9 Grimescar Meadows
Huddersfield
West Yorkshire
HD2 2DZ

Change of Use at No. 26 Grimescar Meadows, HD2 2DZ

Responses Submitted to Kirklees Council on 20 December 2022

Planning Portal Reference: PP-11655984

Planning Application Reference Number 2022/62/93615/W

I refer to the planning application for change of use at the residential premises of No.26 Grimescar Meadows, HD2 2DZ that application being to regularise the online activities of the *EasyMeds Pharmacy*, a business that has been functioning since 2017 at that address and it application to use an associated attached garage at the above address for the purposes of that business.

In submitting these comments and objections, attention will initially and specifically be drawn to the following covenants applicable to properties in Grimescar Meadows and as imposed by and extracted from the schedules attached to deeds for properties in Grimescar Meadows. It is understood that these covenants similarly apply for properties in Whitebeam Park and in Ridge View Drive.

(It is of course assumed that the *EasyMeds Pharmacy* does operate in full accordance with General Pharmaceutical Council rules and The Health Act 1999, as amended by the Health and Social Care Act 2008, the primary legislation which enabled the GPhC to be established via the Pharmacy Order 2010.)

Positive and/or Restrictive Covenants

Not to uses any building on the Property for any purpose other than as or incidental to a single private dwelling

Not to use the Property for any business purposes

Not to do or omit to be done or permit or suffer to be done or omitted to be done any act or thing on or about the Property which shall cause or may become an annoyance nuisance damage or disturbance to the owner or occupier of any part of the remainder of the estate

Not to keep any caravans or vehicles adapted or intended for use as a dwelling or sleeping accommodation or boat or trade vehicle on the property unless the same are stored in a garage.

Mindful of those covenants, it has to be asserted that the *EasyMeds Pharmacy* business activities, have since inception and the commencement of those pharmacy business activities, been functioning for some five years in contravention of restrictions imposed by first three clauses of the above covenants and it is the case that the principles of the *EasyMeds Pharmacy* business continue to offend against those restrictions.

/ Numbers of Employees

Numbers of Employees

The change of use application to permit the property at No.26 Grimescar Meadows to be used as the *EasyMeds Pharmacy* states the number of employees to be engaged in that business to be two only. What is not clearly indicated is if that number is for the two principles only of the business, or if that is to include for employees additional to the two principles of the *EasyMeds Pharmacy* business. That which is observed and has been for number of years, is that additional to the two main principles of the business there are two regular employees who attend the premises at No.26 Grimescar Meadows, where *EasyMeds Pharmacy* is already operating and, on some occasions, a third employee is also observed attending those premises. Taking account of those observations, it therefore needs to be asserted that the numbers of employees stated in the application is likely understated.

Furthermore, as the *EasyMeds Pharmacy* grows its business activities (as must be an inevitable objective for survival of any business) there has to be a presumption of an eventual need for additional employees to be engaged to support that business growth. Similarly, there is likelihood too for an eventual need for expansion of the accommodation available for *EasyMeds Pharmacy* to operate the functions of that business in an efficient and legitimate manner commensurate with a pharmacy operation. It therefore cannot be dismissed that growth of the *EasyMeds Pharmacy* must eventually and inevitably lead to a demand for additional expansion of the premises at No.26 Grimescar Meadows to support that business growth. Being mindful of that potential factor, it has to be emphasised particularly that No.26 Grimescar Meadows is located in what has always been intended to be strictly a residential location only. As such, therefore, the *EasyMeds Pharmacy* activities at that address should be deemed to be inappropriate for that location and, therefore, not allowable. In view of that, any intent to continue that business at that address, or any intent for any growth of that business or expansions at No.26 Grimescar Meadows must be disallowed.

Motor Vehicle Traffic

There is clear evidence that the business activities of *EasyMeds Pharmacy* has already incurred commercial vehicle activity into and away from the estate over and above that which would customarily occur for ordinary domestic activities. Moreover, it is clear that commercial vehicle activity to and from No.26 Grimescar Meadows has been increasing over the past five years, that no doubt being commensurate with increases in business activities at that address. It is therefore a reasonable premise that the number of commercial vehicle movements demanded to support that business activity can only be set to increase as the business activity grows, as it inevitably must. As it currently stands, however, although it has not been practical to quantify with accuracy the numbers for commercial vehicle movements to and from No.26 Grimescar Meadows that are directly connected to the *EasyMeds Pharmacy* business activity, the type of vehicles visiting can be defined. Vehicle movements that are self-evidently connected to the business are the frequent and regular visits of vehicles with pharmacy suppliers' markings. Additional to those, however are the unmarked vans that regularly observed, attending those premises for the purposes of both delivering pharmaceutical supplies to *EasyMeds Pharmacy* and for the collections of those goods for redistribution to clients of the *EasyMeds Pharmacy* business.

Furthermore, the numbers and frequency of commercial vehicles that attend 26 Grimescar Meadows make it plainly evident that the *EasyMeds Pharmacy* business model being is that of a '*just-in-time'* operation, that being that goods are purchased by and delivered into *EasyMeds Pharmacy* for immediate redistribution against *EasyMeds Pharmacy* clients' orders. That being so, it has to be that as *EasyMeds Pharmacy* grows its business, there has to be also an inevitable increase in the commercial vehicle movements to and from its premises to support growth of that '*just-in-time'* business model.

/ It is reiterated .....

It is reiterated, No.26 Grimescar Meadows is located in what is designated to be strictly a residential area. Therefore, the *EasyMeds Pharmacy* activities at that address are entirely inappropriate and undesirable for that location. If the *EasyMeds Pharmacy* business is permitted to continue at No.26 Grimescar Meadows, as its business grows and expands, that must inevitably have an ever increasing impact upon the amenity quality of Grimescar Meadows as well as inevitable knock-on effects for Whitebeam Park and Ridge View Drive. That must not be permitted.

That which must be emphahsised also is given how our high street businesses are having to battle to even stay afloat and to provided essential local services, it is quite inappropriate for businesses activities such as those of *EasyMeds Pharmacy* to be not just permitted to operate from what are strictly residential locations, but also by default to be encouraged by inappropriate planning approvals (or blind eyes?) by local authorities. It is reiterated, *EasyMeds Pharmacy* is a *'buy in and sell on', 'just-in-time', 'quick-fix'* commercial operation that is carrying none of the disadvantageous and debilitating overheads of a legitimate high street pharmacy business. That inevitably affords *EasyMeds Pharmacy* very specific and entirely unfair trading advantages and if this Change of Use application is approved that will be tantamount to our local authority being party to approving and indeed supporting unfair trading activities.

Furthermore, if this application for Change of Use at No.26 is allowed, that will then unequivocally set the precedent for any other applications of a similar nature to be similarly approved. Indeed, if this application is approved, how then can our Council disallow similar applications for other residential properties in the Grimescar Meadows, Whitebeam Park and Ridge View Drive estate locations?

What's more, if this application is approved and other applications are permitted in the future, that then can only lead to a degradation of Grimescar Meadows, Whitebeam Park and Ridge View Drive into what can then be described as being nothing other than a 'mixed use' trading estate. That which is self-evident is that the above stated covenants were attached to the deeds of properties in Grimescar Meadows, et al, with a very clear intent of preventing degrading activities in the area and when approval was granted for developments at Grimescar Meadows the Kirklees Council planners must have been aware of and indeed party to those covenants being accepted as conditions for the development.. For the Council to now not uphold and enforce those covenants will be tantamount to a dereliction of its obligations by the Council , as well as being a failure in its due diligence.

Although incidental to the above referenced application, it is of course acknowledged that since the Covid-19 and lockdowns era there has been a growth in home-working activities at residential premises. That has occurred throughout the nation even though restrictive covenants may apply to residential properties in many instances. It would seem too that those home-working practices are set to continue and perhaps increase. In most instances, however, ordinary home working imposes no detriment upon or inconveniences to surrounding properties or residents because as a general rule those activities are usually limited to ordinary 'office' type functions. Thereby, associated commercial vehicle movements that could have a detrimental impact upon the amenity value where they are situated occur only rarely, if at all. That cannot be said of a business operation such as that of *EasyMeds Pharmacy,* which is strictly a *'buy in and sell on', 'just-in-time'* commercial operation involving many commercial vehicle movements to support its *quick-in/quick-out* business model.

In conclusion, *EasyMeds Pharmacy* business activity is an entirely commercial business operation that is totally inappropriate and undesirable for any residential environment such as within the Grimescar Meadows, Whitebeam Park and Ridge View Drive estate and, therefore, this Change of Use application must be unequivocally rejected. Indeed, the only appropriate action now by our Council will be that of serving notice for a time limited eventual disallowing in its entirety of *EasyMeds Pharmacy* business activity at No.26 Grimescar Meadows.