

Proposed Residential Development of Land off Brain Valley Avenue, Black Notley, Braintree, Essex

Frequently Asked Questions – Pre-Application Public Consultation

1. What is the purpose of this consultation?

Hourigan Planning (Chartered Town Planners) is preparing an outline planning application (all matters reserved save for means of access) on behalf of Nightingale Land¹ for a proposed residential development together with vehicular access, public open space, and associated works and infrastructure at land off Brain Valley Avenue, Black Notley, Braintree, Essex.

We have been instructed to notify neighbouring homes and businesses, and other interested parties such as the Great Notley and Black Notley Ward Councillors and Black Notley Parish Council that a planning application is currently being prepared. The application site is wholly within the Great Notley and Black Notley Ward, however since it shares a boundary with the neighbouring Silver End and Cressing Ward we have also consulted with the Silver End and Cressing Ward Councillors and Silver End Parish Council.

We are now seeking feedback from the local community on the draft proposals.

Feedback received from this current consultation will inform the final details of the planning application before finalising the scheme and submitting a formal outline planning application to Braintree District Council.

2. When will you be submitting the planning application?

We plan to submit the planning application to the Council during Quarter 1 of 2026 following the closure of the consultation period and once we have had a chance to properly consider all comments received.

3. What is the proposed scheme?

Type of Application

We are proposing to submit an outline planning application with all matters reserved save for means of access. This means that we are seeking only to formally establish the principle of residential development and the details of how the site would be accessed by vehicles and cycles. Matters that will be reserved are:

- **Appearance** - aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping** - the improvement or protection of the amenities of the site and the surrounding area, this could include planting trees or hedges as a screen.
- **Layout** - includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development.
- **Scale** - includes information on the size of the development, including the height, width and length of each proposed building.

¹ Nightingale Land specialise in the freehold acquisition of land with future residential potential. Further information is available here: <https://www.nightingaleland.co.uk/about-us/>



Outline permissions cannot be implemented until a subsequent reserved matters application(s) has been submitted and approved by the Local Planning Authority.

Notwithstanding the outline nature of the scheme, a draft indicative Development Framework Plan has been prepared which articulates how the site could be developed. This Plan shows an indicative developable area where the new homes could potentially be located alongside areas of proposed public open space, an area for children's play, significant areas of new native species planting, the retention of existing trees, hedgerows and grassland, and the introduction of a network of footpaths and/or cycleways to enable people to access the undeveloped areas for recreational purposes.

Density & House Sizes

The application site boundary measures 5.88 hectares, however only 1.76 hectares of the site is proposed to accommodate built development (i.e. the houses and internal road layout) which equates to around 30% of the total site area. The remainder of the site (70% or 4.12 hectares) would be given to open space, a play area and an area for biodiversity improvements.

Whilst we are not required to specify the number of dwellings in the description of development for an outline planning application, supporting technical information carried out to date suggests that the site has the potential to facilitate up to 60 dwellings. With that in mind, we envisage that the developable area would be built at approximately 33 dwellings per hectare and it is envisaged that the development would comprise a mix of single storey bungalows and two storey homes in a mix of house sizes and number of bedrooms, potentially ranging from 2 to 4 beds.

Affordable Homes

Policy LPP 31 of the Braintree District Local Plan 2013-2033 (adopted July 2022) requires that all residential development on sites of over 10 dwellings in areas outside of the main towns of Braintree provide 40% of the residential units as true affordable housing. In full compliance with this policy, 40% of the homes would be true affordable homes (in perpetuity), with the size and tenures to be discussed and agreed with the Council during the course of the planning application process.

The planning application will be accompanied by an Affordable Housing Statement.

Access

It is proposed that a new vehicular access would be created off Brain Valley Avenue. The suitability of this access point has been investigated by a highways consultant, and this has informed the draft proposals.

Additionally, the Indicative Development Framework Plan indicates that there is potential to provide a number of new pedestrian footpaths and cycleways throughout the site.

A Transport Statement and Framework Travel Plan would be submitted with the outline planning application which would set out the proposed access arrangements and would demonstrate how the development would adopt sustainable travel principles.

Trees, Woodland, Hedgerows & Biodiversity

The majority of the site will remain undeveloped and given over to new areas of Public Open Space. Existing trees and hedgerows have influenced the proposals at this stage and are to be retained where possible, with proposed significant new areas of planting to enhance the landscape setting and biodiversity.

Overall, the proposals would seek to deliver at least 10% net gain for biodiversity (otherwise known as 'BNG'), and this will be illustrated in documentation submitted with the outline planning application.

Informal Open Space and Locally Equipped Area of Play

The positioning of the new homes has been focused in the western portion of the site, with the informal open spaces interspersed between the two proposed parcels of built form and in the lower portions of the site adjacent to the River Brain. A network of footpaths is proposed to link these areas of open space to provide people with the opportunity to exercise amongst nature.

A possible location for a children's play area is proposed within a landscaped and planted area close to Brain Valley Avenue where it would be afforded natural surveillance and would be accessible for children living in both the new homes and other children in the wider locality.

4. How have you come up with the scheme?

Whilst the proposals will seek outline planning permission, the Indicative Development Framework Plan shows how the site could be developed in line with the following principles:

- A landscape-led approach which seeks to retain and protect trees and hedgerows and introduce new planting. Circa 70% of the site will remain undeveloped and will be enhanced.
- Providing for effective transition from the built environment to the countryside through significant new areas of planting and landscaping throughout the site and on its periphery.
- The use of bungalows ensures that the development would blend with the surrounding residential areas, respecting the topography and the character of landscape in the north and eastern parts of the site.
- At this stage the external appearance of the dwellings does not form part of the outline proposals. The external appearance of the new homes would be subject to reserved matters approval at a later stage, enabling the Council control to how the new homes might look.
- We are seeking to contribute to a mixed and balanced community. Dwellings on the site could comprise of a mix of 2 to 4 beds and includes bungalows.
- Measures to attenuate surface water run-off from the development will be deployed - these measures will be fully detailed in a Flood Risk Assessment and Drainage Strategy to be submitted in support of the scheme. The proposal will follow best practice in the Sustainable Urban Drainage Systems (SuDS) hierarchy but as per the Indicative Development Framework Plan we aim to utilise attenuation features which also have dual biodiversity benefits.

5. Why are you proposing this development?

The existence of “the most acute housing crisis in living memory”² in the UK is the catalyst for the Government’s reforms to the planning system, including the revised National Planning Policy Framework (the Framework).

The crisis affects all parts of the country and means that home ownership is not possible for many, rents are increased due to a shortage and there are people without access to a safe and secure home. The response to the housing crisis translates into policy with the Framework’s requirement to “significantly boost”³ the supply of homes and ensure that the “needs of groups with specific housing requirements are addressed”. These are long-standing pillars of national planning policy, first introduced in the Framework 2012 as part of the then Coalition Government’s efforts to address a housing crisis which has only got more acute in the intervening 13 years. Further to this, the new Housing Secretary, Steve Reed⁴, issued a “call to arms” to key developers and housebuilders as part of the next phase of getting “Britain building faster” to “break down the barriers to development and build the 1.5 million homes this country needs as part of our Plan for Change”. The Housing Secretary is expected to make further announcements to speed up housebuilding across the country before the end of the year.

The Applicant is fully aware that the site has some planning history with a planning application, by others for 90 homes having previously been refused outline planning permission in December 2020 (Ref: 20/02127/OUT) by the Local Planning Authority and subsequently being dismissed at appeal (when the Appellant reduced the scheme to up to 80 dwellings) in January 2022 (Ref: APP/Z1510/W/21/3281232). The Applicant has looked at that refused scheme in close detail and alongside their technical team they are confident that the DRAFT proposals issued as part of this consultation have addressed all the previous concerns of the Council and the reason why the scheme was dismissed at appeal. Great care has gone into preparing a new DRAFT scheme which is materially different to the previous one. In summary the key differences between the two scheme are as follows:

1. A reduction in the proposed area of built development with a greater area given over to areas of soft landscaping.
2. Commitment to include bungalows in the north western portion of the site immediately opposite the existing homes on Brain Valley Avenue, to reduce the impact of long-range views across the site and beyond looking towards the east.
3. Lower density development to respect the transition into the countryside.
4. Increased areas of open space with greater access to accessible footpaths.
5. Increased number of views across the Brain Valley to the open countryside beyond.

6. What are the economic benefits of the proposals?

The construction of the proposed development would contribute to generating full-time equivalent (FTE) jobs within the construction industry over the build period, which would be a benefit to the economy of the local area.

Moreover, the proposals would also generate additional expenditure within the local economy, supporting local shops, services and businesses in the Black Notley area and further afield. This level of expenditure would in turn support jobs in

² Building the homes we need, Written Ministerial Statement made on 30 July 2024 (Angela Rayner MP, Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government).

³ The Framework, Paragraph 61.

⁴ [Housing Secretary issues 'call to arms' to 'build, baby, build' - GOV.UK](https://www.gov.uk/government/news/housing-secretary-issues-call-to-arms-to-build-baby-build)



the local areas as well as potentially creating additional public sector jobs (e.g. teachers, doctors etc.) as a direct consequence of the proposals and additional residents.

The development will deliver 40% affordable housing, helping to address local affordable housing needs by providing opportunities for lower income households to own their own home or to secure affordable accommodation.

New residents occupying the development would also generate demand for health, education and other services off the site (e.g. schools, hospitals, public administration), thus supporting further public sector employment. Where necessary financial contributions will be paid to mitigate the impact on social infrastructure.

Lastly, the proposals would generate an additional capital receipt for Braintree District Council via New Homes Bonus payments, based on the properties adding to the net supply of housing in the area.

Overall, it is evident that the application proposals are fully commensurate with the economic dimension of sustainable development and would represent a significant economic boost for the area.

7. What are the social benefits of the proposals?

There is no doubt that the proposals would make a meaningful contribution to meeting housing need within the local area both in terms of both open market and affordable homes. Indeed, increasing the overall supply of housing improves affordability by redressing supply/demand issues and reduces prices overall thereby allowing more people access to the housing market and enhanced social mobility, which is a positive social benefit.

The proposals could also result in the creation of a high-quality living environment comprising a mix of dwellings and would support any future community's health, social and cultural well-being. It would also facilitate the creation of jobs within the local labour pool, both during construction and the operational phase.

Whilst the previous scheme was dismissed, the Inspector concluded that new homes would be in a suitable location in respect of access to day-to-day services by sustainable travel modes. For these reasons, it is considered that the proposals would also be socially sustainable.

Moreover, the proposals include for generous amounts of public open space and play space on land that is currently private and inaccessible to the community. The illustrative Development Framework demonstrates how the site could provide a publicly accessible network of recreational footpaths which would be a significant benefit to the health and wellbeing of people in the area. These social benefits would not materialise without the development proposed.

8. What are the environmental benefits of the scheme?

The proposed development presents an opportunity to improve and enhance the biodiversity credentials of the subject site through proper management of existing trees and hedges, supplementary landscaping with additional planting of trees and carefully designed areas of open space. The proposals will also deliver at least a 10% net gain for biodiversity.

The outline planning application will be accompanied by a Tree Survey and Arboricultural Impact Assessment as well as Ecology Survey reports and a Biodiversity Net Gain Assessment.

Nightingale Land are committed to ensuring that any future residential development adopts a fabric first approach and utilises renewable sources of energy. The proposals could include air source heat pumps and solar panels, as well

as other energy efficiency measures deemed appropriate, thereby allowing the proposals to exceed the requirements of existing Building Regulations. Each home would also be built with its own Electric Vehicle Charging Point (EVC) as well as secure cycle parking.

9. What about impacts on local infrastructure?

The provision of adequate leisure, community and cultural infrastructure is essential to the creation of sustainable communities. These facilities help to create social cohesion and encourage people to feel a sense of pride and belonging in their local areas. Many communities in the area are supported by town or village halls, community centres, post offices, public houses, libraries, allotments, sport and recreational facilities, places of worship, education facilities (including nurseries and youth clubs) and health and social care facilities. The provision of new dwellings can create an increase in demand for these facilities and it is important to ensure that suitable provision is made for this growth in the community and the increased demand that will be placed on local community facilities.

Policy LPP 78 of the District Council's Local Plan confirms that new development that generates a requirement for infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is delivered. This can be in the form of financial contributions to services like education, primary care, bus services, and it can also be in the form of physical improvements, such as highways improvements.

When a planning application is submitted, the Council will seek responses from statutory bodies who will set out what site-specific mitigation might be required and why. Where such requests meet the CIL5 Regulations, site-specific mitigation may be the subject of a Section 106 Agreement. With this in mind, the community can therefore rest assured that this development will mitigate any impact it has on local Infrastructure.

10. What about disruption to local people whilst the scheme is built?

The Council can control how the scheme is delivered by way of a planning condition imposed on any planning permission granted. This could for example regulate delivery and construction times so as to minimise (and potentially avoid) disturbance to local residents.

11. How can I get involved?

All of the consultation material can be found online at our website: www.houriganplanning.com/consultations

There are a number of ways to comment on the draft proposals:

By email: hello@houriganplanning.com using "Land off Brain Valley Avenue, Black Notley Consultation" as the email subject line.

By Post: Land off Brain Valley Avenue, Black Notley Consultation, Hourigan Planning, 10th Floor Chancery Place, 50 Brown Street, Manchester, M2 2JG.

Consultation Period Closes: **Midnight Sunday 11 January 2026**

Please note: Comments received will be summarised and addressed in a Statement of Community Involvement to be submitted with the planning application. No personal details will be published. The local community will also have a further opportunity to comment on the scheme once a formal planning application is lodged with the Council.

⁵ Community Infrastructure Levy.