

18th November, 1985

J.F. telephoned Dr Fojut, Ancient Monuments Inspector, Scottish Development Department (031-226-2570).

1. Some 2 dozen 'remains' have been found on the site proposed for the house. There is absolutely no trace within this digging of a Chapel site. The Archaeological team have cleared the house site area and are satisfied totally that they have no interest in further examination, investigation work on the immediate house.
2. In relation to dating - the scientific evidence in relation to the remains is not available. However, from his experience and the related condition of the skeleton material, he would say 400 years +. It is considered that the adjacent Kirkmichael Cemetery commenced burials about 1500. The whole historical background is therefore pre-500. There are two layers (phases) involving the top layer in orientation E-West; the bottom layer involves N/South orientation. Dr Fojut indicated that this confirmed the approximate dating.
3. The Scottish Development Department have powers to protect sites of archaeological importance (National context) and Dr Fojut considered that it was nonsense to consider revoking the planning permission. As far as they were concerned, the job was done, it was interesting, they have recorded it. The remains will be sufficiently recorded and retained for burial in a local Graveyard.
4. Finally, Dr Fojut indicated that in relation to the excavations only the house site had been examined - there may well be other remains elsewhere in the immediate area and any proposals for extensions or other developments should be notified so they may have opportunity to examine/dig, etc.
5. He confirmed that the Scottish Development Department found the dig interesting but was not of sufficient significance to use their powers under the Act. Any question of revocation on archaeological grounds could not be justified.

NEWHALL POINT
HOUSE SITE
PLANNING HISTORY

- 1) R/773/B/7708 Dwellinghouse on Feu No. 6, Newhall Point, Balblair.
Consent issued 5th October, 1966.
No conditions.
No microfilm.
Decision Notice in 'R' filing system.
- 2) R/7067/B/3154 Private Housing, Plot No. 6, Newhall Point.
Consent issued 13th April, 1973.
5 conditions.
Microfilm - yes - attached.
Decision Notice in 'R' filing system.
No mention of archaeological site.
- 3) RC/1977/384 Private Housing, Plot 6, Newhall Point.
Consent issued 19th July, 1977.
4 conditions.
Microfilm - yes - attached.
Decision Notice under 'RC/1977/384' box file.
No mention of archaeological site.
- 4) RC/1980/407 Private Housing, Plots 3 & 4, Newhall Point.
(Plot 4 is the same as No. 6 previously approved).
Consent issued on 14th July, 1980.
6 conditions.
Microfilm - yes attached.
Decision Notice in box filing system under RC/1980/407.
- This application file refers to the archaeological site for the first time. It is considered that the reason for this is due to the fact that a large scale reproduction of the "County Series 25 inches to the mile map" accompanied the application and a site of a Chapel was clearly marked.
A consultation was sent to the Scottish Development Department and conditions imposed to control archaeological aspects. Also, see the Archaeological Report - first time available to the Divisional Planning Officer.
- 5) RC/1983/554 House Site, 'Chapel Site', Newhall Point.
Consent issued for one house dated 25th August, 1983.
6 conditions.
File is available.
Later the consent was amended by letter to allow 2 houses.
'Some archaeological notifications made'.
Also, Note the file but a consultation was sent to Ross & Cromarty District Council Burial Grounds on 15th July, 1983. No formal representations or reply was received.

6) RC/1984/604

Erection of House, Plot 1 - Details of house design and layout.
Consent issued 30th October, 1984.
Conditions imposed.
File is available.
Consultations carried out with Regional Archaeologist.

7) RC/1985/408

Erection of House, Plot 2 - Details of house design and layout.
Consent issued 5th September, 1985.
Conditions imposed.
File is available.
Consultations carried out with Regional Archaeologist -
Conditions - Allow time for a 'dig' before commencement of works.
A standard 'RCAHMS 1' form was sent to the Applicant along with letter explaining the position.

1) BLACK ISLE LOCAL PLAN

Paragraph 7.11 - RS2 Housing Policy subject to drainage. No mention of archaeological site.

2) THE ARCHAEOLOGICAL SITES & MONUMENTS OF THE BLACK ISLE, ROSS & CROMARTY DISTRICT - Oct., 1979.

Entry No. 120.

"Nothing can now be seen of this Pre-reformation Chapel".

3) The site is not in the scheduled list of Ancient Monuments.

NOTICE OF DECISION ON APPLICATION FOR GENERAL PLANNING PERMISSION

DECISION No. B 773 S 7708

COUNTY COUNCIL OF ROSS AND CROMARTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS 1947 TO 1959

To: Mr/ Brodie, Cuthbertson, & Watson, 7, Rathoasy Terrace, Edinburgh, 2. Acting for Major G.J. Shaw of Torrance, Newhall, Dalblair, By Conon-Briggs, H.E.

With reference to your application dated 7th September, 1966, for general planning permission under the above-mentioned Acts for the following development, viz. Erection of dwellinghouse on feu, no. 6 of Newhall Point, Dalblair.

at the County Council as local planning authority in exercise of their powers under the Acts and under Article 5(2) of the Town and Country Planning General Development (Scotland) Order, 1950, hereby GRANT PLANNING PERMISSION for the said development in accordance with the particulars

given on the application and the plans docketted of this date, as approved and returned herewith, SUBJECT to the condition that the approval of the Council or of the Secretary of State on appeal shall be obtained to: the siting, design and external appearance of the building and the location and design of the means of access.

(AND SUBJECT to the following further CONDITION(S) before the development is commenced

The Council have imposed the condition printed on this Notice in accordance with the terms of your application. (Their reasons for imposing the above-mentioned further condition(s) are) —

It is certain circumstances a claim may be made against the local planning authority for compensation where permission is granted subject to conditions by the Secretary of State on appeal on a reference of the application to him for determination. The circumstances in which such compensation is payable are set out in Sections 18 and 19 of the Town and Country Planning (Scotland) Act 1959.

Dated this 5th OCT 1966 day of 19 1966. County Planning Act 1959 and the Town and Country Planning Act 1963

County Buildings, DINGWALL COUNTY CLERK ROSS AND CROMARTY COUNTY COUNCIL PLANNING DEPARTMENT OLD

IMPORTANT Your attention is drawn to the Notes on the back of this Notice.

NOTICE OF DECISION ON APPLICATION FOR GENERAL PLANNING PERMISSION

DECISION NO. R 7067 / D 3194

ROSS AND CROMARTY COUNTY COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS 1947 TO 1972

To: A.H. Smith, Esq.,
12 Manor Place,
Edinburgh.
Acting for John Shaw of Tordarroch,
C/o Dr. G. Guthrie & Watson,
7 Kothesis Terrace,
Edinburgh.

With reference to your application dated 20.11.72 for
general planning permission under the above-mentioned Acts for the following development, viz.
Private Housing.

at Plot No. 6 Marshall Point
the County Council as local planning authority in exercise of their powers under the Acts and under Article 5(2)
of the Town and Country Planning General Development (Scotland) Order, 1950, hereby GRANT PLANNING
PERMISSION for the said development in accordance with the particulars given on the application and the plans
docketted of this date as approved and returned herewith, SUBJECT to the condition that the approval of the
Council or of the Secretary of State on appeal shall be obtained to the siting, design and external
appearance of the proposed buildings and the location and design of any means of
access thereto before the development is commenced.
before the development is commenced
(AND SUBJECT to the following further CONDITION(S):

See attached sheet

The Council have imposed the condition printed on this Notice in accordance with the terms of your application.
(Their reasons for imposing the above-mentioned further condition(s) are):

See attached sheet

Dated this 13 APR 1973 day of 19

County Buildings,
DINGWALL.

COUNTY CLERK.

IMPORTANT

Your attention is drawn to the Notes on the back of this Notice.

CONDITIONS

1. There shall be no more than one house on the site.
2. The house shall conform in design with the character and appearance of the existing houses on the townhouse road.
3. The existing road shall be taken down and a service bay provided at the entrance, with a land reservation made in addition at the frontage for future widening of the road to 12 feet plus a 6 foot verge.
4. Consultations shall take place with the local Authority prior to determining the position of the access to the site.
5. This site shall only be drained to a composite system and disposal units which shall also serve the houses on plots 1, 2 and 10.

REASON

Condition 1 is imposed in order to prevent over-development of the site in relation to the existing density of development.

Condition 2 is imposed in the interests of amenity.

Conditions 3 and 4 are imposed in the interests of traffic safety and because the width of the plot frontage limits potential visibility.

Condition 5 is imposed in the interests of public health and the prevention of pollution.

This is the attached sheet referred to in Decision Series No. 1/7437/1/3194 of even date herewith.

.....
County Clerk

County Engineer,
Mingwell.

PERMISSION
OUTLINE CONSENT

Grid Reference	N	H	7	0	7
			6	7	1
Reference No.	RC		1977	384	

HIGHLAND REGIONAL COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS 1947/72

To: John Shaw, Esq.,
Messrs. Strutt & Parker,
26, Walker Street,
Edinburgh, EH3 7LE.

With reference to your application dated 11th May, 1977,
for planning permission under the above-mentioned Acts for the following
development, viz:-

Private Housing
Plot No. 6, Newhall Road, Balblair

the Regional Council of the Highland Region in exercise of their powers
under the above-mentioned Acts hereby grant outline planning permission for
the said development in accordance with the plan(s) docquetted as relative
hereto and the particulars given in the application, subject however to
the standard conditions specified in Note (1) overleaf and also to the
following condition(s), viz:-

- 1) That a further application shall be submitted to the Local Planning
Authority together with the requisite detailed plans and such plans
shall include -
 - a) Plans, sections and elevations of the proposed building and
colour and type of materials to be used externally on walls
and roof;
 - b) Detailed layout of the site as a whole, including, where
necessary, provision for car parking, details of accesses,
and details of all fences, walls and hedges, and
 - c) Existing trees to be maintained and planting to be carried
out in the area

and no work on the site shall be commenced until the permission of
the Local Planning Authority has been granted for the proposals.

Reason: Permission is hereby granted in principle only.

2) See attached sheet /

It should be understood that this permission does not carry with it any
necessary consent from the Buildings Authority, River Purification Board, or
approval to the proposed development under other statutory enactments.

Dated this Nineteenth day of July, 19 77.

.....
pp *A. W. Chae*
Divisional Planning Officer

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M
Clerk to the Divisional/
Regional Planning Committee

(see over)

2) There shall be no more than one house on the site and that house shall conform in design with the character of the existing house on the foreshore road.

Reason: In the interests of visual amenity.

3) A land reservation shall be made along the Northern boundary of the site to allow for a future road width of 18 ft. plus a 6 ft. verge.

Reason: To make provision for future road widening.

4) An adequate vehicular turning space shall be provided within the curtilage of the site to ensure that all vehicles may both leave and join the highway in forward gear.

Reason: In the interests of road safety.

This is the attached sheet referred to in Decision Notice No. HC/1977/384 of even date herewith.

Divisional Planning Department,
Dingwall.

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Clerk to the Divisional Planning Committee

OUTLINE CONSENT

Grid Reference	N	H	7	0	9
			6	7	2
Reference No.	RC	1980	407		

**HIGHLAND REGIONAL COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS 1947/72**

To: John Shaw, Esq.,
per Messrs. Strutt & Parker, 26, Walker Street, Edinburgh.

With reference to your application dated 1st May, 1980,
for planning permission under the above-mentioned Acts for the following development, viz: -

Private Housing
Nos. 3 & 4, Newhall Point, Balblair

the Regional Council of the Highland Region in exercise of their powers under the above-mentioned Acts hereby grant outline planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the standard conditions, specified in Note (1) overleaf and also to the following condition(s), viz: -

- 1) That a further application shall be submitted to the Local Planning Authority together with the requisite detailed plans and such plans shall include -
 - a) Plans, sections and elevations of the proposed building and colour and type of materials to be used externally on walls and roof;
 - b) Detailed layout of the site as a whole, including, where necessary, provision for car parking, details of accesses, and details of all fences, walls and hedges, and
 - c) Existing trees to be maintained and planting to be carried out in the area

and no work on the site shall be commenced until the permission of the Local Planning Authority has been granted for the proposals.

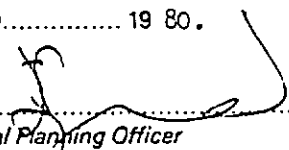
Reason: Permission is hereby granted in principle only.

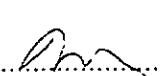
- 2) See attached sheet /

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority, River Purification Board, or approval to the proposed development under other statutory enactments.

It should also be understood that this permission does not imply that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority.

Dated this Fourteenth day of July, 19 80.


.....
Divisional Planning Officer


.....
Clerk to the Divisional
Regional Planning Committee

- 2) There shall be no more than one house on Plot 3 and two houses on Plot 4 and these houses shall conform in design with the character and appearance of existing houses on the foreshore road.

Reason: In the interests of visual amenity.

- 3) Consultations shall take place with the Local Planning Authority prior to determining the position of the access(es) to these sites.

Reason: In the interests of road safety.

- 4) A reservation shall be made along the Northern boundary of each site to allow for a future road width of 18 ft. with a verge of 6 ft.

Reason: To make provision for future road widening.

- 5) A vehicular turning space shall be provided for each house within the curtilage of the site to enable vehicles both leave and enter the site in forward gear.

Reason: In the interests of road safety.

- 6) That no development shall take place within 12m radius of the site of archaeological remains to the rear of Plot 4.

Reason: In the interests of protecting the archaeological remains of the former 'Chapel'.

This is the attached sheet referred to in Decision Notice No. RC/1980/407 of even date herewith.

Divisional Planning Department,
Dingwall.


Clerk to the Divisional Planning Committee

OUTLINE PLANNING PERMISSION
SUBJECT TO CONDITIONS
AND RESERVED MATTERS

Grid Reference	N	H	7	0	8
			6	7	1
Reference No.	FC	1983	554		

HIGHLAND REGIONAL COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS 1947 TO 1972

To: John Shaw of Tordarroch,
per Messrs. Baird & Lumsden, The Mill, Bridge of Allan, Stirling, FK9 4JS.

With reference to your application dated 11th July, 1983,
for outline planning permission under the above-mentioned Acts for the following development, viz:—

Erection of House
Plot 2, Newhall Point, Balblair

the Regional Council of the Highland Region in exercise of their powers under the above-mentioned Acts hereby grant outline planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following standard conditions:-

(1) In terms of Section 39 (2) of the Town and Country Planning (Scotland) Act 1972, this permission is granted subject to the following conditions:—

- (a) that, in the case of any reserved matter, application for approval must be made not later than the expiration of 3 years beginning with the date of this permission;
- (b) that the development to which this permission relates must be begun not later than whichever is the later of the following dates:—
 - (i) the expiration of five years from the date of the grant of this permission; or
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

and also to the following condition(s), viz:—

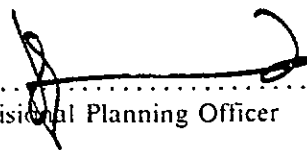
- 1) That a further application shall be submitted to the Local Planning Authority together with the requisite detailed plans and such plans shall include -
 - a) Plans, sections and elevations of the proposed building and colour and type of materials to be used externally on walls and roof;
 - b) Detailed layout of the site as a whole, including, where necessary, provision for car parking, details of accesses, and details of all fences, walls and hedges,
 - c) Existing trees to be maintained and planting to be carried out in the area

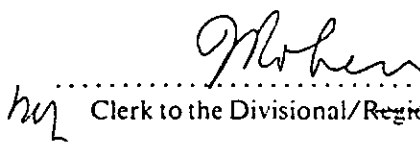
and no work on the site shall be commenced until the permission of the Local Planning Authority has been granted for the proposals.

Reason: Permission is hereby granted in principle only.

2) See attached sheet /

Dated this Twenty-fifth day of August, 19 83.


.....
Divisional Planning Officer


.....
Clerk to the Divisional/Regional Planning Committee

(See over)

2) Drainage shall be to the satisfaction of the Environmental Health Department.

Reason: In the interests of amenity.

3) Access onto the highway shall be constructed to the satisfaction of the Roads & Transport Department and shall be surfaced in bituminous macadam for the first five metres back from the public highway before the house is completed and occupied.

Reason: In the interests of road safety.

4) A vehicular turning space shall be provided for the house within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: In the interests of road safety.

5) The house shall conform in design with the character and appearance of existing houses on the foreshore road.


Reason: In the interests of amenity.

6) There shall be no development within 12m radius of the site of archaeological remains to the rear of the site.

Reason: In the interests of protecting the archaeological remains of the former 'Chapel'.

This is the attached sheet referred to in Decision Notice No. RC/1983/554 of even date herewith.

Divisional Planning Department,
Dingwall.


Clerk to the Divisional Planning Committee

APPROVAL OF RESERVED MATTERS

Grid Reference	N	H	7	0	8
			6	7	1
Reference No.	RC	1984	604		

HIGHLAND REGIONAL COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDER 1981

To: Mr & Mrs T. J. MacKay, Woodside, by Cromarty.

With reference to your application dated 17th September, 1984,
for approval of the following reserved matters, viz:—

Erection of House (Outline Consent RC/1983/554)
Newhall Point, Balblair

the Regional Council of the Highland Region in exercise of their powers under the above-mentioned Act and Order hereby approve the said reserved matters in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application. In terms of Section 39(2) of the Town and Country Planning (Scotland) Act 1972, this approval is given subject to the condition that the development to which it relates must be begun not later than whichever is the later of the following dates:

- i) the expiration of five years from the date of the grant of the outline permission to which these reserved matters relate; or
- ii) the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved;

and also subject to the following condition(s) viz:-

- 1) That the access shall be constructed to the satisfaction of the Highways Authority. The first 5-metres from the public highway shall be surfaced in bituminous macadam before the house is completed or occupied, whichever is the sooner.

Reason: In the interests of road traffic safety.

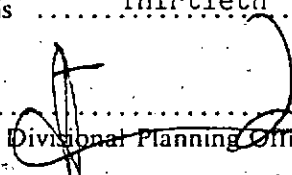
- 2) That all soakaways must be sited at least 15-metres from any watercourse and all drainage arrangements shall be constructed to the satisfaction of the Environmental Services Department.

Reason: In the interests of public health.

- 3) That there shall be no development within 10-metres of the icehouse located in the South-West corner of the site.

Reason: See attached sheet /

Dated this Thirtieth day of October, 19 84.


Divisional Planning Officer


Clerk to the Divisional/Regional Planning Committee

NOTE — It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority, River Purification Board, or approval to the proposed development under other statutory enactments.


Reason: In the interests of preserving the structure which is of historic interest.

- 4) That no trees may be felled on site without the prior written permission of the Planning Authority.

Reason: In the interests of visual amenity.

This is the attached sheet referred to in Decision Notice No. RC/1984/604 of even date herewith.

Divisional Planning Department,
Dingwall.


M J Clerk to the Divisional Planning Committee

APPROVAL OF RESERVED MATTERS

Grid Reference	N	H	7	0	8
			6	7	0
Reference No.	RC	1985	408		

HIGHLAND REGIONAL COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDER 1981

To: T. J. MacKay, Esq., Woodside, by Cromarty.

With reference to your application dated 3rd June, 1985,
for approval of the following reserved matters, viz:—

Erection of House (Outline Consent RC/1984/604)
Newhall Point, Balblair

the Regional Council of the Highland Region in exercise of their powers under the above-mentioned Act and Order hereby approve the said reserved matters in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application. In terms of Section 39(2) of the Town and Country Planning (Scotland) Act 1972, this approval is given subject to the condition that the development to which it relates must be begun not later than whichever is the later of the following dates:

- i) the expiration of five years from the date of the grant of the outline permission to which these reserved matters relate: or
- ii) the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved;

and also subject to the following condition(s) viz:-

- 1) That no work may commence on site until the recording of the site by the Historic Buildings and Monuments Section of the Scottish Development Department has been completed or the 23rd November, whichever is the sooner.

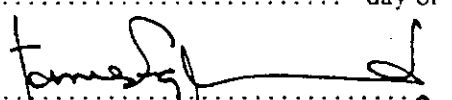
Reason: To ensure that the Scottish Development Department have adequate opportunity to record the site as required under the terms of the Ancient Monuments Acts.

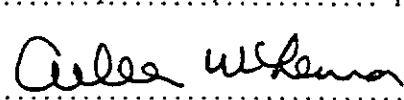
- 2) That the access shall be constructed to the satisfaction of the Highways Authority. The first 5 metres from the public highway shall be surfaced in bituminous macadam before the house is completed or occupied, whichever is the sooner.

Reason: In the interests of road safety.

- 3) See attached sheet /

Dated this Fifth day of September, 19 85.


Divisional Planning Officer


Clerk to the Divisional/Regional Planning Committee

NOTE — It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority, River Purification Board, or approval to the proposed development under other statutory enactments.

- 3) That all soakaways must be sited at least 15 metres from any watercourse and all drainage arrangements shall be to the satisfaction of the Environmental Services Department.

Reason: In the interests of public health.

- 4) That there shall be no development within 10 metres of the ice house located in the South-West corner of the site.

Reason: In the interests of preserving the structure which is of historic interest.

- 5) That no trees may be felled on site without the prior written permission of the Planning Authority.

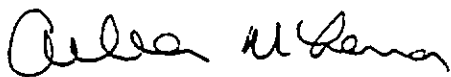
Reason: In the interests of visual amenity.

- 6) That a 4.5m safety reservation, measured in the horizontal plane, must be maintained between the house and overhead power cable at all times or the cable must be repositioned to the satisfaction of the North of Scotland Hydro-Electric Board.

Reason: In the interests of public safety.

This is the attached sheet referred to in Decision Notice No. RC/1985/408 of even date herewith.

Divisional Planning Department,
Dingwall.
5th September, 1985.


Clerk to the Divisional Planning Committee