

Statutory Declaration in relation to commencement of works at 16 Hetherington Road

I [REDACTED] do solemnly and sincerely declare that:

I am a Member of the Royal Institute of Chartered Surveyors, [REDACTED]
[REDACTED]
[REDACTED]

As the Surveyor who has overseen the project at 16 Hetherington Road, I provide the following information on the history of the project.

I was appointed in 2016 to be the Bible Truth Church of God's surveyor in charge of overseeing the project at 16 Hetherington Road. As a result, I have been responsible for monitoring the Church's interests prior to and continuously since the first developer was appointed to deliver all of the construction work.

The site originally received Planning Consent on 26th September 2014 (Ref 14/01718/FUL): Demolition of existing building and erection of a 4 storey building (including basement accommodation) to provide a church (D1 use class) and 7 self-contained flats (C3 use class) with associated landscaping, cycle parking and refuse and recycling facilities.

I will provide a range of evidence to show that, prior to September 26th 2017, 3 years after consent 14/01718/FUL was granted on 26th September 2014, the planning consent was implemented through 'material operations' on site. In summary, other than my own personal testimony, this evidence will include:

- Correspondence between the original developer and original contractor confirming that works commenced on 21st September 2017.
- Correspondence from the original developer to myself confirming that works had commenced in the week of the 18th September 2017.
- Correspondence from the Church's solicitors [REDACTED] of Penningtons Law confirming that works were undertaken to commence the planning and therefore keep the planning extant.
- Correspondence from the original developer's solicitor [REDACTED] of Cripps confirming that a material start must be made by their client on 21st September 2017.
- Photographic evidence (taken before recent development works commenced) of the works that were undertaken in September 2017 prior to expiration of the planning consent, and evidence that these works correspond precisely to the technical and planning drawings.

Initially, the Church appointed Solai (a partnership with Festates Group), as Development Manager who then appointed Lesters as the Contractor. These companies undertook the following steps firstly to prepare for implementation and then to implement the planning consent through a 'Material Operation' on site:

1. A contractor was appointed, and the Building Control Notice was submitted.
2. All Pre-Planning Conditions had been submitted and approved. The final approval was granted on September 20th 2017. This work was undertaken to ensure that these were approved prior to the expiration of the consent so that work on site could commence.
3. The CIL was paid on September 22nd 2017, again prior to the expiration of the consent to ensure that work could commence. Attached is confirmation of that payment showing the date (Exhibit A).
4. Demolition to the front of the site took place as seen in the picture below. This demolition was in keeping with the planning consent, which required the front wall to be demolished.



5. The site was established by the contractor (their board is shown on the left in the picture below) having demolished walls to each side to enable plant and an excavator to enter and leave the site and to commence the demolition process as per the approved drawing.

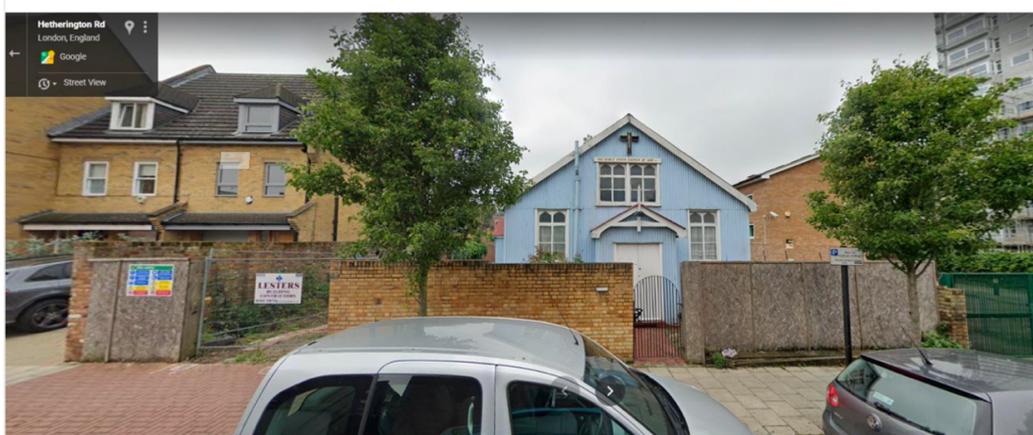


Exhibit B presents email correspondence between the original developer (Solai / Festates) and the original contractor (Lesters) on the 20th and 21st of September. This confirms that they started works on the 21st September 2017 and therefore prior to expiration of the planning consent. This work involved the digging of trenches and drainage for the consented scheme.

Exhibit C presents email correspondence from [REDACTED] at Solai to myself confirming that they 'commenced work to keep the planning extant'. Exhibit C also contains email correspondence from [REDACTED] of Solai on the 20th September 2017 confirming that they 'are now in a position to extant the consent'; and again on the 25th September 2017 (one day prior to expiration of the planning consent) confirming that 'the job [has] started, so consent is extant'.

Exhibit D presents emails between the project architect [REDACTED] at Lambeth Council. On 14th August 2017 [REDACTED] confirms that the works will commence once the pre-commencement conditions are received, which they correctly expected to receive in the middle of September 2017 at the latest. This accurately coincides with the timing of discharge of remaining pre-commencement conditions and the commencement of works on site.

Exhibit E presents emails between the developer's solicitor [REDACTED] at Cripps and the Church's solicitor [REDACTED] at Penningtons. On the 5th September 2017, the developer's solicitor [REDACTED] confirms that a 'material start must be made by 21 September'. This corresponds exactly with the developer's emails on the 20th and 21st September in Exhibit B stating that works were commencing on 21st September, and the developer's email on Monday 25th September (exhibit C) stating that works had indeed commenced 'last week'.

6. The attached PDF (exhibit F) shows the Drainage Drawing C10501B by BdR, the Civil and Structural Engineering Consultants. Overlaid on this are the areas of excavation that were commenced on 21st September 2017 by Lesters. The photos in exhibit F are recent ones that were taken in 2020 before work re-commenced on site and show the trenches clearly overgrown after being left between 2017 (when work stopped on site) and 2020/21 when works recommenced.
7. I can confirm that I personally visited site on the 23rd September and again after completion of the digging of trenches. I am therefore also able to confirm that the excavation had commenced on September 21st 2017 as detailed in Exhibit B, Exhibit C and Exhibit E and therefore before the expiration of the consent.
8. I can also confirm that from September/ October 2017 when commencement works completed until 2021 when work re-commenced on site, the area remained hoarded off. The Church was thus unable to use the recreation facilities to the rear of the Hall owing to site safety and the size and depth of the excavations.

9. Finally, I also attach recent email correspondence (Exhibit G) from the Church's solicitor that a meeting to discuss the development programme for the project was held on 7th November 2017. Present at that meeting was myself, [redacted] from the Church and the Church's solicitor at the time [redacted]. Evidences in her email that during the meeting it was confirmed that commencement on site had taken place prior to expiration of the planning consent 'in order to keep the planning consent live'. The relevant extracts from the solicitor's original November 2017 minutes of this meeting have been supplied by [redacted] at Penningtons Law and are also attached in Exhibit G. Furthermore, Exhibit G contains a December 2017 email from [redacted] the Church's solicitor from Penningtons, that also confirms that 'protection of the 2014 planning consent' had been undertaken.

Unfortunately after work had commenced, our construction partner decided they did not want to pursue the project and works were put on hold. In 2020 we appointed Kuropatwa Ltd as our Development manager and Contractor to re-start the project.

As a RICS Surveyor I can confirm that a Material Operation had occurred on site prior to the planning permission expiring in September 2017 through demolition, trenching and drainage.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

[redacted signature area]

Declared at:
.....
.....

On: 25/08/2021

Before me:
Signed: [redacted signature area]

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