

		AGENDA ITEM NO.																			
Report Cover Sheet																					
Name of Meeting:		Executive																			
Date of Meeting:		22 October 2007																			
Report Title:		Variation of a Closing Order – Three Basement Rooms, 57 Lansdowne Crescent, Leamington Spa.																			
Summary of report:		Recommendation that the Closing Order affecting the basement at 57 Lansdowne Crescent be varied to allow a non-habitable use.																			
For Further Information Please Contact (report author):		Paul Leeman, Private Sector Housing.																			
Would the recommended decision be contrary to the Policy Framework:		No																			
Would the recommended decision be contrary to the Budgetary framework:		No																			
Wards of the District directly affected by this decision:		Clarendon Ward																			
Key Decision?		No																			
Included within the Forward Plan?		No (If Yes, include reference number)																			
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?		No																			
Date and name of meeting when issue was last considered and relevant minute number:		N/A																			
Background Papers:		NIL																			
Consultation Undertaken																					
Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.																					
<table border="1"> <thead> <tr> <th>Consultees</th> <th>Yes/ No</th> <th>Who</th> </tr> </thead> <tbody> <tr> <td>Other Committees</td> <td>No</td> <td>n/a</td> </tr> <tr> <td>Ward Councillors</td> <td>No</td> <td>n/a</td> </tr> <tr> <td>Portfolio Holders</td> <td>2/10/07</td> <td>Michael Doody</td> </tr> <tr> <td>Other Councillors</td> <td>No</td> <td>n/a</td> </tr> <tr> <td>Warwick District Council</td> <td>No</td> <td>n/a</td> </tr> </tbody> </table>				Consultees	Yes/ No	Who	Other Committees	No	n/a	Ward Councillors	No	n/a	Portfolio Holders	2/10/07	Michael Doody	Other Councillors	No	n/a	Warwick District Council	No	n/a
Consultees	Yes/ No	Who																			
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Warwick District Council	No	n/a																			

recognised Trades Unions		
Other Warwick District Council Service Areas	Yes	Legal
Project partners	No	n/a
Parish/Town Council	No	n/a
Highways Authority	No	n/a
Residents	No	n/a
Citizens Panel	No	n/a
Other consultees	No	n/a
Officer Approval With regard to officer approval all reports must be approved by the report authors relevant director, Finance Services and Legal Services.		
Officer Approval	Date	Name
Relevant Director(s)	2/10/07	Mary Hawkins
Chief Executive		
CMT	27/9/07	
Section 151 Officer		
Legal	27/9/07	Simon Best
Finance	27/9/07	Mike Snow
Final Decision?		Yes/ No
Suggested next steps (if not final decision please set out below)		
Letter to the owner advising him of the Executive's decision.		

1. **RECOMMENDATION(S)**

That the Executive agree to vary the Closing Order which affects the front and rear basement rooms of this house in order that the rooms can be used for non habitable purposes such as a home office or laundry, and to note that the Closing Order in respect of the middle basement room has been Determined (lifted) under Delegated Powers.

2. **REASONS FOR RECOMMENDATION(S)**

A Closing Order was made on 30 June 1964 in respect of the three basement rooms at 57 Lansdowne Crescent, Leamington Spa prohibiting the use of the basement for any purpose. The Order was made on the grounds of dampness and insufficient natural lighting and ventilation.

Sometime before August 2007, works were carried out to the basement which would enable the Order to be Determined (lifted) in respect of the Middle basement room. However, although repairs and some damp-proofing were carried out, it proved impossible to improve the lighting and ventilation to a sufficient standard in the front basement room, and the rear basement room is still very damp. Due to the construction of the building, there is no real prospect of the front room ever being made suitable for human habitation, i.e. as living accommodation, and the rear room requires much more work before it could be considered as such.

The present owners of the building are trying to sell the property and feel that the existence of an Order prohibiting the use of these rooms is hindering the sale. Consequently, they are seeking a variation of the Closing Order and permission to use the rooms for non-habitable purposes, i.e. as a home office/study and laundry, not as a living room, bedroom or dining room.

There is no objection to these proposed uses, and the restrictions imposed by the Closing Order will still be in place and declared on a Local Land Search.

3. **ALTERNATIVE OPTIONS CONSIDERED**

As it is not possible to make the rooms suitable as living accommodation, the only alternative would be to not vary the Order and still prohibit its use.

4. **POLICY AND BUDGET FRAMEWORK**

There are no specific policy or budget matters to take into account.