

ADOPTED ORDER
16 May 2012

LDO for Digbeth

Within the area of Digbeth, Birmingham as detailed on Plan 1, (excluding all current listed buildings as detailed in Appendix 1 or any buildings listed during the life of the LDO), planning permission is hereby granted for the following changes of use within the Town and Country Planning (Use Classes) Order 1987 and any subsequent amendments Primary or Secondary legislation.

Class 1

Permitted Development

Development consisting of a change of the use of a building as follows

- (a) To a use for any purpose falling within B8, D1 or D2 of the Schedule to the Use Classes Order from any use falling within B1(a),(b),(c), B2, B8 of that Schedule save that development is not permitted by Class 1.A if the change of use relates to more than 999 square metres of floor space in the building;
- (b) To a use for any purpose falling within A1, A2 or A3 of the Schedule to the Use Classes Order from any use falling within B1(a),(b),(c), B2 or B8 of that Schedule save that development is not permitted by Class 1.B if the change of use relates to more than 199 square metres of floor space in the building;
- (c) To a use for any purpose falling within B1 or B8 of the Schedule to the Use Classes Order from any use falling within D1 or D2 of that Schedule save that development is not permitted by Class 1.C if the change of use relates to more than 999 square metres of floor space in the building;
- (d) To a use for any purpose falling within A2, A3, B1, B8, D1 or D2 of the Schedule to the Use Classes Order from any use falling within A1 of that Schedule save that development is not permitted by Class 1.D if the change of use relates to more than 999 square metres of floor space in the building;
- (e) To a use for any purpose falling within A3, B1, B8, D1 or D2 of the Schedule to the Use Classes Order from any use falling within A2 of that Schedule save that development is not permitted by Class 1.E if the change of use relates to more than 999 square metres of floor space in the building;
- (f) To a use for any purpose falling within B1, B8, D1 or D2 of the Schedule to the Use Classes Order from any use falling within A3 of that Schedule save that development is not permitted by Class 1.F if the change of use relates to more than 999 square metres of floor space in the building.

Development not permitted

Development is not permitted by Class 1

- (a) if the premises subject to change of use to D1 use is located in Flood Zone 2 or 3;
- (b) if the premises subject to the change of use to D2 involves a banqueting suite;
- (c) If the premises subject to change of use to D1 involve a crèche or day nursery or places of worship or religious instruction;
- (d) If the premises is statutorily listed either now or during the lifetime of the LDO;

General LDO Conditions

- 1.1 The uses hereby permitted shall not operate outside the following hours – 0700 – 23.30 hours.
- 1.2 Where the change of use would require fume extraction, mechanical ventilation and or filtration equipment, this shall be installed in accordance with details that shall first have been submitted to and approved in writing by the LPA prior to the use being commenced.
- 1.3 The LDO and the terms within it will be active for a period of three years following the day of its adoption on 8 May 2012 and will expire following this period. It will cease to apply on the Day following the third anniversary of its adoption, i.e 9 May 2015.
- 1.4 Subject to these conditions, uses which have started under the provision of the LDO may continue even if the LDO expires or is modified.
15. The LDO does not grant consent for the change of use of any existing or future listed buildings situated within the boundary of the LDO area, which must be the subject of planning permission.
- 1.6 The LDO does not remove the need for consent for any physical or structural or operational development, which will be subject to any statutory requirements.
17. The LDO does not remove the need for advertisement consent.
- 1.8 The LDO does not remove the need for consents obtained through other legislation such as licensing regulations.
- 1.9 Any changes of use within Flood Zone 3 may require a Land Drainage Consent from the Environment Agency.

Appendix 1

Listed buildings excluded from the LDO

- 1) 58 Oxford Street
- 2) Gentleman's Urinal, Allison Street
- 3) 123-135 (Former Ice Factory and Cold Store)
- 4) Moor Street Station
- 5) Former Church of Holy Trinity, Camp Hill
- 6) Clements Arms Public House, Coventry Road
- 7) Canal Roving Bridge at Bordesley Junction, Glover Street
- 8) 173 & 174 (Former Church), High Street
- 9) Canal Side Warehouse at Warwick Bar, Dock & Stop Lock, Fazeley Street
- 10) Gun Barrel Proof House, Banbury Street
- 11) 106-110 (even) Fazeley Street
- 12) 122 (Supergas Ltd) Fazeley Street
- 13) Public Conveniences attached to corner of 54 Liverpool Street, Great Barr Street
- 14) Road Bridge over Canal, Great Barr Street
- 15) St. Basil's Centre, Heath Mill Lane
- 16) 78 Allison Street (former RTP Crisps)

- 17) 85 Digbeth
- 18) 186,187, 188 (Old Crown PH) High Street
- 19) 224 & 225 High Street
- 20) Devonshire House (The Custard Factory), High Street
- 21) South Birmingham College Annexe, Milk Street

Existing Use Classes and Permitted Change

Use Class	Permitted change to
A1- shops	None
A2- financial & professional services	A1
A3- Restaurants	A1 & A2
B1(a),(b)&(c)- Offices/R&D/Light Industry	B8 when less than 235 sq m
B2- General Industry	B1 or B8 when less than 235 sq m
B8- Storage or distribution	B1 when less than 235 sq m
D1- Non-residential institutions	None
D2- Assembly & Leisure	None

Plan 1



