

07/02173/FUL

27th November 2007

Construct a new residential dwellinghouse on Land To Rear Of  
Seaview Road Cummington Moray for Mr Duncan Fraser

---

**Comments:**

- MEMBERS WILL HAVE VISITED THE SITE.
- Competent written objections received from more than 5 separate households or other premises.
- Advertised as a departure to the development plan.

**Procedure:**

- If minded to approve, hearing recommended.

**Recommendation: Refuse - For The Following Reason(s):-**

1. The proposal is contrary to policies 2(a) and 2(b) of the Moray Structure Plan 2007, to policies L/ENV7, L/ENV9 and L/IMP2 of the Moray Local Plan 2000 and policies E7 and E8 of the Emerging Local Plan for the following reasons: -
  - i) Reflecting the attractive foreland setting the area provides for panoramic views across the Moray Firth, the site is subject to both Coastal Protection Zone and Area of Great Landscape Value designations. The proposed residential development would be a significant breach of these special designations which have a particular significance to the established setting and public outlook of Cummington.
  - ii) Ancillary development (such as dwellings, surfacing and garden structures) together with the impact of lighting during darkness hours would further increase the significant impact of the development proposed.
  - iii) Further such intrusive development would be encouraged.
2. The proposal is contrary to policy 1(e) in the Moray Structure Plan 2007 and to policies L/ENV10, L/H3 and L/IMP2 in the Moray Local Plan 2000 for the following reasons: -
  - i) The proposed development would be visually intrusive in a prominent location.
  - ii) It would not be positioned sensitively along with existing buildings and would represent unplanned sprawl beyond an established compact settlement boundary.
  - iii) It would not integrate sensitively with the land form, or blend unobtrusively in its surroundings.
  - iv) The development would represent a breach in the established settlement pattern.
  - v) Further such development would be encouraged.

3. The proposal would be contrary to policy 1(e) in the Moray Structure plan 2007 and to policies L/HC5 and L/IMP2 in the Moray Local Plan 2000 for the following reason: -
  - i) The horizontal scale and shallow pitched modern roof form would result in a design unsympathetic to the traditional design in the nearby settlement.
4. The proposal is contrary to policy L/T4 in the Moray Local Plan 2000 and policy T2 in the Emerging Local Plan for the following reason: -
  - i) Visibility from the track onto the public highway is inadequate and this would result in hazards to road users.
5. At the time of considering the application there was insufficient detailed information confirming that potential hazards to future occupants would not occur from methane and carbon dioxide migration.