

HOUSING (SCOTLAND) ACT 2006

APPLICATION FOR HOUSE IN MULTIPLE OCCUPATION LICENCE

53 MARSHALL WAY, TULLIBODY

LETTERS OF REPRESENTATION

Clackmannanshire Council
Environmental Health & Community Safety
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Mr. Douglas Fontaine
61 Marshall Way
Tullibody
FK10 2GA
07-546-105-479
DOUG.FONTAINE@BTOPEWORLD.COM

Attn. Mr. Andrew Crawford

Date 13th January 2012

Dear Mr. Crawford,

I confirm my telephone conversation of 12th January 2012 with your department (Mr. Andrew Young) in which I was informed that an application for a licence of multiple occupancy for 53 Marshall Way was lodged on 4th January 2012.

It was stated that the only public notification required is a notice to be displayed in the window of the property, I have checked the house (number 53) and can report that no notification is being displayed anywhere on the frontage of the property or within the grounds of the house, I've checked this both on the 12th and 13th of this month.

99% of the residents of Marshall Way object to 53 or any other house in Marshall Way having its use changed from single to multiple occupancy. The objections were very vociferously expressed when planning permission was requested, see your website link <https://eplanning.clacks.gov.uk/eplanning/> and enter 11/00310/FULL in the search box.

I like the vast majority of Marshall Way residents strongly object to 53 Marshall Way or any other house in Marshall Way being used as a multiple occupancy dwelling.

The title deeds of the homes in Marshall Way clearly state that the houses are to be used for single occupancy dwellings, not multiple occupancy.

I purchased my home in a residential area and do not wish to see it changed to, a residential bed sit / residential bed and breakfast / dormitory / homeless persons hostel, or any other type of accommodation business area.

The title deeds do not allow a business to be run from the home.

Car parking in the area is an issue and is currently at its limit, it should also be noted that the garage of the property has been converted to a utility room, and therefore can't be used for parking.

Marshall Way is a quiet and safe area and the residents wish to keep it that way, a transient group of five individuals could cause problems such as noise, vehicle parking, and anti social behaviour etc.

Changing the use of 53 Marshall Way from being a single occupancy family home to a multiple occupancy business, will I feel downgrade the area and thus cause local property prices to drop.

My house is my home, I like it the way it is and want the area to remain unchanged, there is a very strong community between the residents of Marshall Way and 99% of them want the area to remain as it is e.g. a community of houses which are single family homes.

I'd like to request that you answer all of the points raised in this letter; furthermore can you inform me if there are any other similar applications being submitted?

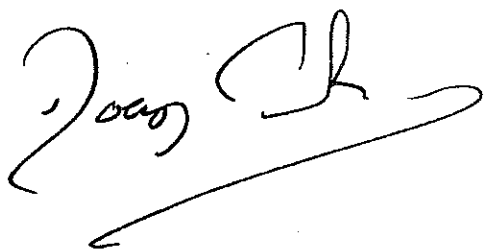
It is disconcerting to note that public notification for this type of application is nothing more than a sign in the property window, as stated earlier 53 is currently not displaying any notification whatsoever, furthermore this type of public notification is completely inadequate; most people respect other people's privacy and therefore don't go round peering in their windows.

It's by chance that I phoned your department and found out what was going on and in progress; if I hadn't contacted you then I wouldn't have known about the application and I wouldn't have had the opportunity of lodging an objection.

If the council grant a licence then they will be complicate in aiding that the rules as laid out in the title deeds of the property are disregarded.

I look forward to you reply.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Doug Fontaine', with a long horizontal flourish extending from the end of the signature.

Doug Fontaine

Mr ANDREW CRAWFORD.

17 JAN 2012

27 Marshall Way

Tullibody

15-01-12

Environmental Health + Community Safety

Clackmannanshire Council

Kilncraig

Greenside Street.

Alloa

FK10 1EB.

Dear Sir,

Regarding multiple occupancy licence at 53 Marshall Way Tullibody.

No object! the cul-de-sac is a very secure and safe place, for families of young children, having up to 5 unrelated people living in a one house, that was built for one family, is just a bit much.

We ourselves are an older couple wanting to enjoy our retirement in peace and security.

Yours faithfully,

William Gardner,
Margaret Gardner.

17 JAN 2012

15/01/12

51 Marshall Way
Tullibody
ALLOA
FK10 2GA

Tel 01259 217121
Mob 07968324081

Mr Andrew Crawford
Environmental Health & Community Safety
Clackmannanshire Council
Kilncraigs
Alloa

Dear Mr Crawford

**RE- Town and Country Planning (Scotland) Act 1997
Change Of Use Of House To House In Multiple Occupancy at 53 Marshall Way,
Tullibody, Alloa, Clackmannanshire FK10 2GA**

I wish to object to the application regarding the above.
It is clear from the land registry title deeds of all the properties in the area that such a proposal is specifically prohibited. (pages D9& D10)

I note from the correspondence on the application page of the council website that Mr Mallets address is given as 53 Marshall Way, you should note that he has not resided there for at least three years having previously rented the property out on a long term basis. I have also checked the requirements of this application and as of today 15/01/12, the need to display a public notice at or on the premises has not been complied with.

I have further noted that on 5th Dec 2011, the roads and transport division of the council submitted a memo to the planning department stating that on Health & Safety grounds the application for change of use could not be supported. I am sure I do not need to point out the potential liability to the council should change of use be approved and an accident occur that could be related to an increase in traffic to this property. Any subsequent legal action would almost certainly found on the roads department memo.

Finally, I wish to be kept informed of any developments and to be invited to the planning meeting with a view to voicing my concerns in person.

Yours sincerely



Mr James Dawson

18 JAN 2012

Mr Andrew Crawford
Environmental Health and Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Dear Mr Crawford

I am writing to place an objection to Mr Mallet's application for single to multiple occupancy on the property 53 Marshall Way, Tullibody, FK10 2GA.

My objection is based on the issue of parking and the ability of the existing road infrastructure to support the increase in traffic that this change could potentially have.

I refer to the response from Stuart Cullen of the Road and Transportation Department of Clackmannan Council on the applicant's previous attempt at gaining planning permission for the premises.

This Section does not generally support proposals to convert single houses to multiple rented use unless appropriate private facilities exist to safely cater for all the associated access and parking demands. Houses used for residential purposes can generate up to 10 vehicle movements a day and this use is normally catered for in modern housing developments by the layout and design of the house plots and associated roads.

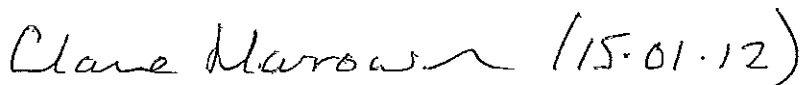
A house under multiple occupation will inevitably lead to increased access and parking demands in Marshall Way and it is this Service's view that these demands cannot be safely supported by the adjacent road layout. Such a change of use would not be in the interests of road safety and this Service would therefore recommend against the granting of consent to this application.

I am also aware that one of the stipulation that must be adhered to is that "When a landlord applies for a licence, he is required to display a notice outside the property for 21 days to let people know. This notice will say how you can submit objection, and give a closing date". Mr Mallet has submitted his application on the 4th of January and to this date 16.01.12 there has been no notification outside the property. I can provide photo evidence if you wish.

I am only aware of the application due to other neighbours who have concerns of the change in Mr Mallet's plans.

This is a family, child-centred cul-de-sac with a real sense of community where people feel safe in their own homes. I hope the decision taken reflects on this and a common sense approach is applied.

Yours faithfully

 (15.01.12)

Claire Harrower
(57 Marshall Way)

Please can you acknowledge receipt of this letter, my email address is:- harrowerc06s@stirling.gov.uk



20 Jan. 12.

Andrew Crawford Esq.,
Environmental Health + Community Safety
Clacks. Council
Kilncreags
ALLOA FK10 1EB.

Dear Sir,

APPLICATION FOR LICENCE FOR HMO at 53 Marshall Way, Tullibody

It is with consternation that I read of an application for HMO licence in Marshall Way, Tullibody.

The above house is situated in a small cul-de-sac with limited access and parking in driveways has only two spaces. It is a quiet residential area with young families and elderly couples.

The nuisance of noise and lack of safety for all

would be a major objection to the granting of a licence. Traffic congestion is already a problem for the residents.

The peace of the area could be jeopardised by people coming and going at all times of the day and night. Disturbances from such a house could lead to noise, foul language and other related problems which may require the police to be involved.

The Land Register Scotland states that these houses are for families and not unrelated people.

Fire hazard is another problem as the stairway and banisters are wooden - In case of fire occupants would be required to jump to safety from first floor rooms and bathroom.

The owner of No. 53. has, in the last few days, just posted his notice of intent for licence to the neighbours, - not 21 days notice as required.

These are the reasons for my strong objection to the granting of an HMO licence to the ~~the~~ owner, Mr. Robert Mallet. I also understand that my views are shared by all in the neighbourhood.

I trust this letter will act as written objection to the proposal.

Yours faithfully,

Sean K. Brown (Mrs)

* I would appreciate notification of the outcome of the above. JKB.

MR ANDREW CRAWFORD
ENV. & HEALTH DEPT
KILNCRAIGS
GREENSIDE ST
ALLOA
FK10 1EB

COLIN ROBERTSON
59 MARSHALL WAY
TULLIBODY
FK10 2GA

22nd JANUARY 2012

Dear Sir,

OBJECTION TO:

APPLICATION FOR MULTIPLE OCCUPANCY OF 53 MARSHALL WAY
TULLIBODY

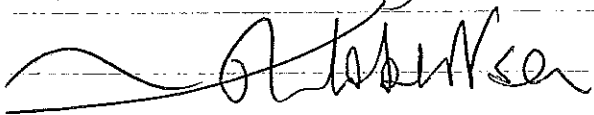
I am writing to object to any consideration of issuing a licence for multiple occupancy on the above noted property.

1. This is in a quiet residential cul de sac with a strong family base. This provides a safe and peaceful playing environment for the children.
2. This licence will have an impact on the surrounding properties.
3. The increase in traffic in a busy road will be dangerous.
4. There is a possibility of anti social behaviour and increased noise.
5. This is in conflict with the title deeds.

It is also relevant that the current owner would not have tolerated an application for a license of a neighboring property had he still been resident.

I hope that you take these views into consideration and reject this application.

Yours sincerely



COLIN ROBERTSON

To:
Mr Andrew Crawford
Environmental Health & Community Safety

23 JAN 2012

From:
Mr&Mrs Phillips
8 Marshall Way
Tullibody
FK10 2GA

20th January 2012

We have been informed that the owner of 53 Marshall Way has applied for a House in Multiple Occupation Licence. We strongly object to this proposal, as the intent of the application appears to be aimed at having a high turnover of occupants from unknown backgrounds for high profit. Marshall Way is a family orientated residential cul-de-sac, with friendly neighbours, quiet streets, and a community spirit. To allow this in our neighbourhood could reduce safety for others' and our children, increase traffic noise and flow, reduce property values and damage neighbourhood harmony.

Please do not approve this application. Families have worked long and hard to be able to live in Marshall Way, and this application could ruin residents' quality of life.

Yours faithfully.

Fred Phillips

Mark McAlister
49 Marshallway
Tullibody
FK10 2GA

23 JAN 2012

20 January 2012
FTA Andrew Crawford
Environmental Health and Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

OBJECTION

Dear Sir,

This week an A4 note has appeared on the front window of 53 Marshallway which states the owner has applied to the Council to turn his property into a "House in multiple Occupation" and the closing date for objection is 25 January. This does not comply with the guidelines on your website "*the notice must be displayed for a period of 21 days in a prominent position*".

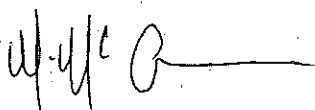
The owner of the above property has already created a fury with the street residents by applying for a "House in multiple Occupancy" (case No 11/00310/FULL); this is evident from the number of e-mails strongly objecting to such an application in a quiet residential area.

Marshallway is a quiet street where young families live, retirees stay in the street and are often visited by their children and grandchildren. I for one would not be comfortable letting children play in a street where no-one knows the character of the people that could potentially be staying in number 53 Marshallway if the application was granted.

A serving Police Officer who stays in the street stated in his objection in the previous application that it is common with this type of rented property - there will most likely be a high probability for anti-social behaviour and a noise nuisance.

I hope the Council carefully considers the feelings and impact such an application would have on the residents of Marshallway and rejects this application.

Thanks & regards,



Mark McAlister

Mr & Mrs G. M. Auliffe
23 JAN 2012 35 Marshall Way

TULLIBODY

FK 10 2 GA


20/1/12

Mr Andrew Crawford
Environment of Health
Kilneraigs
Green side Street
ALLOA
FK 10 1 EB

Dear Sir,

We refer to the change of use of house ~~house~~
to house in multiple occupancy at 53 Marshall Way. We
are very much against the proposed multi-occupancy B/B
at 53 Marshall Way. We think we speak for most of
the neighbours when we say that we saved for and
sought out a desirable, quiet locale in which to buy our
property. This multi-occupancy will not, in our opinion,
benefit this tight-knit community in the least little bit.

The deeds of the property clearly state that the houses are
for "one family occupancy only." There are young children
in the area and the added traffic would badly affect
their safety and freedom to play out doors. Can you
guarantee that the people who will occupy this B/B will
be honest, law-abiding upright citizens living entirely within
the law? WE DON'T THINK SO! I hope good sense and reason
will resolve the situation and let us all resume our quiet
and happy lives here in this lovely area.

Yours Nancy M. Auliffe 

23 JAN 2012

37 Marshall Way
Muirside
Tullibody
FK10 2GA

Tel: 01259 218494

19/01/2012

Dear Mr Crawford,

53 Marshall Way
Muirside
Tullibody
FK10 2GA

Application for HMO licence

I refer to the recent application for a HMO licence that has been made by the owner of 53 Marshall Way, Muirside, Tullibody, FK10 2GA and I write now to strongly object to the licence being granted. There are a number of different reasons for this which, for clarity, I will number as follows:-

- 1) Firstly, and most importantly the property at 53 Marshall Way is expressly prohibited, in terms of the real burdens which apply to the whole of the estate that Marshall Way forms part of from being occupied in any other way than as a private residence for use by one family only. I enclose a copy of the relevant page of the Deed of Conditions which shows the burden that I am referring to. You will see from this that any attempt by the council to grant an HMO licence would be incompetent and would leave the council open to challenge in the courts by any of the residents in the estate.
- 2) If the objection noted at 1) above is for some reason not sufficient on its own then I would ask you to take into account this and the following objections. I understand that only one other HMO licence has been granted in Tullibody. As you will be aware, HMO licences are normally only granted in areas where there is a high student or nursing population. This does not apply to Tullibody and certainly not to Marshall Way, which is primarily a family estate.
- 3) The granting of a HMO licence in Marshall Way, which would by definition bring in non-related residents into a single house, would be entirely out of keeping with the rest of the development. The neighbours have had no objections in the past and really could have no objection, to the property being let to a single family unit, but there is a real desire to keep the estate as a family estate as it was originally intended.
- 4) You will readily see from any site inspection that the property at 53 Marshall Way only really has off-road parking for two vehicles, albeit that I believe it is being argued that there is space for three cars. If a HMO licence is granted then it would be very likely that more than three cars would be using the

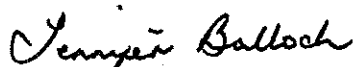
premises. This would obviously lead to on-road parking with the consequent increased risks that would arise for the local children and other residents. In fact, you will be aware that your roads department responding officer Stuart Cullen already raised concerns of this nature in connection with the applicants initial application for planning permission.

- 5) If an HMO licence was to be granted then, in view of the size of the property at 53 Marshall Way, it seems likely that it would be students, or others who would be looking for cheap accommodation who would be attracted to the property. There is a very real fear that this would lead to people with chaotic lifestyles moving into the estate, which again would be very much out of keeping with a family estate filled with young children.

I trust the foregoing points will be given full consideration by you when determining whether or not to grant this application. If, for some reason, you decide to grant the application, in direct contravention of the expressed prohibition contained within the Deed of Conditions relative to the estate, then I will expect that many of the residents will group together in order to launch a legal challenge against your decision.

Please would you be good enough to acknowledge receipt of this letter and confirm that its terms will be taken into consideration by you.

Yours sincerely



Jennifer Balloch



TITLE NUMBER CLK7795

D 9

D. BURDENS SECTION

THIRD

Each Dwellinghouse shall be used and occupied as a private dwellinghouse and each Plot shall, so far as not occupied by buildings, be used as garden or amenity ground and for no other purpose whatsoever and shall remain unbuilt on in all time coming and no Dwellinghouse shall be sub-divided or occupied by more than one family at a time nor shall the garage or any other building erected or to be erected on a Plot or part of a Plot be sold separately from that Plot as a whole; No Dwellinghouse or Plot or any part thereof shall be used for the carrying on thereon of any trade, business or profession or for the selling of any goods or any wares of any sort, whether or not such use may be deemed incidental or natural to the ordinary residential use of the Dwellinghouse, Plot or part thereof of whether any person occupying the same may have a contractual right to use the same for or in connection with or arising out of any trade, business or profession notwithstanding any rule of law to the contrary; Any garage erected on a Plot, shall be used for the garaging of any one private car or motor cycle and for no other purpose whatsoever (with the exception of any double garage or lock-up erected on a Plot which may be used for garaging of any two private cars or motor cycles); No shops or other buildings for the sale of any wines or spirits or other excisable liquors or for the making or manufacturing of any goods for sale shall be erected on any Plot or on any part thereof; No board, card, plate or advertising notice of any kind shall be placed on a Dwellinghouse, on a Plot or on the Development as a whole without our or our foresaids prior written consent (except (i) where a board or notice is erected within a Plot in relation to the sale of that Plot and/or (ii) the erection of two small plates on a Dwellinghouse showing the name of the Proprietor and/or the name of the Dwellinghouse); No caravan, boat, trailer or commercial vehicle shall be parked or stored on any Plot so as to protrude beyond the building line of the Dwellinghouse erected thereon or parked or stored on any of the parking spaces within the Development nor shall anything be done on the Development, on a Plot or in a Dwellinghouse which may be deemed to be a nuisance or occasion disturbance to adjoining Proprietors; DECLARING that our foresaids shall be the sole judge of what constitutes such nuisance or disturbance.

FOURTH

The Proprietor of each Dwellinghouse shall maintain his, her or their respective Dwellinghouse and Plot in a good state of repair

23 JAN 2012

47 Marshall Way
Tullibody
FK10 2GA

Mr Andrew Crawford
Environmental Health & Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

19 January 2012

Dear Mr Crawford

I am writing regarding the application for a Multiple Occupancy Licence for 53 Marshall Way, Tullibody. I have several concerns and ask that the application be rejected. My concerns are as follows:

The owner of 53 Marshall Way is aware that occupants of the cul-de-sac have expressed many concerns to the original planning application that was submitted for multiple occupancy. By cancelling that application and applying for a licence (knowing that residents do not have to be individually informed) he is showing a disregard for residents in Marshall Way.

It is stated that a **'Public Notice which must be displayed outside any House in Multiple Occupation when the licence is being applied for, unless there is a specific exemption.'** – To the best of my knowledge this has not been done. If there is a specific exemption can we please be informed?

20 Jan -
notice seems
to be in
place
KM

The only supporter of the planning application for multiple occupancy was a previous tenant of 53 Marshall Way who had been homeless, but this was a young family and **NOT** 'different unrelated persons living in the same residence'.

I refer you to the objections already raised at
<https://eplanning.clacks.gov.uk/eplanning/caseFile.do?category=application&caseNo=11%2F00310%2FFULL>
and to the attached memo from Roads and Transportation recommending that this application be declined.

I would be grateful if you could keep me informed of any future developments either by post or e-mail (Karen.McKillop@prudential.co.uk).

Yours sincerely

Karen J McKillop

Karen McKillop

(CJ)
✓

Services to Communities

Memo

Our Ref: C/011/00310/FULL

Extension No 2593

Your Ref: 11/00310/FULL

Date 5th December 2011

To: DEVELOPMENT QUALITY

From: ROADS & TRANSPORTATION

Subject: PLANNING APPLICATION NUMBER – 11/00310/FULL
APPLICANT: MR ROBERT MALLET
DEVELOPMENT: CHANGE OF USE OF HOUSE TO HOUSE IN MULTIPLE
OCCUPANCY
LOCATION: 53 MARSHALL WAY, TULLIBODY

I refer to the above mentioned planning consultation and would respond as follows.

ROADS & TRANSPORTATION

RESPONDING OFFICER: Stuart Cullen

This Section does not generally support proposals to convert single houses to multiple rented use unless appropriate private facilities exist to safely cater for all the associated access and parking demands. Houses used for residential purposes can generate up to 10 vehicle movements a day and this use is normally catered for in modern housing developments by the layout and design of the house plots and associated roads.

A house under multiple occupation will inevitably lead to increased access and parking demands in Marshall Way and it is this Service's view that these demands cannot be safely supported by the adjacent road layout. Such a change of use would not be in the interests of road safety and this Service would therefore recommend against the granting of consent to this application.

PUBLIC TRANSPORT

RESPONDING OFFICER: Stuart Cullen

No objections from a public transportation perspective only.

I trust this information is of use to you.

On behalf of
ROADS & TRANSPORTATION

21 FEB 2012

38 Keirfold Avenue
Tullibody
Clackmannanshire
FK10 3BE

16 February 2012

Mr. Andrew Crawford
Environmental, Health & Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Dear Sirs

Re: Multiple Occupancy License for 53 Marshall Way

I write to express my objection to the above as usually this means that the house will be used to accommodate homeless people.

I attended the Muirside Rise Residents' Association AGM on Wednesday 15th February where concerns about this license application were discussed by local residents. This was the first time I had even heard about it and I am very concerned for the following reasons.

I know that there are many categories of people classed as homeless; including those noted below; copied from the Clackmannanshire Council Website.

- Leaving the parental home after arguments;
- Marital or relationship breakdown;
- Widowhood;
- Discharge from the armed forces;
- **Leaving care;**
- **Leaving prison;**
- **A sharp deterioration in mental health or an increase in alcohol or drug misuse.**

I also believe that West Alloa/Tullibody has the highest rate of such requirements in the whole of Clackmannanshire so it is indeed going to be busy.

As we know a very high proportion of those requiring accommodation are young males who are either drug or alcohol dependent. We also know from the daily papers about the crime e.g. shop lifting, burglaries etc. that are committed daily by that group to fund their habits.

It astounds me that property in an idyllic peaceful site like Marshall Way or indeed anywhere in Muirside can even be considered for such a purpose.

I wish to lodge an objection for the following reasons:

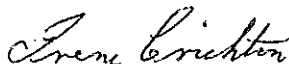
- The safety of the many young children in that area is put at risk.
- The security of local residents' property is put at risk.
- At the moment there is a new shop being built there which will have a license to sell alcohol and will be a possible target of some of the **above homeless groups which I have highlighted in bold above.**

- In most of those facilities the residents are not allowed to stay there 24/7. They are left wandering in the local area or indeed the centre of Alloa causing problems. We have a local children's play park in which we have already had problems with groups of young people using it as a drinking den and vandalising the play equipment. Due to the concerns of local residents and the involvement of the Muirside Residents' Association also the Community Policing I believe in the main, this seems to have been resolved.
- I also believe that a homeless family was already placed in accommodation in Lethen View and within days police had to attend to sort out problems and it caused untold misery for other local residents.
- The Council would be showing no concerns for the welfare of the local community in granting this license.
- The value of the resale of any surrounding properties in the vicinity is lowered by the very fact that people know there is a house already there being used for such a purpose. I know this as a fact from previous family involvement in Tullibody with drug addicts located in adjoining properties let by the Council.
- If one is allowed it will then set a precedence.
- Will we be informed as to what 'categories of people' are going to be accommodated there?

I know that is the duty of the Council to accommodate homeless persons and I acknowledge that; however I do think that due consideration must be given to the existing people surrounding those planned facilities and also the large financial commitment those people have made in purchasing their houses only then to be confronted with a situation like this.

I look forward to hearing from you soon.

Yours sincerely



Irene Crichton

23 FEB 2012

49, King O' Muirs Drive
Tullibody
Clacks
FK10 3AY
Tel:-01259 720989

22nd Feb. 2012

Mr A Crawford
Environmental, Health & Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa FK10 1EB

Dear Mr Crawford,

My wife and I are extremely concerned about the proposed Multiple Occupancy Licence for 53 Marshall Way, Tullibody.

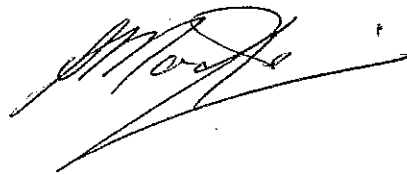
It seems that the council are attempting to 'railroad' this through as objections cannot be registered by E-Mail or petition, which must be contrary to the council's 'openness' policy.

We hereby object to this proposal, and would like more information on the following:-

- 1) Who is buying this property?
- 2) Who will be living in this property?
- 3) What safeguards are planned to protect property and residents & their families, if people living there are deemed to be anti-social.

Before proceeding with this project, the council should consult with existing residents to inform them of progress, and to hear their views on the subject.

We await an early reply with your views and answers to our questions,



L. & E.K. Maclachlan

42 King of Muirs Drive
Tullibody
FK10 3AY
21.2.2012

24 FEB 2012

Dear Sir

I understand an application has been made for a licence to run a private house at 53 Marshall Way, Tullibody as a multi occupancy dwelling.

In short, I take this to mean a bed and breakfast establishment to be used on a short/long-term basis by homeless people.

These homeless people may be genuine in that they need emergency accommodation through no fault of their own, but they may also be of the variety who find themselves on the streets through alcohol or drug dependency, or have been released from prison etc and have nowhere to go.

Those living around this property have no way of knowing who they might be living next to, perhaps from one week to the next.

This is unfair. People bought these houses in a residential estate because they wanted to live in a family-orientated environment.

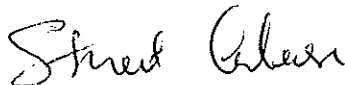
There are many people with young families living not only in Marshall Way, but in close proximity.

To have the uncertainty of not knowing who might be living alongside them is deeply unsettling.

To approve a licence for a house such as this is in the middle of a residential estate is in my view unacceptable and I hope the licensing officers - having completed a site visit and seen for themselves that the location is wholly unsuitable - will agree.

This application must be refused.

Yours



STUART ANDERSON

24 FEB 2012

43 Keirfold Ave
Tullibody
FK10 3BE

22 February 2012

Andrew Crawford
Environmental, Health &
Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
ALLOA FK10 1EB

Dear Sir

**Re: Application for A Multiple Occupancy Licence for No. 53
Marshall Way, Muirside, Tullibody**

We wish to object to this proposal on the grounds that being a pleasant residential area, usually safe for children and the elderly, this proposal could pose a threat to the above if the house was to be occupied by anti-social persons. We also worry that they may take advantage of the play parks and shop being built to hang about and get up to mischief, thus lowering the tone of the area resulting in a fall in value of other surrounding properties.

I hope that these concerns will be noted and no licence will be granted.

Yours sincerely

John L. Gilmore

Ann E. Gilmore

Mr.A.Crawford
Environmental,
Health and Community Safety,
Clackmannanshire Council,
Kilncraigs,
Greenside Street,
Alloa,
FK10 1EB

27 FEB 2012

Mr & Mrs.H.J.Moules
18, Keirfold Avenue,
Tullibody.
FK10 3BE

21.02.12

Dear Sir,

We are writing to you concerning an application for a property in Marshall Way (No53), Muirside, Tullibody that has applied for a multiple Occupancy Licence, I believe there is a possibility that this property could be used to house homeless persons. I am astounded that this may even be allowed to happen for various reasons which are,

(1) The new shop being licensed will be a magnet for persons who are homeless because of alcohol dependence and the fact that local children will hang about the shop area and this will put them in an environment that could become dangerous for them and local people will be apprehensive about using the shop.

(2)The local play park being an attraction for this type of person to use the area to drink and take drugs, we have had trouble with this area in the past and the police have just recently resolved this problem.

(3)Drug addicts tend to disregard there used needle anywhere with no regards to the safety of other's.

(4)The safety of local children.

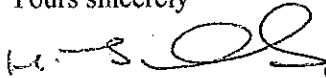
(5)The security of properties in the area will be a concern to all local residence as some of the homeless break into properties to steal to feed there habits.

(6)The resale value of properties being lowered just by the fact that one house is being used for this purpose.

(7)Once one property is gained a licence it will set a precedence for further applications.

I hope that you can forward our concerns to the appropriate department that deals with this application and hope to hear from you soon.

Yours sincerely



Mr H.J.Moules



Mrs P. Moules

5 KEIRFOLD AVENUE
TULLIBODY
FK10 3BE

ANDREW CRAWFORD.

27-2-12

DEAR SIR

28 FEB 2012

IT HAS COME TO MY NOTICE THAT THERE HAS BEEN AN APPLICATION FOR A MULTI-OCCUPANCY LICENCE FOR NO 53 MARSHALL WAY, MUIRSIDE, TULLIBODY. THIS IS SEEN AS A RE-ZONING OF THE AREA FROM PRIVATE RESIDENTIAL USE. SURELY THIS COULD BE SEEN AS DRIVING A COACH & HORSES THROUGH EXISTING LEGISLATION WITHOUT ANY CONSULTATION WITH THE EXISTING PROPERTY OWNERS WHO BOUGHT THEIR HOUSES IN GOOD FAITH AS PRIVATE BUYERS. CONSIDER THE FOLLOWING POINTS,
1 THE HOUSES WERE BUILT AS 3 OR 4 BEDROOM FAMILY HOMES & ARE NOT SUITABLE FOR MULTI-OCCUPANCY WITHOUT EXTENSIVE MODIFICATION, ACCORDING TO HEALTH & SAFETY LAWS,
2 PEOPLE MOVING IN TO PROPERTIES IN MULTI-OCCUPATION TEND TO BE

ITINERANT WITH THE CONSTANT CHANGING OF TENANTS & LOWERING OF STANDARDS CAUSING RAPID RUN DOWN OF SECURITY & DERELICTION OF THE AREA.

3. THE DEVELOPMENT OF THE PROPOSED SHOP & THE PROXIMITY OF THE LOCAL PARK COULD ENCOURAGE PERSONS ATTRACTED TO THIS TYPE OF HOUSING TO GENERALLY 'HANG OUT' & LOWER THE PROFILE OF THE AREA.

4. THE GRANTING OF THIS LICENCE COULD OPEN THE FLOODGATES TO FURTHER GRANTING OF MULTI-OCCUPANCY WITH ITS DETRIMENTAL EFFECT ON PROPERTY VALUES LOCALLY.

I LOOK FORWARD TO YOUR EARLY REPLY

YOUR FAITHFULLY
M.N. Boyle

(M.N. BOYLE)

28 FEB 2012

29 King O' Mine Dr
Lullibody

FW10 3AY

Andrew Crawford, 20th Feb. 2012

Dear Sir,

It has come to my notice that the owner of the property at 53 Marshall Way Lullibody has applied for a Multiple Occupancy License. I strongly object to this application as it could lead to many problems. The majority of us in this area are retired pensioners & the last thing we need is any trouble. I hope you take this objection seriously.

Yours sincerely

Janette J. Hunter

01 MAR 2012

MR & MRS A HUNTER

41 King O' Muirs Drive
Tullibody
Alloa FK10 3AY

28 February 2012

Andrew Crawford,
Environmental, Health & Community Safety
Clackmannanshire Council
Kilncraigs,
Greenside Street,
Alloa FK10 1EB.


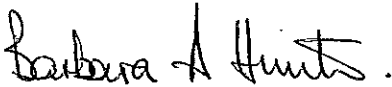
Dear Mr Crawford,

It has been brought to our attention that the owner of the property at 53 Marshall Way, Tullibody, has applied for a Multiple Occupancy Licence, for that property.

We wish to object to this application on the grounds that it could be detrimental to this area, in the following ways:-

- The security of properties.
- The resale values of existing properties.
- Safety of local children, in the Muirside Estate.
- The new shop, being licensed, may be an attraction for anyone with an alcohol dependency who may occupy the property to which the HMO Licence may apply.
- Safety of others in and around the local park.
- One Licence being allowed may set a precedence.

Yours sincerely,

Mr & Mrs A Hunter.

01 MAR 2012

Andrew Crawford,
Environmental Health & Community Services,
Clackmannanshire Council,
Kilncraigs,
Greenfield Street,
Alloa.
FK10

35 Keirfold Avenue,
Muirside,
Tullibody.
FK10 3BE

27th Feb.2012.

Dear Sir,

Objection – Multiple Occupancy Licence for No 53 Marshall Way, Tullibody

I forward my objections in respect of the above application on the following grounds:-

1. In Keirfold Avenue, there are 11 females living on their own. I have no doubt, this number will increase when you take in the whole area of Muirside.
2. I have great concern for their security and safety if a licence for 5 single males being housed at No 53 Marshall Way is granted.
3. Security of properties.
4. Children`s safety.
5. Large play area at King O`Muir- with a history of problems!!! Is VERY difficult to police due to location and is only a stone`s throw away from the above property!!!
6. Smaller play areas very close by where younger children play – Need I say more??

I would also like to add over the years Muirside has built a caring and active community for young and old.

Given these points, I would hope in your position as Environmental Health and Community Safety Officer - you will protect our community and refuse this application.

Yours faithfully,

Ian Arnott

02 MAR 2012

43 King o' Muirs Drive
Muirside
Tullibody
FK10 3AY

29 February 2012

Mr Andrew Crawford
Environmental, Health & Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
ALLOA FK10 1EB

Dear Mr Crawford

We have been advised by The Muirside Rise Residents' Association, of which we are members, that application has been made for a Multiple Occupancy Licence in respect of No.53 Marshall Way, Muirside, Tullibody. This is causing concern to the residents in our Estate since it is believed there is a strong possibility that this Licence could be used for housing homeless persons. **Should this happen, the implications are considerable and therefore we wish to object strongly to this Licence being granted for the undernoted reasons.**

First and foremost, the houses in this estate are mainly 3 and 4 bedroom family homes and therefore, the safety of local children is in danger.

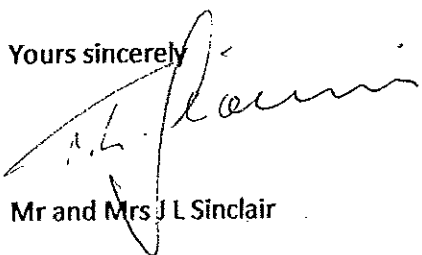
The resale value and security of the properties in the area will be affected due to one house being used for this purpose and also once Licence was granted would set a precedent for future applications.

The local play park has attracted undesirable people in the past and again would be an attraction for people to "hang out".

The new shop being built at the foot of the estate which we understand will be licensed, would inevitably be a magnet for persons who are homeless because of the implications of people with alcohol dependency.

We look forward to hearing from you.

Yours sincerely



Mr and Mrs J L Sinclair

05 MAR 2012

Andrew Crawford,
Environmental, Health & Community Safety,
Clackmannanshire Council,
Kilnraigs,
Greenside Street,
Alloa.
FK10 1EB

10 Keirfold Avenue,
Muirside,
Tullibody.
FK10 3BE

28th Feb., 2012

Dear Sir

Multiple Occupancy Licence – No 53 Marshall Way, Muirside, Tullibody

We wish to make a formal objection in respect of the above proposal under existing legislation. This has been seen to be considered without any consultation with existing property owners.

It is with great concern this should even be considered by the Council – given the experience which other councils have had with similar applications.

As the proposal states – it is intended to be used to house 5 single males with an inhouse manager. It is very apparent, this would more than likely be used to accommodate homeless males who may or may not have criminal records/addiction problems, etc.

As “MUIRSIDE” has strived over 7 years to become a safe environment where:-

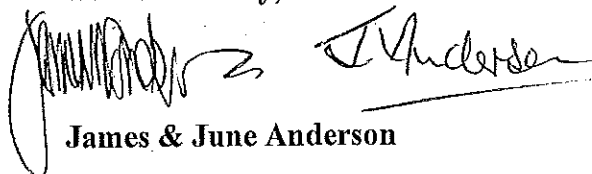
Young families can feel confident their childrens safety is paramount;
Senior Citizens can relax without fear, and
Young professionals are happy to live in a safe estate.

These houses were built for families – the premises at the above are NOT suitable for use as an HMO.

We feel neighbours will complain to the Council as it is likely to cause undue public nuisance or threat to public order and an adverse effect on the saleability and value of surrounding properties in the estate.

Please give this your serious consideration.

Yours sincerely,


James & June Anderson

07 MAR 2012

10 King G' Murt's Drive
Murt side
Tullibody

FK 10 3AY.

2/03/12

Dear Sir/Madam,

It has been brought to our attention that a house in our area may be used to house 'the homeless'.

As we have paid quite a lot of money to buy our home in a nice area, the idea that people who are homeless, and may have a lot of personal problems etc., are not at all comfortable with this situation.

Yours faithfully

Mrs. J. McGregor

20 MAR 2017

12, King O' Muir Dr,
Tullibody,
Clacks

15/3/12

FK10 3AY

Dear Sir,

I understand an application has been made for a Multiple Occupancy Licence for "53 Marshall Way, Muirside, Tullibody."

I wish to place an objection to this proposal on record for the following reason:-

We have two young grandchildren living on this estate (6 & 8 years) and two older ones (12 & 15 years) who visit us on a weekly basis.

All four children spend time at the playpark and we would be uncomfortable about allowing this in case there were

any potentially unstable character
living on the estate.

We currently view this area as a
reasonably safe environment which is
an attraction to purchasing property
here. We would be extremely
disappointed should this application
be approved and would ask you to
take our concerns into account.

Yours sincerely,

John & Frances Douglas

Andrew Crawford
Environmental, Health
& Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
ALLOA FK101EB

12 MAR 2012

R G Hobson Esq.
40 King O'Muir Drive
Muirside FK10 3AY

1st March 2012

Dear Mr Crawford,

**MULTIPLE OCCUPANCY LICENCE
53 MARSHALL WAY, MUIRSIDE**

I wish to lodge my objections to the Application for a Multiple Occupancy Licence for 53 Marshall Way, Muirside.

I do not consider such an Application as being appropriate within this estate in view of the potential dangers associated with such uses of property of which we, the local residents, have been made aware. I believe that the local constabulary have similar reservations

My fears of such a change of use include the risk to safety of local children and the security of other properties in the area. Several other factors arise concerning the very possible devaluation of local properties and that a precedence will be set for such similar Applications in the future.

I should be obliged if you would kindly record my objections.

Yours sincerely,


Geoff Hobson

35 King O'Hairs Drive

Gullibohy

26 MAR 2012

FK10 3AY.

19.3.12.

Dear Sir

As a 72 year old widow I would like you to know my extreme disquiet at the thought of having a house of multiple occupancy in this estate. We have already suffered countless problems with the park caused by undesirables collecting there to drink & cause trouble. This seems to have been solved but only after numerous police interventions. Apart from all the obvious reasons which I'm sure others will have gone into in much detail would you put a H.O.M. near or next door to your parents. Please add this letter to the many others I'm sure you've had on this matter.

Yours Sincerely
S. A. Hunter
(MS S. A. HUNTER)



Tullibody, Cambus & Glenochil Community Council

Andrew Crawford
Environmental Health Team Leader
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

06 JUN 2012

4th June 2012

Dear Andrew

HMO – proposal for 5 non related occupants – 53 Marshall Way Tullibody

We are have been asked by our local community to support them in their objection to the above application, which we understand your department is currently considering. The residents at this locality are quite rightly concerned about the proposed use of the property and the potential for threats to their safety and security. We understand that the residents were issued with title deeds stating that the properties on this development were only to be used as homes for a one family at a time. If this is the case then why is this application even being considered?

This housing development was quite clearly planned and developed to suit families and we understand the developer has confirmed this with the land registry:

"Each dwelling house shall be used and occupied as a private dwelling house and each plot shall, so far as not occupied by buildings be used as garden or amenity ground and for no other purpose whatsoever and shall remain unbuilt on in all time coming and NO DWELLINGHOUSE SHALL BE SUB-DIVIDED OR OCCUPIED BY MORE THAN ONE FAMILY AT A TIME nor shall the garage or any other building erected or to be erected on a plot or part of a plot be sold separately from that plot as a whole." The key word being "family".

Residents quite rightly chose to invest in properties and lifestyles at this location on the premise that this is what they would be getting and why should this status not be maintained as planned?

No one doubts that there are many other groups of people and individuals who need accommodation. They may have particular special needs and may even require support in the community, for example individuals with special needs, ex offenders in rehabilitation and drug abusers in rehabilitation, but careful consideration is required on how to integrate them into communities in a sensitive manner. There are particular properties in built up town areas that are more suited to this kind of occupation, ie Tarragon House in Alloa, where the tenants can go about their business and daily activities without impacting on the surrounding community. Shared accommodation of this type in town centres is also likely to be nearer to local bus routes and services, GP's, employment services, social work support, etc.

Have the local police officers and community police officers been informed of this application. We believe that they might also have serious reservations regarding this application?

The key grounds that we would like to raise objections to:

- These houses were built for families – they are not suitable for use as an HMO.
- We also object to any re-zoning of the area away from private residential use without any consultation with the existing property owners, which would inevitably set a precedent.
- Concern for child safety (there are play parks close by which are already difficult to police)
- Many single women in area would feel threatened by the type of proposed occupants.
- The detrimental affect on property prices and ability to sell houses in an already difficult housing market
- Individuals moving into a multiple occupation property tend to be itinerant resulting in frequent changing of tenants and lowering of standards culminating in the estate becoming rundown, lacking security and the potential dereliction of the area.



Tullibody, Cambus & Glenochil
Community Council

We believe that this licence application will be considered by the Council Committee in the next few weeks and would be grateful if you could submit our objection to the Committee.

Janette McGowan

Janette McGowan
Chairperson,
Tullibody, Cambus & Glenochil Community Council.
5 Delph Road, Tullibody,
Clacks FK10 2RH
Email: mcgowanj@stirling.gov.uk

Cc: Cllrs, G Matchett, T Murphy, J Stalker and L Sharp.

11 JUN 2012

47 Marshall Way
Tullibody
FK10 2GA

Environmental Health & Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

08 June 2012

Dear Sir

I am writing regarding the application for a Multiple Occupancy Licence for 53 Marshall Way, Tullibody.

A new notice has been recently displayed on the above property I am assuming that the process has been re-started, so am resubmitting my previous objection letter—this is the third time that I have submitted comments, firstly online, when the original planning application was submitted, and secondly on 19 January in response to the first HMO application.

I would be grateful if you could confirm receipt of this letter, and keep me informed of any developments either by post or e-mail (Karen.McKillop@prudential.co.uk or Karen.McKillop@sky.co.uk).

Yours sincerely

Karen J McKillop

Karen McKillop

COPY

47 Marshall Way
Tullibody
FK10 2GA

Mr Andrew Crawford
Environmental Health & Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

19 January 2012

Dear Mr Crawford

I am writing regarding the application for a Multiple Occupancy Licence for 53 Marshall Way, Tullibody. I have several concerns and ask that the application be rejected. My concerns are as follows:

The owner of 53 Marshall Way is aware that occupants of the cul-de-sac have expressed many concerns to the original planning application that was submitted for multiple occupancy. By cancelling that application and applying for a licence (knowing that residents do not have to be individually informed) he is showing a disregard for residents in Marshall Way.

It is stated that a **'Public Notice which must be displayed outside any House in Multiple Occupation when the licence is being applied for, unless there is a specific exemption.'** – To the best of my knowledge this has not been done. If there is a specific exemption can we please be informed?

The only supporter of the planning application for multiple occupancy was a previous tenant of 53 Marshall Way who had been homeless, but this was a young family and **NOT** 'different unrelated persons living in the same residence'.

I refer you to the objections already raised at <https://eplanning.clacks.gov.uk/eplanning/caseFile.do?category=application&caseNo=11%2F00310%2FFULL> and to the attached memo from Roads and Transportation recommending that this application be declined.

I would be grateful if you could keep me informed of any future developments either by post or e-mail (Karen.McKillop@prudential.co.uk).

Yours sincerely

Karen McKillop

11 JUN 2012

Mr Ian Doctor
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1 EB

Mrs Erica Squair
33 Marshall Way
Tullibody
FK10 2GA

8th June 2012

Dear Mr Doctor

Please find below a copy of my original objection to the multiple occupancy application at 53 Marshall Way Tullibody. I would hope that my original objection would still count since the application seems to have been restarted, however to ensure that you do have my objection, I am sending this to you.

Re: CHANGE OF USE OF HOUSE TO HOUSE IN MULTIPLE OCCUPANCY AT 53 MARSHALL WAY, TULLIBODY

I am writing to express my objection to the above. As a resident of this small cul-de-sac, I have serious concerns over the change of use of this house.

1. Parking – On the original proposal it stated that there was enough space in the driveway for at least 3 cars. This is certainly not the case. There are visitor parking bays that are currently being used by other householders due to an extreme shortage of parking spaces both in driveways and on the road. Stuart Cullen has also expressed concern over this. There are a number of small children living in this area, this would surely have an affect on their safety. Many people who live here are aware that there are children playing and drive accordingly. Strangers coming and going to 53 Marshall Way will not be aware of this. **Would it take for an accident to happen before people realised the implication this would have on our small cul de sac?**
2. In my Deed of Conditions it clearly states that houses should be occupied by only one family – **totally against the above application**. Allowing several non-related residents to live in one house is in direct contradiction to the Deeds and also with the rest of the development.
3. HMOs are normally in areas with a high student or nurse population. This is clearly not the case for Marshall Way.

I strongly urge you to consider this application and the serious implications that this will have on Marshall Way and our quality of life. This is a family estate where children can play freely. This will not be the case should the Council grant this application for whatever reason.

I would be grateful if you would acknowledge receipt of this letter and keep me up to date with this application.

Yours sincerely

A handwritten signature in cursive script that reads "Erica Squair". The signature is written in black ink and is positioned above the printed name.

Erica Squair

12 JUN 2012

37 Marshall Way
Muirside
Tullibody
FK10 2GA

Tel: 01259 218494

07/06/2012

Dear Mr Doctor,

53 Marshall Way
Muirside
Tullibody
FK10 2GA

Application for HMO licence

I refer to the recent application for a HMO licence that has been made by the owner of 53 Marshall Way, Muirside, Tullibody, FK10 2GA and I write now to strongly object to the licence being granted. There are a number of different reasons for this which for clarity, I will number as follows:-

- 1) Firstly, and most importantly the property at 53 Marshall Way is expressly prohibited, in terms of the real burdens which apply to the whole of the estate that Marshall Way forms part of from being occupied in any other way than as a private residence for use by one family only. I enclose a copy of the relevant page of the Deed of Conditions which shows the burden that I am referring to. You will see from this that any attempt by the council to grant an HMO licence would be incompetent and would leave the council open to challenge in the courts by any of the residents in the estate.
- 2) If the objection noted at 1) above is for some reason not sufficient on its own then I would ask you to take into account this and the following objections. I understand that only one other HMO licence has been granted in Tullibody. As you will be aware, HMO licences are normally only granted in areas where there is a high student or nursing population. This does not apply to Tullibody and certainly not to Marshall Way, which is primarily a family estate.
- 3) The granting of a HMO licence in Marshall Way, which would by definition bring in non-related residents into a single house, would be entirely out of keeping with the rest of the development. The neighbours have had no objections in the past and really could have no objection, to the property being let to a single family unit, but there is a real desire to keep the estate as a family estate as it was originally intended.
- 4) You will readily see from any site inspection that the property at 53 Marshall Way only really has off-road parking for two vehicles, albeit that I

believe it is being argued that there is space for three cars. If a HMO licence is granted then it would be very likely that more than three cars would be using the premises. This would obviously lead to on-road parking with the consequent increased risks that would arise for the local children and other residents. In fact, you will be aware that your roads department responding officer Stuart Cullen already raised concerns of this nature in connection with the applicants initial application for planning permission.

5) If an HMO licence was to be granted then, in view of the size of the property at 53 Marshall Way, it seems very likely that it would be students, or others who would be looking for cheap accommodation who would be attracted to the property. There is a very real fear that this would lead to people with chaotic lifestyles moving into the estate, which again would be very much out of keeping with a family estate filled with young children.

I trust the foregoing points will be given full consideration by you when determining whether or not to grant this application. If for some reason you decide to grant the application, in direct contravention of the expressed prohibition contained within the Deed of Conditions relative to the estate, then I will expect that many of the residents will group together in order to launch a legal challenge against your decision.

Please would you be good enough to acknowledge receipt of this letter and confirm that its terms will be taken into consideration by you.

Yours sincerely



Jennifer Balloch



TITLE NUMBER CLK7795

D 9

D. BURDENS SECTION

THIRD

Each Dwellinghouse shall be used and occupied as a private dwellinghouse and each Plot shall, so far as not occupied by buildings, be used as garden or amenity ground and for no other purpose whatsoever and shall remain unbuilt on in all time coming and no Dwellinghouse shall be sub-divided or occupied by more than one family at a time nor shall the garage or any other building erected or to be erected on a Plot or part of a Plot be sold separately from that Plot as a whole; No Dwellinghouse or Plot or any part thereof shall be used for the carrying on thereon of any trade, business or profession or for the selling of any goods or any wares of any sort, whether or not such use may be deemed incidental or natural to the ordinary residential use of the Dwellinghouse, Plot or part thereof of whether any person occupying the same may have a contractual right to use the same for or in connection with or arising out of any trade, business or profession notwithstanding any rule of law to the contrary; Any garage erected on a Plot, shall be used for the garaging of any one private car or motor cycle and for no other purpose whatsoever (with the exception of any double garage or lock-up erected on a Plot which may be used for garaging of any two private cars or motor cycles); No shops or other buildings for the sale of any wines or spirits or other excisable liquors or for the making or manufacturing of any goods for sale shall be erected on any Plot or on any part thereof; No board, card, plate or advertising notice of any kind shall be placed on a Dwellinghouse, on a Plot or on the Development as a whole without our or our foresaids prior written consent (except (i) where a board or notice is erected within a Plot in relation to the sale of that Plot and/or (ii) the erection of two small plates on a Dwellinghouse showing the name of the Proprietor and/or the name of the Dwellinghouse); No caravan, boat, trailer or commercial vehicle shall be parked or stored on any Plot so as to protrude beyond the building line of the Dwellinghouse erected, thereon or parked or stored on any of the parking spaces within the Development nor shall anything be done on the Development, on a Plot or in a Dwellinghouse which may be deemed to be a nuisance or occasion disturbance to adjoining Proprietors; DECLARING that our foresaids shall be the sole judge of what constitutes such nuisance or disturbance.

FOURTH

The Proprietor of each Dwellinghouse shall maintain his, her or their respective Dwellinghouse and Plot in a good state of repair

13 JUN 2012

35 King O'Hara Drive

Julesburg

12.6.12

Dear Sir

Thank you for your letter of 6th inst. I would like to reiterate my initial fears and add that I have heard that it will be poor men who live in this HMO. This is a recipe for disaster in an area where people have spent their last penny to afford a decent area to bring up their children. This may not be politically correct but N.I.M.B.Y. definitely applies in this case

Yours sincerely

J. W. Hunter

Director of Services to Communities
Clackmannanshire Council
Kilncraigs
ALLOA
FK10 1EB


18 JUN 2012

15 JUN 2012

53 Marshall Way – Application for HMO

Please find attached a copy of the original letter I sent to Andrew Crawford on 16.01.12 I wish my original objection to stand and would appreciate acknowledgement of this letter.

Yours faithfully

 (7.6.12)

Claire Harrower
(57 Marshall Way)

Mr Andrew Crawford
Environmental Health and Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Dear Mr Crawford

I am writing to place an objection to Mr Mallet's application for single to multiple occupancy on the property 53 Marshall Way, Tullibody, FK10 2GA.

My objection is based on the issue of parking and the ability of the existing road infrastructure to support the increase in traffic that this change could potentially have.

I refer to the response from Stuart Cullen of the Road and Transportation Department of Clackmannan Council on the applicant's previous attempt at gaining planning permission for the premises.

This Section does not generally support proposals to convert single houses to multiple rented use unless appropriate private facilities exist to safely cater for all the associated access and parking demands. Houses used for residential purposes can generate up to 10 vehicle movements a day and this use is normally catered for in modern housing developments by the layout and design of the house plots and associated roads.

A house under multiple occupation will inevitably lead to increased access and parking demands in Marshall Way and it is this Service's view that these demands cannot be safely supported by the adjacent road layout. Such a change of use would not be in the interests of road safety and this Service would therefore recommend against the granting of consent to this application.

I am also aware that one of the stipulation that must be adhered to is that "When a landlord applies for a licence, he is required to display a notice outside the property for 21 days to let people know. This notice will say how you can submit objection, and give a closing date". Mr Mallet has submitted his application on the 4th of January and to this date 16.01.12 there has been no notification outside the property. I can provide photo evidence if you wish.

I am only aware of the application due to other neighbours who have concerns of the change in Mr Mallet's plans.

This is a family, child-centred cul-de-sac with a real sense of community where people feel safe in their own homes. I hope the decision taken reflects on this and a common sense approach is applied.

Yours faithfully



Claire Harrower
(57 Marshall Way)

34 Marshall Way
Tullibody
Alloa
FK10 2GA

14th June 2012

Director of Services to Communities
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

Dear Director of Services to Communities

Re: Mr R Mallet, 53 Marshall Way, Tullibody, Alloa, FK10 2GA – Multi Occupancy

We strongly object to this application. Marshall Way has always been considered safe for all residents young and old.

Bringing in multiple tenants will undoubtedly put that safety at risk and I do not think the Council would want to be accountable for putting or young and old at risk by agreeing to this.

The lack of parking will cause double parking thus increasing the risk of an accident.

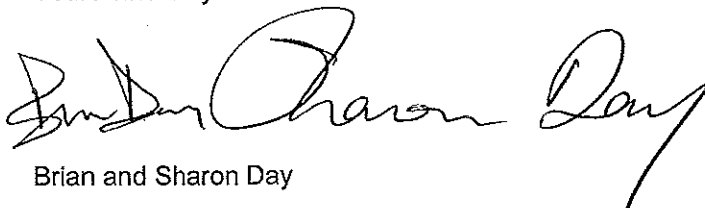
If this application is permitted it could open the flood gates for other applications which will only multiply the risks highlighted with the potential for five vehicles per household.

We have just consulted the land registry document and it clearly states in the burdens section that the subdivision of property within the Muirside developments is not allowed. We quote the applicable passage verbatim below (the applicable sentence I have entered in capitals). "Each dwelling house shall be used and occupied as a private dwelling house and each plot shall, so far as not occupied by buildings be used as garden or amenity ground and for no other purpose whatsoever and shall remain unbuilt on in all time coming and NO DWELLINGHOUSE SHALL BE SUB-DIVIDED OR OCCUPIED BY MORE THAN ONE FAMILY AT A TIME nor shall the garage or any other building erected or to be erected on a plot or part of a plot be sold separately from that plot as a whole."

What assurances has Mr Mallet given to appease local residents as we knew nothing about this until advised by a concerned neighbour? This is not seen as being a responsible neighbour but sounds like someone trying to be devious in making a fast buck at the expense of others. Is Mr Mallet only out to make money by any means and to hell with everyone else?

We trust that the views of the Marshall Way residents and the clause in the land registry be carefully considered when reviewing this application and we IMPLORE the council to uphold the burden which states that no property should be split into multi occupancy.

Yours sincerely



Brian and Sharon Day

RECEIVED

10 12 2012

20 JUN 2012

Mark McAlister
49 Marshallway
Tullibody
FK10 2GA

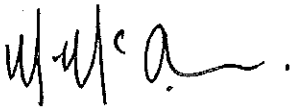
8 June 2012
FTA Andrew Young
Environmental Health and Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

OBJECTION

Dear Sir,

I would just like to re-affirm my objection for the proposed HMO - 53 Marshallway Tullibody. I can confirm my previous objection on the 20 January 2012 remains valid.

Thanks & regards,



Mark McAlister

1 8 JUN 2012

Mark McAlister
49 Marshallway
Tullibody
FK10 2GA

8 June 2012
FTA Andrew Crawford
Environmental Health and Community Safety
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

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Thanks & regards,

Mark McAlister

20 JUN 2012

Anne Marie Canale
4 Marshall Way
Muirside
Tullibody
FK10 2GA

17th June 2012

Director of Services to Communities
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

Ref: Objection to HMO at 53 Marshall Way, Muirside, Tullibody

To Whom it May Concern

Please accept this letter as my objections to the application for an HMO at 53 Marshall Way (full address above). My objections are:

- ✓ In accordance with the Title Deeds for all properties in the area this application directly contravenes these, in which this property would be sub divided for occupancy and would be run as a business. Extract from the deeds state the following; "Each dwelling house shall be used and occupied as a private dwellinghouse and each plot so far as not occupied by buildings, be used as garden or amenity grounds and for no other purpose whatsoever shall remain unbuilt on in all time coming and no dwellinghouse shall be sub-divided or occupied by more than one family at a time. No dwelling or plot or any part thereof shall be used for the carrying on thereon of any trade, business or profession or for the selling of any goods or any wares of any any sort whether or not such use may be deemed incidentak or natural to the ordinary residential use of the dwellinghouse."
- ✓ There is also the issue of Health & Safety and how the council should exercise its duty of care. The councils Transport Division were asked to risk assess the implications of this application. They submitted their report on 5th Dec 2011. The report states that "A house under multiple occupation will inevitably lead to increased access and parking demands in Marshall Way and it is this Service's view that these demands cannot be safely supported by the adjacent road layout. Such a change of use would not be in the interests of road safety.
- ✓ Given the amount of families in the street and in particular children I would object on the grounds of their safety and wellbeing with increased traffic.
- ✓ It has also been suggested and seems likely that the occupants could be offenders being rehomed after prison. These individuals could have been serving their sentence for any manner of crime which could pose a risk/threat to the children and elderly vulnerable people in the street and wider estate.
- ✓ Granting an application for an HMO could also set a precedent for the rest of the estate, where house sales have slowed in recent times means that owners have this as

an other alternative to renting an entire property or selling at a lower price. This could also in turn reduce the value of the houses around the area, which in turn is not good for the local economy.

Thank you for accepting this letter of objection. I look forward to hearing from the Planning Committee and would hope that the concerns of the residents of Marshall Way and Muirside are seriously considered when the decision is made.

Yours sincerely
Anne Marie Canle
(Chairperson of Muirside Rise Residents Association)

A handwritten signature in cursive script, appearing to read "AM Canle". The signature is written in black ink on a white background.

RECEIVED
20 JUN 2012

Name: Linda Muir
Address: 11 Keirfold Avenue,
Muirside, Tullibody

22 JUN 2012

17th June 2012

Director of Services to Communities
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

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- ✓ Given the amount of families in the street and in particular children I would object on the grounds of their safety and wellbeing with increased traffic.
- ✓ It has also been suggested and seems likely that the occupants could be offenders being rehomed after prison. These individuals could have been serving their sentence for any manner of crime which could pose a risk/threat to the children and elderly vulnerable people in the street and wider estate.

- Granting an application for an HMO could also set a precedent for the rest of the estate, where house sales have slowed in recent times means that owners have this as an other alternative to renting an entire property or selling at a lower price. This could also in turn reduce the value of the houses around the area, which in turn is not good for the local economy.
- My other objections are:

Thank you for accepting this letter of objection. I look forward to hearing from the Planning Committee and would hope that the concerns of the residents of Marshall Way and Muirside are seriously considered when the decision is made.

Yours sincerely

Linda Muir

LINDA MUIR

RECEIVED

21 JUN 2012

Name: Ibolya Sandor
& Szabolcs Veres
Address: 12 Glentye Drive
Tullibody, Muirside
FK10 2UR

22 JUN 2012

19th June 2012

Director of Services to Communities
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

Ref: Objection to HMO at 53 Marshall Way, Muirside, Tullibody

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- Given the amount of families in the street and in particular children I would object on the grounds of their safety and wellbeing with increased traffic.
- It has also been suggested and seems likely that the occupants could be offenders being rehomed after prison. These individuals could have been serving their sentence

for any manner of crime which could pose a risk/threat to the children and elderly vulnerable people in the street and wider estate.

- ① Granting an application for an HMO could also set a precedent for the rest of the estate, where house sales have slowed in recent times means that owners have this as an other alternative to renting an entire property or selling at a lower price. This could also in turn reduce the value of the houses around the area, which in turn is not good for the local economy.
- ② My other objections are:

We have got two little children who are very friendly to anyone. So far I have managed to let them out playing to the street in front of us and to their friends' house at Marshall Way. Now I have to re consider whether or not I should let my children play with their friends at Marshall Way or any other places if this Multiple Occupancy Plan goes through as it might trigger others to do the same in Muirside. I don't want any of my children to take bad examples of behaviour or get hurt/ injured in any shape or form by possible needles people there might use.

Thank you for accepting this letter of objection. I look forward to hearing from the Planning Committee and would hope that the concerns of the residents of Marshall Way and Muirside are seriously considered when the decision is made.

Yours sincerely

Holya Sauder
Isabel Wood

RECEIVED

22 JUN 2012

Mrs L Neilson
48 Auld Kirk Road
Muirside
TULLIBODY FK10 2TG

25 JUN 2012

20 June 2012

Director of Services to Communities
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

To Whom it May Concern

Ref: Objection to HMO at 53 Marshall Way, Muirside, Tullibody FK10 2GA

Please accept this letter as my objections to the application for an HMO at 53 Marshall Way (full address above). My objections are:

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- 3 Given the amount of families in the street and in particular children I would object on the grounds of their safety and wellbeing with increased traffic.
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Thank you for accepting this letter of objection. I look forward to hearing from the Planning Committee and would hope that the concerns of the residents of Marshall Way and Muirside are seriously considered when the decision is made.

Yours sincerely

L Neilson

Stuart Weir
79 Marshall Way
Tullibody
FK10 2GA

20th June 2012

Director of Services to Communities
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

25 JUN 2012

Ref: Objection to HMO at 53 Marshall Way, Muirside, Tullibody

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- When buying a house a lot of time and consideration goes into researching the area the house sits in, with regard to schools, appearance of the surrounding houses, reputation of the area, etc, etc.. The houses in Muirside are by no means exclusive, but I for one have spent a lot of money to live in an area nice and safe for myself and my family to settle in for a long time. The granting of this HMO in my opinion will have an impact on what i have bought into. I ask you to seriously consider this application as if it was going to be for the house next door to you.

Thank you for accepting this letter of objection. I look forward to hearing from the Planning Committee and would hope that the concerns of the residents of Marshall Way and Muirside are seriously considered when the decision is made.

Yours sincerely



STUART WEIR.

22 JUN 2012

19 Marshall Way
Tullibody
Alloa
Clackmannanshire
FK10 2GA

15th June 2012

Director of Services to Communities
Clackmannanshire Council
Kilncraigs
Alloa
FK10 1EB

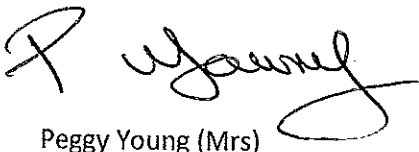
Dear Sir,
Re: Marshall Way HMO

I am writing regarding the conversion of a private family property in Marshall Way, Tullibody having a change of residence from a family home to a house of multiple occupancy.

This letter is an objection to this conversion, both myself and my husband strenuously object to the house being used for multiple occupancy. We purchased our house in Marshall Way as a family home on an estate that is totally family oriented with an environment for families for young children. We regularly have our grandchildren to stay and the thought that a house in our street, not only will have residents that are offenders being rehabilitated, but could be recovering or using drug addicts is an anathema to us. The fact that a sharps box has been put in the HMO is horrifying, and with the danger of used hypodermic needles being on the estate with young children about this is just not feasible and should not be allowed.

Another objection is the extra road and foot traffic past our house with 5 adults in one home. It quite specifically states in the title deeds of this estate that the houses are to be used for families, not for individual people and as our local council you are responsible for enforcing this. Therefore please note our objection to the HMO.

Yours faithfully,


Peggy Young (Mrs)

RECEIVED
19 JUN 2012

