

[REDACTED]  
**Sent:** Thursday, May 4, 2023 1:30 PM  
[REDACTED]  
[REDACTED]

**Subject:** FW: Studio 338 CORONER REG. 28 REPORT

Dear Ms Bull,

I refer to the attached document and the request from the Coroner to provide a response to the issues raised in Section 6 of the attachment.

Please find below the response from the Royal Borough of Greenwich in respect of Planning and Building Control.

### **Studio 338 CORONER REG. 28 REPORT - RESPONSE**

#### **Building Control**

Royal Borough of Greenwich takes a proactive approach to enforcement of unauthorised and non-compliant building work. Discoveries of unauthorised and non-compliant work are risk assessed and an appropriate remedy is then determined. Work that is notifiable to Building Control which is started without submission of an application or Building Notice is unauthorised work. If the situation is not dangerous, the owner will be encouraged to regularise the work and bring it into compliance. Should they refuse, or the work is such that it cannot be regularised, then enforcement action will be considered. If low risk, this may be limited to entering the matter on the local land charges register so that it appears on later CON29 searches. Higher risk issues may result in formal enforcement notices being served under section 35 and/or section 36 of the Building Act 1984. If the situation is dangerous, a dangerous structure notice will be served under S62(2) of the London Building Acts (Amendment) Act 1939. All cases are then regularly monitored and the level of required enforcement action reassessed as necessary.

#### **Planning Enforcement**

The Fire Brigade was not notified following the inspection made on 25<sup>th</sup> July 2016 when it was discovered the sound wall had not been constructed in accordance with the permission granted in 2013 for a living wall with irrigation system but in fact what existed was a wall covered in plastic grass, officers were unaware of the composition as it was not visible to them. Not notifying LFB was not a failing or a disconnect in the service, there is not a statutory or procedural duty to do so.

The operator and leaseholder of Studio 338 known as [REDACTED] of Raduga Ltd was instructed verbally on site on 25<sup>th</sup> July 2016 that the works to implement a steel frame enclosure were unlawful, must cease and the structure must be removed. This was formalised in writing to the appointed legal representative [REDACTED] on 3<sup>rd</sup> August 2016, acknowledged on 4<sup>th</sup> August, the fire at the premises was several days later on 9<sup>th</sup> August 2016.

The first visit made in October 2012 identified an unauthorised sound wall, a subsequent planning application submitted in 2013 applied for a living sound wall with irrigation system, this was approved and as a consequence it was a reasonable assumption that the approved sound wall to have been constructed in accordance.

There were no reports or observations made to Planning Enforcement to the contrary from other sources including the Fire brigade, Fire risk assessment surveyors, Metropolitan Police , Licensing Officers, Licensing Police , Environmental Health officers, patrons and members of the public all of whom would have had visual access to the 11 metre high wall covered in artificial grass that existed in those intervening years.

The council established an Integrated Enforcement Initiative in 2018 which pulls from all services with enforcement powers, it meets weekly and shares information between internal departments within the council including Licensing , Planning , Building Control , Environmental Health and external partners including the Police and Safer Neighbourhoods Teams and LfB. This information sharing group reviews amongst other things the operational activities of licensed premises such as Studio 338 and inspections made can identify areas of concern which may not otherwise be apparent to officers with relevant powers to regularise.

In addition to information cascaded through the mechanisms of Integrated Enforcement , Planning Enforcement are committed to identify where compliance checks are necessary through their investigation processes. Compliance checks will be carried out where repeated non-compliance has been identified and where there is high risk buildings or operations with heavy footfall such as nightclubs or places of worship- Officers are now able to raise concerns relevant to LfB through the Integrated Enforcement initiative.

I trust this clarifies matters but please let me know if you require anything further?

Kind regards

[Redacted]

[Redacted]

Assistant Director, Planning & Building Control  
Directorate of Regeneration Enterprise and Skills  
Royal Borough of Greenwich

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