package includes one single digital menu board, three double digital menu boards, an internally illuminated Play Land sign, a double-sided banner unit approximately 4.82 metres wide and 2.06 metres high, and 17 DOT signs. The digital menu boards and Play Land sign are each specified at a maximum luminance of 600 cd/m².

The COD/canopy brochure confirms that the ordering points are also illuminated independently of the digital menu-board screens. Each includes illuminated "ORDER HERE" lettering and a lit canopy niche.

The cumulative night-time lighting environment would therefore include the ordering canopies, digital menu boards, building signage, totem, car park and drive-through lighting, vehicle headlights and internal restaurant lighting.

That is not modest site identification. It is a comprehensive illuminated branded drive-through environment. Its effect should be assessed cumulatively, particularly given the proposed 24-hour operation and the open relationship between the site and the frontage dwellings opposite.

The linked advertisement applications should therefore be assessed together, and in the context of the main planning application. They cannot properly be considered in isolation from the total lighting, signage and vehicle-movement environment the development would create.

11. Lighting and Luminance Evidence: Environmental Zone, Inconsistencies and Preliminary Status

The linked advertisement documents contain inconsistent luminance figures. In particular, the PL/2026/03702 application form and Building Signage Elevations sign schedule, drawing 9045-SA-2029-P009, specify 500 cd/m² for the fascia signs and PAY/COLLECT booth lettering, while the submitted PAY/COLLECT drawing specifies 600 cd/m² for the same lettering. Other illuminated elements are also specified at 600 cd/m².

The applicant's documentation may also be internally inconsistent as to the location of proposed illuminated signage. The PL/2026/03702 application form lists internally illuminated signage on the north elevation, including fascia signage and a Golden Arch, whereas the Building Signage Elevations drawing, 9045-SA-2029-P009, appears not to show illuminated signage on that elevation.

If so, the Council cannot be satisfied that the submitted plans consistently identify the location of the proposed illuminated signage, particularly in relation to the residential properties on the London Road frontage. That inconsistency should be resolved before the application is determined.

The recognised technical benchmark is the Institution of Lighting Professionals' PLG05 (2023), against which the signage should be assessed for the correct environmental zone.

Issue	Figure stated	Source
Fascia signs and PAY/COLLECT booth lettering	500 cd/m ²	Drawing 9045-SA-2029-P009 – Sign Schedule; also reflected in the PL/2026/03702 application form
PAY/COLLECT lettering	600 cd/m ²	Collect and Pay Drive Thru Letters drawing
Double digital screens	600 cd/m ²	Site Layout Plan – Site Signage
Single digital screen	600 cd/m ²	Site Layout Plan – Site Signage
Play Land sign	600 cd/m ²	Site Layout Plan – Site Signage

8m illuminated totem	600 cd/m ²	PL/2026/03737 application form
External lighting output	8,000 initial lumens	Lighting Review (with regard to bats)
External lighting output	20,000 initial lumens	Proposed Lighting Layout / candela file DM10 BL1_20000

Taken together, these documents contain material inconsistencies in both sign luminance and external lighting output.

This is not a minor drafting issue. The Council cannot properly assess residential light intrusion, glare to road users, or impacts on protected species unless the maximum and night-time luminance, dimming regime, hours of illumination and operating characteristics of each illuminated element are clearly and consistently specified.

There is a further inconsistency in the external lighting documentation. The ecological Lighting Review describes the relevant Luma Gen2 fitting as providing 8,000 initial lumens per lamp, whereas the Proposed Lighting Layout and associated candela file specify 20,000 initial lumens for the corresponding drive-through fitting.

That matters because the applicant relies on the Lighting Review to support its ecological conclusions, while the Proposed Lighting Layout appears to define the actual illumination environment.

Wiltshire Council should require these specifications to be reconciled in a single verified lighting schedule before accepting conclusions on residential amenity, ecological impact or driver distraction.

Preliminary Ecological Appraisal (PEA)

These inconsistencies are compounded by a conflict between the submitted lighting information and the ecological mitigation requirements in the applicant's own Preliminary Ecological Appraisal. The PEA requires:

- a warm white lighting spectrum of ideally less than 2,700 Kelvin to reduce blue light;
- luminaires with peak wavelengths above 550 nm to avoid the component of light most disturbing to bats;
- no direct illumination of boundary habitats, retained trees or bat-box locations;
- lux scatter plots to be reviewed by a suitably experienced ecologist before approval; and
- the eastern site boundary to remain unilluminated to protect retained habitat and bat commuting routes.

Research cited in the PEA records significant effects on bats from artificial light levels as low as 3.6 lux. The applicant's own Lighting Review does not demonstrate that this requirement has been met.

On the contrary, it records light spill of between 6.25 and 25 lux onto mixed-scrub planting on the eastern and northern boundaries—the very habitat the PEA seeks to keep unilluminated. Those levels are several times the 3.6-lux level at which significant effects on bats have been recorded.

Applicant's own lighting evidence

The applicant's Proposed Lighting Layout (Signify, DWG 01, project 501734912), LiAS Design Notes and Luminaire Schedule (DWG 00) contain several matters directly relevant to the assessment of the main 24-hour drive-through proposal.

The LiAS Design Notes state that the scheme has been designed for an "E3/E4 Environmental Zone". That assumption requires scrutiny. E3 and E4 are higher-brightness suburban and urban-centre classifications. Elder and the neighbouring London Road frontage homes sit in an edge-of-settlement location, close to open countryside.

The Proposed Lighting Layout calculates the drive-through at an average of 26.96 lux and a maximum of 89.37 lux, and the car park at an average of 25.81 lux. Those are not received lux levels at Elder, but they form part of the proposed illuminated environment directly across the A361 from residential windows, including first-floor accommodation.

The Proposed Lighting Layout also appears to show calculated lux contours extending beyond the operational parts of the site towards the A361 frontage, including a 0.5 lux contour in the vicinity of Elder and the London Road frontage. That is not, of itself, a calculation of light reaching first-floor residential windows. The plan is a horizontal ground-level lux assessment at $z=0$. It therefore reinforces the concern that the applicant has not assessed elevated residential receptors.

There are also unresolved inconsistencies in the applicant's own lighting documents. The Luminaire Schedule identifies the drive-through and car-park luminaires as Luma Gen2 Medium BGP704 80 LED DM10 20KLM and DW50 20KLM fittings, each rated at 20,000 initial lumens per lamp and specified at 2700 K.

This appears to be the same Luma Gen2 fitting that the applicant's ecological Lighting Review describes as providing 8,000 initial lumens. The applicant's own lighting paperwork therefore appears to confirm the 8,000-versus-20,000-lumen inconsistency by product code.

The LiAS Design Notes state that energy consumption has been calculated with Constant Light Output enabled and "without dimming". On the applicant's own evidence, no dimming is proposed for the wider site-lighting scheme within which the proposed illuminated and digital signage would sit.

The scheme is specified at 2700 K, at the top of the Preliminary Ecological Appraisal's stated preference for a warm-white spectrum "ideally below 2700 K". The Proposed Lighting Layout is also marked "PROPOSAL (NOT FOR CONSTRUCTION)", records that Signify has not visited the site, that luminaire locations are indicative, and that the design does not account for the effect of obstructions such as trees.

That is not a sufficiently verified basis on which to conclude that the cumulative night-time lighting environment would be acceptable for residential amenity, ecological mitigation or highway safety.

The Council should therefore require:

- confirmation of the correct environmental zone before relying on the applicant's lighting conclusions;
- verified lux calculations and sightline assessment for first-floor accommodation at Elder and the neighbouring London Road frontage homes;

- reconciliation of the 8,000-versus-20,000-lumen inconsistency in the applicant's lighting documents;
- a final, verified lighting strategy showing luminance, lux spill, dimming, switch-off arrangements, colour temperature and ecological safeguards;
- confirmation that the final lighting strategy satisfies the Preliminary Ecological Appraisal, including the requirement for an unilluminated eastern boundary.

Consent should not be granted on the basis of internally inconsistent or insufficiently particularised lighting information.

12. Noise, Deliveries, Servicing, Refuse and Plant

The submitted Environmental Noise Impact Assessment does not resolve the residential amenity concerns arising from this proposal. On the contrary, the applicant's own assessment identifies shortcomings which weigh against unrestricted 24-hour operation.

Adverse night-time delivery impact at Elder

The applicant's noise assessment identifies Elder as the receptor with the highest predicted delivery-noise impact and the only one at which night-time deliveries would cause an adverse impact. It predicts a rating level of 43 dB against a background level of 36 dB, an excess of 7 dB under BS 4142.

The proposed response is to prohibit deliveries between 23:00 and 07:00. That is a material concession, confirming that the development cannot operate without restriction if residential amenity is to be protected.

The concern may extend beyond Elder. The assessment records that the London Road frontage dwellings have an open, unscreened relationship with the site, yet no equivalent night-time delivery assessment has been provided for those properties.

Baseline and receptor concerns

The applicant's own assessment records that the northern frontage properties along London Road have a full view of the site, whereas the Bailey Close properties are screened by trees and see the site only from upper-floor windows. Elder is therefore one of the more exposed receptors.

Despite that, the baseline ambient survey on which the assessment depends was measured not at Elder but at the screened Bailey Close location. A background level measured at a screened receptor may not fairly represent the quieter and more exposed frontage at Elder. If the true background level at Elder is lower, the relative impact of the proposed development would be correspondingly greater.

Noise sources not adequately assessed

The assessment appears to identify a daytime customer-vehicle noise level at 16 Bailey Close which exceeds the IEMA absolute threshold for the onset of the Lowest Observed Adverse Effect Level. That should not be dismissed simply because the relative change in overall noise is less than 3 dB. Absolute and relative criteria address different questions.

The night-time plant assessment also appears to leave little meaningful margin against the representative background sound level. Wiltshire Environmental Health normally seeks operational rating levels at least 5 dB below background noise.

The applicant's own COD/canopy brochure confirms that each Customer Order Display incorporates both a speaker and a microphone for two-way customer ordering. Under a development proposed to operate 24 hours a day, this is an amplified external noise source capable of operating throughout the night. Although the assessment considers plant and delivery noise, it does not appear to assess noise from the ordering speakers.

The assessment is also silent on other foreseeable sources of late-night disturbance, including repeated car-door closures, engine starts, idling vehicles, amplified music from vehicles, raised voices and customer congregation. Those sources are capable of recurring throughout the night and should not be considered in isolation.

Operational consequences

Restricting deliveries to daytime hours does not eliminate the problem; it transfers part of it. The applicant's own documents confirm that deliveries would take place during normal trading hours, when parking demand, customer movements and drive-through activity continue.

The implications of those restrictions for servicing, parking and highway operation are considered separately in Section 8, but they reinforce the conclusion that unrestricted 24-hour operation cannot simply be rendered acceptable by prohibiting night-time deliveries.

Cumulative assessment and supporting evidence

The assessment considers the proposal in isolation. It does not assess cumulative noise arising from the committed business park, the live Aldi/Bike School proposal or the emerging Moonraker Park proposals, all of which could alter the local traffic, servicing, plant and evening commercial noise environment.

Nor are the modelling inputs fully disclosed, including receptor heights, source sound-power levels, screening assumptions, ground absorption assumptions and predicted noise levels at Elder and Bailey Close.

Policy framework and sleep-disturbance guidance

The assessment's policy framework is also out of date. It relies principally on Policy 98 of Wiltshire Council's withdrawn emerging Local Plan, which no longer carries planning weight following withdrawal of the examination in May 2026. The assessment has therefore not properly considered the adopted development plan, in particular Core Policy 57.

Recognised guidance on sleep protection reinforces the significance of the applicant's own conclusions. The World Health Organisation's Guidelines for Community Noise recommend indoor bedroom guideline values of 30 dB LAeq for continuous night-time noise and 45 dB LAFmax for individual events. BS 8233:2014 adopts the same 30 dB LAeq benchmark for bedrooms.

Against those standards, the applicant's own concession that Elder would experience an adverse night-time BS 4142 impact is a matter of real planning significance. It should not be treated as a technical issue capable of being resolved simply by prohibiting night-time deliveries. The proposal should therefore be assessed as a whole against adopted Core Policy 57.

Matters for Wiltshire Council and Environmental Health

Before accepting the applicant's noise case, the Council and its Environmental Health Officer should require:

- confirmation whether the Bailey Close baseline properly represents conditions at Elder and the London Road frontage;
- specific assessment of night-time Customer Order Display speaker noise;
- review of whether the assessed night-time plant rating level is acceptable in this residential setting;
- assessment of repeated late-night activity noise, including car doors, engine starts, idling, voices, vehicle music and customer congregation;
- disclosure of the full modelling assumptions and outputs, including receptor heights, source sound-power levels, screening, ground absorption and predicted levels at Elder and Bailey Close;
- cumulative noise assessment including nearby committed, live and emerging development; and
- re-evaluation of the conclusions against adopted Core Policy 57 rather than withdrawn emerging Policy 98.

13. Sequential Test and Justification of the Drive-Through Format

Status of the Use and Location of the Site

The application form records the use as Sui Generis a restaurant/takeaway and the applicant has submitted a Sequential Test. That confirms that the sequential-test requirement is engaged.

The site is not in, or on the edge of, Devizes town centre. On the applicant's own measurement, it lies 2.1 km east of the town centre.

The NPPF glossary defines edge-of-centre, for main town centre uses, as well connected to and within approximately 300 metres of the town centre boundary. This site is therefore plainly out-of-centre.

The proposal is not part of an up-to-date plan strategy directing this use to this location. NPPF paragraph 92 requires flexibility on format and scale, and paragraph 95 provides that failure to satisfy the sequential test should lead to refusal.

The applicant's Sequential Test is deficient in three respects.

1. Failure to Provide a Policy-Compliant Impact Assessment

The application has not been accompanied by the policy-compliant impact assessment required by Core Policy 38. Although Section 8 of the applicant's Sequential Test is headed "Retail Impact", it seeks to avoid the policy requirement by applying the 200 sqm threshold to the customer area rather than to the development's gross floorspace.

Core Policy 38 applies to retail or leisure development outside a town centre exceeding 200 sqm gross floorspace. That locally set threshold is directly material because NPPF paragraph 94 applies the national default of 2,500 sqm only where no local threshold exists. The supporting text to Core Policy 38 explains that Wiltshire

adopted a lower threshold because successive developments below the national threshold could cumulatively harm town centres.

The applicant's documents record the proposed restaurant as 310 sqm gross external area and 288 sqm gross internal area. The Supporting Statement records 310 sqm GEA and 288 sqm GIA, comprising a 71 sqm dining area, 28 sqm of ancillary public space and 185 sqm of kitchen, staff and back-of-house accommodation. The Sequential Test likewise records 288 sqm GIA, comprising a 103 sqm customer area and 185 sqm of back-of-house floorspace.

The Delivery Management Plan and Travel Plan use the same gross figures, while the Transport Assessment records a marginally different 286 sqm GIA. That discrepancy is immaterial: on any of the applicant's gross floorspace figures, the proposal exceeds the 200 sqm threshold.

The applicant instead relies on the 103 sqm customer area and concludes that the proposal falls "well below" the threshold. That is not the test set by Core Policy 38. Back-of-house accommodation remains part of the development's gross floorspace. Nor does describing the proposal as a leisure use avoid the requirement, because the policy expressly applies to both retail and leisure development.

The threshold is therefore crossed. The limited qualitative material in Section 8 of the Sequential Test does not amount to the policy-compliant impact assessment required by Core Policy 38.

2. Inflated Site-Area Requirement and Parking Over-Provision

The Sequential Test assesses alternative sites against an asserted requirement of approximately 0.3 hectares. That requirement is materially influenced by the applicant's preferred layout and parking provision.

The proposal includes 37 parking spaces. The Transport Assessment identifies the applicable Council standard as a maximum of one space per 5 sqm of public floorspace. The applicant's documents state that floorspace inconsistently: 72 sqm in the Transport Assessment, 99 sqm in the Supporting Statement (a 71 sqm dining area and 28 sqm of ancillary public space) and 103 sqm in the Sequential Test. On each of those figures the standard produces a maximum of between 14 and 20 spaces. The applicant's own parking assessment predicts peak demand of 28 vehicles on Friday and 32 on Saturday. Whichever of the applicant's own figures is used, the proposed 37-space provision exceeds both the Council maximum and the applicant's assessed peak demand.

The land required for parking substantially in excess of the Council's maximum on any of the applicant's own figures appears to be a design choice rather than a demonstrated planning necessity. Alternative sites should therefore be assessed against a reasonably flexible and policy-compliant layout, rather than against the applicant's preferred building footprint, drive-through arrangement and 37-space car park treated as fixed.

This is particularly relevant to the former Police Station at New Park Street, incorrectly referred to in the Sequential Test as "New Part Street". The applicant accepts that the site is available but dismisses it because its approximately 0.2-hectare area falls below the asserted 0.3-hectare requirement. That conclusion depends on the applicant first establishing that the larger site area is genuinely necessary, which it has not done.

Calne Motor Services is likewise dismissed on grounds of size and apparent unavailability, but the Sequential Test provides little evidence of the enquiries undertaken or the flexibility considered in relation to layout, parking, circulation, servicing and overall scale.

3. Inadequate Search and Reliance on Others to Complete the Exercise

The sequential exercise does not demonstrate a sufficiently rigorous search for sequentially preferable sites. Apart from general observations about the historic and densely developed character of Devizes town centre, it identifies only three specific alternatives: Calne Motor Services, the former Police Station and Kwik Fit. Each is dismissed principally because it is smaller than the applicant's asserted 0.3-hectare requirement.

The applicant repeatedly invites the Council or third parties to identify further sites. Engagement with the local planning authority is appropriate, and any additional sites identified should be considered. It does not, however, transfer responsibility for demonstrating compliance with the sequential approach. The applicant must provide sufficient evidence that no suitable and available sequentially preferable site could accommodate a reasonably flexible version of the proposal.

Availability is not confined to land already owned by, or formally offered to, the applicant. The relevant question is whether a site is available, or could reasonably become available within an appropriate period, including whether there is a realistic prospect of acquisition. The Sequential Test provides little evidence of enquiries into ownership, marketing, availability or potential acquisition.

The condition of Devizes town centre is also directly relevant to the impact assessment required by Core Policy 38. In July 2026, the former Wilko premises at 8–12 High Street, extending to approximately 14,800 sq ft, and 1 Market Place, extending to approximately 2,571 sq ft, were both being marketed as available. A prominent corner unit at 17 The Brittox, extending to approximately 898 sq ft and described as having an open-plan sales or seating area with ancillary accommodation, was also being marketed to let.

I do not advance any of those premises as sites capable of accommodating the proposed drive-through. Their relevance is that they demonstrate the availability of commercial floorspace in prominent town-centre locations and the need for proper assessment of vacancy, footfall, investment and the potential diversion of food-and-drink expenditure.

The applicant's "Retail Impact" section provides no quantified assessment of trade diversion, no substantive or evidenced analysis of the existing town-centre restaurant, café and takeaway sector, and no evidenced assessment of the likely effects on investment, consumer choice, trade, footfall, vacancy or the wider vitality and viability of Devizes town centre. It relies instead on qualitative assertions that McDonald's serves a different market, that visits would mainly be spontaneous, pass-by or linked trips, and that the impact would therefore be negligible.

The Council should not accept a sequential case based on a narrowly defined and potentially inflated site requirement, limited evidence of the search and availability enquiries undertaken, and repeated invitations for others to complete the exercise. Nor should it accept the limited qualitative material in Section 8 of the applicant's Sequential Test as satisfying Core Policy 38.

Council's Pre-Application Advice on the Same Frontage

The out-of-centre status of this frontage and the need to address the sequential and impact tests are supported by the Council's own pre-application advice.

The application form for the neighbouring Bike School/Aldi proposal records Wiltshire Council advice reference ENQ/2025/01219, dated 24 October 2025. That advice states that the proposal lies outside the settlement boundary and partially within a strategic employment allocation, and that it must robustly address the sequential and retail impact tests. It identifies site availability and the impact on Devizes town centre as matters relevant to the acceptability of development on this frontage.

The Council has therefore already treated this frontage as an out-of-centre location in which main town-centre uses require robust sequential and impact assessment. The same approach should be applied to this application.

Failure to Justify the Drive-Through Format

The applicant has not adequately justified why the most intensive elements of the chosen format are necessary in this location. The principal impacts identified elsewhere in this objection, being 24-hour operation, drive-through circulation, Customer Order Displays, extensive parking, illuminated and digital signage and a predominantly vehicle-based model, that flow directly from that format.

The applicant is entitled to apply for a drive-through restaurant, but it cannot define the sequential exercise so narrowly that its preferred format, parking provision and site area become fixed assumptions by which all more central alternatives are excluded. NPPF paragraph 92 requires flexibility on format and scale so that opportunities to use town-centre and edge-of-centre sites are fully explored.

The applicant has not demonstrated why a 24-hour drive-through of this scale is necessary at this constrained edge-of-town site beside a roundabout and opposite homes, or why a less intensive configuration—including reduced parking, a smaller vehicle footprint, shorter operating hours or a non-drive-through format—could not deliver employment and investment benefits with less harm.

The harmful characteristics of the proposal should therefore be treated as consequences of the applicant's chosen format, not as unavoidable requirements of the site.

Conclusion on the Sequential Test and Town-Centre Impact

The Sequential Test does not demonstrate that no suitable and available sequentially preferable site could accommodate a reasonably flexible version of the proposal. It relies on a potentially inflated site-area requirement, provides limited evidence of the search and availability enquiries undertaken, and treats the applicant's preferred format and parking provision as substantially fixed.

Although the Sequential Test also contains a section headed "Retail Impact", that material does not constitute the policy-compliant assessment required by Core Policy 38. It does not adequately assess the effects on investment, consumer choice, trade, footfall, vacancy or the vitality and viability of Devizes town centre.

Under NPPF paragraph 95, an application which fails the sequential test should be refused. Separately, without the impact assessment required by Core Policy 38 and NPPF paragraph 94, the Council cannot be satisfied that the proposal's town-centre

effects have been properly assessed. The applicant has therefore not demonstrated compliance with the sequential approach or Core Policy 38.

If the Council were nevertheless minded to approve the proposal, it should first require a policy-compliant impact assessment and a revised sequential test applying genuine flexibility on format and scale, including assessment against a policy-compliant parking layout. Both should be made available for public consultation before determination.

14. Odour

High odour-risk use

The applicant's own Odour Control Assessment confirms that the proposed development presents a "High" odour risk. Applying the EMAQ+/DEFRA methodology, the assessment gives the proposal a total significance score of 30, placing it within the 20–35 "High" band, for which a high level of odour control is required.

That score is driven by the nature of the use. The proposal receives the maximum score for cooking type and grease loading: 10 out of 10, the "Very High" category used for burgers, fried chicken and fish and chips.

It also scores the kitchen as large and receptor proximity as medium, because sensitive receptors fall within the 20–100 metre distance band.

Sensitive residential receptors

The assessment records that the closest sensitive receptors are residential properties to the south, approximately 42 metres from the proposed kitchen exhaust discharge point. It also identifies residential properties to the north-west, including Elder and the neighbouring London Road frontage homes, at approximately 62 metres.

Both groups fall within the same EMAQ+ 20–100 metre receptor band. However, the southern Bailey Close receptors are screened by mature trees, whereas the London Road frontage has a more open relationship to the site.

The applicant should not therefore treat the southern properties as the only relevant receptors when assessing odour impacts.

Reactive and maintenance-dependent mitigation

The proposed mitigation is partly reactive. Having identified a High odour risk, the assessment states that, if odour nuisance is experienced, further measures can be applied retrospectively. That is a wait-and-see approach. It risks placing the burden on residents to experience and report odour nuisance before additional mitigation is considered.

The proposed High-level control also depends on ongoing maintenance: electrostatic precipitation, ozone injection with a minimum two-second contact period, enzyme grease dosing, canopy filtration, regular ESP servicing, annual ozone-generator servicing and a remote failure alarm.

Unless these matters are secured by condition, the protection relied upon by the assessment is not enforceable for the lifetime of the use.

Compromised discharge arrangement

The discharge arrangement is also compromised. The guidance identifies discharge at least one metre above ridge height as the preferred approach. Here, the proposed

discharge is described as being in excess of one metre above eaves level, level with but set away from the top of the roof screening and kept below the sightline.

In practical terms, visual concealment has been prioritised over the best dispersal arrangement.

Conclusion

I do not contend that the proposed equipment is wrong in principle. My objection is that the applicant's own assessment confirms a genuine High odour-risk use close to sensitive residential receptors; that the north-western frontage, including Elder and neighbouring London Road homes, falls within that sensitive-receptor context; that mitigation is maintenance-dependent and partly reactive; and that the discharge height has been limited for visual reasons.

If permission is granted, odour mitigation should be secured by condition requiring installation and retention of the full ESP, ozone and grease-control system as specified;

- the minimum two-second ozone contact period;
- the stated servicing intervals; maintenance and audit logs available to the Council on request;
- the remote failure alarm to remain operational; and
- a defined odour-complaint procedure, including a named operational contact and provision for further abatement if nuisance arises.

15. Air Quality

The applicant's Air Quality Impact Assessment concludes that the development's operational air-quality impact would be "negligible". That conclusion should be treated with caution.

Council's own pre-application concern

In its highways pre-application response, ENQ/2025/00565, Wiltshire Council recorded that the proposed development "is within the Devizes Air Quality Management Area" and "could exacerbate the existing areas of poor air quality in Devizes by adding car trips particularly on the A361."

The applicant's own consultee record therefore confirms, in the Council's own words, the air-quality concern raised by this objection.

Incorrect land-use classification

The Air Quality Impact Assessment classifies the development as Class E(b) and relies on that classification to keep the proposal within the Council's lower Type 2 air-quality banding. It also uses that classification to dismiss exposure mitigation as "N/A", on the basis that Class E(b) land use is not considered sensitive to long-term pollutant exposure.

That is inconsistent with the applicant's own application form and Supporting Statement, which describe the proposed use as Sui Generis restaurant/takeaway. A drive-through restaurant with hot-food takeaway is Sui Generis, not Class E(b).

The air-quality banding should therefore be reviewed against the correct planning use before weight is placed on the "negligible" conclusion.

AQMA corridor, possible revocation and Core Policy 55

The proposal sits on, or immediately adjacent to, the A361 / London Road air-quality corridor. The Devizes Air Quality Management Area is not a compact town-centre polygon; it is a road-corridor designation following the main road network through Devizes and extending beyond the Horton Road / A361 roundabout.

The applicant's own Air Quality Impact Assessment describes the Devizes AQMA as covering "main roads through the town" and confirms that it is adjacent to the site. It further accepts that vehicles travelling to and from the development have the potential to increase pollution levels in that sensitive area.

The assessment itself accepts that proximity to the AQMA has the potential to trigger the higher Type 3 criteria, but treats the proposal as Type 2 because 2024 monitored NO₂ was below the objective and because the Devizes AQMA may be revoked in future.

I acknowledge that Wiltshire Council has indicated that air quality has improved and that revocation of some AQMAs may be possible from 2025 onwards. However, possible future revocation is not present revocation. Unless and until the Devizes AQMA is formally revoked, it remains part of the current planning context.

In any event, the relevant issue is not simply the legal status of the AQMA boundary, or whether the restaurant building itself lies within the mapped AQMA line. The question is whether a 24-hour, car-based drive-through would add trips, idling, queuing and cumulative traffic effects to an already recognised A361 / London Road air-quality corridor.

This is reinforced by the appeal decision for the neighbouring business park, PL/2022/00977 / APP/Y3940/W/23/3328710, appended to the applicant's Transport Assessment. The Inspector recorded that the site lies adjacent to an AQMA following the A361, and that Core Policy 55 requires development with the potential to exacerbate poor air quality to demonstrate appropriate mitigation.

The Council should therefore assess the proposal against Core Policy 55 on the basis of corridor impact, not merely the possible future status of the AQMA designation.

Cumulative corridor assessment

The Air Quality Impact Assessment should not be considered in isolation. The live Aldi / Bike School application on the same corridor assesses the operational air-quality effects of traffic generated by a 1,787 sqm Aldi food store, a coffee drive-through unit and an EV charging hub on the A361 / London Road corridor.

The cumulative air-quality effect of both live vehicle-based proposals, together with the committed employment development to the east, should be assessed before any "negligible" conclusion is accepted.

Model verification and uncertainty

The dispersion model required substantial correction before producing the results relied upon. Appendix B records correction factors of 2.5 for NO_x, 1.3 for PM₁₀ and 1.6 for PM_{2.5}. At the Sidmouth Street monitor, the unadjusted model predicted road NO_x of 22.6 µg/m³, against a calculated 63.1 µg/m³.

The “negligible” conclusion therefore depends on corrected outputs. Where a model requires that degree of correction, Environmental Health should confirm that the verified outputs are robust.

Drive-through idling and queuing

The assessment does not separately assess stationary idling or queuing within the drive-through. Its modelling focuses on traffic exhaust from surrounding road links, rather than vehicles dwelling on site at the order point, booths or grill bays.

The applicant’s Supporting Statement acknowledges that the drive-through layout manages delay through a fast-forward lane and grill bays. That confirms that vehicles may dwell and idle on site. The localised air-quality effect of that idling, close to residential receptors on the London Road and Horton Road frontages, has not been assessed.

Input errors and missing mitigation

The reliability of the Air Quality Impact Assessment is undermined by material inconsistencies in its own inputs. It records the site area as 0.87 hectares, although the planning application material identifies a materially smaller application site of approximately 0.38–0.39 hectares. It also assesses 47 car-parking spaces, whereas the proposed scheme provides 37.

Those errors are material. The electric-vehicle provision relied upon as mitigation appears to be calculated against the higher, incorrect parking figure. The Low Emission Travel Plan relied upon to keep the proposal within the lower Type 2 assessment band is also marked “**not provided**” on the assessment’s own checklist.

Overstatement in the Supporting Statement

The Supporting Statement also overstates the technical evidence. Paragraph 3.15 states that the Air Quality Assessment concludes the proposal “**will not have an impact**”. The assessment itself concludes “**negligible**”, not nil, and records an increase in pollutant concentration at every modelled receptor.

Matters for Wiltshire Council and Environmental Health

Before accepting the applicant’s “negligible” air-quality conclusion, the Council and its Environmental Health Officer should require:

- correction of the site-area discrepancy;
- correction of the parking-space discrepancy;
- review of the assessment against the correct Sui Generis use;
- confirmation whether the proposal should be assessed as Type 2 or Type 3, given its relationship with the declared Devizes AQMA and the A361 / London Road air-quality corridor;
- assessment of localised drive-through idling and queuing at the order points, booths and grill bays;
- cumulative assessment of the McDonald’s proposal, the live Aldi / Bike School application and the committed employment development to the east;
- clarification of the EV provision required for the actual 37-space scheme; and
- submission of the Low Emission Travel Plan relied upon in the assessment.

An air-quality conclusion based on an incorrect site area, an incorrect parking count, an incorrect use classification and missing mitigation should not be relied upon without correction and re-submission.

16. Litter

The applicant's Supporting Statement seeks to place litter outside the scope of the planning assessment, stating at paragraph 3.24 that "the planning system cannot address unlawful acts, i.e., dropping litter." That is not correct as applied here.

Litter generation is a foreseeable consequence of a hot-food takeaway and drive-through use, and as such is a material planning consideration; Core Policy 57 expressly lists "litter" among the impacts on the amenity of existing occupants that must be considered.

The question is not whether litter falls within planning control, it plainly does, but whether the applicant's proposed response to it is adequate and enforceable.

The applicant's own commitment confirms both the scale of the problem and its proximity to my home. The Supporting Statement (paragraph 3.25) states it is "company policy to conduct a minimum of three daily litter patrols," collecting litter "in a 150m vicinity of a restaurant."

Elder is directly opposite the site, well within that 150-metre radius. The applicant has therefore committed, in its own evidence, to litter-picking the area that includes my home three times daily, which is itself an admission that the use foreseeably generates litter across a 150-metre area, including residential frontages.

That commitment is, however, voluntary, generic and unenforceable as drafted. It is described as "company policy," which "may be expanded to suit local needs wherever possible", discretionary language that binds the operator to nothing.

It is not a site-specific commitment, it is not secured by condition, and it provides no mechanism by which the Council or residents could enforce it if patrols were reduced or discontinued.

A national policy statement of this kind is not a substitute for an enforceable, site-specific litter-management scheme addressing late-night and early-morning operation, off-site litter routes, patrol logging, complaint response, bin capacity and increased patrols after peak periods.

If permission is granted, a litter-management scheme should be secured by condition, requiring as a minimum:

- a site-specific litter patrol regime of defined frequency and defined radius (extending at least to the 150-metre vicinity the applicant itself identifies);
- the provision and emptying of external litter bins; a named responsible contact for litter complaints; and
- a review mechanism enabling the Council to require increased patrol frequency if litter associated with the use is found to be affecting residential amenity.

17. Third-Party Courier and McDelivery Activity

The applicant's submitted material indicates that McDelivery is not proposed at opening. However, third-party courier collections by McDelivery, Uber Eats, Just Eat, Deliveroo or similar services would materially alter the nature and intensity of the use,

generating additional vehicle movements, short-stay parking, idling, waiting drivers and potential late-night disturbance entirely separate from restaurant customers and drive-through activity.

If permission is granted, any third-party delivery or courier collection operation should be expressly prohibited by condition unless and until it has been separately assessed and approved by the Council. Without such a condition, the use could intensify over time beyond what has been assessed in the current application.

18. Play Space and External Activity

The proposed Play Space would attract family use, children's voices, congregation and external activity additional to the drive-through and restaurant use.

The associated Play Land sign would advertise and draw attention to that external activity area.

Scaled from the applicant's drawings, the Play Space and Play Land sign appear to be approximately 50–55 metres from the nearest visible part of Elder's residential façade.

This is an approximate scaled measurement, not a surveyed dimension, but it demonstrates that the Play Space and associated illuminated signage would form part of the visible night-time environment experienced from Elder and the neighbouring London Road frontage homes.

The impact of the play area must be assessed from nearby residential receptors. If permission is granted, the Play Space should be subject to strictly restricted hours and should not operate during evening or early-morning periods.

The Play Land sign is addressed under advertisement consent, but the operation of the Play Space itself is a main-application matter.

If permission is granted, the Council should control the hours of use of the Play Space through the main planning permission, because advertisement conditions controlling the sign alone would not address children's voices, family congregation, car-door activity or external movement during evening, night-time or early-morning periods.

19. Biodiversity Net Gain: Statutory Requirement Not Met On Site

Applicant's own BNG deficit

The applicant's own Biodiversity Net Gain Design Stage Report confirms that the proposal does not deliver biodiversity net gain on site. It records:

- baseline habitat value: 1.73 habitat units;
- post-development habitat value: 0.52 habitat units;
- net habitat unit change: –1.21 habitat units, a loss of –69.69%;
- BNG trading rules: not satisfied; and
- minimum off-site requirement: 1.38 medium-distinctiveness habitat units, inclusive of scrub units.

Pre-survey scrub clearance and assumed baseline

Those figures require caution. The applicant's own PEA records that dense native scrub and scattered semi-mature trees were cleared from the eastern part of the site before 18 May 2025 and before any ecological survey was commissioned.

The PEA states that this scrub would have been of local ecological importance pre-clearance, and that pre-clearance habitat quality for hazel dormice would have been rated “good”. It also confirms that the BNG assessment must use assumed pre-clearance habitats in good condition to calculate the true baseline.

Reliability of the statutory baseline

Because no survey was undertaken before the scrub was removed, there is no independent verification of the pre-clearance conditions. On the applicant’s own statutory metric, removed mixed scrub accounts for 1.45 of the 1.73 total baseline habitat units, approximately 84% of the entire baseline value, based on assumed good condition derived from aerial imagery and street view.

A baseline of which roughly four-fifths is assumed rather than assessed on the ground cannot safely support the off-site compensation requirement calculated from it without independent scrutiny.

Off-site BNG must be secured before permission

The PEA further states that on-site biodiversity enhancement is not considered achievable given the degree of habitat loss already caused. That is a significant concession. The applicant is not achieving the mandatory 10% biodiversity net gain on site, and the off-site solution has not yet been identified, legally secured or independently verified.

The Council should not grant permission until it has independently verified the correct pre-clearance baseline, confirmed that the early-2025 scrub clearance has not artificially reduced the statutory BNG requirement, confirmed that the habitat-degradation provisions of the Environment Act 2021 have been correctly applied, confirmed that the trading rules are satisfied, and secured legally enforceable off-site biodiversity provision with long-term management obligations.

20. Ecological Mitigation: Protected Species and Unresolved Requirements

The Preliminary Ecological Appraisal identifies a series of mitigation requirements that go beyond aspiration. They reflect legal obligations under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 and the Environment Act 2021. None of them have been demonstrably resolved in the submitted documents.

The ecological lighting issue is not confined to advertisement consent. The restaurant, drive-through, car park, Customer Order Displays, Play Space, site lighting and illuminated signage would operate together as one night-time environment.

The Council should not rely on a preliminary lighting layout marked “PROPOSAL (NOT FOR CONSTRUCTION)” where Signify has not visited the site, luminaire positions are indicative, obstructions such as trees have not been accounted for, and the submitted material contains an unresolved 8,000-versus-20,000-lumen discrepancy.

Before determination, the Council should require a verified lighting strategy demonstrating compliance with the Preliminary Ecological Appraisal, including lux spill to boundary habitats, retained trees, any bat-box locations and residential receptors, including first-floor accommodation at Elder.

Hazel Dormice (European Protected Species)

Two records of hazel dormice from within 1 km of the site (370 m north, 2019) place the species within credible range. The PEA identifies seven dormouse-relevant plant species still present on site post-clearance and concludes that the pre-clearance scrub habitat would have provided “good” quality habitat.

The PEA requires retention of dogwood scrub on the south-eastern boundary, planting of a native species-rich hedgerow on the eastern boundary including species of value to dormice, and a sensitive lighting scheme avoiding illumination of the eastern portion of the site. There is no confirmation in the submitted landscape or lighting proposals that these requirements have been met.

The PEA’s wording on the earlier clearance is important. It states that the previous scrub removal may have caused death and/or injury to dormice, if present, unless undertaken under an appropriately sensitive approach.

I do not assert that an offence has occurred. However, the applicant’s own ecological evidence raises a possible European Protected Species issue which the Council must address before determination.

The Council should require clear evidence of how the pre-survey scrub clearance was undertaken, whether protected species risk was assessed at the time, and whether any further ecological or licensing implications arise.

Bats (European Protected Species)

A European Protected Species licence record confirms a common pipistrelle, soprano pipistrelle, lesser horseshoe and brown long-eared bat roost approximately 200 metres from the site. The PEA notes that the site lies within the core sustenance zone of these species.

The applicant’s own ecological mitigation requirements for bats include bat boxes, retention of boundary scrub, an unilluminated eastern boundary, specific lighting colour-temperature and wavelength requirements, and ecologist review of lux contour plots. Those requirements have not been discharged in the submitted documents.

Limited and weather-affected bat survey evidence

The evidential basis for the bat conclusions is limited. The applicant relies on a single dusk emergence survey of Buildings 2 and 4, undertaken on 28 August 2025. The report acknowledges that the survey would ideally have been carried out earlier in the season to encompass the peak active bat period, and records that torrential rain occurred between 20:08 and 20:23, during which both surveyors took cover.

The timing of that rain matters. Sunset was at 20:02 and the survey began only fifteen minutes before sunset. The torrential rain therefore affected the first twenty minutes after sunset, the key period during which roosting bats would be expected to emerge. The report itself states that the rain was “considered too heavy for bats to emerge and fly in.”

The report seeks to address this by noting that bats were recorded foraging in the wider area shortly after the rain stopped, and by inferring that any roosting bats would have emerged if present. However, foraging activity in the wider landscape is not the same as observing emergence from the buildings under assessment. An inference cannot fully remedy a survey window during which the surveyors themselves considered conditions unsuitable for emergence.

Uncertainty over which buildings were surveyed

There is an apparent inconsistency within the Bat Survey as to which buildings were actually surveyed. The headline conclusion states that the dusk emergence survey was undertaken on Buildings 2 and 4. However, the methodology, surveyor-position table and night-vision camera captions refer to Buildings 1 and 2.

That should be clarified before demolition is permitted. It is not a minor point, because Building 4 is identified as having bat-roost potential. If Building 4 was not subject to emergence survey, the survey would not discharge the purpose for which it was commissioned.

Survey effort and site suitability

The adequacy of a single survey visit must also be judged against the site's assessed suitability. The Bat Survey Report assesses the site as having Low suitability for foraging and commuting bats. The applicant's later Lighting Review describes the site as having "Moderate Suitability" for foraging and commuting bats.

Whatever the reason for that difference in terminology, the applicant should explain it and its implications for the survey effort undertaken.

The Bat Conservation Trust's Good Practice Guidelines scale survey effort according to site suitability. If the later assessment of Moderate suitability is correct, the Council should be satisfied that the survey effort remains adequate.

Pre-assessment habitat clearance

The ecological baseline has also been degraded by clearance carried out before it was fixed. The applicant's own Lighting Review records that scrub to the east of the site, which had foraging and nesting potential for hazel dormice, had already been cleared, and that the remaining scrub and boundary trees would now be classed as poor habitat.

Habitat with recognised ecological value has therefore been removed in advance of assessment, so that the surveys and biodiversity baseline describe an already-diminished site. That connects directly to the biodiversity net gain concerns set out above.

Currency and document reliability

There is also a question of currency. The Preliminary Ecological Appraisal states that its baseline information and recommendations are considered relevant for no more than 12 months from the site visit. That visit took place on 8 August 2025, so the PEA expires on its own terms on 8 August 2026. The Bat Survey, based on a survey of 28 August 2025, lapses on the same basis around 28 August 2026.

The application therefore risks being determined on ecological evidence that has lapsed, or is close to lapsing, according to the applicant's own consultants. Given the already degraded baseline and the rain-disrupted single bat survey, the Council should require an updated ecological appraisal reflecting current site conditions before determination.

The ecological reporting also contains version-control and internal-referencing errors. The PEA cover identifies it as Version 4, May 2026, while internal pages remain stamped Version 3, February 2026. The report also cross-refers its dormouse

assessment to the wrong section, cites the same survey handbook under two different years, and refers to water vole inconsistently.

Each point may be minor in isolation, but collectively they reinforce the need for an updated and properly checked ecological appraisal before the application is determined.

Lighting impacts on mitigation habitat

The lighting evidence compounds the concern. The applicant's own Lighting Review records that significant effects on bats are associated with light levels as low as 3.6 lux yet also records proposed light spill of between 6.25 and 25 lux onto mixed-scrub planting along the eastern and northern boundaries, the very habitat proposed as bat and dormouse mitigation.

The conclusion that this is acceptable rests on close-board fencing and planting that has yet to establish. The lighting is therefore predicted to affect the mitigation habitat, and the proposed answer depends partly on fencing and immature vegetation.

The submitted lighting and signage material also does not appear to provide a consistent specification for colour temperature, spectral output or peak wavelength for all illuminated elements. That matters because the PEA requires warm white lighting, ideally below 2,700 Kelvin, with peak wavelengths above 550nm to reduce impacts on bats.

Without that information, the Council cannot confirm that the lighting and signage scheme complies with the applicant's own ecological mitigation requirements.

Conclusion

Taken together, the ecological evidence is not a sound basis on which to permit demolition or further clearance. The concerns include a known nearby multi-species bat roost; a single late-season, rain-disrupted bat survey; uncertainty over which buildings were surveyed; differing descriptions of site suitability; pre-assessment habitat clearance; documents close to the end of their stated shelf-life; version-control issues; and unresolved lighting impacts on proposed mitigation habitat.

Wiltshire Council refused the comparable McDonald's drive-through at Paxcroft, Hilperton, PL/2023/05469, in part because the submitted ecological information was inadequate to assess the impact on protected species. The same type of deficiency arises here.

The Council should require the ecological survey work to be completed to the standard of the Bat Conservation Trust guidelines, including adequate survey visits in the appropriate season and weather, resolution of the building and suitability inconsistencies, and a verified lighting strategy that satisfies the PEA requirements, before the application is determined and before any demolition or vegetation clearance is permitted.

Birds (Red List Species)

The desk study records include greenfinch, yellowhammer, linnet, house sparrow, dunnock and starling, all Red List species under the Birds of Conservation Concern assessment.

The former scrub is identified as having provided foraging and nesting habitat for linnet, greenfinch, whitethroat and dunnock in particular. The PEA requires demolition

of Building B4 outside the nesting bird season (March to September) or within 24–48 hours of a nesting bird check. Given the current date of June 2026, any demolition proceeding now falls squarely within the nesting season.

There is no evidence that this requirement has been secured by a planning condition or Construction Environmental Management Plan.

Invasive Species (Legal Obligation)

Japanese rose (*Rosa rugosa*) is confirmed present on site and is listed on Schedule 9 of the Wildlife and Countryside Act 1981. Under Section 14 of the Act, allowing this species to spread into the wider landscape is a criminal offence. The PEA requires a management and removal methodology and notes that the managing agent for the A361 highway should be informed of its presence. Neither action appears to have been taken or conditioned.

The Council should require a single cumulative lighting assessment covering both human residential receptors and ecological receptors, together with a finalised Construction Environmental Management Plan, a Landscape and Ecological Management Plan, enforceable conditions addressing all PEA requirements, and a confirmed programme for Japanese rose removal before any groundworks commence.

21. Land Contamination and Drainage

Contamination risks remain unverified

The applicant's own Phase 1 Geo-environmental Desk Study confirms that the site's current and historic uses, a petrol filling station, vehicle repair and testing centre, car sales and hand car wash, are likely to have contaminated the ground with hydrocarbons, fuels, oils, solvents, polycyclic aromatic hydrocarbons, metals, acids and alkalis, asbestos and made ground.

Underground fuel storage tanks also remain beneath the forecourt, and whether they have leaked is unknown.

The sensitivity of the site is heightened by its hydrogeological setting. The Environment Agency designates the underlying Upper Greensand Formation as a Principal Bedrock Aquifer of High Vulnerability.

The Desk Study also identifies a potential degrading hydrocarbon plume beneath the site, a possible ground-gas pathway from a historic landfill approximately 352 metres to the east, and a Medium unexploded ordnance (UXO) risk associated with the former Devizes (Hopton) Barracks, for which a Detailed UXO Risk Assessment is recommended.

Phase II investigation has not been undertaken

Critically, the submitted report is only a Phase 1 Desk Study. The applicant's own consultant concludes that an intrusive Phase II ground investigation is required to verify contamination and assess the risks to human health, controlled waters and infrastructure.

It also advises that, when the underground fuel tanks are removed, a geo-environmental engineer should assess whether leakage has occurred and determine whether soil removal or in-situ remediation is required.

That investigation has not been undertaken, and no remediation strategy has been produced. The information necessary to determine the contamination risks is therefore not before the Council.

Drainage strategy remains unresolved

The drainage evidence is similarly incomplete. No site-specific Flood Risk Assessment has been provided. The applicant's own consultant expressly states that the desk-study flood information does not constitute a Flood Risk Assessment, recommends further consideration of whether one is required, and identifies a moderate groundwater flood risk together with predicted surface-water flooding of 0.1–0.3 metres across the site during a one-in-100-year event.

This mirrors one of the principal deficiencies that led Wiltshire Council to refuse the comparable McDonald's drive-through at Hilperton (PL/2023/05469), where insufficient flood-risk information formed one of the refusal reasons.

Surface-water hierarchy has not been demonstrated

The applicant's own Drainage Statement also records unresolved concerns raised by the statutory water undertaker. Wessex Water advises that the proposed drainage strategy does not demonstrate compliance with the surface-water discharge hierarchy, that no evidence has been provided of water reuse or infiltration testing, and that its own records identify the site as lying within an area of high infiltration potential.

That finding goes to the heart of the drainage strategy. The applicant proposes to discharge surface water to the public sewer, the least sustainable option within the drainage hierarchy, on the assumption that infiltration is unlikely to be suitable because of historic contamination.

However, that assumption has not been tested. The Drainage Statement expressly defers the intrusive Phase II investigation needed to resolve the issue until after permission has been granted.

The Council is therefore being asked to accept the least sustainable drainage option on the basis of an unverified assumption that the statutory water undertaker itself questions.

Conclusion

These are not simply matters of post-consent management. They are fundamental to whether the application can properly be determined. The Council should not grant permission until it is satisfied that the contamination risks, flood risk and drainage strategy have been properly investigated and evidenced.

On the same corridor, the LLFA has required a proper drainage-hierarchy justification, infiltration evidence, groundwater consideration and exceedance routing before accepting surface-water proposals. The same level of scrutiny should be applied here.

If, contrary to my primary position, permission is granted, robust pre-commencement conditions should require:

- a Phase II intrusive ground investigation;
- removal of the underground fuel tanks, with verification of any leakage;
- a remediation strategy, including protection of the Principal Bedrock Aquifer;

- a site-specific Flood Risk Assessment and detailed surface-water drainage scheme;
- petrol interceptor and grease-trap details;
- construction pollution-prevention and emergency spill procedures;
- a Detailed UXO Risk Assessment; and
- long-term drainage inspection and maintenance arrangements.

22. Construction Management

The submitted Construction Environmental Management Plan describes a construction period of approximately 14 weeks, including possible piling, excavation, crushing equipment, HIAB deliveries and craneage, all in close proximity to residential homes.

There is also a direct inconsistency in the submitted construction documents: one document refers to Saturday working until 18:00, while another refers to Saturday working only until 12:00 noon.

The Council should require clarification and, if permission is granted, impose the shorter Saturday working period.

The CEMP also appears limited in scope to the McDonald's store and associated groundworks up to and including the modular building drop. That is insufficient for the full development, which includes demolition, contaminated land works, possible fuel tank removal, drainage, access works, landscaping, signage and fit-out. A final pre-commencement CEMP should be required covering all phases of development, with mandatory neighbour notification.

The CEMP should also incorporate a Construction Traffic Management Plan, secured by condition, addressing construction vehicle routing, the timing of HIAB and abnormal-load deliveries and any craneage, wheel-washing, and the avoidance of construction-vehicle queuing or manoeuvring on Horton Road or at the A361 roundabout, given the proximity of the access to that junction and to residential properties.

23. Relevant Decisions

Recent decisions reinforce two principles relevant here: first, that drive-through restaurant proposals require sufficient information and robust mitigation before they can properly be determined; and second, that late-night and 24-hour activity close to homes can cause unacceptable harm to residential amenity.

Comparable Wiltshire refusal: Hilpertons McDonald's

Wiltshire Council recently refused a closely comparable McDonald's drive-through at Paxcroft, Hilpertons, PL/2023/05469. That proposal was for a freestanding McDonald's restaurant with drive-through facility, car parking, landscaping, Customer Order Displays and a play frame, on land beside the A361 roundabout at Hilpertons. The officer report records that the restaurant would operate 24 hours a day.

The Council refused the application partly because insufficient information had been provided to assess ecological impacts, including impacts on priority habitats and protected and notable species.

It also refused the application because insufficient information had been provided to assess drainage impacts, including the absence of an appropriate Flood Risk Assessment.

I do not overstate the parallel. The site-specific ecological designations at Hilperton do not apply at Horton Road, and that refusal did not turn on residential amenity or 24-hour operation.

The relevant point is narrower: Wiltshire Council has recently refused a comparable 24-hour McDonald's drive-through where ecological and drainage information was insufficient to determine the application.

That principle is directly relevant here. The present application also raises unresolved ecological, biodiversity, drainage and contamination issues, including a single late-season and rain-affected bat survey, uncertainty over which building was surveyed, pre-assessment scrub clearance, an unsecured biodiversity net-gain solution, and incomplete drainage and contamination evidence.

The Council should apply the same discipline here. Fundamental evidential gaps should be resolved before determination, not left to post-consent conditions.

Late-night and 24-hour activity near homes

Two recent Planning Inspectorate appeal decisions are also relevant to the 24-hour and late-night dimension.

- In APP/Q3060/W/25/3373060, concerning McDonald's at 503 Clifton Lane, Nottingham, an appeal seeking 24-hour operation for outgoing customer deliveries by Deliveroo, Uber Eats and similar services was dismissed. The Inspector identified residential amenity as the main issue and concluded that the proposed variation would cause unacceptable harm to neighbouring residents through noise and activity.
- In APP/P4605/W/25/3372049, concerning McDonald's at College Road, Kingstanding, Birmingham, an appeal involving 24-hour EV charging activity within a McDonald's car park was dismissed. The Inspector found that 24-hour use would introduce activity into the car park during hours when there would otherwise be little or no activity, causing unacceptable effects on nearby residents through overnight vehicle activity and associated disturbance.

Conclusion

The facts of those decisions are not identical, and I do not suggest that they bind the Council. They do, however, reinforce material planning principles directly engaged here: insufficient ecology and drainage information can justify refusal, and 24-hour activity close to homes can cause unacceptable harm to residential amenity.

24. Planning Balance

I recognise that the proposal would create local employment, including opportunities for younger people. That is a genuine benefit. However, the applicant's figure of "over 120 jobs" is a gross headline figure, not a net gain specific to this site.

The relevant question is whether that benefit outweighs the harm and policy conflict identified in this objection. In my submission, it does not.

Not sustainable growth in this location

Wiltshire's transport strategy supports economic growth framed by safety, environmental protection, reduced car dependency and lower-carbon travel. A 24-hour, car-dependent drive-through on the eastern edge of Devizes does not align with that direction.

The applicant's own Transport Assessment confirms that additional trips would likely be drawn from Devizes and from settlements north of the site, including Calne. This is not a walkable local facility serving a nearby residential catchment; it is a roadside vehicle-based use drawing trade from passing and generated car journeys.

That matters because the corridor is already identified by the Council's own walking, cycling and air-quality evidence as requiring improvement, not further car-based intensification.

Cumulative context

The proposal does not come forward in isolation. The same A361/Horton Road corridor is affected by the live Aldi/Bike School application, the consented business park and the emerging Moonraker Park proposals. The planning balance must reflect their combined effect on traffic, servicing, lighting, air quality, residential amenity and the increasingly commercial character of this gateway to Devizes.

Employment benefit is not site-specific

Comparable employment and investment are already committed or proposed nearby, including through development I do not oppose. Employment-generating floorspace is also available within established employment areas in Devizes.

That does not mean the applicant must occupy another site. The point is one of planning weight: the employment benefit is general, not a site-specific justification for this particular harmful format in this particular location.

Conditions cannot cure the fundamental harm

The harm arises from the inherent character of the use: an unrestricted, illuminated, vehicle-based 24-hour drive-through directly opposite homes and beside a sensitive roundabout. Conditions may regulate details, but they cannot remove the fundamental incompatibility of that use with this location.

Fallback comparison

The existing lawful garage-related use is commercial, but it is materially different. It does not generate continuous night-time customer visits, ordering activity, idling, headlights, amplified voices, digital signage and operational noise. The realistic fallback is therefore less harmful to residential amenity than the proposal now before the Council.

Overall balance

Overall, the proposal would cause unacceptable harm to residential amenity, highway and pedestrian safety, air quality, lighting conditions, biodiversity and ecological integrity. The applicant's own documents also contain unresolved inconsistencies and omissions. The limited employment benefit does not outweigh those harms or the proposal's conflict with the development plan.

25. Requested Outcome

I respectfully request that Wiltshire Council refuses planning application PL/2026/03683.

I also request that the application be determined by Planning Committee rather than under delegated powers, and considered alongside the related applications.

The application raises significant and unresolved planning issues, including residential amenity, 24-hour operation, highway and pedestrian safety, air quality, lighting, noise, biodiversity net gain, protected species and drainage. Several depend on applicant documents that are incomplete or internally inconsistent.

Given the public concern, the Parish Council's recorded highway-safety concerns, and the need to balance competing material considerations, this is a decision that should be taken by elected members in public.

Further information required before determination

On the matters identified below, the submitted evidence is incomplete, internally inconsistent or preliminary. It does not provide a sufficiently reliable basis for the Council to conclude that the proposal complies with the relevant policies concerning residential amenity, highway safety, ecology, biodiversity, air quality, lighting and contamination. The application should therefore not be determined until the identified information has been provided, independently reviewed where appropriate, and made available for public consultation.

Before determining this application, the Council should require the applicant to address the principal evidential deficiencies identified in this objection. In particular, the Council should require:

1. Lighting: A consolidated, verified lighting and signage schedule for the entire development, covering PL/2026/03683, PL/2026/03702, PL/2026/03737 and PL/2026/03738, reconciling all luminance and lumen specifications across the submitted documents and demonstrating compliance with the Institution of Lighting Professionals' *Professional Lighting Guide PLG05 (2023)* for the correct environmental zone.

The submission should identify the maximum and night-time luminance of each illuminated element, dimming arrangements, hours of illumination, colour temperature, light-spill predictions and the relationship with the ecological lighting requirements.

2. Transport and highway safety: An updated Transport Assessment assessing the restaurant's identified peak trading period of 17:00–18:00, not only the network PM peak of 15:00–16:00, together with cumulative modelling that reflects the committed business park and the live Aldi/Bike School proposal (PL/2026/01361).

The assessment should also provide verified sightline and visibility drawings for the A361/Horton Road roundabout, the proposed site access and relevant pedestrian crossing points, and demonstrate that servicing, parking, internal circulation and access movements have been robustly assessed under those peak and cumulative conditions.

3. Ecology and biodiversity: Updated ecological survey work before determining the application. In particular:
 - repeat bat surveys undertaken at the appropriate time of year and in suitable weather conditions, addressing the limitations identified in the submitted survey;
 - independent verification of the pre-clearance ecological baseline used for the Biodiversity Net Gain assessment;
 - a Biodiversity Net Gain Delivery Plan demonstrating how the statutory biodiversity gain requirement will be achieved, secured and managed; and
 - confirmation that the ecological mitigation strategy, including the lighting mitigation, remains current and reflects existing site conditions.
4. Cumulative assessment: An updated cumulative assessment covering transport, highway safety, lighting, signage, air quality, noise and ecology, taking account of the committed business park and the live Aldi/Bike School proposal (PL/2026/01361).
5. Environmental zone: confirmation by the Council of the correct environmental zone for the site before lighting or signage luminance is assessed.
6. Sightline sections: verified sightline sections and visualisations from first-floor accommodation at Elder and the neighbouring London Road frontage homes.
7. Lux spill: a lux spill assessment showing effects on first-floor residential receptors, the A361/Horton Road roundabout, boundary habitats, retained trees and any bat-box locations.
8. Lumen discrepancy: clarification of the 8,000-versus-20,000-lumen Luma Gen2 inconsistency.
9. Dimming and controls: confirmation of whether any site lighting, signage, Customer Order Displays, digital screens, Play Land sign or totem would be dimmed, switched off, or operated at reduced output during evening, night-time and early-morning periods.
10. Enforceable controls: enforceable controls over 24-hour lighting, signage, Play Space use, digital display content, delivery hours and external activity.
11. Town-centre impact: A policy-compliant impact assessment meeting Core Policy 38 and NPPF paragraph 94, addressing the effects of the proposal on existing, committed and planned investment; consumer choice and trade; the existing restaurant, café and takeaway sector; and the vitality and viability of Devizes town centre.

Until those matters have been satisfactorily resolved, I respectfully submit that the application should not be determined.

If Permission Is Granted: Required Conditions

If the Council is minded to approve the application despite these objections, I request that the following matters are secured by robust, enforceable conditions before development begins or the use commences.

Hours and operation

- No 24-hour opening; restricted operating hours appropriate to nearby homes.
- No overnight drive-through operation.
- No night-time or early-morning deliveries, servicing, refuse collection or compactor use.
- Restricted hours for the Play Space.
- No third-party courier collection operation unless separately assessed and approved.

Lighting, signage and ecology

- Full cumulative lighting assessment from residential receptors including Elder.
- Ecologist review of lux scatter plots.
- Lighting compliant with PEA bat mitigation: warm-white lighting not exceeding 2,700 K, and ideally below 2,700 K, peak wavelengths above 550nm, no illumination of eastern boundary habitats or bat boxes.
- Consistent and verified luminance specifications for all signage elements, including maximum and night-time luminance, dimming controls and hours of illumination.
- No digital or illuminated signage outside approved operating hours.
- Confirmation of the correct environmental zone before any lighting or signage luminance is approved.
- A verified lighting strategy submitted to and approved by the Council before commencement of development.
- Automatic dimming of all illuminated and digital signage and site lighting.
- Reduced lighting levels during evening, night-time and early-morning periods.
- No unnecessary illumination of the site, signage or Customer Order Displays when the restaurant and drive-through are closed.
- No direct illumination of boundary habitats, retained trees or bat-box locations.
- Express control of digital menu board and Customer Order Display lighting, including brightness, dimming, content and hours.
- Assessment and control of delivery lighting and vehicle-headlight impact on residential receptors, including first-floor windows at Elder.
- Post-opening monitoring and review of lighting and amenity impacts, with power to require remedial measures if unacceptable harm occurs.
- Any advertisement consent should be limited to the standard five-year period, unless the Council gives clear reasons for a shorter or different period. No 10-year consent should be granted for illuminated or digital signage in this sensitive location.
- Any consent should also include an express removal condition requiring all signage to be removed if the associated restaurant is not implemented or ceases to operate, and requiring illumination to be switched off when the restaurant or drive-through is closed.

Noise, odour and air quality

- Noise limits for plant, extraction, Customer Order Displays and external operations, with monitoring and complaints procedure.
- No external amplified audio from Customer Order Displays during night-time hours.
- Full odour mitigation secured, including ESP, ozone and grease-control system, two-second ozone contact period, servicing intervals, audit logs, remote failure alarm and odour-complaint procedure.
- Air-quality assessment reviewed against the correct Sui Generis use, with Environmental Health confirmation of model outputs and localised drive-through idling effects.
- Anti-idling measures and signage.

Highways, servicing and travel

- Swept-path analysis and servicing scheme confirming safe delivery/refuse movements without reversing across the access or conflicting with the roundabout.
- Servicing and refuse collection confined to controlled daytime hours.
- Highway safety audit and review of the access/roundabout relationship.
- Final Travel Plan addressing customer as well as staff travel.

Ecology and biodiversity

- Legally secured BNG solution satisfying statutory trading rules, based on independently verified pre-clearance baseline habitat values.
- Landscape and Ecological Management Plan incorporating all PEA requirements.
- Japanese rose removal methodology and notification to the A361 highway managing agent.
- Nesting-bird check for Building B4 demolition if undertaken during nesting season.

Construction, contamination and drainage

- Final Construction Environmental Management Plan covering demolition, contamination works and fuel tank removal.
- Contaminated-land investigation, remediation, fuel tank removal and groundwater protection as pre-commencement conditions.
- Final drainage strategy, petrol interceptor, grease trap and lifetime maintenance regime.

Management and accountability

- Site-specific Litter Management Scheme covering patrol frequency and radius, external bins, named contact and review mechanism.
- Clear complaints procedure and named operational contact for residential neighbours.

These safeguards and conditions are a fallback only. They should not be read as diluting the primary objection or as acceptance that a 24-hour drive-through use can be made acceptable in this location.

26. Conclusion

This is not an objection to the redevelopment of the site in principle. It is an objection to the specific proposal before the Council: a 24-hour McDonald's restaurant/takeaway and drive-through, with extensive vehicle activity, illuminated signage, external ordering infrastructure, parking, servicing, lighting, plant, odour, litter and operational activity in a constrained edge-of-settlement location directly opposite existing homes.

The site is too close to residential properties, too exposed across the A361 frontage, and too proximate to the A361/Horton Road roundabout to accommodate the intensity of use proposed without unacceptable impacts on residential amenity, highway safety and local character. Those impacts would be most acute during the evening, night-time and early-morning hours, when residential sensitivity is greatest and when the surrounding environment would otherwise be quieter and darker.

The applicant's own material does not resolve those concerns. It identifies adverse night-time delivery noise at Elder, relies on ground-level lighting calculations which do not assess first-floor residential receptors, contains inconsistencies in lighting output and luminance specifications, and does not provide a sufficiently verified basis for concluding that 24-hour operation would be acceptable.

The proposal is also deficient in wider planning terms:

- The Sequential Test has not demonstrated that no suitable sequentially preferable site is available for this main town-centre use, and the limited qualitative material in Section 8 of the applicant's Sequential Test does not satisfy the impact-assessment requirement of Core Policy 38;
- The cumulative effects of this proposal, the live Aldi/Bike School application, the committed employment development and the emerging Moonraker Park proposals have not been properly assessed;
- The air-quality, transport, servicing, lighting, ecological, drainage and contamination evidence all contain unresolved gaps or assumptions requiring correction before any reliable planning judgment can be made;
- The biodiversity net gain position remains unresolved and appears to depend on a baseline potentially affected by pre-application scrub clearance; and
- The submitted design has not demonstrably satisfied the ecological mitigation requirements for protected species, including the need for a genuinely dark eastern boundary.

Taken as a whole, the proposal conflicts with the development plan, particularly Core Policies 2, 38 and 57 and Policy H1 of the Devizes Area Neighbourhood Plan. The submitted evidence also fails to demonstrate compliance with the relevant policies concerning sustainable transport, biodiversity, air quality, contaminated land, drainage and water resources.

My primary position is therefore that Wiltshire Council should refuse PL/2026/03683.

If, contrary to that primary position, the Council is disposed towards approval, it should not grant permission on the basis of the present evidence. It should first require the

corrected and independently verified information, and impose the conditions, set out in Section 25.

However, those safeguards would be a fallback position only. They should not dilute the primary objection: the submitted proposal has not demonstrated that a 24-hour drive-through use can be made acceptable in this location.

For all of these reasons, I respectfully ask Wiltshire Council to refuse PL/2026/03683.