

HOW TO: Establish a Meanwhile Use

London Historic Buildings Trust

Rosie Shaw, Senior Project Manager
Hannah Southgate, Project Manager

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funding from;



Historic England



About LHBT

- Charity, founded 30 years ago
- Only London-wide building preservation trust
- Saving At-risk Heritage: *'sustainable projects, innovative social solutions and cultural benefits'*
- How we work:
 1. Delivering Projects
 2. Peer to Peer support
 3. High Street Heritage Action Zone
 4. Training
 5. Consultancy

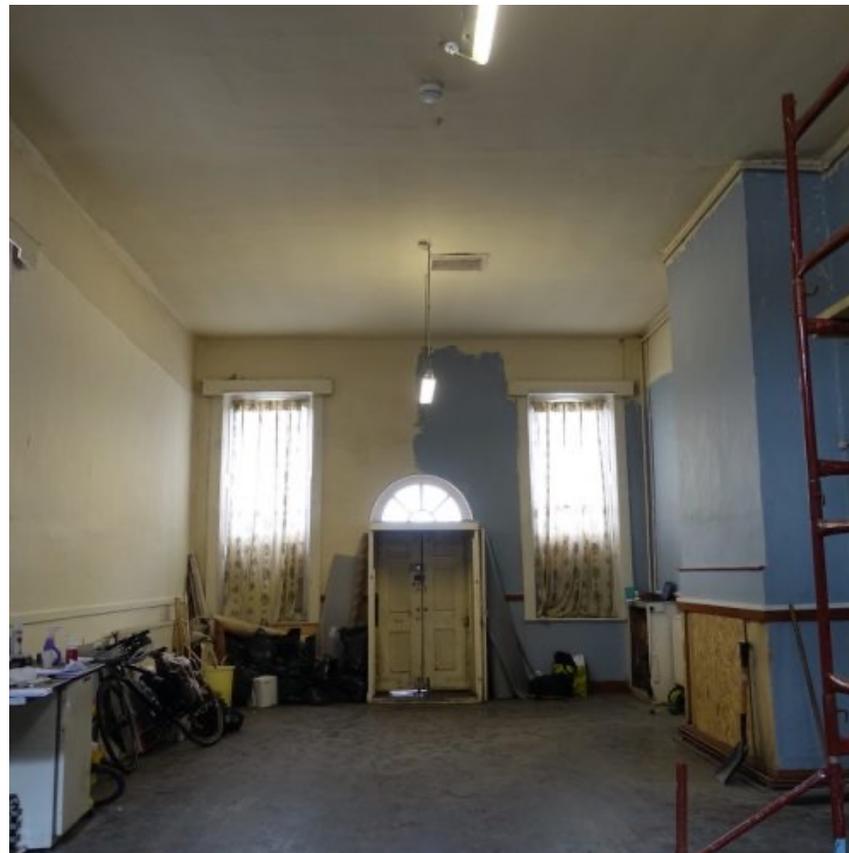


Understanding ‘Meanwhile Use’

- **What is it?** – a temporary or ‘meanwhile’ use of a vacant building for a set period of time, often for a socially beneficial purpose.
- **Context:** *It has become more widely practiced since the Meanwhile Project was established on the back of the Government’s report Looking after our Town Centres in 2009. **Meanwhile Foundation – established in 2012.** ‘Meanwhile Space’ is the delivery arm of the Meanwhile Foundation, set up to enable community uses of vacant property and sites. It provides a range of tools, such as special leases.*
- Particular focus on high streets and activating vacant spaces
- **How does it help heritage?** *‘When historic buildings are left vacant they are at a greatly increased risk of damage and decay as well as being a potential blight on their locality. The best way to protect a building is to keep it occupied, even if the use is on a temporary or partial basis.’ **Vacant Historic Buildings; Guidelines on Managing Risks, Historic England 2018***
- **Heritage sites are an essential element of regeneration** – meanwhile use can be a way to address challenging heritage sites where high levels of funding may be difficult to secure. Can help to establish and demonstrate social re-use to identify long-term solution, grow a business case – generate local interest in parallel with slowing deterioration and providing a means of basic maintenance.
- Time frame = months or years

Understanding ‘Meanwhile Use’

- **Why does LHBT do it?** – part of a solution, slow deterioration, length of time to identify and develop a project – drive interest, support, and test ideas
- BPT’s have a role in supporting Meanwhile Use at heritage sites – either as owner, facilitator, partner, support to community organisations – LHBT does this



How to get going

- Consultation
- Open Days
- Expression of Interest
 - Explain why/what
 - Offer ideas/suggestions
 - Plans, drawings, photos
 - Deadline for submissions

EXPRESSION OF INTEREST FOR MEANWHILE USE

South Ealing Cemetery Chapels

London Historic Buildings Trust (LHBT) are working with Ealing Council to develop an urgent repair and temporary-use project at the South Ealing Cemetery Chapels. These buildings are an exceptional heritage asset, and we are trying to identify any organisations or individuals that might have an interest in using and maintaining them on a temporary basis (est. up to 5 years), once the basic repairs and upgrades are completed.

Background

The Chapels are Grade II and were completed in 1861. They have ceased operating as Chapels and are now in a poor state of repair. Ealing Council owns the site and cemetery and is working towards finding a socially beneficial reuse.

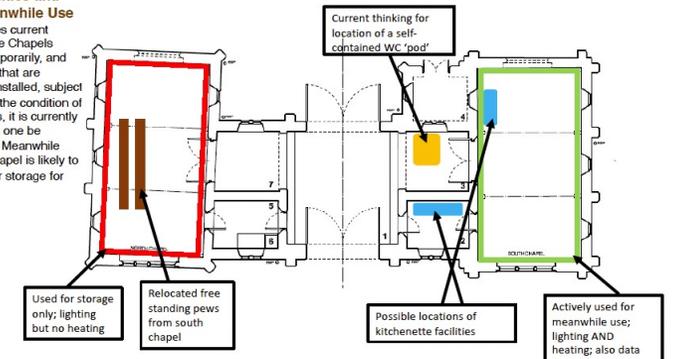
The Site

The site is comprised of two former-chapels connected by a porte-cochere, with some small ancillary spaces adjoining. The site is located roughly 100ft from the entrance to the Cemetery on South Ealing Road, and just a 7min walk from South Ealing Tube Station.



Proposed Facilities and Set Up for Meanwhile Use

This sketch outlines current thinking on how the Chapels might be used temporarily, and the basic facilities that are anticipated to be installed, subject to funding. Due to the condition of one of the Chapels, it is currently proposed that only one be actively used for a Meanwhile Use. The other Chapel is likely to only be suitable for storage for the time being.



Considerations

- Purpose/Outcomes
- Suitable uses
- Identifying limitations (e.g. access, condition)
- Security
- Timeframe
- Maintenance
- Costs
- Business Rates
- Rent (and VAT)
- Insurance (Public Liability and Buildings)
- Legalities
- Permitted Use
- Permitted Hours
- Planning/Listed Building Consent
- Working with Local Authorities (is there a Meanwhile Use Strategy in place)
- Partnerships
- Outline Business Case
- Landlord and Tenant Act 1954
- Form of Agreement (licence to Occupy or Lease)

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Considerations

Identifying limitations (e.g. access, condition) – important for historic buildings

- Vacant and at risk sites are likely to have limitations on meanwhile use - condition, availability of toilets/facilities or limited access etc.
- Has a Condition Survey been done?
- Are there any urgent works that are required? Are there areas which cannot be used?
- Is the site accessible? Are there issues with accessibility which will impact on possible meanwhile uses?
- Are there any health and safety concerns (structure, asbestos etc), which need to be examined/understood?
- Is specialist advise required?
- Costs associated with making the site ready for meanwhile use.
- Share information about limitations with potential users

Considerations

Business Rates

- Charged on non-domestic properties and based on the Rateable Value,
- Business Rate relief – small businesses (ratable value less than £15,000) – charities, up to 80% relief – empty properties, usually 3-months grace period before full rates are due, exemptions for listed buildings or buildings owned by charities if future use if for charitable purposes. - Discretionary relief – up to 100%, check Local Authority policy and whether relief can be granted for meanwhile use - [Haringey example](#)

'Business rates are a major disincentive and often the main operational costs to meanwhile projects and are identified by the Federation of Small Businesses (FSB) as the single biggest issue for microbusinesses and SMEs.' Ramidus (2018) The Business Rates Revolution in London : A report for FSB Greater London Region, quoted in the Brent Meanwhile Use Strategy.

Local authorities can award discretionary rates relief to businesses under Section 47 of the Local Government Finance Act 1988: where *"it is satisfied that it would be reasonable for it to do so, having the regard to the interests of persons liable to pay council tax set by it"*.

Considerations

Insurance (Public Liability and Buildings)

- It is necessary to have insurance in place and agree who is responsible for what.
- Not uncommon for the owner to be responsible for the Buildings Insurance and the Meanwhile User to be responsible for Public Liability insurance.
- Need to consider what the annual costs will be and whether costs will be covered by a fee agreement with the user.
- Check what impact a meanwhile use will have on Buildings Insurance e.g. many insurance companies will NOT provide insurance cover when a building is occupied by Guardians. This can take time and cost more than anticipated.
- Notify insurers as soon as possible.

Considerations

Permitted Use

- Need to understand existing Planning Use Class and whether this will need to change to accommodate a meanwhile use.
- Changes to Planning Use Classes introduced in September 2020, to provide greater flexibility and support recovery of the high-street.

New Class E (Commercial, Business and Service) formerly composed of the following:

- *Classes A1 (Shops), A2 (Financial and professional services), A3 (Food and drink), B1 (Business), D1 (Non-residential Institutions), D2 (Assembly and Leisure)*
- *Class F1 (Learning and non-residential institutions), formerly:*
- *D1 (Non-residential Institutions)*
- *Class F2 (Local Community Uses), formerly:*
- *A1 (Shops), D2 (Assembly and Leisure)*
- Changes within Class Use is within permitted development. Also check permitted development in relation to temporary changes of use.
- However, there may be specific restrictions on changes of use to listed buildings, where there is an Article 4 Direction removing permitted development rights. Check with planning.
- <https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes>

Considerations

Planning/Listed Building Consent

- What changes are required to facilitate a meanwhile use? Access improvements, new facilities, urgent repair works etc.
- Will changes be temporary or permanent?
- Will works be reversible?
- Consider how works are phased effectively as part of a long-term strategy for a site – avoid undertaking works that will need to be changed/re-done as part of future works.
- What permissions will be required? Consider early stage discussions with the Local Authority and Historic England where necessary, including pre-application advice. Assess what costs will be associated with planning, including any specialist advice required.
- Timeframe – consider the impact on meanwhile use and any delays to occupancy.

Considerations

Form of Agreement

Lease – contract between a landlord and tenant - specimen leases prepared by MHCLG and [available online](#) -

- Exclusion of the Landlord and Tenant Act of 1954 - *For the benefit of temporary occupiers (tenants) reading these guidance notes this means that you will have no legal right to remain in the property at the end of the term and no legal right to apply to the landlord for a new lease. The tenant might request a new lease from the landlord but the landlord is not obliged to agree to this and it will be a matter for negotiation between the parties.*

Licence to Occupy – permission to occupy a property, does not create a tenancy. More commonly used for short term use or where are part of the site will be occupied. Suitable for shared use of the site.

- Legal advice is always recommended, though costs can be saved by using existing templates and having the agreement reviewed.

[Meanwhile Foundation Guidance on Legal Documents](#)

Benefits, Risks and Challenges

Benefits

- Reduces security costs/need for security
- Reduces costs for the owner
- Reversible
- Slows deterioration, occupancy and maintenance
- Phased approach, where there is no clear solution or funding challenges
- Reduces risk of crime linked to vacant properties
- Can be utilised over lengthy viability and development stages of a project
- Supports job creation
- Increases supply of affordable space and potential for affordable housing (though consider protections for tenants)
- Space for experimentation and new business growth – low risk approach
- Creation of flexible space
- Impact on local perception of a site/place
- Community involved in the project
- Link between communities and future development
- Demonstrate social value of heritage sites – support future plans and funding
- Test long-term uses as the basis for developing a business plan

Benefits, Risks and Challenges

Risks and Challenges

- Owners – risk linked to change in perception (social/community values) and long-term ambitions for the site
- Potential for poor management/damage to the building – must be managed
- Limitations presented by the site – access, condition etc.
- Planning systems can be difficult to navigate and can take time
- Licensing – same as for long-term applications
- Difficulties identifying meanwhile use operators who can manage sites and meanwhile activity
- Potential for gentrification - requires thought and management
- Unable to secure reduced business rates
- Costs of upgrades to make a site suitable for meanwhile use
- Ensuring inclusion of local businesses
- Ability to translate short-term meanwhile use into long-term projects/activities
- Impact of physical changes to building fabric
- Compatibility of meanwhile use with the heritage of the site (fabric, associations and meanings)

Benefits, Risks and Challenges

Reducing the risks – TAKEN FROM HISTORIC ENGLAND'S [GUIDANCE ON VACANT BUILDINGS](#)

- Check whether planning permission is needed for any change of use; if any works to the building are required, these may need Building Regulations approval or listed building consent. A 'Certificate of Lawfulness' might be considered (see Section 10).
- Notify insurers immediately prior to the intended occupation, with full particulars of the proposed temporary use and the period of the lease or licence
- Carry out reference checks on the proposed user (commercial agents for temporary accommodation will do these as a matter of course); additional security checks may be necessary
- Explain to the occupants any restrictions arising from the historic character of the building – for example, certain areas or items may not be painted or re-decorated
- Agree arrangements for the owner to access and monitor the building throughout the period of temporary occupation
- Ensure that illegal, unsafe or hazardous practices are not introduced and that the terms of the agreement are being adhered to
- Check the building when the temporary use ends and inform insurers about any change in circumstances
- Record the condition of the building immediately prior to the intended occupation, so that any changes or deterioration can be accurately documented
- Draw up a schedule of any valuable or vulnerable features in the building, including features of historic interest that require special care
- Specify the occupants' caretaking obligations, and the amount of time that they will be required to spend on site

Case Study: Charity School, Edmonton



- School building and adjoining mistresses cottage c. 1794
- Grade II listed, on the HAR register and within a conservation area
- LHBT introduced to the site in 2018; unoccupied since 2012 and in deteriorating condition
- In the ownership of a near redundant foundation, an unregistered charity
- LHBT ran an Options Appraisal over 2020 and have identified a project to be delivered in partnership with a local charity
- Meanwhile Use over the Viability and Development phases of the project – LHBT support

Case Study: Charity School, Edmonton

2018



2020 - squatters



2020 – Live-in Guardians



Case Study: Charity School, Edmonton

Live-in Guardians

- Property guardians introduced by the Diocese of London
- Letter of agreement and terms
- Undertook £12,000 in-kind repairs (agreed with the LA and HE)
- Utility costs
- Occupied by a single guardian
- Undertook basic maintenance of the site
- Provided access as required and with notice
- 24 hr security
- However, did not cover all costs e.g building insurance
- £12,000 from Enfield Society, repairs and costs



2021 – Open House event, coordinated with the support of the guardian company

Case Study: Charity School, Edmonton

Arts Trust

- Introduction via Historic England
- LHBT facilitated the meanwhile use
- Artists internship programme
- Costs – building insurance, maintenance, utilities and business rates
- 24 months, covering the project Development Phase
- Licence to Occupy;
 - Access to the site
 - Maintenance requirements and budget
 - Clause re building condition
 - Costs
 - Use
 - Fee (small)



Enfield Society,
Garden clearance

Case Study: South Ealing Cemetery Chapels

- Grade II, Heritage at Risk Register – Priority A
- Owned by Ealing Council
- Built 1861, two chapels – one non-conformist and one one Church of England
- Empty for some time; advanced state of deterioration
- Brought to the attention of LHBT by Historic England



Case Study: South Ealing Cemetery Chapels

- 2019 Options Appraisal Project to identify a preferred route forward/end use
- Felt unviable due to significant repair costs (£ms), nature of funding landscape, Ealing not a priority
- Now looking at phasing the repairs of the site, starting with a Urgent Repairs and Meanwhile Use project



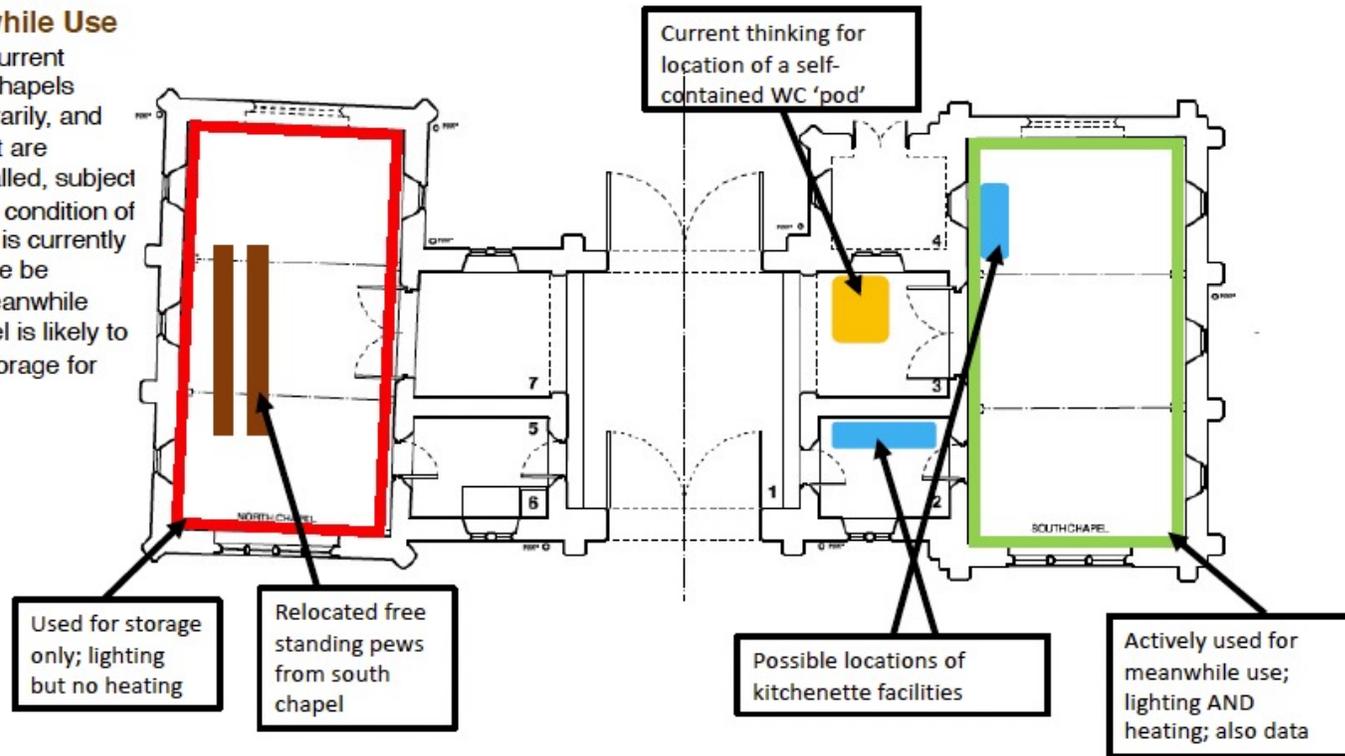
Case Study: South Ealing Cemetery Chapels

- Funding from Ealing and Historic England to develop scheme
- Conservation Architect reviewed condition, identified most urgent items of repair/basic utilities required
- Consulted on what users might need inside e.g. wifi
- Scoped out what it might look like to utilise on a Meanwhile basis
- Estimating 5 years of holding repairs/Meanwhile Use
- Permanent drainage solution – long-term investment of funding
- Circulating an EoI to identify potential user(s)

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Funding

Phasing – clear plan and how meanwhile use and associated works fit into a long-term strategy

Local Funding

- CIL (Community Infrastructure Level)
- Section 106
- Local funding – check with the local authority
- Regional Funding – part of a Levelling Up bid? London, Good Growth Fund (now closed) supported Meanwhile Use projects

National Funding

- AHF and Heritage Fund
- Trusts and Foundations – challenging – may be a case for repairs that are not short-term or temporary

Top Tips

- Plan carefully
- Work with the local authority from an early stage
- Think about phasing -
- Work through considerations and any implications on meanwhile use
- Consult widely and publicly
- Numerous open days
- Enough time to reply to the EoI
- Be clear on expectations of building condition/facilities/access on offer
- Use a legally binding agreement – use existing templates
- Cover running costs and maintenance

Links and Resources

- [Historic England, Vacant Historic Buildings Guidance](#)
- [UK Government, Meanwhile Use Leases](#)
- [Centre for London, Meanwhile Use London](#)
- [Brent Council, Meanwhile Use Strategy](#)
- [Locality, Empowering Communities](#)
- [London Plan](#)
- [Ulster Heritage, Meanwhile Uses](#)
- [Lilian Tuohy Main, Temporary Use; A Potential Strategy for Historic Buildings at Risk, MSc Dissertation](#)
- [Heritage Trust Network](#)
- [Meanwhile Space](#)
- [Meanwhile Foundation](#)
- [Architectural Heritage Fund](#)
- [National Lottery Heritage Fund \(Small grants\)](#)