3

REDEVELOPING RELIGIOUS HERITAGE

CONFLICTS & RECOMMENDATIONS IN PRIVATE AND PUBLIC BUILDING LAW

3.1 INTRODUCTION

3.1.1 INTRODUCTION | GENERAL

Easily said: this booklet is about the feasibility (possibilities and restrictions) to re-purpose and redevelop religious heritage (in the Netherlands), analyzing it through public and private laws. Through re-purposing and redeveloping the Julianakerk in Heijplaat as an in-depth case the intention is that a number of general conclusions are drawn about the re-purposing and redevelopment of vacant religious heritage, which has come to epidemic proportions in the Netherlands.

GENERAL STRUCTURE

This third chapter could be seen entirely separate from the other chapters, it should however better be seen as the underlying roots of a tree or mechanism of the final architectural result. Above that: each of the topics in this chapter can be seen as a separate and individual essay that cover a specific level of the main legal question. This is due to that each of these topics is relevant for specific levels of government. Ground Lease for example has national laws, but leading municipal policies. In this case it is for example hard to draw conclusions on what should be done with the redevelopment of vacant religious heritage in Amsterdam, where the ground can't be bought, opposed to Rotterdam where since 2003 the ground is being sold again. For this reason the accumulated chapters are summarized within a compact essay at the end of this booklet.

As every re-purposing and redevelopment is different due to the complex environment/context that every object is situated in, with different active parties, municipal policy, regulations, etc.; this research will handle the facets that are relevant for the essence of vacant religious heritage. For the case of the Julianakerk this means that in terms of private law, ground lease (erfpacht) will be relevant, but personal commitments from the municipality are irrelevant; in terms of public law changing requirements from one purpose to another are relevant, but site-specific requirements and consequences of the fire in the Julianakerk should only be lightly discussed.

RESEARCH QUESTIONS

The goal is that a good understanding is to be formed about (the struggles and possibilities of) redeveloping vacant religious heritage. Herein the essays should be seen as the beginning for sustainable methods and further research. To say, these essays and overall research should at least clarify the inherent problems of re-purposing and redeveloping religious heritage in the Netherlands.

The idea is that through this chapter, together with the information and knowledge that is gathered through research also a new program and volume can be put together for the case of the redevelopment of the Julianakerk. For this reason, the following question will be the leading question in the research:

Research Studio: What are the reasons for the (lasting) vacancy of religious heritage to come to such epidemic proportions (in the Netherlands)?

- What are essential moments in private law (purchase and ground lease) in obtaining an object such as a church and what kind of research needs to be done for a feasible trajectory?
- What is the ideal game plan/process plan in terms of procedure when realizing the re-purposing of vacant religious heritage (taking into account the neighbourhood, municipality and other parties)?
- Which segments of the process could use optimizations? And How?
- What are the lessons learned from the case of the redevelopment of the Julianakerk?

These questions have lead to divide this chapter into six separate sub-chapters which can each be considered as essays. Namely:

3.2 The Transfer (De Overdracht)
3.3 Ground Lease (Erfpacht)
3.4 Status of Monumentality (Monumentenstatus)
3.5 Re-purposing (Herbestemmen)
3.6 Temporalities (Tijdelijkheden)

Sub-chapters 2 & 3 relate to the first subquestion. Chapters 4 & 5 to the second subquestion. Chapter 6 is not linked to specific subquestions, but are as the 3th and 4th subquestion desirable to investigate in order to evaluate this topic as a whole. At the end of the booklet there is a general summary/essay covering all topics in a more compact manner. One may find that certain parts are very basic in the world of Management in the Built environment, but are new for an graduating architect such as myself.

INDIVIDUAL ESSAY STRUCTURE

Each essay is structured through three points:

1. introduction to the topic and what knowledge is needed to understand this topic.
2. the topic specifically looked at for the case of the redevelopment of the Julianakerk, which is a case where I have been involved with personally
3. conclusions and recommendations for better trajectories in redeveloping religious heritage within the specific topic

REASON

The personal precedent to include this legal segment within an architectural graduation project is the strong ambition and goal to draw a realistic image of programmatic, financial and aesthetic possibilities. In order to do this one should understand the underlying legal possibilities and constraints as the lack of creativity on either 'side', architectural or legal, will harm the result of any project.

This also goes for the Julianakerk. Despite the philosophical or architectural irrelevance whether the Julianakerk was used as a church, there are formal rules and legal constraints 'in the real world' towards the fact that the project starts whilst being a church 'on paper'. In the same way that philosophically we are all human and we are defined by the things we do and not our formal state (e.g. passports) although that same state does dictate certain legal constraints.

This also means that the term monumentality has a different meaning in this chapter than in the previous ones. In order to facilitate the social monumentality of the previous chapters, this chapter will walk a parallel path to discover the programmatic possibilities. By doing this step by step with research into property law (private law) and most segments of public law it may give a better insight to why there is an epidemic of vacant religious heritage (in the Netherlands).

SOURCES

All interviews, books, papers, documents and projects that are referred to within this project have their source written at the end of their specific locations as it would be inconvenient to come back to the first chapter each time.

3.1.2 INTRODUCTION | UNDERLAYING ISSUE

Perhaps superfluous but the underlaying issue of this topic surely could use a little explaining. In a lot of countries, but also the Netherlands, people are not parttaking in religious activities (in religious buildings) as they used to; this trend has been predicted a long time ago already. One can see Velthuis & Spenneman's predictions of 2004 are quite in line with the latest news about secularization. The fact of the matter is not that just less people are religious, but also that the people that do consider themselves religious are not practicing their religion in (semi-)public places as often as they did in the past.

deVolkskrant

NIEUWS RELIGIE

Voor het eerst behoren de meeste Nederlanders niet tot een religieuze groepering

Voor het eerst rekent een meerderheid van de Nederlanders zich niet tot een religieuze groepering. Dat blijkt uit maandag gepubliceerde cijfers van het Centraal Bureau voor de Statistiek over 2017. Minder dan de helft (49 procent) van de bevolking van 15 jaar of ouder geeft aan tot een religieuze groep te behoren.

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Figure 3.1.1 | Volkskrant, 22nd of october 2018[2]

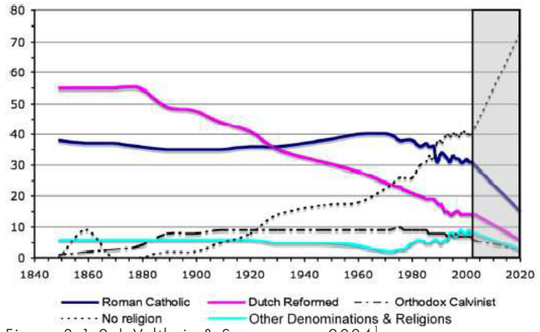

Figure 3.1.2 | Velthuis & Spenneman, 2004[1]

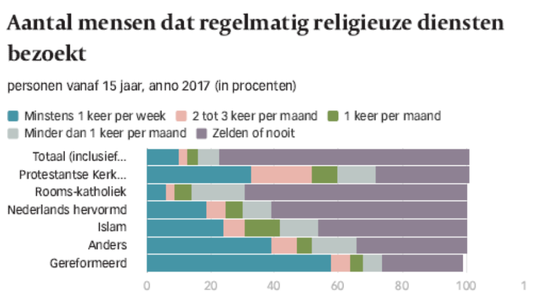

Figure 3.1.3 | Volkskrant, 2018 22nd of october 2018[2]

"The decrease in the number of church members continues. The regular church and mosque visit declines according to research. For the Protestant Church in the Netherlands and the Roman Catholic Church, which both own the most church buildings, a new course in the way of dealing with church buildings seems inevitable. Some small religious communities, on the other hand, are experiencing a growth in the number of members. There are also differences between the use of church buildings in the city and in the countryside. But the need for more inventiveness for the preservation of the buildings is everywhere."[3]

The consequence of this decrease in number of members in combination with high maintenance costs of church buildings in general results in a big number of vacancy. As structural solutions are only being found slowly: *"municipalities must consult with owners (and other relevant parties) to prevent vacancy and promote re-use"*.[4] During a redevelopment a lot of facets of building law are touched upon, especially the private and public laws. Prior to redeveloping an object, its private and public status are different than the desired future plans one has with the object. Examples are that publicly, the place of the object in the zoning plan has to be reconsidered, privately there are changes to be made with ground lease contracts between the owner and the municipality.

3.1.A INTRODUCTION | SOURCES

1. Velthuis & Spenneman (2007) The Future of Defunct Religious Buildings: Dutch Approaches to Their Adaptive Re-use. Cultural Trends, Vol. 16, No. 1, pp. 43–66.
2. Volkskrant, 22 oktober 2018. Voor het eerst behoren de meeste Nederlanders niet tot een religieuze groepering
3. Taskforce (2015). http://www.toekomstkerkgebouwen.nl/NL/content/3-0-30/noodzaak.htm
4. Nelissen 1999

STAKEHOLDERS; ABBREVIATIONS; TERMS

- Purpose = public situation in zoning plan (e.g. social)
- Function = private way of use of building (e.g. church)

- Rijksoverheid = government on Dutch national level
- MOCW = Ministerie Onderwijs, Cultuur, Wetenschappen
- cB&W = College van Burgemeester en Wethouders
- DCMR = Milieudienst rijnmond houd toezicht op vergunningen.
- dS+V = De dienst Stedebouw en Volkshuisvesting
- = Afdeling vergunningen
- = Afdeling Stedenbouw
- = Afdeling Ruimtelijke ordening
- RIT = ruimtelijk intake team, onder leiding afdeling vergunningen van dS+V
- OBR = ontwikkelbedrijf rotterdam, verouderd, nu stadsonwikkeling
- BO = Beeldbepalend Object
- BDG = Beschermd dorpsgezicht

- Wabo = Wet algemene bepalingen omgevingsrecht
- Wro = Wet ruimtelijke ordening
- Bor = Besluit omgevingsrecht
- Mor = Ministeriele regeling omgevingsrecht

- BOEi - Behoud, Ontwikkeling en Exploitatie van Industrieel Erfgoed
- RDM = Rotterdamsche Droogdok Maatschappij

Figure 3.1.4 | *Julianakerk 2017*

3.2 THE TRANSFER

3.2.1 THE TRANSFER | INTRODUCTION

To understand the reasons of (lasting) vacancy in religious heritage one should begin from the start. To begin with, an overview is needed of the entire (problem of) vacancy - and thus the stock - of the current religious heritage in the Netherlands. Which religious heritage is empty and which buildings will become empty in the future? To be able to answer this question it is relevant to know which religious buildings are being divested and will become available for possible redevelopment.

Ownership is also important in this situation. It is not only the denominations/dioceses/parishes that repel these buildings, but these can also be municipalities, provinces, housing associations or sometimes even private individuals/companies. This is important information to be able to form an idea of where conflicting interests are and where they might be prevented.

That is why this chapter is important for the first sub-question of this study:

What are essential moments in private law (transfer and ground lease) in obtaining an object such as a church and what kind of research needs to be done for a feasible trajectory?

In order to be able to analyze the transfer of this type of property, a number of things are important:

1. Stock and overview
2. Time-line of transfer
3. Owners religious heritage
4. Research
5. Purchase agreement and act of delivery
6. Permission municipality
7. Costs

This chapter is slightly suggestive in the way that it assumes the situation in which the object is sold to the next party for redevelopment (demolition and /or reuse), because this looks to be the most common route in the coming decades. It is emphasized that the ideal situation in which religious heritage - which includes a (semi) public function - is supported by (semi) public bodies such as (church) societies, municipalities and governments. As Wesselink points out, it is "nice if the past and the character of the building are taken into account"[2], this information is transferable, but the current owner knows best. Good material is available for current owners of religious heritage who can do their own research into a coherent and good redevelopment, such as the method of Kerkelijk Waardebeheer (see fig. 3.1.5).

According to Bosschert, owner of Reliplan.nl, this is also the most financially attractive option. *"Selling to religious groups is often the most interesting option for the selling party because the church buildings can be put into use almost immediately without major renovations and price-reducing renovations and complicated zoning procedures. For example, in July Reliplan sold the former Reformed church building on the Botenmakerstraat in Zaandam to the Ecumenical Patriarchate of Constantinople for a good price."*[6]

Another good example in which the same owner found a new function for the church is the former Sint-Amelberg church (2008), which has been transformed by the municipality of Bossuit into a public square (cheaper to maintain and yet to be used by the community). *"The church was first stripped and turned into a controlled ruin. The roof, the floor, doors and windows were removed and climbing plants were placed against the walls. The new floor is a terrazzo in which geometrically rhythmically refers to the architectural rhythm of the church and to the destroyed church in the First World War ... The new space can be used by the community for all kinds of social and cultural events."*[23] These places are the former social and spatial centers of Dutch cities and villages and can leave a gap in the event of incorrect re-use/demolition. How can these gaps be filled? How can it be ensured that a (semi) public program can be introduced here - in a feasible way (a business case)?

Figure 3.2.2 | *Former Sint-Amelbergakerk Church, transformed into public square with controlled decay in Bossuit | Belgium (2008)*

STOCK AND OVERVIEW

Various inventories have been made at this time to get a factual overview of the existing stock of all religious heritage in the Netherlands. This inventory is important in order to be able to make comparisons between religious heritage that is easily redeveloped versus religious heritage that is not (appropriately) redeveloped. Of these, Jan Sonneveld's documentation is the most complete - an overview of around 19.000 religious buildings - is available through the Historical Documentation Center for Dutch Protestantism (1800-2012) and formed the basis for the reliwiki.nl website. A problem within this documentation is that it has not been researched which churches will be repelled (and not which ones are currently empty) so that a plan can be made on time and demolition can be prevented with redevelopment.

Other sources are reliplan.nl, which is a website that offers by far the most religious and social real estate. In this way 911 churches were sold in the period 1992-2016. BOEi also gives a small overview. In general, the 'Task Force Kerkgebouwen' has the most complete analyzes.

"Global estimates indicate that there may be around 1500 to 2000 church buildings demolished in the coming decades if the policies of churches and governments do not change."[1]

Herman Wesselink[2] recently obtained a PhD for the future of Dutch church buildings. In his research he explains that "the number of church buildings that will be 'on the market' in the near future - protected or unprotected, little or very valuable - is expected to be greater than ever. More than a thousand church buildings may close their doors within ten years, of which by far the most from the period 1800-1970." The expected scale of vacancy is therefore more conservatively estimated by Wesselink than the Task Force Church Buildings, the fact remains that -relatively- large numbers are involved.

At the moment, already two churches a week in the Netherlands are closing their doors and 600 churches are vacant. Kerkbalans[3] also indicates that there are approximately seven thousand church buildings in the Netherlands, of which approximately four thousand have the status of a monument. In total, the Catholic churches and Protestant churches still have around 4000 church buildings in use.Of these, about 2300 are Protestant and about 1700 are Roman Catholics.[4]

"This process has been going on since the sixties of the last century, but has gained momentum at the start of the current century. That is the result of rapid demographic changes ... demolition is not seldom the next step after a church building becomes out of use. Of the approximately six thousand Dutch church buildings built in the period 1800-1970, more than one thousand have already been demolished."[1]

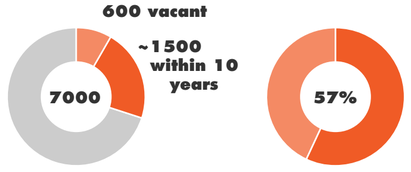

Figure 3.2.1 | *Figures concerning vacancy Religious heritage*

There have already been a large number of successful redevelopment processes with renovations of existing church buildings and there are also overviews, but not complete ones. The most complete list is of a graduation research from TU Delft "from god house to residential destination"[5] which counts 142 re-use projects (re-use of the existing building) of church buildings of which 28 to residential purposes.

De Rijksdienst voor het Cultureel Erfgoed (MOCW) published a guide in 2011 for the redevelopment of vacant church buildings called 'Een toekomst voor Kerken'.[9] The guide shows a number of redeveloped religious buildings. The research explicitly assumes that *"it appears more and more often that a re-use with respect for history and architecture can be carried out"* while practice shows that more is going to be demolished than re-used. The guide does not appear to be giving any advice on the difficulties of conservation or redevelopment.

Since the owners (of religious real estate) are primarily responsible for the conservation (or demolition/redevelopment), this requires clearer private and public instruments, legally speaking. Clearer because it can not be assumed that the owner has this kind of legal knowledge or a background in real estate. The designated monuments are of course better protected, but 3000 churches are not a monument. I will return to this in the chapter 3 'Status of Monumentality'.

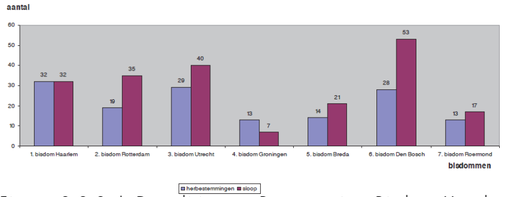

Figure 3.2.3 | Demolition vs Re-purposing Bisdom Haarlem & Rotterdam (2008)

TIMELINE

The timeline under private law with regard to the purchase / transfer of a church building is no different than any other building. Easily said, there is a buying parting and a selling party and together they start a process. In the coming headings, I will first discuss the (future) owners of religious real estate and then visit every point of the timeline (on p.12) with a brief overview and explanation of the four main aspects: research, purchase agreement, act of delivery and permission from the municipality. Each of these main aspects have sub-aspects. With the purchase agreement, for example, a letter of intent precedes the signing of the agreement (but this is not always applicable).

The thick lines show the period in which the process takes place, the squares (grey for subpart, orange for main aspects) indicate when the moment comes (in time) for a certain aspect.

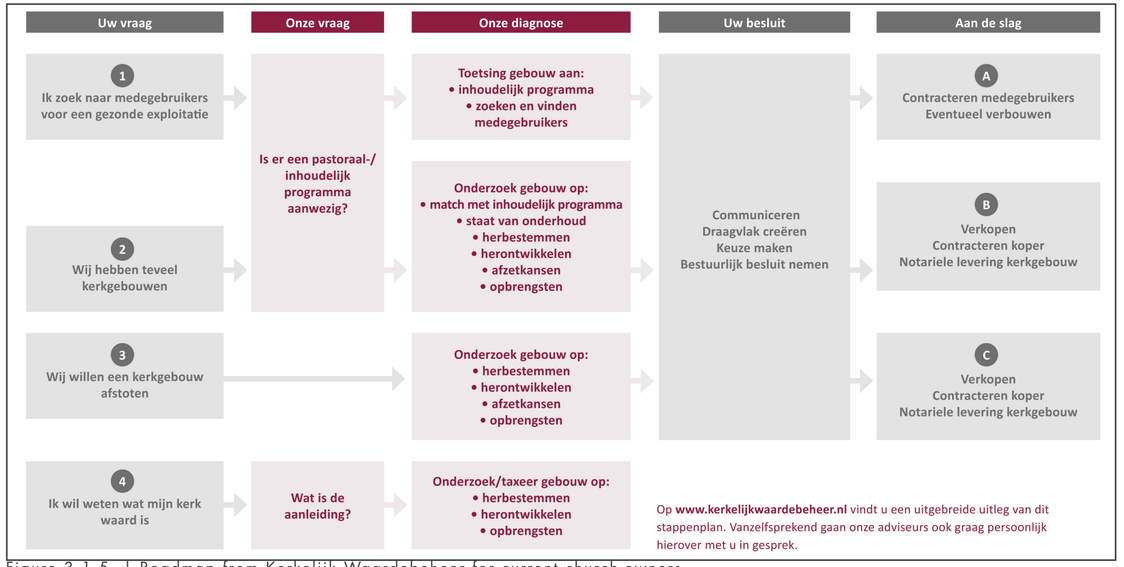

Figure 3.1.5. | Roadmap from Kerkelijk Waardebeheer for current church-owners

OWNERS RELIGIOUS REAL ESTATE

"The adjustments that a repurpose entails, always require making considerations. The owner is of course the first responsible, also with regard to the preservation of its church. In practice, the Rijksdienst voor het Cultureel Erfgoed sees that the owners want to carry out a repurpose with respect for the historical and architectural values of the monument. Church councils usually leave the building with pain in their hearts."[9]

Perhaps somewhat superfluous, but it is good to realize that there is a future owners and a current owner. For the current owner it is important that there are no unrealistic expectations with regard to the selling price or restrictions they wish to implement from the purchase agreement. This can cause unnecessary vacancy and increases the chance of demolition. In principle, the purchase agreement is the only instrument that the current owner has to enforce preservation/suggestion of a building or program, by including a condition in the purchase agreement. This should initially have positive consequences for church buildings, but according to the Taskforce, this is not always the case.

"The church leadership often prefers demolition to prevent the building from being given an unworthy purpose or from falling into the hands of another religion. Sometimes a demolition agreement is even linked to the agreement with the new owners"[13]

Since non-demolition, in advance, already is the way that requires a bit more research in the case of a re-purpose, it is of course an invitation for parties that want to build quickly.

A large part of the church buildings are still owned by churches/dioceses/parishes. Van der Graaf (2013) has 183 church buildings in Rotterdam in her graduation thesis, two-thirds of which are still owned by church owners. Although the board steps away with pain in their heart with every church closure, there is

also a problem with this emotional approach as noted by Mickey Bosschert of Reliplan.nl.

"For Mickey Bosschert, founder and director of the Amsterdam church broker Reliplan, any demolished church is one too many. According to her, the demolition rage comes from the 'misconception' that many church leaders have, that demolition and sale of the underlying ground always yields the most money and the least hassle. "An enormous destruction of capital. Then I'm not even talking about the cultural-historical value of the lost heritage and the emotions that demolition always entails for local residents", she says with unplayed indignation.. "On average, church buildings and monasteries don't stand for sale longer than six months", Bosschert continues with some pride. According to her, the largest buyers of surplus catholic and Protestant church buildings are not social institutions or commercial parties, as is often thought, but the many flourishing denominations and spiritual organizations in the Netherlands. These include Jehovah's Witnesses, migrant churches, Moluccan churches, the Syrian Orthodox Church and Polish Catholics. "60 percent of the supply goes there," she estimates." [6]

There are many examples in which redevelopment of churches does not get off the ground for emotional or fundamental reasons. There is a general aversion to functions that are too exuberant such as places for entertainment. *" "If that doesn't work, there are open to a new destination. „Preferably as close as possible to our own values. " says De Lange. A disco is not the goal." [7]*
This wile examples of beer brewers are increasingly seen. It is also still too sensitive to house some other religious organizations in churches. *"The conversion of a church building into a mosque is too sensitive within the churches. So I am not starting that. "Muslims can apply for a search for a suitable construction site." [6]*

RESEARCH

The current user of a building actually too ends his use with a research. In this case one where this person wants to dispose of the building. Before and during the entire transfer, research be done on the relevant property by the future owner. The current owner must give the future owner the opportunity to do this. Research must be done by (the owner and) the interested party(s) before and after the purchase agreement

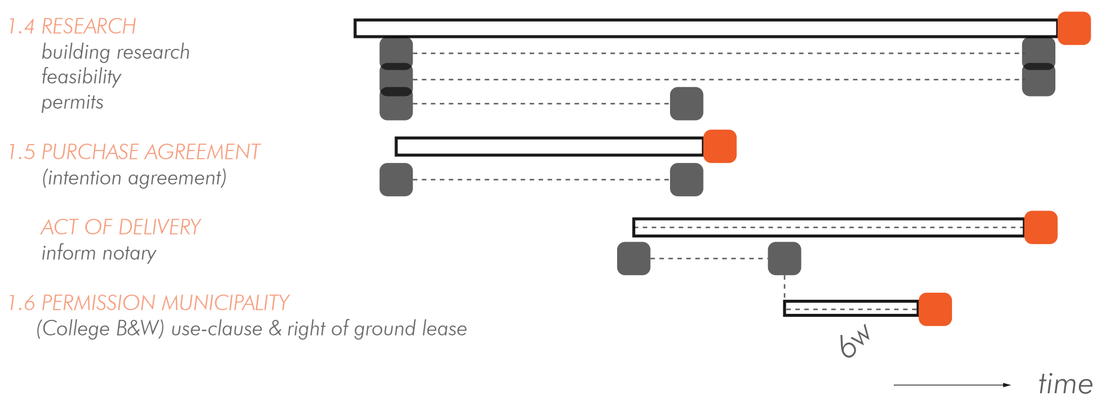

Figure 3.1.4 | Privaatrechtelijke tijdlijn tot en met de overdracht

(depending on whether there are additional conditions in the agreement). To start with, there is always an obligation to report (meldplicht) for the selling party and an obligation to investigate for the purchasing party. With regard to the reporting obligation, the buyer must pay particular attention if it does not concern the last actual user, but only a party who owned the building, such as a housing association. In such cases, current problems are therefore less visible on the radar. If the buyer does not investigate and it later turns out to be, for example asbestos, the seller can often not be held liable retroactively (depending on the circumstances of the case and what's written in the purchase agreement).

For buyers, the research that is done prior to the purchase is completely to minimize the chance for worrisome situations to happen during the development process.

STRUCTURAL RESEARCH

To determine the overall feasibility, the most obvious architectural facts are brought to the table. Examples of this are: research into asbestos, safety, foundation research, woodworm, remediation and sounding. In the case of preservation, building physics research can take more time than normal because it concerns older buildings and requires specialist knowledge about materials. Especially the structural researches that are not compulsory; for all questions that have to do with preservation or no preservation; additional financing is required in advance. This can mean that, at a later stage, less has to be spent on construction. In Chapter 3 Status of Monumentality, I will discuss the subsidy arrangements for feasibility and preservation a little bit more. These are often essential to prevent demolition in a feasible way.

FEASIBILITY

This covers the overall trajectory that people want to take when purchasing. This may have to do with the (re)design/idea, the costs and benefits of the redevelopment. Often the development research is also done in this stage (design, construction costs, real estate agent yield, valuation of the building etc)

PERMITS

This is a very broad topic and is actually very dependent on what the overall process of the sale looks like, and what the agreements are about for this. For example, it may be that the buyer redevelops the building into homes, but only receives it 'officially' at the very last moment (after all permits have been granted) to limit as many risks as possible. This all depends on how the purchase agreement works. The private law permissions that are granted through ground lease departments are discussed in Chapter 2 Ground Lease.

In general, it is obvious that public law restrictions must be taken into account in the zoning plan. Possibly, conversations can be held with the municipality to test the plans against the expectations. We will come back to this later, in Chapter 4 Re-purpose. Under the heading "Permission Municipality", I specifically discuss private law permissions and restrictions.

PURCHASE AGREEMENT & ACT OF DELIVERY

A purchase agreement may be preceded by a letter of intent to have recorded that both parties will, for example, commit to certain preliminary research (and if this turns out positively, to proceed to a purchase agreement). Certain resolutive clauses may also be included in a purchase agreement. This is therefore primarily due to the owner and buyer. When the purchase agreement is finally signed, the notary is informed to do two things: to draw up the acts and to inform the municipality in order to get permission.
It is possible that the act of delivery does not correspond with the purchase agreement. It is key that the notary looks at the old acts and compares them with the new agreement. It is also important for the buyer and seller to do this themselves.

Furthermore, it is important to know with what kind of public law and private law restrictions/ permissions the case is bought. Getting to know the zoning plan well, with regard to limitations (noise, heights, waters), is easy to look up using websites that deal with spatial plans of cities/provinces (public law, we will return to this in more detail later)

FORMULATE BID

I have not been able to find any research on how prices for selling churches are set. The valuations are

namely (as described in Kemp, Nab et. al (2014)) often with great discrepancies. In my estimation, religious heritage is probably the property with the greatest discrepancy between maintenance/reconstruction value and selling prices (I have no source for this). This however means that valuing says little, it is more dependent on the future business plan and possible returns (also a way of valuing, but it is still guessing).

PERMISSION MUNICIPALITY

If the purchase agreement has been concluded and the notary has submitted a request to the ground lease department (College van B&W) for a transfer, permission must still be granted for said transfer. This is about the right of ground lease of the plots being transferred. For the municipality of Rotterdam, this generally is a period of six weeks and in the time-line is one of the few points to which an actual time period can be assigned to. The rest is all party and object dependent.

What is important is what is stated in the permission of the municipality about the usage provision. This information can also often be found in the Land Registry. Simply put: how can you use the object? This can be an (un)conditional provision for the use and can be (not) transferable. *"In addition, the ground lease conditions may include obligations of the ground leaseholder that go beyond those arising from an existing zoning plan".*[10] Further restrictions and special provisions may therefore have been drawn up. Generally speaking, ground lease / private law follows public law jurisprudence, but if - for example - a 'normal' church is purchased with the speculation that later it can be redeveloped, you simply buy a church to use as: church. *"It regularly happens that a ground lease conditions include a positive obligation that is not provided by law.".* [11]

COSTS

- Costs of (structural) research
- Notary fees. These are costs for bringing the old acts to the table and ensuring that the upcoming act does not conflict with older agreements or the purchase agreement. If all of this is correct, then the notary draws up the new act and takes care of informing the municipality earlier in the process. It is also possible that the notary may be involved in the purchase agreement.
- Transfer tax (this is not a private law issue, but stems from tax law) is 2% for living, and 6% for non-living. So height depends on the purchase price, you would say it is better to ensure that -provided that the plans are to make houses - private law permits have already been granted."Regular or special? But how do you know what type of property you are buying? With a regular home or regular apartment it is clear, but with so-called "special properties" not. Even the notary and the tax authorities often disagree as to whether or not a regular home is being bought. Even the notary and the tax authorities often disagree. What are special properties then? As a tax lawyer at Vereniging Eigen Huis, I have seen quite a few things come by. Think of an old school building or an old church that is being converted into one or more houses. Or at such a stately 19th-century mansion that has been used as a dental practice or law firm for years. Or the "part" of a farm." [16]
- Other charges for the remaining year (sewer charges and comparables)
- From the moment of transfer, the property is entirely the responsibility of the buyer. Insurance, building (fire and storm) liability, household effects, insure immediately.

3.2.2 THE TRANSFER | JULIANAKERK

One of those -estimated - 600 churches that are vacant, has been vacant for ten years in Heijplaat. The Julianakerk. Originally built for the RDM in 1930 and was also in their possession until shortly before the bankruptcy of the RDM in 1980, when the entire stock of the homes was transferred to the Woonbron housing association (formerly Onze Woning). When church visits declined, the Julianakerk was no longer used for worship and the former rectory was used as the main building. Aster this also stopped, the buildings were sold to Woonbron. Since Woonbron is a major stakeholder in the neighborhood, a lot of effort had been made to find a suitable destination for the Julianakerk. However, this turned out to be not that easy. Because the feasibility of new plans was difficult in combination with new policy from the Ministry of the Interior. *"..the Ministry of the Interior very much wants corporations ... to focus on the exploitation and management of social rental housing and not develop themselves"*[15] The Julianakerk has therefore initially been put on sale via reliwiki.nl. There was great interest, but the selling price of □375.000 was not feasible for developers to realize new plans. Finally, a plan was written to take over the Julianakerk and rectory for a symbolic amount from Woonbron by TU Delft student. This was successful, whereby the process from planning/research to final transfer lasted 8 months.

TIMELINE

In the coming headings I will first discuss the owners of this case and then go through every point of the timeline with a brief overview and explanation of the four main aspects: research, purchase agreement, act of delivery and permission from the municipality. Each of these main aspects have sub-aspects.

The thick lines show the period in which the process takes place. The squares (gray for subpart, orange for main aspects) indicate when the point will come in time and the dotted lines indicate the variation in time.

OWNERS RELIGIOUS REAL ESTATE

At the time of the last transfer, woonbron was the seller and there was a joint buying party of two people from a private matter.

The concern of Woonbron comes from the fact that as a housing association, they own a large part of the houses in Heijplaat and rent them out in the social sphere. As a result, they have an interest in what is happening in the neighborhood as this has an effect on the satisfaction of the tenants. For example, Woonbron pays attention to the fact that there are enough facilities for the neighborhood, such

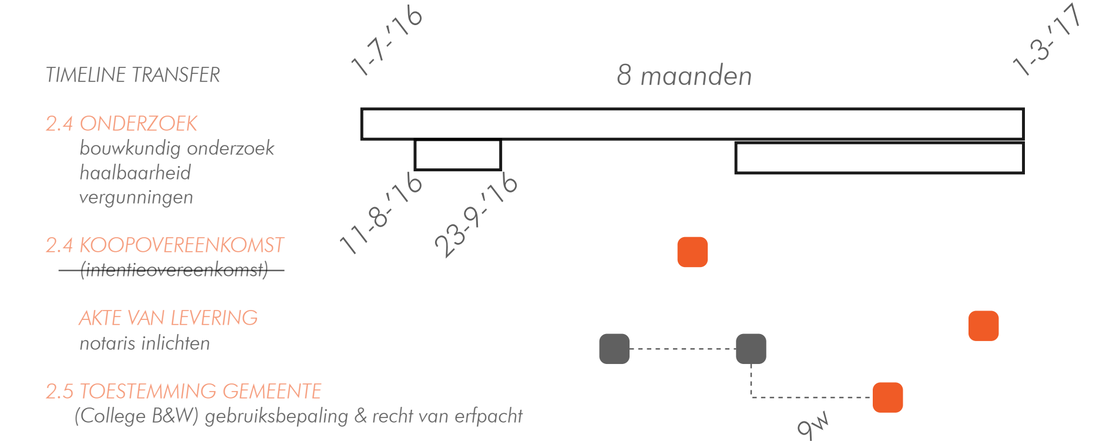

Figure 3.2.1 | Privaatrechtelijke tijdlijn tot en met de overdracht

as supermarkets or a community center. As stated in the purchase agreement: *"The buyer will not give the church building and the adjacent rectory any function, purpose or use that conflicts with the general interest of the community on Heijplaat."* For this reason, it has also been important for Woonbron to preserve the church in the case of the Julianakerk (while it is not a monument). The importance of cohesion in the village (it is a protected townscape) and feelings of former churchgoers, the Woonbron was concerned that the Julianakerk would be preserved in a dignified manner.

The buying party's interest was that they needed a new house because their current one was being demolished. They were therefore interested in the rectory. The interest in the church building was to start and initiate a project in a different way than usual within architecture, with a client and a designer. There was a conviction that from full ownership it would lead to a redevelopment of better quality.

RESEARCH

I have not been able to find any information on the research that the Congregation of the Reformed Church has done for the preservation or repurpose of the Julianakerk, so I will not discuss that further.

A lot has research has been done from Woonbron since 2005 to find a suitable destination for the Julianakerk. As mentioned earlier, this was in direct interest of Woonbron through the ownership of surrounding residential buildings. Before the purchase of the Julianakerk from Woonbron, the investigation had already begun. It is not known how long it took between the purchase agreement and the transfer, since the purchase agreement is not publicly available. The steps outlined in time from Woonbron looked like this:

- Julianakerk redevelopment design competition starts on 05-01-2005.
- Then a research done by Arcadis into the "Pioneers Hotel" 10-10-2005. [18]
- The final purchase in 2007 for □265.000 from the Reformed Municipality of R.dam-Zuid with □4857,36 annual canon.[19]
- Ground lease were bought off in 2009 from a big part of Heijplaat, including the Julianakerk and rectory.[19]
- Research structural state Julianakerk and rectory 2012.[20]
- Research of the structural conditions of the foundation in 2014.[21]
- Sales attempt via monument broker reliwiki.nl, unsuccessful due to too high sale pricing. Sales via officials with a binding role in the municipality of Rotterdam, to me.

During this time, there is also independent research by several private individuals, architectural firms and crowdbuilding (a platform to initiate a (residential) project with a group of people). These plans were all not feasible because they were always looking at a development that would be implemented in one go. The plan that finally went ahead, was plotted over a period of 10 years and not implemented by a professional party and therefore looked "feasible". see Figure 3.2.2

STRUCTURAL RESEARCH

Before signing the purchase agreement, the buyer was given the opportunity to do structural research. After signing too, but there were no resolutive clauses attached to this. In principle, the structural reports were already available and it would have been smart to have them repeated. This was not done due to a lack of funds. Two important reports were also missing, namely: an asbestos investigation and an investigation into the condition of the wood in the building. Visually it was clear that the wood was damaged and asbestos was not plausible due to the year of construction of the building, so both investigations were not done again, also due to a lack of funds.

The buyer was not aware of soil research (contamination, sounding and remediation) as it concerned existing construction. With new construction - such as after the fire - these are mandatory (bron) Because the purchase price was symbolic; the buyer did not have a valuation carried out either. From a tax perspective, this was in retrospect a too vague of a construction.

PERMITS

I was also unaware of procedures with the municipality concerning repurpose processes, I assumed that this would go smoothly because the ground lease

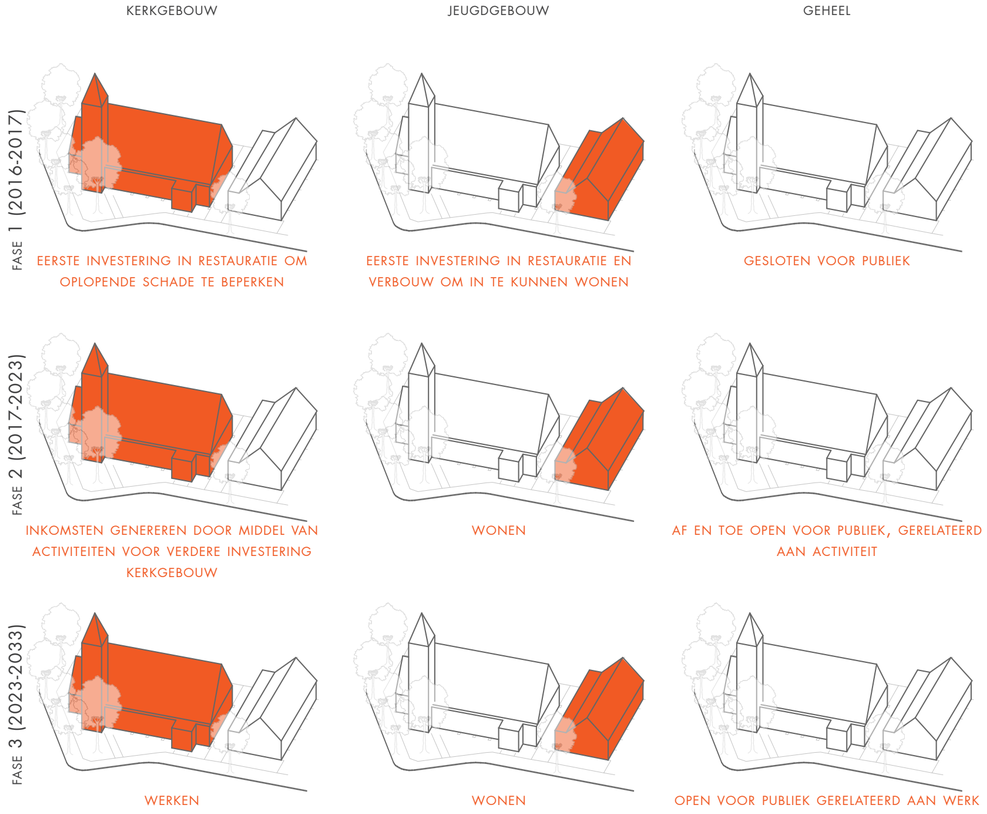

Figure 3.2.2 | submitted plan

department of the municipality had made a commitment to cooperate. I did not yet realize that there are differences between public and private law restrictions. I had explicitly not taken into account that for a repurposing, I also had to take into account noise tax, construction outside of dikes. I will discuss this further in Chapter 4 Re-purpose.

In order to be able to use it immediately after purchase, I did had put the property in the vacant property management via a vacant property manager (Alvast) and acted as a anti-squat user myself. A tolerated construction. I will elaborate on this in Chapter 6 Temporality

KOOPOVEREENKOMST & AKTE VAN LEVERING

The purchase agreement was drawn after the negotiation and planning. Since the planning period went very quickly, there was no request for a letter of intent.

FORMULATE BID

Because the Julianakerk had been for sale for a long time and no buyer was found for the price of €375.000, Woonbron was prepared to consider another, lower, offer of €35.000. In this case with additional conditions. WOZ of religious purposes is €0.

PERMISSION MUNICIPALITY

Permission for a transfer is usually requested by a notary and also in this case. This took longer than the normal six weeks, it took about 9 weeks. No explanation was given why this was the case. Provisory conditions of use were imposed from the ground lease deparment/cB&W on the actual use. The new owners - and only they - were allowed to use the buildings as living space with limited work space. This was only a private permission, no re-purposing had yet taken place. This permission was later withdrawn by the fire and only granted to the parsonage in anticipation of new plans. I will elaborate on this in Chapter 2 Ground lease.

KOSTEN

- No costs architectural research
- Notary fees: € 1234,20
- Transfer Tax 2% over €35.000 = €2.100

This looks unusual since a church is not a residual building and should therefore be charged 6%. As it is a "special building" that can be converted, an exception can be made. "Regular or special? But how do you know what type of property you are buying? With a regular home or regular apartment it is clear, but with so-called "special properties" not. Even the notary and the tax authorities often disagree as to whether or not a regular home is being bought. Even the notary and the tax authorities often disagree. What are special properties then? As a tax lawyer at Vereniging Eigen Huis, I have seen quite a few things come by. Think of an old school building or an old church that is being converted into one or more houses. Or at such a stately 19th-century mansion that has been used as a dental practice or law firm for years. Or the "part" of a farm."[22]

- Other taxes: € 318,40

3.2.3 THE TRANSFER | CONC. & RECOM.

A number of answers to the first part of the question: '*What are essential moments in private law (transfer and ground lease) in obtaining an object such as a church and what kind of research needs to be done for a feasible trajectory?*' can be given. This simply consists of some answers to what the essential moments are on the one hand and what research should be available for better achievable trajectories for the redevelopment of religious heritage.

Essentials moments are:

- Signing the purchase agreement. A purchase agreement is a strong tool for current (church) owners to ensure worthy redevelopments. It is important for municipalities to be aware that it does not become a precedent that many church owners want their church to be demolished for (mainly) emotional reasons. Legal interventions will have to be thought of so that the obligation to demolish cannot be imposed through a purchase agreement.
- Permission from the municipality/ground lease departments is a strong tool to ensure developments that are good for the city. This is already being done by withholding criminals to buy real-estate in certain cases. Perhaps first prove that the property really can not be preserved? I will elaborate on this in the next chapter.

Furthermore, as mentioned much research has already been done, but:

- There must be a clear overview of the current 600 vacant churches, especially the non-monumental buildings as they are more 'in danger' of being demolished.
- There must be a clear overview of the churches that will become empty in the future. Dioceses must be encouraged to help identify them. (In addition, the church community itself may be an unreliable source as it is a question of popularity.

The right research is essential to make feasible cases for redevelopment. With regard to the status of monumentality, the problem is that these feasibility subsidies are only given for monuments (where there are already more safety nets). Perhaps it is good to formalize certain research methods (according to feasibility) and to demand them when buying redevelopment of religious heritage.

We have to wait and see what the church vision 2019 (MOCW) will deliver. There is still no clarity about what the church vision entails. Inventories are mentioned and valuation methods. The positive thing is that the church vision relates to all church buildings, not just the monuments. "The plan of the Minister of Education, Culture and Science to develop a church vision in every civil municipality, is starting to take shape. Much is still unclear, the RCE project group will soon provide more information about the specific details. It is known in which municipalities the pilot of the RCE will take place, these are Amersfoort, Oss, Zaandam, Rotterdam, Ooststellingwerf and Sûd-West Fryslân "[4]

To recap:

"Mirjam Blott and Frank Strolenberg from the de Agenda Toekomst Religieus Erfgoed find it difficult to give precise estimates of the impending vacancy problem. They point to the lack of transparency and the enormous speed with which the effects of the secularization are now manifesting, especially for Catholic church buildings. In any case, the churches repeatedly warn of an impending tidal wave of emptied church buildings that will decay without adequate government action."[6]

To clarify: it might seem like my main point is not to demolish, I think this is definitely important, but not the most forward point. As with the Julianakerk, but also the overall existing supply of vacant religious heritage, it is important that in the first place it is prevented that the land - which is often located at central and beautiful locations - receives a function/program that has no added social value. That it has some value has for the environment. Secondly, that demolition is prevented as this is often times not necessary.

In the next chapter I will expand on the first research sub-question, researching its ground lease instead of its transfer, so that there is a full understanding of obtaining religious heritage, and what the problems are for future redevelopments of them.

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APPENDIX

KOOPOVEREENKOMST (WOONBRON)
01/12/2016
het erfpachtrecht tot en met 31 januari 2090 van een perceel grond, eigendom van de gemeente Rotterdam, met de rechten van de erfpachter op de op die grond aanwezige opstallen, zijnde een kerk met bijgebouw, plaatselijk bekend Zaandijkstraat 5-7 te 3089 PZ Rotterdam, kadastraal bekend gemeente Charlois, sectie A nummer 2593, groot 10 are 11 centiare, zulks voor een tijdvlak dat is ingegaan op 1 februari 1991 en zal eindigen op 31 januari 2090 en verder onder de verplichting voor de erfpachter tot beta ling van een jaarlijkse canon van €4.857,36 per jaar, te voldoen vooraf per kalenderkwartaal, hierna te noemen: het "Registergoed".

LEVERING, REGISTERGOED, GEBRUIK (NOTARIS)
01/03/2017
Verkoper heeft blijkens een met Koper aangegane koopovereenkomst aan Koper verkocht en levert op grond daarvan aan Koper, die blijkens voormelde overeenkomst van Verkoper heeft gekocht en bij deze in levering aanvaardt, ieder voor de onverdeelde helft: = het eeuwigdurend recht van erfpacht met de voor de gehele duur afgekochte canon, van een perceel grond – eigendom van de gemeente Rotterdam-, met de rechten van de erfpachter op de op die grond aanwezige opstallen, zijnde een kerk met bijgebouw, plaatselijk bekend Zaandijkstraat 5-7 te 3089 PZ Rotterdam, kadastraal bekend gemeente Charlois, sectie A, nummers 4601 en 4600, tezamen groot negen are en vijf centiare; hierna ook te noemen: "het Registergoed".

EEUWIGDURENDE ERFPACHT (GEMEENTE)
28/09/17
Het recht van erfpacht, ten aanzien van de Julianakerk, Zaandijkstraat 5-7 te (3089 PZ) Rotterdam, kadastraal bekend gemeente Charlois, sectie A, nummers 4601 en 4600 (hierna te noemen Onroerende Zaak), betreft een eeuwigdurend recht en is voor de gehele duur, dus voor een eeuwigdurende periode, afgekocht wat betreft de canon.

QUALITATIVE OBLIGATIONS
Article 18.2 purchase agreement: "The buyer will not give the church building and the rectory any function, purpose or use that is contrary to the general interest of the community in Heijplaat. This means that the function, purpose or use of the two buildings must not lead to feelings of anxiety, fear or dislike in a significant part of the community. Some examples of such could be: clubhouse of a motorcycle club (so-called outlaw bikers), clubhouse or a space where meetings take place of organizations with radical or fundamentalist (religious-) beliefs."

Article 18.1 purchase agreement: The buyer is not permitted to demolish the Julianakerk and the rectory or make changes that seriously impair the character of the building as they were at the time of signing this purchase agreement. The buyer is obliged to maintain the church building and the rectory and to carry out the maintenance that is necessary to maintain the building in the longer term, within a reasonable period of time. This includes at least the necessary foundation repair that is founded through research.

Figure 3.2.3 | Eerste steenlegging Julianakerk 1930

3.3 GROUND LEASE

3.3.1 GROUND LEASE | INTRODUCTION

The regulations concerning ground lease or use of land are determined nationally (and are listed in the Dutch Civil Code), but the policy differs per municipality. To give an example, the municipality of Amsterdam switched to the policy whereby homeowners are encouraged to purchase their ground lease perennial (the canon to be paid unceasingly/not leasing the ground), but the municipality remains the real ground owner. Consequently the value of that ground rises or falls (in most cases the value rises), benefiting the municipality of Amsterdam[4]. In contrast, the municipality of Rotterdam has the policy (since 2013) that the ground is no longer issued on a ground lease.[5] Homeowners in Rotterdam are encouraged to actually buy the ground and become the owner of that ground and thus benefiting from the increase value themselves. This policy does not only apply to dwellings but also to all other destinations. In case of a reallocation, the value changes in a different way and therefor there are different procedures for this.

'Praktijkboek Uitgifte van grond in Erfpacht'[1] describes that it is a large investment of time for municipal organizations to draw up ground lease contracts (and then coll ect canon payments), in comparison with full sale and delivery of ground. The issuing of ground in ground lease is, at least since the nineteenth century, a spatial planning instrument that Dutch cities use increasingly more.

Roughly there are three options in the Nethergrounds: either paying a periodic canon to the entitiy who owns the ground; buying the perpetual right to use the ground (bought-off ground lease), or one is the owner of the ground. This private law issue is highlighted in the Dutch Civil Code:

"wet- en regelgeving Art. 85 Boek 5 BW, Art. 89 Boek 5 BW erfpacht / (oneig.) erfpachtrecht: Eng.: right of leasehold: zakenrecht - zakelijk recht dat een erfpachter de bevoegdheid geeft andermans onroerende zaak (stuk grond of akker) - doorgaans tegen betaling van canon - te gebruiken. De erfpachter kan zich als eigenaar gedragen, maar mag niets doen dat de grondwaarde kan verminderen. nadere verklaring canon / (mv.) canons nadere verklaring zakelijk recht / zakelijke rechten"[2]

Even in the case that the municipality is not the owner of the ground, but a citizen is, many rights and obligations remain for the ground owner.

In a conversation with the head of the ground development department of the municipality of Rotterdam (2018), I was explained to that "real ground ownership does not actually exist". The example that was given was that ground can always be expropriated if this deems necessary for the city.[3]

Given that in this research I am focusing on the redevelopment of religious heritage (in Rotterdam), it is important to underscore a number of cases: the actual use changes (private law); even if the purpose does not change (which in many occasions must be, because this is a matter of public law). Because the use changes, the actual value of the ground and structures. When redeveloping religious heritage (to another function), it is therefore important to take into account two (related) issues:

1. The actual use (before and after the change of use)
2. Residual ground value

THE ACTUAL USE

The change of actual use always requires the permission of the bench of B&W (from the ground lease department). This permission can be transferable if the property is sold again. The municipality therefor has a strong tool in hands to be able to manage in change of use. "Indien de erfverpachter weigert om toestemming te verlenen voor een gebruik dat in strijd is met de bestemming, dan kan de erfpachter daar in beginsel weinig tegen doen."[1] In this case, has to be assumed that the ground leaseholder does not abuse their authority. In practice, private law is followed but public law within the Rotterdam City Council, provided there are peculiarities.[3]

Social/religious use generally has a low value per square meter of ground, simply because there is little demand for it and little can be profited from it. On the other hand, a residential- or accommodation function has higher values. In theory, therefor, there is no need to pay extra if one goes from 'dwelling' to 'church', but should receiving money. No examples of this instance have been found.

RESIDUAL GROUND VALUE (BIJBETALING)

Secondly, the natural question that follows is: how are these values calculated? The value of the ground is often linked to the (potential) proceeds of 'the on the ground' to be realized buildings. This value depends on the destination of the ground, the type of building, the location and market conditions. Ground with a residential destination is worth more than ground with an agricultural use. A parcel of land in the Randstad usually yields more than a parcel of comparable nature and size in the east of Groningen.

The most common way to determine the value of the ground are the comparative method or the method using a residual ground value calculations. In the comparative method, the value of the ground is determined on the basis of the ground value of comparable locations. With the residual ground value method uses the value of the structure including the ground. The residue forms the basic value. The Municipality of Rotterdam (2018) explains the situation slightly different: "additional payment: the municipality will (exclusively) impose financial conditions on the exemption, if the adjustment of the conditions with regard to use and construction volume from the declaration of issuance causes a value jump of the ground: the additional payment. To determine this, an external valuer will, on behalf of the municipality, 1) determine the current ground value, with the permitted use from the deed of issue, and 2) the (residual) ground value, based on the new development plan. The difference between these values must be paid to the municipality. Any demolition costs, costs of site preparation and any costs for remediation (sanering) will be deducted from this. Looking through a redevelopment point of view, both are therefore indicative of certain choices in development behavior. These will be discussed further in the Julianakerk-case.

Besides, it is not the municipality itself that calculates these values, but an independent valuer. "To determine the additional payment, an external, independent expert assesses the ground value difference on behalf of the municipality of Rotterdam. The valuer calculates the current ground value with the permitted usage and development conditions from the declaration. The new ground value is calculated with the intended use and development according to the (new development) plan of the owner. The difference between the current and the new ground value is the additional payment. Furthermore: "the valuer calculates the values normatively. This means that the values are calculated on the basis of references, key figures, and the knowledge and experience of the valuer. Not on the basis of the actual costs and realized revenues of an owner or developer"[3]

Simply, The calculation of the residual ground value has to do with the location, the usage and the status of the right of ground lease (bought-off or not bought-off). Seeing that the municipality of Rotterdam has the policy since 2013 that the ground is no longer issued on lease, this would actually mean that additional payment must be made for all reallocations of churches to other functions (provided there is no change of ownership and the owner still pays a canon, then a higher canon will be paid until the right of ground lease expires, and then the land must still be purchases). Even is the ground is owned .

COSTS

Of course there are costs involved in this process. As the municipality of Rotterdam explains: "For starting this procedure, an amount of €2,500 excluding VAT will be charged to the owner. These administration costs consist of valuation costs and costs for handling the application internally. The owner has to pay these costs in advance" The standard costs for a dwelling are €350 ex. VAT because this calculation is easier. So for other functions such as a business space / office,

the price is €2,500 ex. VAT.

These are costs that always have to be made in case of a redevelopment project and are actually costs for a quotation from the municipality. If it is so high that one can not continue with the current plan, the plans have to be revisited again and a new calculation must be made.

With the purchase of the Julianakerk rests a perpetual ground lease with a <voor de gehele duur afgekochte> canon, of a plot of land – property of the municipality of Rotterdam – with the rights of the ground leaseholder on the structures on that ground, being a church with an outbuilding.

This is reasonably standard, but there has been a fire and as a result of which is that the ground leaseholder doesn't live up to his obligations, since "not building, renovating and / or furnishing the Immovable Property as a church building is in conflict with this provision". Now the municipality will "give the ground leaseholder the opportunity to bring the Immovable Property into conformity with the applicable provisions, within a reasonable period of time". This would've been obvious if the plan was to build a church again, but that is not the plan. Ultimately, a 'change in use' comes into the picture – almost certainly after the reallocation- since it is then necessary to take into account the residual value increase. This can be a decisive factor for the overall financing of the project, provided that the seller gives the necessary permissions.

THE ACTUAL USE

The church and outhouse were initially bought to live there until the final plans for the redevelopment were made during this period. For this reason, the head of the ground exploitation of the municipality of Rotterdam had written the following letter before the purchase:

> "I grant the new owners an exemption from the use provision on behalf of the Board of Mayor and Aldermen. According to the right of ground lease, the leaseholder must use the real property exclusively and / or use it as a church building. The exemption means that the new leaseholder may use the immovable property as a home with a subordinate office / workspace home office)"[3]

For this reason, no residual ground value calculation is needed to be made and can be seen as an exception. This is also the reason that after the fire, the exemption was immediately withdrawn for number 7 (the church) because a redevelopment came closer (the site can't look like that for long) and it is no longer clear for the municipality wat will happen with the site (see appendix 2.1-2.2).

This incident mainly shows how fragile a construction is by means of an exemption that has only been granted to one user. Like Kemp, Nab, et. already explained "in the ground leasehold conditions obligations can be included for the leaseholder that go beyond those resulting from the valid zoning plan."

At the moment, the actual use is thus legally still 'church'. There is still an exemption to live in the church and the youth building, all this is separate from the public law permissions and permits. Presently there is a mixed purpose (public, residential & lodging/ working) under public law, which means that you can now officially live on number 5. Without this change of destination, this explicitly is prohibited. Both private and public law should, so to speak, give green light. On the parcel of the church, therefor, formal church activities can still be taken place at this time.

RESIDUAL GROUND VALUE

Since the program is not yet fully determined at this moment, it is still difficult to make a good estimate. It is always an estimate (or appraisal): "Because the determination of the ground value by ground lease is very complex, it is possible that appraisers come to different ground values for the same plot" (Kemp, Nab, et al, 2014). Nevertheless, it is good to get an overview of the valuation methods of the residual ground value.

Literature (Kemp, Nab, et. al, 2014)[1]
Residuel land value method:

- Value of building including the land is determined (valuation)
- Cost to build the building are deducted.
- The residu is the land value

With this reasoning, the developer is pushed to build more expensively to pay as little as possible.

Municipality of Rotterdam (2018)[3]
Residuel land value method:

- (New building + land valuation) - (Old building + land valuation)
- The difference is ought to be payed to the municipality.

If there are costs for demolition, site preperation, remediation of land can be deducted.

With this reasoning, the developer is pushed to make higher demolition, etc. costs in order to pay less. This means it is financially very attractive to demolish the whole building.

3.3.3 GROUND LEASE | CONCLUSION & RECOMMENDATIONS

In the redevelopment of religious heritage, there are considerable private-law consequences and steps that must be well thought through before the necessary procedures are started. Since the private law departments – at the municipality of Rotterdam - generally follow the public law statements, the ground lease affairs can shut down the project later in the redevelopment process. At that point a reasonable time investment had been made already and things like an additional payment hadn't been taken into account. The redeveloper is also (unconsciously) actively urged to speed up the demolition in order to make an ultimately more advantageous additional payment. Since this is an inefficiency when it comes to a healthy built environment with healthy decision-making, these processes should be reconsidered in the sense that:

1. Under normal circumstances private law follows whatever happens under public law. So only after a certain permit is given for a certain amount of new program, is it possible for the designated departments to make the calculations of what has to be payed additionally. The calculations for the additional payment should be made before a re-purposing process has started for a healthier process. The redeveloper should be warned for this through the municipal governments. There should be a method of open calculations for new program on specific sites without lengthy and costly processes. (This certainly is possible, but it is a chicken and egg story, for example if you do not yet know how many houses may be realized under public law, a good calculation can not be made).
2. Instead of only mentioning demolition costs as deductible items, it is important to include maintenance (and sustainability) as a deductible cost in the policy of the additional payment. This should not depend solely on separate negotiations of individual projects. This must be done in a way that is more attractive than demolition and provide a precedent for the preservation and redevelopment of real estate as a whole.
3. The latter can be taken a step further to see these additional payments in a different light. In order to be able to look out for "good developments" (putting well-being before profit maximization), it is important for the municipality to remember that "this does not mean that it is prohibited to invest in the proceeds of the ground lease in public facilities of which also non-leaseholders profit"[1]

These additional payments are not directly spent by the municipality on the development site itself. Since spatial investments can strengthen social resilience and are very necessary, the next experiment is called preventive development (for now).

Preventive development means that vulnerable redevelopment locations are designated where the value increase in land (subject to special criteria) is spent on that same location. This guarantees the growth of (vulnerable) areas against developments that are only looking for profit maximization to crease a feasible project. This makes certain unattractive development locations more attractive for developers as these 'free' interventions can ensure that the developed project increases in value or potential for exploitation.

The special criteria can be made by the municipality or by an independent party. This seems to be a more valuable approach than going through all the exception processes per development since the problem with religious heritage is also often time-related. An empty building is expensive. The sustainable reuse of existing elements should result in 'ground lease discount' instead of demolition or high construction costs. It is important that the municipality is the first party to do this kind of research/have it done before a redevelopment process starts, to be able to make well-informed decisions for the city.

An example of this is in Hamburg.[6] No locations are designated there, but this spending is a duty with each additional payment of a redevelopment. This may be exaggerated, but the value and awareness of designating these preventive development locations important so that the city does not spend released funds in the most obvious places.

3.3.A GROUND LEASE | SOURCES

1. 'Praktijkboek Uitgifte van grond in Erfpacht' (Kemp, Nab, et. al, 2014), p3
2. https://www.juridischwoordenboek.nl/zoek/pacht
3. Gesprek Gemeente Rotterdam 2018
4. nrc 2017
5. trouw 2002
6. (Project Mitte Altona Stadtplanung Bahnhof Altona, 2017)

wordcount: 3355

APPENDIX

2.1. TIJDENS KOOP (hoofd afdeling gebiedsexploitatie)
13/02/2017 (AFD. ERFPACHT GEM. RDAM.)
"Het gaat om het recht van erfpacht van de percelen kadastraal bekend als gemeente Charlois, sectie A, nummers 4600 en 4601 (voorheen 2593), plaatselijk bekend als Zaandijkstraat 7 en 5 te Rotterdam. Verwijzend naar het gestelde in de akte van vestiging van erfpacht (hyp 4 di. 12122 nr. 10 d.d. 21-05-1995) verleen ik de nieuwe eigenaren namens het College van Burgemeester en Wethouders ontheffing van de gebruiksbepaling. Volgens het recht van erfpacht dient de erfpachter onroerende zaak uitsluitend aan te wenden en/of te gebruiken als kerkgebouw. De ontheffing houdt in dat de nieuwe erfpachter de onroerende zaak mag gebruiken als woning met ondergeschikte kantoor-/werkruimte kantoor aan huis). De kantoor/werkruimte mag maximaal 25% van het totaal bruto vloeroppervlak bedragen met een maximum van 125 m2 BVO. De ontheffing van de gebruiksbepaling is verleend op persoonlijke basis en is expliciet niet overdraagbaar. De verleende ontheffing heeft nadrukkelijk geen betrekking op het bouwvolume. Er wordt thans geen ontheffing verleend voor het uitbreiden of anderszins wijzigen van het bouwvolume.

In de door Stichting Woonbron overhandigde oopovereenkomst (opgenomen in de bijlage) is een aantal beperkingen opgenomen aangaande het recht van erfpacht. Hiermee geef ik als vererfpachter toestemming om deze bepalingen op te leggen aan de beoogde koper van het recht van erfpacht.
Aan de genoemde ontheffing van de gebruiksbepaling is een aantal voorwaarden verbonden waaronder een renovatieplicht en de beperkingen zoals genoemd in de artikelen 17, 18 en 19 van de door Stichting Woonbron overhandigde koopovereenkomst:
- artikel 17 benoemt een anti-speculatie beding inzake verkoop met bedingen binnen 5 jaar;
- artikel 18 benoemt een kwalitatieve verplichting inzake veranderingen aan het gebouw en het specifieke gebruik;
- artikel 19 benoemt een gezamenlijkheid van de kopers t.a.v. rechten en hoofdelijke aansprakelijkheid.
Ik wijs er tenslotte op dat: de ontheffing slechts krachtens de erfpachtovereenkomst is verteend; de ontheffing niet overdraagbaar is; aan alle publiekrechtelijk te stellen eisen (waaronder parkeren en bestemmingsplan) onverminderd voldaan moet warden."

2.2. TOESTEMMING NIET MEER GELDIG
28/09/2017 (AFD. ERFPACHT GEM. RDAM.)
"Tot slot gezien de gewijzigde omstandigheden laat ik bijgaand weten dat de brief van de gemeente Rotterdam van 12 februari 2017, omtrent de ontheffing van de gebruiksbepaling, niet meer geldig is (zie bijlage). Dit betekent concreet dat de gemeente Rotterdam geen toestemming meer verleent voor de ontheffing van de gebruiksbepaling van kerkgebouw naar woning met ondergeschikte kantoor-/werkruimte (maximaal 125 m2 BVO) nu deze ontheffing is verleend op grond van de situatie van destijds. Wanneer Erfpachter in de toekomst alsnog wenst af te wijken van het toegestane gebruik (te weten kerkgebouw) is opnieuw toestemming tot ontheffing vereist. Aan deze toestemming worden financiële consequenties verbonden indien er sprake is van een waardemutatie door de functiewijziging (bijbetaling). Het een en ander in overeenstemming met het erfpachtbeleid van de gemeente Rotterdam."

2.3 NIET MOGELIJK TERUG TE GAAN NAAR EEN CANON
28/09/2017 (AFD. ERFPACHT GEM. RDAM.)
"Het recht van erfpacht ten aanzien van de Onroerende Zaak is eeuwigdurend uitgegeven. Hierdoor is het niet mogelijk om, bij een eventuele ontheffing, een periodieke canon af te spreken vanwege het wijzigen van het gebruik en/of bouwvolume (ontheffing). Indien Erfpachter aan de gemeente Rotterdam een bijbetaling verschuldigd is, vanwege het eventueel wijzigen van het gebruik en/of bouwvolume, dient de bijbetaling dus in een keer te betaald te worden. "

3.4 STATUS OF MONUMENTALITY

3.4.1 STATUS OF MONUMENTALITY | INTRODUCTION

Kerkbalans specifies that there are approximately seven thousand religious buildings in the Netherlands, of which circa four thousand have a status as a monument (in various degrees).[1] This will be explained in the section 'what is the status?'.

The total of Catholic and Protestant churches that are in use at the moment are four thousand, of which are approximately 2300 Protestant and 1700 Roman Catholic.[2] This implies that 43% of churches in the Netherlands is not a monument. There is no information available about how these numbers relate to the current vacancy of 600 churches and the estimated 1500 churches that will be vacant in the coming 10 years. It could be assumed however, that these monuments do not experience long standing and structural vacancy in the way non-monuments would, as monuments are 'on the radar' already.

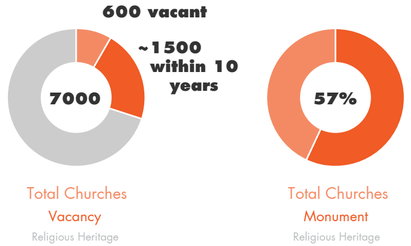

Figure 3.4.1 | Overview monuments in the Netherlands

Appointing a monument is a tool to protect an object or even more abstract thoughts such as culture and history. There is a relevance to understand the implications of (non-)monumental statuses for the redevelopment of religious heritage as this changes a number of things when looking to redevelop, namely:

2) The private and (mostly) public procedures and processes in terms of re-purposing buildings and areas.
3) The chances for 'external' (financial) aid or subsidies by governments (Rijksoverheid, Provinces, municipalities, (private) funds, etc.).

But before understanding these two aspects, it is useful to understand:

1) how structures are appointed monuments in the first place (based on what kind of criteria) and what 'kinds' of statuses there are.

WHAT IS THE STATUS?

Appointing monuments is a protective measure, usually to preserve certain aesthetic presences, and also special cultural-historical or architectural values. In the Netherlands there are different statuses of monumentality, possibly appointed by different levels of government and each with different consequences. This monumentality can be appointed to anything from a building to a park. As each type of monument knows a different intensity, it is important to understand what each of these entail. From 'big to small' in terms of scale:

- UNESCO World Heritage (international)
  Usually, this term is used with the most exclusive and special buildings or structures. There are only about 1000 objects in the world and is appointed by an international committee after assessment of strict criteria. There is however, actually no 'extra protection'[3] or financial possibilities when a building or structure is appointed this label. So there are no extra rules or procedures, the existing national or municipal rules remain active. The consequences of this appointment are not legal ones, but may enhance parties to be more motivated to spend extra resources to maintain and re-purpose such objects (such as the 'Van Nelle Fabriek' in Rotterdam) as it can be important for the 'appearance' of a city.[3]
- Rijksmonument (national)
  The 'monumentenwet 1988' (Wet houdende voorzieningen in het belang van monumenten van geschiedenis en kunst) is the most referred to pivoting point in terms of changes within the laws concerning monuments in the Netherlands. This law has clear criteria as to what could be agreed upon as a monument. The most common explanation is that it seeks to protect 'special cultural-historical or architectural values'. For example: until 2012 a monument had to be at least 50 years old to be considered for protection under the 'monumentenwet'. Since 2016 however the 'Erfgoedwet' has replaced the 'Monumentenwet 1988', this did not have any relevant consequences for the criteria, protection or subsidies of monuments, it mostly means that aspects of this law are not placed under the 'Omgevingswet', with the intention to make it easier to start projects.[8, 9] The national government is responsible for this law, but the execution of it lies within the responsibilities of the municipal governments (the cB&W). Usually the term 'monumentenzorg' or 'monument-care' is thrown around, but this only gets specific on committee levels within a municipality.[8]

  Although appointing 'Rijksmonuments' are within the jurisdiction of the MOCW. It is usually the cB&W at municipal level that advises or requests this appointment after which MOCW looks at the request and tests this through clear criteria. Sometimes this can also happen in combination with third interested parties.[4] All Rijksmonuments are registered in the Monumentenregister[5], where they are categorized by province, city, type of function, but not whether this building is in use, vacant or has an adjusted function (is re-purposed). Furthermore the Bisdom Haarlem points out that the Monumentenregister[6, p.7] fails to describe certain values (social-economic or even religious) that may help to have a framework (of constraints) whilst dealing with a redevelopment.
- Provincial monument
  In between national (Rijks)monuments and municipal monuments there is another scale of monuments on the provincial level. The monument is appointed by the 'Gedeputeerde Staten' of the Province[7], but the criteria for appointing such monuments are not as clear as with Rijksmonuments. There are however, only two provinces in the Netherlands (Noord-Holland and Drenthe) that appoint monuments on this level of government. The consequences of such appointed monuments are not different than municipal monuments, as the process of appointing one is also similair. There are however additional financial chances with these kinds of monuments, which will be pointed out in the section 'external financial aid'.
- Municipal monument
  The cB&W of a city appoints monuments. Each city is responsible for their own way of dealing with this. Usually a municipality will have a committee or department for 'welstand' and monuments, keeping (or not keeping) their own monumentregisters and own subsidies and financial possibilities. Requests to around monuments are considered through the local municipal 'welstand'-policy and its policy around monuments. For Rotterdam, this is for example specifically through the Welstandsnota, which then becomes a tool to protect the quality of the built environment and ambitions of the municipal policies.[19]

  There are some problems however: "At the moment it often happens that under pressure of local residents protection becomes the priority. The municipality then uses the tool to appoint a building as a municipal monument, without realizing that this policy-instrument also requires compensation. Above all, there are more instruments to come up with a good plan for a church such as as the structuurvisie, het bestemmingsplan, een beeldkwaliteitsplan, welstandsbeleid, een beschermd stads- of dorpsgezicht en ontwerpwedstrijden."[6, p.6]
- Urban conservation area
  Does not always have to be called a monument, can also have different level such as 'Urban Conservation Area', where the municipality can maintain the character of certain areas as a whole, where there is some architectural or historical significance. In

Amsterdam for example, most areas fall within this category, the municipality has stricter maintenance rules that can be imposed on the owners. This can have everything to do with details, colors, materials of the facade and more. The MOCW is the one that appoints 'Protected city views'. In Amsterdam it is the city council and the council for culture together with the provincial states of the Province that advice about the proposal for appointment.[10]

The factual protective measures are described in the zoning plans (bestemmingsplan) and 'welstandsnota' of the municipality, for protected city views these would include special paragraphs describing the actual desired measures. If an area is newly appointed as a protected city view, a new zoning plan has to be put together within two years.

There are also 'lighter' versions on building level that are not called monuments but 'Beeldbepalende objecten' or 'Image defining objects'. They are important for the history of an area. These BO's are appointed after cultural-historical research and are appointed by the municipality themselves. This research entails to look for existing features of the building looking from the historical perspective. In this way the municipality has more power over whether the building can be maintained. Usually this is done with a double zoning in the zoningplan stating something in terms of 'cultural-historical' next to their other 'purpose'.[4] It also often happens that a BO is 'promoted' to a municipal monument later.

RE-PURPOSING MONUMENTS

Whether the object in question is a UNESCO appointed building or a municipal monument, the factual protective measures are described in the zoning plans (bestemmingsplan) and 'welstandsnota' of the municipality. The different implications of appointing monumental statuses for the redevelopment of religious heritage are mostly procedural. Above the 'omgevingsvergunning' that is needed for any building activity one will need the permit also for a monument-activity. In this last permit, the plan/design will be assesed based upon the monumental values of the object. "What is exactly protected if a object is on the list of monuments?" is a frequently asked question on the website of the municipality of Amsterdam (municipal monuments). "A frequently made mistake is that only the front facade would be protected. This is not true; if a object is on the 'monument-list', the whole object is protected. Not only the front and back facade, but also the lay-out, the beam layering, stairs, etc. In principle all changes to the interior also need a permit. Only if segments of the building change and do not change the main construction of the building, can there be a possibility to build without permit."[10] In the municipality of Amsterdam one can then for example speak with a 'monumentadvisor' to see what the consequences of certain plans are. The fact of the matter is however, that for any changes that one wants to make to a monument, one will need to apply for a 'omgevingsvergunning' that is arranged within the 'Wet algemene bepalingen omgevingsrecht' (WABO). It is also true for non-monuments that - for example- have a religious purpose and are desired to be redeveloped to an office one also needs to apply for the 'omgevingsvergunning'. With monuments however, every aspect of the building is reconsidered, "just paint it black" is not a sentence you will easily hear during a process like this as even many maintenance measures of replacing a number of bricks could need a permit.[13] In the 'Chapter 4 Re-purposing' I will discuss the different possible procedures to re-purpose more in-depth.

In terms of the change in process during a redevelopment of a religious (non)monument, thing are not as clear as the needed permits and legalities. I will discuss two examples of redevelopment briefly for this purposes:

- Chassékerk in Amsterdam
  This example shows how appointing monuments is sometimes clearly used as a tool for protection during the period where redevelopment plans are being made. "The municipal district in particular was struggling with advancing insights, which made it a less consistent negotiating partner. The Chassé Church, for example, was again, then not, again and again not designated as a municipal monument. While the district had already granted a demolition permit. The latest, most recent project proposal provides for the preservation and re-purposing of the church building for a large number of social functions. To cover the exploitation of this proposal, 2.8 million euro's is needed for public funds (unprofitable top), partly because of the mounted up planning costs."[6, p4]
- Onze Lieve Vrouw Geboorte-parochie in Halfweg
  The OLVG-Parochie has a Catholic background and is situated in between a village in Amsterdam and Haarlem and their solution after long lasting decrease in visitors a solution had to be found. In the article projectleider Gé Nibbering describes: "their monumental church is not being demolished, but it is 'very thoroughly' taken care of. The church is halved. Only the tower and part of the façade are still standing. The diocese often talks about selling churches and demolishing churches. What we do is of a completely different order."[14] The solution seems aesthetically very elegant in the way that the elements of value are still there, e.g. stained glass and special arches, and instead of adjusting them and thereby 'corroding' the story told, keeping just half of the church is a genius move, although the hint already comes from the name of the village 'Halfweg' which means 'Half-road' or 'Half-gone'.

Katholieken in Halfweg halveren hun monumentale kerk

HOME

Gerrit-Jan KleinJan – 14:27, 15 februari 2017

▲ De renovatie van de kerk van de Onze Lieve Vrouwe Geboorte-parochie is in volle gang. Onder meer de achtergevel van het gebouw wordt vervangen door een glazen constructie. © Olaf Kraak

Veel gelovigen zitten in hun maag met een oud en duur kerkgebouw. Katholieken in Halfweg hebben een oplossing gevonden. Ze halveren hun monumentale kerk.

Figure 3.4.2 | Halfweg Church

EXTERNAL FINANCIAL AID

The question is surely; is this appointment as a monument helping the case of owners to redevelop or maintain their objects. It is said that "often times (governmental) financial aid in the form of subsidies, loans or guaranties are necessary to make re-purpose projects possible"[28, p2]. As there are strict rules about preserving these object owners heavily rely on subsidies, and when these get 'economized' by the government this can be a cause for serious problems."Monumental churches are very expensive in maintenance and exploitation. If one wants the 'worshiping'-function to be remained in church buildings, then maintenance-contributions from society are unavoidable."[6, p12] Surely, this would go for just maintaining buildings as well.

It is furthermore important to understand what the direct and indirect financial consequences are by being or not being appointed as a monument."Since 1999 normal houses in Gelderland have increased in value 36%, but Rijksmonuments have increased 47%"

Professor F. Asselbergs concludes, director of the Rijksdienst for Monumentenzorg. "Or did you decide not to buy a monument at the time, then you are a loser." Asselbergs also mentions that for this research to be complete, it should be looked at nationally. The same research also mentions that "Municipal monuments however did not have extra sales profits" in Gelderland.[12] The research of Lazrak showed however that owners were prepared to pay up to 20% more for a dwelling with a monumental status and also 20% more for a dwelling within an 'urban conservation area'[28, p5].

There are and used to be also fiscal advantages to monument owners such as deductible costs (for maintenance). This law has however changed and is causing problems as is being described by Vereniging Eigen Huis "The removal of the tax deduction leads, according to Vereniging Eigen Huis, to an unreasonable shift in maintenance costs in the direction of owners of national monuments. They do not have the freedom that other homeowners do, to carry out and plan the maintenance, recovery and repair of their home according to their own views."[16] These are aspects one has to anticipate before starting redevelopment although these changing laws can be the direct end of a initiative.

The most impact (in terms of financial aid) to initiate the redevelopment of (religious) monuments comes from direct financial aid in the form of subsidies. Although the re-purposing and redevelopment of buildings is mainly tied to municipal regulations, the main aid in terms of subsidies is usually arranged on a provincial or national scale. The aid is either focused on (temporary) maintenance or a stimulation for researching possibilities to re-purpose a monument. Religious heritage that does not have a status as a kind of monument usually does not meet the criteria to profit from subsidies, unless the cB&W of the specific municipality writes a request to the MOCW for a specific object. So it is not true that non-monuments are lost for help, it just takes a bit more energy. At the very end of the application form, in Appendix B it is described: " Explanation: This form will be sent to you by the owner of an unprotected monument, or by an interested legal person regarding an application for a subsidy within the framework of the Subsidy scheme for the re-use of monuments. This scheme was established by the central government to promote the re-use of monuments. The scheme is also open to non-protected monuments. A condition for submission, however, is that you declare, where appropriate, that you will find the relevant building of monumental value. If you have that opinion, you can return this form, completed and signed, to the applicant." [17]

The most forward subsidies or advantageous financing for redevelopment and re-purposing are:

- Subsidieregeling stimulering herbestemming monumenten; these are subsidies to research the feasibility of re-purposing by the rijksoverheid. It is a subsidy of a maximum of €25.000 per object, usually for the costs of a developer or architect. Owners that request this subsidy get a priority.[18]
- Subsidie regeling instandhouding monumenten; these are subsidies for continuing maintenance. This does not mean everything is covered, it is about 'sober' maintenance, and only 60% of those costs are covered through the Erfgoedwet.[20]
- BOEI; under most circumstances, BOEi helps to solve problems from an practical point and is mainly involved in the initiative phase to find feasible futures for existing (monumental) buildings [21]
- Restauratiefonds; This is not directly an aid, but the Restauratiefonds is a fund that gives cheap (low rent) loans between €300.000 and €2.500.000 to finance a redevelopment or big scale restorations. [22]
- Stimuleringsfonds; Within this subsidy, which is not specifically pointed towards religious heritage or monuments, one can find that there are possibilities to fund certain moments in the project (temporary events for example). Especially projects that promote the quality and development of contemporary Dutch Architecture are appointed subsidies. This subsidy is not meant for feasibility studies. [23]

3.4.2 STATUS OF MONUMENTALITY | JULIANAKERK

As said in Essay 1 Ignition: one of the frequently asked questions -besides "is this an insurance scam?"- is: "is the Julianakerk a monument?" The actual question asked in that case is surely whether the building had a legal status in which there are protective consequences for adjustments, to which the answer is a sound "no, but it was on a list to be considered as one in 2020". This question however rises a complexity of afterthoughts that I described in the first booklet. The actual legal status is not described in this first booklet in-depth as this was to focus on the philosophical/ ethical framework. For this subparagraph however, I will expand on the actual status of the (complex of) Julianakerk.

WHAT IS THE STATUS?

As I will describe in the next chapter Re-purposing, the Julianakerk is situated in the zoning plan Waalhaven & Eemhaven. The 'village' Heijplaat and RDM within this zoning plan are appointed a 'Urban Conservation Area' for its special cultural-historical or architectural values related to the harbour and city of Rotterdam. This is also pointed out in the zoning plan as a double purpose, named 'Waarde-Archeologie 3 en Waarde-Cultuurhistorie'. One can get a sense of why this is through the second booklet. As one can find in the national monument-register, the only national monuments situated in this zoning plan are all the buildings on the peninsula of the quarantine -terrain.[5] Furthermore the municipality appointed a number of buildings in Heijplaat as BO's of which the Julianakerk is one as well. This basically means that the building is important for the history of Heijplaat. These BO's are appointed after cultural-historical research and are appointed by the municipality themselves. This research entails to look for existing features of the building looking from the historical perspective. In this way the municipality has more power over whether the building can be maintained. The consequences are however more or less the same as having a building within a BDG. Both BO and BDG require a 'omgevingsvergunning' for any activities that are related to demolition or basic change based upon WABO.

During the purchase it was mentioned that Woonbron informed about the possibility that the municipality had the Julianakerk (together with other BO's in Heijplaat) on a list to become a municipal monument in the future. In the last round of new appointments in Rotterdam, there were 18 new municipal monuments, but Julianakerk was not one of them.[24] Rotterdam has clear ambitions written in their vision-documents such as the Erfgoedagenda 2017-2020[25] to consider what will be appointed a municipal monument.

Specifically for the Julianakerk the situation after the fire was surely a little bit different in terms of permits needed for demolition. The fire fighters had already given orders the night of the fire to demolish certain parts of the church that seemed unstable. The safety department of the municipality ordered other parts to be broken down too the next morning. There were permits needed to clean up the debris, but any extra parts of the church that were demolished during this process did not need a permit. The municipality was actually already ready to give a go-ahead for a complete demolition one day after the fire, but this would take away the opportunity of a unique redevelopment and so I decided to keep as much as was possible.

The meeting with monumentenzorg shortly after the fire was anticipated in a way where I had the feeling that they would see these chances too, but the conversation started on a somewhat dark note.

The official from monumentenzorg started the conversation saying "When I went to bed last night I imagined that the Julianakerk was going to be built back in the exact same state. Stone by stone. And that made me happy."[26]

Although everyone else at the table (urban planners, safety department, area coordinator) understood that would not happen as there was no ambitions for another empty church, I was still curious to what the motivations of monumentenzorg are and whether this could be of any help.

After the fire in the Julianakerk, during a meeting with the urban planner and a deputee of monumentenzorg at the municipality of Rotterdam I asked the question whether it would be a possibility to still be appointed a municipal monument after the fire. This was as I was under the impression the aid would outweigh the costs. The urban planner laughed for a second and turned to monumentenzorg and said: "can you please explain this young gentlemen what the advantages and disadvantages are of being appointed a monument", helping me in my ignorance.

Monumentenzorg answered: "Disadvantages..*names a list of 6 disadvantages...and advantages, well actually there are not so many."[26]

RE-PURPOSING JULIANAKERK

As mentioned before, the Julianakerk is only a BO and therefore any activities that are related to demolition or basic change require a 'omgevingsvergunning' for based upon WABO. The different paths one can follow are described in the next chapter Re-purposing.

EXTERNAL FINANCIAL AID

As said in the research of Bisdom Haarlem, "As a municipal authority, do not consider the monument status until sufficient certainty exists for future use."[6, p12] My personal experience is that in my situation where I am still making plans for the redevelopment of the Julianakerk, I find it difficult, and am very hesitant, to seek for contact with parties that are seeking to protect heritage (at this stage). These parties can be monumentenzorg at the municipality or parties such as the Cuypersgenootschap, which have a goal to protect and maintain built heritage. The reason for this is, as I do not know what the most feasible plans are, that any protective obligations could be a harm for any future plans. The interaction with both the cuypergenootschap and monumentenzorg at the municipality scared me in a way that I am not initiating contact until I know what the plans should be in a definitive sense. Only then will I consider whether any of the financial or legal possibilities of the MOCW or municipality could possibly help to bring the project further. The example in the research of BOEi says it all: "that the delay can be considerable, is clear from the re-use of Gieterij Stork in Hengelo as a school building where the initiators were delayed for 6 years during the permit process. Causes were the objections and a lawsuit of the Cuypersgenootschap against the demolition of the side aisles of the old foundry."[28, p17]

Special architecture has to be protected. Cultural-historical values too. Existing structures that are useful for next generations should not be destroyed just because it is cheaper to demolish and newly build, and the government and its laws should support this as they do at the moment. There are however a few hurdles when vacant religious (monumental) heritage is looking for feasible futures. Through the previous two sub-chapters there are a few afterthoughts that could be considered as recommendations:

- Social Monumentality

  The city has museums, but does not need to be a museum itself. The money spent to brush up an outdated facade is better spent on preserving the social monumentality of religious heritage. Hereby I mean that the highest value of the monumentality does not lie in its aesthetics or historical value, but in its function for society. Protect or enhance the influence of the function, especially for religious heritage. I propose this to be added on the list of responsibilities of cB&W (through local committees) as they could supposedly have the best overview of what a certain building/place had as a function for the area. Just to have a complete description, partly based on my research through the first booklet:

  Social Monument: a function that ties people together, generates events (as described in Essay 1 Ignition), regardless of its aesthetic presence.

  Aesthetics and what is important culturally or historically is half about facts and half about opinions. My personal opinion is that it is more of a crime to replace a social function with a function that is very private and does not add or connect an area as opposed to painting the bricks of a certain monument another color for maintenance purposes.
- Fairly designated monuments

  It is not fair when monuments get appointed in a state of rush or just to bring some action to the table. If a building was not on a list before, it is not fair that a municipality or community tries to use the monument label as a tool or last measure. As the Bisdom Haarlem mentions too, "Establish transparent designation criteria as a municipal authority and avoid ad hoc appointments"[6, p12] This basically means that there has to be (better) preventive research to what is found important in one's city or village before any vacancy, redevelopment or disaster. The process of change in vacant religious heritage can be messy and therefore needs extra attention beforehand. "At the moment, new or different reasons for preservation are being formulated during the divestment procedures by this or that party. As a result, time and time again the framework within which a solution is sought changes. By establishing the core values of the building in advance with professional disciplines and those involved, it becomes clear what development possibilities there are and which components require extra attention. The cultural-historical oriented explanatory description from the Monument Register, with predominantly architectural-historical annotations, is not suitable for this."[6] To add to this, there should be also more clear criteria that backs up situations where changes are allowed more easily in situations where one just can not preserve certain elements of the building. (Adjusted) re-use above the monument-status.

  The appointment of monuments by the municipality itself should perhaps also be reconsidered. As from an ethical point of view it seems like a biased decision. I have not found any research on the ethical aspects of 'the power' of government to appoint monuments. Why is this so integral to the government and not more objective, the value at one point apparently exceeds only the owner and also is important for the city. The advantages for the city to keep this monument may not be the same advantages the owner or area enjoys. Objective and healthy organizations outside government realms might be better suitable to advise MOCW or local governments to appoint monuments. "It happens that municipalities designate church buildings as a municipal monument to meet local residents in their fear of demolition, without an dominating monumental value and without considering other options for conservation. This while the inventory survey shows that many churches are retained and redeployed even without monument status. Moreover, it is often difficult to assess how a municipal designation is established and whether it is justified because it is not customary to include test criteria in municipal regulations. For more transparency in the course of events, it is therefore advisable for municipalities to establish objective criteria in advance, which they can derive, for example, from the criteria that apply to national monuments...The regulations within the designation policy must be transparent and predictable"[6]
- Prevention & Inventory for vacant or delicate buildings

  As mentioned in the first chapter The Transfer, clear inventories of vacant monuments AND non-monuments of religious heritage would help to prevent and anticipate for the next stage in the life of the building. Moreover it would be even better if a suitable re-purpose is found before appointing monuments.
- Live and let die

  Sometimes, re-purposing just does not work. "Dare to conclude that re-purposing and/or transformation sometimes fails."[6, p12] It is important to recognize this on time and look for other options.

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3.5 RE-PURPOSING

3.5.1 RE-PURPOSING | INTRODUCTION

As mentioned vacancy in religious heritage roots from the declining stream of participants in religious activity. This results in empty buildings and empty grounds where there is a chance for new program. Whether this program takes place in the existing building, in a new building (after demolition of the existing building) or a combination: if the purpose of the building is not the same as before, then one has to find legal ways to change the purpose in the zoning plan. Easily said: there is a current purpose and there is a desired purpose, in order to be at the point of a desired purpose, one needs start a procedure to re-purpose. This is a public matter. The relevant research question for this chapter is:

What is the ideal game plan/process plan in terms of procedure when realizing the re-purposing of vacant religious heritage (taking into account the neighborhood, municipality and other parties)?

The process and procedures of redeveloping an existing building requires a lot of energy, time and (legal) knowledge. More so than building something from scratch with the desired purpose already being there, let alone the complexity of working with an existing building. By analyzing 25 projects BOEi came to the conclusion that re-purposed projects financially almost make no sense (with a 4,6% return) compared to projects from scratch.[1, p.9] There are however also great advantages to be found in re-purposing trajectories if one can utilize them. As is found in Herbestemmingwijzer[2, p.23]: "*the building process of redevelopment projects goes faster, the hull is already there. Research shows that a saving of 30% to 50% can be realized on the construction time. This means that the square meters can be rented out again sooner. In the event of a shortage on the market, this is an additional reason for re-use.*" The constraints in the designated zoning plan where a building is situated are to be studied well before one looks at possible futures as they can be detrimental for the outcome of requesting a permit.

In order to know how to come to desirable purposes it is important to understand the many ways in which this can be done and which of these many ways suits the project best. These re-purposing trajectories are complex and have different pressure points depending on the zoning plan, the local governments, the status of monumentality, the current purpose. There are even possibilities for temporary deviations from the zoning plan such as 'omgevingsvergunning voor afwijken bestemmingplan voor tijdelijke bewoning'. This means that the object can be rented out for temporary living. In Chapter 6 Temporalities I will focus on temporary solutions. In this chapter I will focus on permanent re-purposing solutions and processes. The research into what an actual desired purpose after vacancy may be will not be discussed in this research as there are many existing frameworks for this, such as the Herbestemmingswijzer[2]. I will solely look at the procedures.

ZONING PLAN, 'PURPOSE' AND CONSTRAINTS

In the Netherlands, a zoning plan describes what can be built on certain grounds/spaces within a certain municipality. In the Netherlands this is centrally and publicly available at www.ruimtelijkeplannen.nl, where one can find all the available zoning plans. If one clicks on any zoning plan, one will in essence find that a zoning plan will be built up in three parts (through websites of the designated municipalities), namely:

- A Visualization; or literally a plan divided into different zones. This is a plan based upon a 'Kadaster' map (which is usually used for private purposes as it describes the owner and last sale transactions) that visually shows which (double) 'purpose(s)' are designated to which locations.
- The Rules & Requirements; which describes the essence of what the use may be of single purposes and whether one may build (extra) within this purpose. This is the part where the constraints are described too. These can entail height of the built volume, noise, building outside dikes, wind, sun, materials, requirements from the department of welfare, influences of flora and fauna, archaeological values, cultural historical values. Surely all that is built has to meet the technical requirements of Bouwbesluit too. For transformation projects this will have totally different requirements compared to newly build structures. These things are nationally determined and not described in a zoning plan.
- An Explanation; this part is not as legally binding as are the visualization, rules and requirements. This part explains the characteristics of an area and expands on how certain municipal policies are relevant for this area.

These zoning plans are made by the respective municipalities where the zoning plans are situated. This means that the cB&W is responsible that these zoning plans are made according to national standards and has to be renewed every 10 years.[3] "*As soon as a zoning plan is determined (after possible public participation, 'zienswijze' or appeals), a period begins to run within which the plan must be revised. The purpose of the land and the associated planning requirements must be determined each time within a period of 10 years, as stipulated in Article 3.1, paragraph 2 of the Wro. If, after these 10 years, the municipal council is of the opinion that the purposes and planning requirements are still in accordance with good spatial planning, the planning period can be extended by the council for another 10 years (art. 3.1 paragraph 3 of the Wro). The background to this regulation is the desire of the legislator that zoning plans be kept up to date.*" If the 10 years are exceeded and there is no revised zoning plan, then the general 'bouwverordening' that applies to the municipality in question is the leading planological document. There is even an situation where 'higher' governments (MOCW) can write a zoning plan that overrules that of municipal governments. This is called an 'inpassingsplan'.

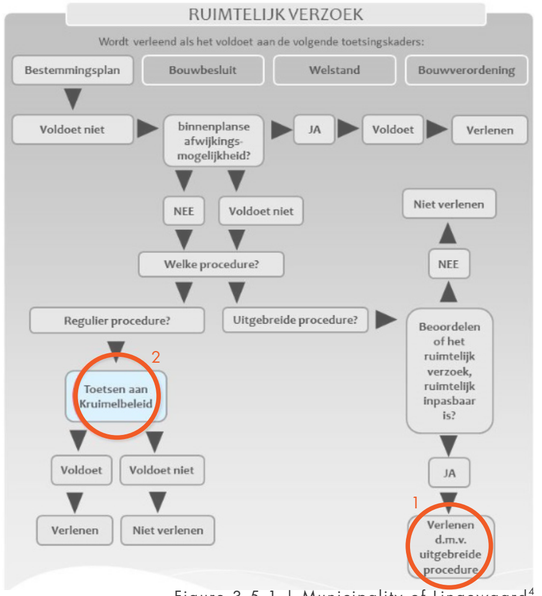


Figure 3.5.1 | Municipality of Lingewaard[4]

Fact is, each of these plans dictate the possibilities of an area and the spaces/buildings that are situated in it. In the case that the building plans do not fit the existing purpose(s) in the zoning plan, one has to deviate from it and apply for a 'omgevingsvergunning voor afwijking van het bestemmingsplan'. The different trajectories that can be taken are important to know and will be explained in the next section.

RE-PURPOSING TRAJECTORIES

When it is clear that the desired purpose or building activity does not fit the existing purpose, one will be

faced with the decision whether one wants to start a process of re-purposing. Starting this process, does not entail that one will also attain the permits needed to actually do this, the permits are rejected if they do not meet the criteria. BOEi found that 40% of the times getting the right permits cost more time and effort than expected.[1, p.17] Preparing for such processes can be time consuming and difficult, and require special (legal) knowledge. There are companies specialized in the accompaniment of procedures like this.

As one can see in Figure 3.5.2 there are many trajectories of which the most suitable has to be chosen for the specific situation (where deviation from the current zoning plan is desirable). As seen in figure 3.5.1 however one can see that in basis one can go two ways: a short procedure or a long procedure. In any case, whichever it is one will usually be confronted with the 'omgevingsvergunning' or 'environmental permit' that is regulated by the General Provisions of Environmental Law Act (Wabo). One will only need to apply for one permit for all the work. The municipality is the fixed point of contact. Within these procedures there are many possibilities and levels of difficulty. I will shortly discuss the two main ways and go into some of the specific ones more in depth in the case of Julianakerk in the next paragraph.

1. Deviating from the zoning plan

To deviate from a current zoning plan one will need a number of documents reviewed by the municipality, namely:

- A new 'projectbestemmingsplan' is one of the documents that has to be produced. Costs depend on municipality. Examples are gemeente Westland[6] more than €3.000, municipality of rotterdam €7.100[7] for the assesment and the accompaniment of the deviation procedure. (The 'leges' that are calculated over the sum of the building costs are not included in any of these costs).
- Ruimtelijke Onderbouwing: general description of the project, testing against municipal policies, but also environmental aspects (from noise to flora and fauna), water, archeological and culturhistorical aspects, mobility, social feasibility, financial feasibility, sustainability.[7] Costs depend on the company that will work on the project, can vary from €1.000 to more than €3.000 based on the complexity of the project.[8]
- A plan damage recovery agreement can be concluded in the event of deviation from the zoning plan. This legal possibility has existed for a number of years under Article 6.4a of the Spatial Planning Act. The neighbors may, for example, be bothered by more insight or less sun in their home. This may cause the value of their home to fall. This financial damage is called plan damage.

Wens	Procedurevorm	Producten*	Max. tijd
Pand / locatie in bebouwde kom			
Nieuw tijdelijk bouwwerk of gebruik	**kruimelgeval**	**marginaal**	**8-14 wk**
Functiewijziging bestaand pand zonder substantiële uitbreiding**	**kruimelgeval**	**marginaal**	**8-14 wk**
Functiewijziging bestaand pand met uitbreiding (concreet bouwplan)	afwijking bestemmingsplan	ruimtelijke onderbouwing	26 wk
Functiewijziging kavel / perceel (zonder concreet bouwplan)	klein bestemmingsplan	klein bestemmingsplan	26 wk
Sloop en nieuwbouw (concreet bouwplan)	afwijking bestemmingsplan	ruimtelijke onderbouwing	26 wk
Sloop en nieuwbouw kavel / perceel (zonder concreet bouwplan)	klein bestemmingsplan	klein bestemmingsplan	26 wk
Pand / locatie buiten bebouwde kom			
Nieuw tijdelijk bouwwerk of gebruik	**kruimelgeval**	**marginaal**	**8-14 wk**
Functiewijziging bestaand pand zonder substantiële uitbreiding**	**afwijking bestemmingsplan**	**ruimtelijke onderbouwing**	**26 wk**
Functiewijziging bestaand pand met uitbreiding (concreet bouwplan)	afwijking bestemmingsplan	ruimtelijke onderbouwing	26 wk
Functiewijziging kavel / perceel (zonder concreet bouwplan)	bestemmingsplan	klein bestemmingsplan	26 wk
Sloop en nieuwbouw (concreet bouwplan)	afwijking bestemmingsplan	ruimtelijke onderbouwing	26 wk
Sloop en nieuwbouw kavel / perceel (zonder concreet bouwplan)	bestemmingsplan	klein bestemmingsplan	26 wk

* voor alle mogelijkheden geldt dat de gemeente aanvullende onderzoeksgegevens kan vragen.
** geldt niet voor uitbreiding van bijbehorende bouwwerken of dakopbouwen.

Figure 3.5.2 | BRO[5]

This procedure takes 26 weeks in time, if not longer if there are possible appeals or objections. The rough steps after submitting all the necessary documents are:

1. legal pre-consultations with the relevant partners such as higher governments or environmental services such as DCMR (for Rotterdam).
2. VVGB has to be given. The *''declaration of no objections is the consent of another administrative body for the granting of the environmental permit. Without a declaration of no objection, the competent authority cannot grant the environmental permit. The legal basis for the declaration of no objections is art. 2.27 Wabo. The cases in which a declaration of no objection is required are set out in section 6.2 of the Environmental Law Decree.''*[9]
3. Insight into the concept zoning plan and permit. This means there are six weeks to react on the plan.The documents are the concept-omgevingsvergunning and the 'spatial substantiation' and the drawings. 'Zienswijze' are possible now, which is basically a term used for an appeal. After the six weeks, any appeals are considered, but if the 'zienswijze' are refuted, then it will be time for the next step. It is however still possible to appeal against the plan another time after the first refutation. As this seems a rough go or no-go process, there are also municipalities that have steps prior to this process for where control and monitoring are supplied for the plan making.

2. 'Crumble-case' (Kruimelgeval)

Partly in order to give the economy an extra boost, from 1 November 2014 The State offers more procedural options for rapid and efficient re-purposing/ redevelopment of existing real estate or plots of land (extension of 'kruimelgevallen lijst') under the Crisis and Recovery Act (Chw).[11] These 'Kruimelgevallen' are described in a list with cases in Besluit Omgevingsrecht in the Wabo. In this list structures are described for which municipalities can have the 'easy' procedure for the deviation in a zoning plan. Aspects to mind during this process are that:

- examples show that this procedure does not cost more than €300 to €500 in most municipalities.[6]
- the substantive assessment of the application is being done by looking at three things: 1)municipal policies, 2)'good' spatial planning/Awb (careful consideration of interests) and 3)obligations (environmental) legislation (these are the standard aspects such as noise, air quality, safety, etc.)

For deviations from the zoning plan that fall under the 'kruimelgevallen', the regular procedure applies under the Wabo. The decision period is 8 weeks in time. The rough steps are that:

1. Objection, appeal and appeal are still possible. There is no public inspection. Articles 4:7 and 4:8 Awb can, however, be applied within the 8-week period (with a possible extension of 6 weeks). If the designated authority has not taken a decision after 8 weeks, the permit is granted by operation of law.[10]
2. If this permission is combined with a permission for which the extended procedure is prescribed, this extended procedure will apply to the entire application.

Examples of these Crumble-cases are:

- A change in function, not purpose
- Extension of the main building
- Temporary use/ temporary structure

Julianakerk is within the 'bestemmingsplan' Waalhaven & Eemhaven in Rotterdam. This means that this specific zoning plan is made by the cB&W of Rotterdam and is also their responsibility. In a similar order as in the previous paragraph I will go through the topics and see what an ideal trajectory in terms of procedure is, but this time specifically for the Julianakerk in Heijplaat.

ZONING PLAN, 'PURPOSE' & CONSTRAINTS

Before going into the specifics, it would be helpful to go through the history of the zoning plan Waalhaven & Eemhaven in order to understand it. During the one and a half years of graduating, the situation concerning the zoning plan has changed a few times. I will describe it until the 22nd of February 2018 when the latest zoning plan was determined for Waalhaven & Eemhaven.

Going back, the history of the concept zoning plan of Waalhaven&Eemhaven, which the municipality has been working since 2010; it should have entered into force in 2013. For unclear reasons, the plan was in procedure for a long time. Appeals or 'zienswijze' were submitted in Q3 2016. "If all goes well, the zoning plan committee will send the modified version to the city council next week. If everything goes smoothly, there will be a new zoning plan in spring 2018."

Regarding the current situation: the draft zoning plan opens with the following paragraph:

> *"On grounds of the Spatial Planning Act (Wro), zoning plans must be established for the entire municipal area that are no older than 10 years. 'Beheersverordeningen' currently apply to most of the plan area, which were adopted in 2013 (see also section 1.3). The Wro has been complied with by the adopted management regulations. But because there are various developments in the area, it is desirable to have a zoning plan."*

However, what is left behind is that there is no 'beheersverordening' in all parts of the plan area, including the old village of Heijplaat, where the Julianakerk is located. Later in the zoning plan, on a map with current regulations, it becomes clear that the following zoning plan is 'valid' at the location of the church:

Bestemmingsplan Heyplaat-Eemhaven, wijziging en aanvulling van het ubp in ond (340)
Determined: 01-07-1965
Approved: 03-11-1965

Through contact with the municipality it seemed to be so that heijplaat was 'in between' zoning plans. this meant that 'bouwverordening 2010 rotterdam' was the leading legal document.

"Ik heb vanmorgen contact gehad met Kiymet over de vigerende planologische situatie voor de Zaandijkstraat 5 en 7. Er is géén bestemmingsplan van kracht en de Bouwverordening Rotterdam 2010 is zodoende het toetsingskader."[12]

In short, the zoning plan was thoroughly time-barred. Why this is the case would be guessing, but it will undoubtedly have to do with the difficult combination of a residential area and a seaport a few tens of meters apart.

For the Julianakerk specifically, the situation is a bit more clear. On the visualization of the zoning plan (concept) it can be seen (on Figure 3.5.3) that Julianakerk has several purposes. In short I will explain what the purposes of the Julianakerk were before the 22nd of February 2018, during and what the desired purpose in the future is.

PREVIOUS PURPOSE

This is basically the situation in which the Julianakerk was purchased. Based upon the last zoning plan the purpose was 'maatschappelijk-2', with a double purpose of 'archeologie' and 'culthuur-historie'. These additional purposes are due to the fact that the 'village' Heijplaat and RDM within this zoning plan are appointed a 'Urban Conservation Area' for its special cultural-historical or architectural values related to the harbour and city of Rotterdam. This is also pointed out in the zoning plan so that additional values can be taken along the determination of building plans.

The purpose of 'Maatschappelijk-2' could house a church, but also a school (for example). This does not however mean that this can be done without following procedures. This mainly requires steps concerned with

Figure 3.5.3 | Visualization Zoning plan Waalhaven & Eemhaven (Concept)

the private laws (ground lease). These public and private paths are separate.

During a 'bouwverordening' however, other rules apply. One could argue that there is no purpose during this time or that the current use (whatever it is) is the purpose.

1. *No zoning plan is at work for the location of the Julianakerk. The Rotterdam 'bouwverordening 2010' is currently the framework for assessment. If the "Waalhaven and Eemhaven" draft zoning plan comes into effect after adoption, this will become the applicable regime. The current building therefore does not conflict with the current planning regime.*

2. *The visualization on ruimtelijkeplannen.nl is leading for the gutter and building height. The gutter for the parsonage includes a gutter of 3 and a building height of 6 meters. The "current" gutter and building height of around 3.5 and 8 are contrary to this. However, the building regulations apply.*

3. *Testing the plns against the 'bouwverordening 2010' is the solution. This offers wider options than the design zoning plan. If an application for an 'omgevingsvergunning' is submitted before "Waalhaven and Eemhaven" comes into effect, we will check against the building regulations. The location is in Construction area A 1st zone. Article 2.5.20 is important for the height calculation. It is stated in sub a that the distance between the front building lines along the relevant road plus 1 meter may be the height.* [12]

CURRENT PURPOSE

As described in number 3 in 'Previous zone' an advantageous situation occurred which played a role in choosing a certain re-purposing trajectory, which I will explain in the next section. This choice however, resulted in a change in purpose on 22-02-2018 from 'maatschappelijk-2' to 'gemengd-3'. This happened alongside the renewal or determination of the long awaited zoning plan. In the Rules&Requirements of this zoning plan, the following is written about the purpose of the Julianakerk:

"ARTIKEL 37 GEMENGD-3
37.1 Bestemmingsomschrijving
De voor Gemengd-3 aangewezen gronden zijn bestemd voor:
a. maatschappelijk;
b. wonen;
c. voorzieningen behorend bij bovengenoemde functies, zoals ontsluitingswegen en -paden, parkeervoorzieningen, groen en water;
d. Waarde-Archeologie 3 en Waarde-Cultuurhistorie, voor zover de gronden mede als zodanig zijn bestemd.
37.2 Bouwregels
37.2.1 Bebouwingsnormen
Voor de maximale bouwhoogtes zijn de normen van toepassing, zoals op de verbeelding staan aangegeven, met uitzondering van de kerktoren, waarvoor een bouwhoogte is toegestaan van maximaal 28 meter.
37.3 Specifieke gebruiksregels
37.3.1 Woonfunctie
Met betrekking tot de functie wonen zijn maximaal 6 woningen toegestaan"

As written, within this new 'gemengd-3' purpose, a total of six houses are allowed on the two plots. The it is only specified that this should be done within the existing volumes as showed in Figure 3.5.5.

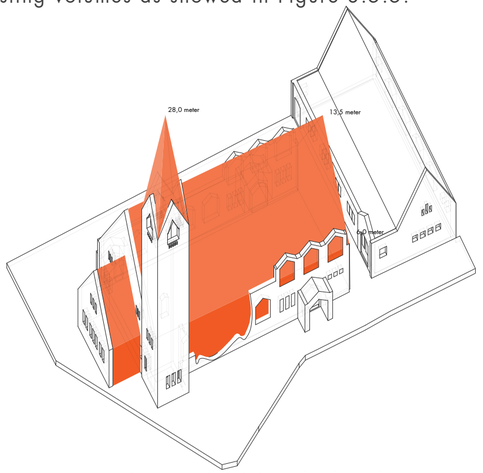


Figure 3.5.5 | Stated volume by municipality

Figure 3.5.4 | Constraint in zoning plan Waalhaven & Eemhaven

Within this purpose and zoning plans there are of course also constraints. The constraints are also described within this document. These can be constraints that are specific to the purpose 'gemengd-3', which describe how much percent of each dwelling could be used as working space (see appendix 3.5.A3), but there are also general constraints that are relevant for the whole plan. One of these constraints that are relevant in many zoning plans and especially that of Waal- & Eemhaven is the noise load. In Heijplaat it is relevant for its proximity to the harbor, but in other areas one can image that it gets relevant across highways, railways, airports, etc. In figure 3.5.4 one can see that the residential area of Heijplaat is in the zone where dwellings are assessed by different measures. Within normal circumstances the highest possible load for a dwelling would be 55db on a facade, in this case however there are dwellings that can see up to 65db of noise load. The procedure that allows for this exception is a 'ontwerpbesluit hogere waarden wet geluidhinder'. It is interesting how this works as these constraints can give very extensive 'extra' measures on top of the already complicated Bouwbesluit. Examples are, that:

1. in the layout of the houses, the bedrooms should be projected as far as possible on the least noise-laden facade.
2. if communal facilities and accommodation functions are also realized at the location, these must be projected so that the dwellings are on the quietest sides
3. low-frequency noise must be taken into account when determining the soundproofing of the external partition construction (facade)
4. stricter requirements than the Bouwbesluit must be applied with regard to the indoor noise standard

In appendix 3.5.A4 a more detailed description of this 'ontwerpbesluit hogere waarden wet geluidhinder' can be found. Fact is that this procedure follows the same steps as deviating from a zoning plan where appeals can be made and is another possible struggle.

DESIRED PURPOSE

As seen in the final design and in the fifth booklet there is, as a result of the accumulation of all the research a desired new situation. Plainly said this plan consists of 7 dwellings for starters, 1 dwelling for students

(parsonage), 1 commercial unit, 3 logies units (in the existing tower), 1 'maatschappelijk' garden (at the place of the old volume) and 1 'maatschappelijk' unit (parsonage)

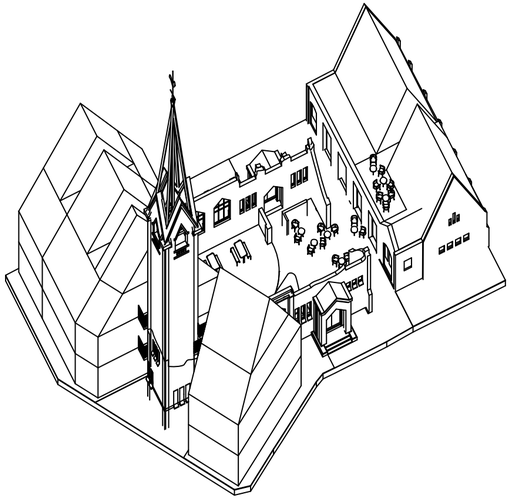


Figure 3.5.6 | New desired volume and program

The trajectory for this desired purpose will not be discussed in this paper, I will instead focus on the steps of how the current purpose was achieved.

RE-PURPOSING TRAJECTORIES (OPTIONS)

Surely the moment and context from which one is looking at feasible re-purposing plans matters. The original plan was to begin a long trajectory of research and planning whilst having temporary housing solutions within the Julianakerk, but with the fire this changed. As there were only slim possibilities to have residents in or around the church anymore, the options for a complete and 'fast' redevelopment seemed more straightforward and feasible. Roughly there have been a number of options to re-purpose the church with the information and input that has been available until now. I will first name the three options that have been considered shortly and then describe the consequences of that trajectory. Options are:

1. To complete the application quickly before the 'new' zoning plan comes to effect (apply during the 'bouwverordening')
2. To build within the same 'purpose' (maatschappelijk-2) and make the formal public changes later. This would be a 'binnenplanse ontheffing' within the zoning plan).
3. to take time, and complete the application slowly, following the regular rules and procedures of deviating from the zoning plan.

In the figure below, the municipality of Rotterdam summarizes this trajectories that are to be taken.

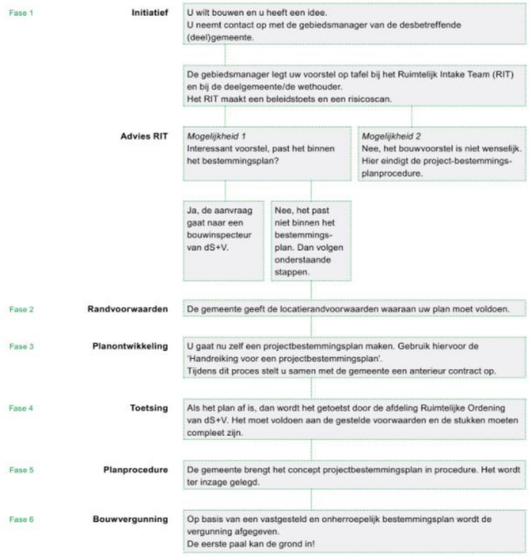


Figure 3.5.7 | Process Municipality Rotterdam[7]

1. Run before the new zoning plan comes to effect

That this is even an option is a big mistake from the side of the municipality. It is however a chance from the perspective of the developer/owner to have an advantageous trajectory, and should therefore definitely understand its consequences. Going for this trajectory would entail that:

a. Only the 'bouwverordening' is in effect. The consequence is that only very rough rules apply for new projects. Normally -for example- there will be a fixed height for a certain volume in the zoning plan. In this rare case the rule that applies is that "the distance between the front facades of a street, with a meter extra" will be the way to determine the maximum building height.
b. A 'omgevingsvergunning' to build is still required, one is just not deviating from the zoning plan, because there is not one.
c. The usual constraints concerning parking and 'welfare' are still assessed by the general criteria. The welfare committee will asses their advice on the criteria of the 'welstandsnota'. The parking is assessed by designated zones in the city. In Heijplaat, churches need 0,1 parking space per seat, homes have a variation of parking spaces needed depending on the size of the dwelling (between 1,4 and 0,6 parking spots).
d. 'Bouwleges', or building fees would normally include fees: to asses the re-purposing trajectory, to asses the 'omgevingsvergunning' to build (bouwleges).[17] In the case of a bouwverordening however, there is no zoning plan, and so a part of these fees can not be collected. This is a motivator for municipalities to keep their zoning plans updated.

2. Build within the 'current' purpose (binnenplanse afwijking)

The logic of building within the current purpose and re-purposing the building later is as follows: one can start building a lot sooner, and certain additions can fall under the 'kruimelgevallen'. Being able to start the building process within 8 weeks entails that one has almost no waiting time. As making the building usually takes a lot more time than the 26 weeks of applying for the full deviation from the zoning plan, one could then start this process. Going for this trajectory would entail that:

a. A (or two) (detailed) plan(s) have to be made. First a concept 'omgevingsvergunning' has to be applied for, which costs 4-6 weeks to be assessed.
b. Then a regular 'omgevingsvergunning' has to be applied for, for the building plans. The assessment will be 8 weeks, with a maximum prolongation of 6 weeks.
c. If all goes well, a building permit is given.

3. Deviate from the zoning plan with new purpose

This option would entail that a deviation from the zoning plan has to take place and therefor a new project zoning plan has to be written.

The time-frame would roughly look as follows:

1. Make a plan and discuss this with the RIT as shown in figure 3.5.7.
2. Apply for a concept 'omgevingsvergunning'. This will take 4-6 weeks with a possible prolongation.
3. Extensive trajectory of deviating from the zoning plan. This will take 26 weeks, with possible prolongation.

A short summary of this extensive trajectory would look as follows:

1. Take up contact with a 'gebiedsmanager'
2. The 'gebiedsmanager' starts to include the RIT-team, all the stakeholders will be involved at this point.
3. RIT will give an initial advice and conditions.
4. A full 'projectbestemmingsplan' has to be written and handed in.
5. The 'projectbestemmingsplan' will be assesed by dS+V (spatial planning department) by the conditions that were set earlier.
6. There is a possibility for appeal by interested parties.
7. If all goes well, a building permit is given.

RE-PURPOSING TRAJECTORY (CHOSEN) PROCESS

Looking at the choices of trajectory for re-purposing and their advantages and disadvantages decisions had to be made.

The second option where one build within the existing purpose and re-purposes afterwards to safe time, seemed like a ingenious way to circumvent timely

procedures and cut the effective total project time. It was however too risky; too much uncertainty about whether the building regulations for the next permit would also be sufficient.

As there was not much time to make a full plan before the next zoning plan came in to effect, the advantages of the first option became very attractive to ensure some changes in the zoning plan. See 3.5.8 for the suggested negotiation volume.

The suggestions made -through the RIT application- in an enclosed file included square meters, program, heights, spatial and social values (see figure 3.5.7). A short summary of what was applied for is:

"Zaandijkstraat 5 (parsonage)
zaandijkstraat 5 (jeugdgebouw)
Ridge height: 8.5m, gutter height: 3.6
Area: 185m² BVO
Purpose: living, 1 dwelling.
...
Zaandijkstraat 7 (kerk)
Height Belltower 28m. Gutter height: 9m, ridge height: 15m
Area: 1200m² BVO
Purpose: 'maatschappelijk', 'logies' and 9 dwellings.
...
Maximum of 10 homes. If this is not possible, we are happy with only a 'logies' and 'maatschappelijk' purpose. We think, however, that this would be a shame, because without a residential function we are unable to offer long-term residents of RDM. This group seems to us to be very valuable for the connection between the village and RDM."

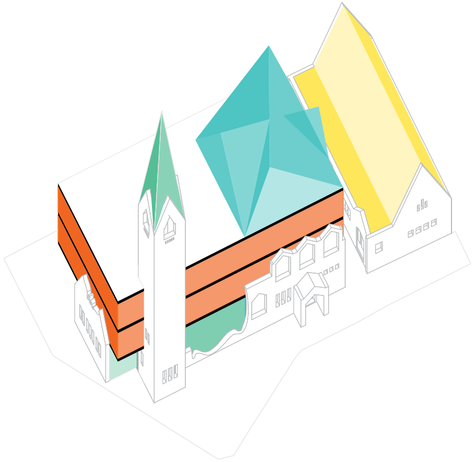


Figure 3.5.8 | Suggested (negotiation) Volume

After this request 6 dwellings were allocated within the existing volume, as described under 'current purpose' (also see appendix 3.5.A4). Partially the reason to allocate a smaller number of dwellings then requested is the policy of the municipality of Rotterdam to attract young families that have a higher welfare level.[13] The simplest way to do this is to steer dwellings to be of a minimum size.

This happened alongside the finalizing of the zoning plan, which was set on 22-02-2018 (see figure 3.5.9). Altogether, it might have been the fastest RIT-application in the history of human kind, from the official application date to the day of decision was 7 days. And there were no procedural leges.

Figure 3.5.8 | Zoning plan Waalhaven & Eemhaven (Definitive) through ruimtelijkeplannen.nl

'What is the ideal game plan/process plan in terms of procedure when realizing the re-purposing of vacant religious heritage?' is what I asked at the beginning of this booklet for this part of the research. As seen in the case of the Julianakerk I have chosen a plan that seemed ideal, but choosing the most time efficient plan can sometimes be a gamble. Also seen in the introduction to this topic, the amount of paths to follow can be overwhelming. As I do not see one simple answer in terms of what an ideal process plan is for all redevelopments of religious heritage, I have come up with recommendations of how this process can be made clearer:

- Have preventive 'future' purposes integrated in the zoning plan for vulnerable buildings (after having an inventory of them).
  The proces of re-purposing would be more simple if all possible purposes were already integrated, one would then not endlessly try to get certain purposes through the 'mill' without knowing if certain support from the municipality will ever come. This could result in having mostly short procedures as the research has already been done once by the municipality or an independent party. Expanding zoning plans in a way that there is no actual case of re-purposing in a public sense would be beneficial, this would result in only a change of function in private sense. "In the current practice of re-purposing, local residents and, for example, historical associations are involved in the process late and are confronted with plans that have already been worked out. This does not do justice to their emotions and interests, nor does it make use of their knowledge and creativity. In order to be able to make a proper balance between the interests of the congregations, church owners, believers, monument keepers, action groups and local residents, provisions should also be made at the earliest possible stage to prevent conflicts and to help them make good decisions. One can think of a joint program of requirements, an independent assessment committee or a mediator. At the initial stage, positions are still clear and not clouded by passed solutions. Criteria that have been agreed in advance can be used to assess which interests are at stake and which solution fits best."[3, p6]
  These criteria that have been agreed upon in advance would also help with the more emotional decision making that is described in The Transfer; the process would be more objective. Therefore as Bisdom Haarlem also suggests: "The government must implement a preventive, condition-creating and stimulating re-use policy."[6]

- Simplify the process
  As the Bisdom Haarlem-Amsterdam state in their publication of 2008, "The municipality can considerably simplify the process of re-purposing by generous application of exemptions, for instance when using Article 3.22 of the Spatial Planning Act, where the exemptions from the zoning plan are concerned. Other permits such as the use and environmental permit can also be involved."[14]

- As a municipality, give priority to re-purpose requests
  As it takes much more time at the moment to have transformation projects going in all phases of the project and has various financial disadvantages, it would greatly benefit projects of this kind to be treated as a priority. Easy examples are that existing buildings have maintenance costs and projects that are about to start from scratch do not.

- Financial advantages instead of disadvantages
  If there is a structural way in which re-purposing projects do not make as much as new projects, there has to be also should be a structural difference in how these projects are being assessed by the municipality. Subsidies can perhaps be integrated within the permit requests of transformation projects to stimulate re-use. It can also be that different percentages can be uphold for 'bouwleges' or leges in general for transformation projects. Without subsidies BOEi already shows that returns go from 4,6% to 2,9% opposed to 6,1% of new projects, after enough cases of no profit, re-purposing and transforming projects will become (and already is) 'a scary thing'.

During the process of deviating from a zoning plan one is sometimes faced with 'plan schade' or damage that can be caused to neighbors because of things that may cause property to drop in value. There is never talk of 'plan opbrengst' or what the plan causes in rising property values in an area. Especially seeing that urban conservation areas and monuments in an area prove to add value to property values, one should be advantageously treated by municipalities when maintaining or re-purposing important objects.

1. BOEi: Boon A. & Vegof F. (2014) De Financiele puzzel bij herbestemming. 25 herbestemmingsprojecten financieel vergeleken. januari 2014.
2. Hek M. Kamstra J. Geraedts R.P. (2004) Herbestemmingswijzer. Herbestemming van bestaand vastgoed. Real Estate & Housing, Faculteit Bouwkunde, TU Delft
3. Website: https://www.bhwadvocaten.nl/nl/blog/bestemmingsplan/uitblijven-herziening-bestemmingsplan-appellabel-besluit-/
4. Gemeente Lingewaard (2017). Website: https://zoek.officielebekendmakingen.nl/gmb-2017-114063.html
5. BRO advies- en ontwerpbureau (2016). Website: https://www.bro.nl/nieuws/algemeen/11-11-2016-kruimelgevallenregeling
6. https://www.zwinkelsadvocaten.nl/blog/2014/leges-om-af-te-wijken-van-het-bestemmingsplan/
7. https://www.rotterdam.nl/loket/documentenkcc/eisenRuimtelijkeOnderbouwing.pdf
8. https://kubiek.nu/onze-diensten/omgevingsvergunningen/ruimtelijke-onderbouwing#item6
9. https://www.infomil.nl/onderwerpen/integrale/wet-algemene/toestemmingen-wabo/verklaring/
10. https://www.infomil.nl/onderwerpen/ruimte/ruimtelijke/wet-algemene/kruimellijst/
11. https://www.infomil.nl/onderwerpen/ruimte/ruimtelijke/wet-algemene/kruimellijst/
12. Personal email, gemeente Rotterdam | Gemeente Rotterdam, 2017)
13. Website: https://www.nrc.nl/nieuws/2018/01/05/om-kansrijke-gezinnen-te-behouden-worden-ze-gestapeld-a1587082
14. Aanbevelingen herbestemming kerken en kerklocaties aan lokale overheden en kerkelijke bestuurders Een uitgave van het Bisdom van Haarlem, het Bisdom Rotterdam en Projectbureau Belvedere. December 2008
15. Website https://kubiek.nu/onze-diensten/omgevingsvergunningen/ruimtelijke-onderbouwing#item6
16. Anecdote, De Rotterdam | Gemeente Rotterdam, 2017)
17. https://zoek.officielebekendmakingen.nl/gmb-2016-175594.html

APPENDIX

3.5.A1 INPASSINGSPLAN

There is even an situation where 'higher' governments (MOCW) can write a zoning plan that overrules that of municipal goverments. This is called an 'inpassingsplan' "A 'inpassingsplan is : ''in Nederland in de wet ruimtelijke ordening (Wro) een bestemmingsplan van provincie of Rijk, waarmee de bestemming van een bepaald gebied juridisch kan worden vastgelegd. Deze mogelijkheid bestaat sinds de inwerkingtreding van de Wro op 1 juli 2008."[3] What this exactly means is not defined in the WRO, but if defined by the concerned province or municipality itself. But usually only when it is of national or provincial importance (highways, dikes, etc.), this almost never happens on building-scale, so this is not relevant for now.

3.5.A2 OLD

''Met de inwerkingtreding van de Wro is de vrijstelling (artikel 19) verdwenen. De politieke achtergrond daarvan is dat in de praktijk te vaak naar de kortere artikel 19-procedure werd gegrepen om de langere en zorgvuldigere bestemmingsplanprocedure te vermijden. Het in de Wro nieuwe projectbesluit is het meest met de vroegere vrijstelling is te vergelijken. Op grond van artikel 3.10 Wro heeft de gemeenteraad de bevoegdheid om ter verwezenlijking van een project van gemeentelijk belang, in afwijking van een geldend bestemmingsplan, een projectbesluit te nemen. Op de voorbereiding van een projectbesluit is afdeling 3:4 Awb van toepassing. De kennisgeving van het besluit moet tevens in de Staatscourant worden gepubliceerd (artikel 3.11 lid 1 onder b.). Artikel 3.10 lid 2 bepaalt dat het projectbesluit een goede ruimtelijke onderbouwing van het project bevat.

Na een projectbesluit dient alsnog een bestemmingsplan te worden vervaardigd. Binnen één jaar nadat het projectbesluit onherroepelijk is geworden moet een ontwerpbestemmingsplan ter inzage worden gelegd, waarin het projectbesluit is 'ingepast'. Deze termijn kan met twee, respectievelijk vier jaar worden verlengd als onder meer aannemelijk is dat de inpassing kan samenvallen met de genoemde 10-jaarlijkse actualisatie. De bevoegdheid tot het invorderen van bouwleges wordt opgeschort tot het tijdstip waarop het bestemmingsplan is vastgesteld waarin het projectbesluit is ingepast.''[6]

3.5.A3 CURRENT ZONING PLAN WAALHAVEN& EEMHAVEN

37.3.2 Werken aan huis
Woningen mogen mede worden gebruikt voor de uitoefening van een aan huis gebonden beroep of bedrijf, mits:

de woonfunctie in overwegende mate gehandhaafd blijft, waarbij het bruto vloeroppervlak van de woning voor ten hoogste 30% mag worden gebruikt voor een aan huis gebonden beroep of bedrijf;
ten aanzien van een aan huis gebonden bedrijf sprake is van een bedrijf tot en met categorie 1 als bedoeld in de bij deze regels horende lijst van bedrijfsactiviteiten;
de gevel en dakrand van de woning niet worden gebruikt ten behoeve van reclame-uitingen;
er geen bedrijfsmatige activiteiten plaatsvinden die betrekking hebben op het onderhouden en repareren van motorvoertuigen;
er geen detailhandel plaatsvindt, tenzij als ondergeschikt onderdeel van het aan huis gebonden beroep of bedrijf.

3.5.A3 HOGERE WAARDEN

"Ontwerpbesluit hogere waarden Wet geluidhinder
bestemmingsplan Waal-/Eemhaven

Kenmerk
1. Aanleiding
In verband met het bestemmingsplan Waal-/Eemhaven dienen hogere waarden te worden vastgesteld, omdat in het bestemmingsplan vervangende nieuwbouw van zes woningen mogelijk worden gemaakt op de locatie Zaandijkstraat 5 en 7, Heijplaat.

2. Onderzoek
Het besluit is gebaseerd op het Saneringsbesluit van 17 januari 2001, MBG 98043352/617 van de minister VROM, waarbij voor woningen in Heijplaat ten hoogste toelaatbare waarde van de geluidbelasting (MTG) zijn vastgesteld.

3. Overweging
Het saneringsbesluit geeft voldoende informatie over de akoestische situatie.
Industrie,Wonen, Bronmaatregelen, Overdrachtsmaatregelen, Gevelmaatregelen

Conclusie
Op grond van bovenstaande overwegingen kan voor het bestemmingsplan Waal-/Eemhaven, waarbij vervangende nieuwbouw van zes woningen mogelijk gemaakt op de locatie Zaandijkstraat 5 en 7, Heijplaat, onder voorwaarden hogere waarden als gevolg van industrie worden verleend.

4. Zienswijzen
Nog nader in te vullen bij definitief besluit.

5. Besluit
Gelet op artikel 51 van de Wet geluidhinder besluiten burgemeester en wethouders van Rotterdam voor het bestemmingsplan Waal-/Eemhaven, waarbij vervangende nieuwbouw van zes woningen mogelijk gemaakt op de locatie Zaandijkstraat 5 en 7, Heijplaat mogelijk wordt gemaakt, hogere waarden vanwege industrie onder de navolgende voorwaarden als volgt vast te stellen:

1. bij de indeling van de woningen dienen de slaapkamers zoveel mogelijk aan de minst geluidbelaste gevel te worden geprojecteerd.
2. indien op de locatie ook gemeenschappelijke voorzieningen en logiesfuncties worden gerealiseerd dienen deze zo te worden geprojecteerd dat de woningen zich aan de meest stille zijden bevinden
3. bij het bepalen van de geluidwering van de uitwendige scheidingsconstructie (gevel) dient rekening te worden gehouden met laagfrequent geluid
4. er dienen scherpere eisen dan het Bouwbesluit te worden toegepast ten aanzien van de geluidsnorm binnen

Vast te stellen hogere waarden:
locatie Kadastraal perceel bestemming/ aantal rekenpunt hogere waarde in dB(A) Zaandijkstraat 5 en 7 CLS00, A, nrs. 4600, 4601 6 woningen alle zijden 65 dB(A)

Het college van burgemeester en wethouders van de gemeente Rotterdam,
namens dezen,

drs. E.S.F. Klep
Directeur Stedelijke Inrichting"

3.5.A4 EMAIL COMMITMENT MUNICIPALITY

08-12-17
"Beste heer Demper en Morkoc,

Zojuist hebben wij gesproken over het plan Zaandijkstraat. Het is niet morgelijk om dit plan aan het einde van de procedure zonder participatie en zonder overleg met DCMR en welstand en monumenten op het allerlaatste moment in het bestemmingsplan op te nemen. En uiterlijk maandagochtend 10 uur moet de agendapost voor het bestemmingsplan worden aangeleverd aan de raad.

Ten einde zoveel mogelijk recht te doen aan uw plan en het overleg daarover ten aanzien van programma en volume is het voorstel om voor de Zaandijkstraat 5+7 binnen de foot print van de kerk en het volume van de kerk een beperkte woonbestemming op te nemen, een beperkte logiesfunctie en maatschappelijk. Op basis hiervan kan de hogere waardeprocedure starten en kan het vervolgoverleg plaatsvonden over een aangepast plan dat via een projectbestemmingsplan kan worden gerealiseerd.

Zoals afgesproken geeft u voor maandag 10 uur (liefst eerder) aan of u akkoord bent met de onderstaande tekst voor het bestemmingsplan (Nb: deze tekst is een concept en er kunnen geen rechten aan worden ontleend). Indien u niet akkoord bent wordt conservatief bestemd.

Ik hoop zo snel mogelijk van u te horen

Groet,

Peter Hertog
programmamanager ruimtelijke ontwikkeling

Artikel Gemengd-3

..1 Bestemmingsomschrijving

De voor Gemengd-3 aangewezen gronden zijn bestemd voor:

a. Maatschappelijk;
b. Wonen;
c. Voorzieningen behorend bij bovengenoemde functies, zoals ontsluitingswegen en –paden, parkeervoorzieningen, groen en water;
d. Waarde-Archeologie 3 en Waarde-Cultuurhistorie, voor zover de gronden mede als zodanig zijn bestemd.

..2 Specifieke gebruiksregels

..2.1 Woonfunctie
Met betrekking tot de functie wonen zijn maximaal 6 woningen toegestaan;

..2.2 Werken aan huis
Woningen mogen mede worden gebruikt voor de uitoefening van een aan huis gebonden beroep of bedrijf, mits:
a. de woonfunctie in overwegende mate gehandhaafd blijft, waarbij het bruto vloeroppervlak van de woning voor ten hoogste 30% mag worden gebruikt voor een aan huis gebonden beroep of bedrijf;
b. ten anzien van een aan huis gebonden bedrijf sprake is van een bedrijf tot en met categorie 1 als bedoeld in de bij deze regels horende lijst van bedrijfsactiviteiten;
c. de gevel en dakrand van de woning niet worden gebruikt ten behoeve van reclame-uitingen;
d. er geen bedrijfsmatige activiteiten plaatsvinden die betrekking hebben op het onderhouden en repareren van motorvoertuigen;
e. er geen detailhandel plaatsvindt, tenzij als ondergeschikt onderdeel van het aan huis gebonden beroep of bedrijf.

..2.3 Afwijken van de gebruiksregels
Burgemeester en wethouders kunnen bij een omgevingsvergunning afwijken van het bepaalde in ..2.2 terzake van de toegestane bedrijfsactiviteiten ten behoeve van andere bedrijfsactiviteiten dan die primair zijn toegelaten, welke - gehoord de milieudeskundige - daarmede naar aard en invloed op de omgeving gelijk te stellen zijn."

3.6 TEMPORALITIES

3.6.1 TEMPORALITIES | INTRODUCTION

One final topic that should be discussed in order to form a total image of the problems concerning the vacancy of religious heritage are temporalities. The title might be misleading as it already suggests things are happening, but the intention is to discuss the time ´in between´ a fully functioning and used building or space. As the ambition of this research is to have realistic and pragmatic answers to the redevelopment of religious heritage all of the sub-questions of the main research question have a focus on trajectories and processes. For this reason temporal solutions are essential.

Although solutions for vacant (religious) buildings should be thought of and picked up immediately -as vacancy has a ubiquitous negative influence on all aspects of the built environment- one should also acknowledge that making correct and feasible plans takes time (even with perfect laws, policies and regulations). It is of great importance that structural defects are immediately addressed and tackled in order to prevent further damage to the building (and environment) within the phase of researching redevelopment. Cases shown through the research of Bisdom Haarlem-Amsterdam prove that trajectories of redevelopment (and re-purposing) take 6-8 years on average.[1] Central places such as religious buildings should not be vacant for such lengths of time.

Not only should one be actively working on this aspect during a redevelopment, if one does not, it can also be against current Dutch laws. Since 2010 'Wet kraken en leegstand' is in effect. This entails that owners of buildings that are vacant more than six months can risk fines of €7.500 (if the vacancy is not reported).[2] Therefore one should not deny the use of temporary solutions and have a plan for this period too. This could prolong the life of the building, could generate the needed attention from the community to maintain the building and could even generate enough funds for maintenance or building research. As the Bidom Haarlem-Amsterdam says: "in this way not only the owner of the building is responsible, but the surrounding feels responsibility too".[1] And this can lead to the necessary means. This does mean one should be aware of the ways and times one is planologically deviating.

There are many temporary solutions one can think of that are engaging, lively, suitable for a religious building. The problem is usually that -if done correctly (by law)- these solutions need (time-consuming) permits and reports (that also cost money). These permits and reports require knowledge of the legalities of the built environment. To make it simple we should look at what can be done:

1. within the same public and private laws the object is already in. This will mean that there are no permits and/or physical adjustments to the (vacant) religious building needed.
2. outside the same public and private laws the object is already in. This will mean that there are permits and/or physical adjustments to the (vacant) religious building needed.

WITHIN THE SAME PUBLIC AND PRIVATE LAWS

What are activities or functions that can already be undertaken with the same public purpose and private laws in the Netherlands? The Bisdom-Haarlem[1] devotes a whole chapter in their publication of 2008 for temporary solutions. The most preferred way being one where an existing church combines extra activities with the existing activities. Obviously this is about a situation where these existing activities are reducing. These extension of activities give the most stable public and private situation legally speaking as it can still be considered a religious building. This could mean that the church can rent out the space for:

- activities of other religious communities on days that the church is not being used.
- events such as movienights, debates, weddings, funerals.

In the case that the church is not being used in parallel as a place for religious activities by a religious organization, the situation of course officially does not hold as the public and private laws are not met. If the church is still being used however this means that there is a necessity for extra permits as the events 'seem' more public. Depending on the scale of the event and municipality different conditions will have to be met. Especially the building-laws concerning the safety are clear as they are national (bouwbesluit 2012) and are ones that describe various aspects such as flight-routes, general safety and fire protection. The requirements of the fire regulations for these events are usually met already in church buildings as there are already enough fire exits and wide pathways, but surely depend on the scale of the event. Nonetheless, Church buildings and similair buildings that contain (theater/cinema)halls already have a high standard because of the amount of people that are present in a building at the same time. If the events are however very small of scale (under 50 people), then the municipality of Rotterdam does not need a notification of usage or permit/license. This even goes for camping within a permanent structure or delineated terrain if it is under 10 persons.[7] When these events are being executed on a regular basis, then naturally it becomes vague when it is still just an 'event'.

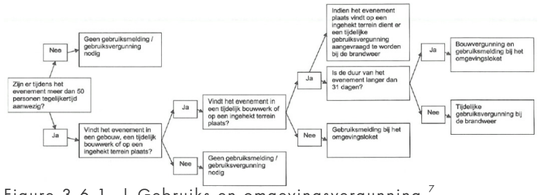


Figure 3.6.1. | Gebruiks en omgevingsvergunning [7]

Interesting to mention is that there are some legal exceptions for church-buildings of which one is:

- Sancuary Movement or 'kerkasiel'. This is a controversial privilege of churches in the Netherlands that gives them the right to house refugees during a 'religious exercise'. The law is called 'General law on entry' or 'Algemene wet op het binnentreden' and Article 12b describes:

"In de gevallen waarin het binnentreden van plaatsen krachtens een wettelijke voorschrift is toegelaten, geschiedt dit buiten het geval van ontdekking op heterdaad niet in de ruimte bestemd voor godsdienstoefeningen of bezinningssamenkomsten van levensbeschouwelijke aard, gedurende de godsdienstoefening of bezinningssamenkomst"[3]

Although the friction of this law with the government[4] seems to exist, it may be a good way to carry out the social agenda of such organization in order to find involvement for the building from the surrounding people.

Ontroerende actie van de kerk voor Armeens gezin, maar heeft het wel zin?

DEN HAAG - De kerkdienst voor het Armeense gezin Tamrazyan in Den Haag is nog altijd in volle gang. Door een onafgebroken kerkdienst te organiseren hopen gelovigen uitzetting van het gezin te voorkomen. De Armeense Haryarpi Tamrazyan (21) kwam negen jaar geleden met haar vader, moeder, zusje (19) en broertje (14) naar Nederland. Nu heeft de Nederlandse staat besloten dat het gezin weer terug moet.

Figure 3.6.2. | Sanctuary Movement

OUTSIDE THE SAME PUBLIC AND PRIVATE LAWS

Vacancy costs money and should be avoided in any way possible. There are multiple ways to generate money with very little investments (most facilities are already there to live/stay and work, except a shower) in religious buildings. The most populair and organized example is in the United Kingdom

and is called ‘champing’. Church Camping. One can organize this easily through websites such as Airbnb. But these solutions fall outside the existing public and private laws of the building as one would need to have a ‘Living’ or ‘Logies’-purpose for these kinds of activities. As described in Chapter 4 these processing time for changing the zoning plan usually take around six months (without the time needed to prepare the plan) and are also expensive. In this sub-chapter this trajectory is not considered a temporary solution. There are however great examples of what to do described in the publication of Bisdom Haarlem-Amsterdam:

”Examples with the cases are the restaurant in the OLVOO in Arnhem and the Citykerk in de Duif in Amsterdam. Other examples of temporary functions are a bike storage in the Dominicanerkerk in Maastricht (now very known as a bookshop), the climbing-hall in the concrete Jozefkerk in Amsterdam, the Afrikahuis for foreign religious communities in the (second) H. Willibrordus outside the Veste in Amsterdam and the office of de Gelderse Omroep in the Jozefkerk in Arnhem. With this last church a manager was appointed in the intermediate phase in order to contest the structural defects immediately. Hereby the church did not deteriorate physically, which had a positive impact on the repurposing.” [1, p101]

As seen above, the vacant situation (in certain cases the building needs to be for sale to be considered vacant) does bring a number of possibilities and is usually the same in all municipalities. One could:

- Apply for ‘omgevingsvergunning voor afwijken bestemmingplan voor tijdelijke bewoning’. This means that the building can be rented out for temporary living. The advantage is that one is allowed to make profits by renting out units (if there are rooms, otherwise these units need to be made which also need temporary permissions) within the church. This permit does not apply for buildings bigger than 1.500m2 and can only be done for a maximum of 10 years. So this is mostly interesting for smaller to middle-sized churches. The call whether the permit is being granted is ultimately a judgment call by the municipality, even if all the requirements are met according to the Bor it does not mean this automatically leads to a permit.[5] ”met toepassing van artikel 2.12 lid 1 onder a sub 2 van de Wabo in combinatie met artikel 4 lid 9 of 11 Bijlage II bij het Bor, via de reguliere procedure een omgevingsvergunning te verkrijgen voor het – al dan niet tijdelijk - afwijken van het bestemmingsplan.... Als dit geen soelaas biedt, kan op grond van artikel 2.12 lid 1 onder a sub 2 van de Wabo in combinatie met artikel 4 lid 11 Bijlage II bij het Bor een vergunning worden verkregen voor de duur van maximaal 10 jaar” [5]

  Application time for this permit usually takes 8 weeks (it used to be 26 weeks). This does not mean one already gets approval from B&W or the Ground Lease department of the muncipalities. This department may disagree as the private laws also have to be in line with this kind of use. It may also mean that a certain fee has to be paid, similair to the ‘residual value’ as we saw in Chapter 2. Temporary working places know a similair proces as living places.

  If the permit is granted, this does still mean that the building has to meet the requirements of the fire regulations of ‘existing buildings’ for ‘living’. These regulations are usually met already in church buildings as there are already enough fire exits and wide pathways. Church buildings and similair buildings that contain (theather/cinema)halls already have a high standard because of the amount of people that are present in a building at the same time.
- Leegstandwetvergunning, can be requested at the same time or parralel as above.[5] One needs to meet the requirement of the ‘Leegstandswet’. These are a number of requirements of which one includes that the building needs to be for sale (and actively being sold).[6] Advantages for renting are that prices are liberalized and rent-contracts are automatically canceled/ended when the permit ends. Also other regular laws that fall under the regular ‘rental protection’ can be different and more flexible.[5] Examples are that temporary rental-contracts of six months can be entered into, which can have notice periods of only one month for the owner and three months for the rentee.[9]

  This proses is usually very fast (within few days depending on the municipality) and only costs a few hunderd euro’s depending on the municipality.[9] This permit also has a maximum of 5-10 years of use. This does not mean one already gets approval from B&W or the Ground Lease department of the municipalities. This department may disagree as the private laws also have to be in line with this kind of use. It may also mean that a certain fee has to be paid, similair to the ‘residual value’ as we saw in Chapter 2.

- Leegstandsbeheer/anti-squating is officially a way to inhibit squating and unwanted practices such as vandalism, burglary or impoverishment around vacancy. This is a service that costs money but can also bring in direct and indirect profits. The direct profits can not be significant or existing as this way of rental is only meant as a way to prevent vacancy, not to also use the building actively. The indirect profits are mostly preventing the consequences of impoverishment. The organizations that specialize in this field are very creative in enabling temporary living and working facilities within vacant buildings. Also in this case it is not allowed if the public and private laws are not in line. Some municipalities however tolerate (gedogen) certain cases and can even give a statement of tolerance. If a building is squatted and the squatters do not want to get out of the building, one has to start a civil or criminal law procedure. These procedures take time and money (on average €3.000) as Wolfhuisvestingsgroep describes.[5]

  Municipalities usually give these statements within weeks, but not for a longer period than 2 years. In all of these cases the owner is always liable to the safety of the users and has to meet the standards of regular safety and fire regulations. It is important to satisfy your ‘duty of care’. These are however not different than Bouwbesluit 2012.[5]

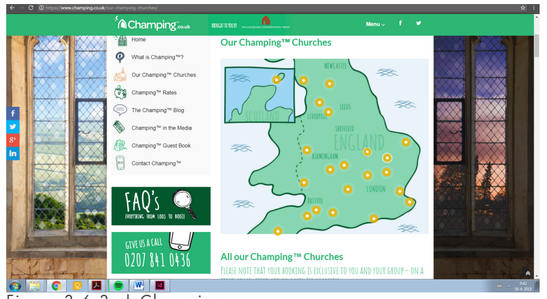


Figure 3.6.3. | Champing

- More practical thoughts are to think of moveable units for living and working that fit within a church. ”BOEI : Steeds meer kerken verliezen hun huidige functie en krijgen te kampen met leegstand. In afwachting van een nieuwe bestemming staan veel kerken langer leeg dan wenselijk. Daarom is BOEi op zoek naar ontwerpers die mobiele facilitaire units kunnen ontwikkelen, waarmee kerken tijdelijk gebruikt kunnen worden als vergader- of evenementenlocatie of voor overnachtingen. Belangrijkste randvoorwaarde: álle onderdelen van de units moeten door een kerkdeur passen (dit is met bestaande oplossingen vrijwel nooit het geval)!”[8]

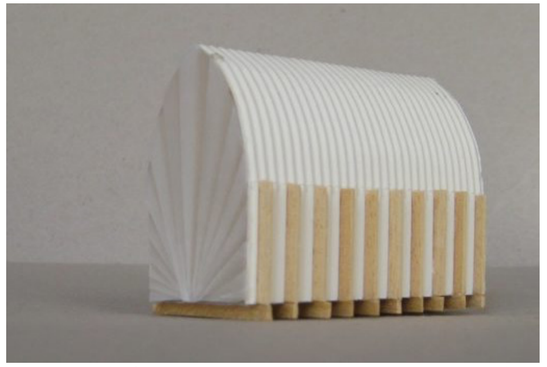


Figure 3.6.4. | Competition entry of Hester poortinga ‘Alles door de kerkdeur’

As in the case of the Julianakerk, it was bought with the intention of having preceding phases before the final redevelopment the temporalities have been vital to the plan-making. Also in the exceptional case that the building has seen a destructive fire, this has not changed. Although in hindsight the owner was not aware of many of the possibilities. The chosen trajectory was one known and most obvious to the owner. In order to be able to live, work and use the building quickly the building was put into vacany-management with Alvast (vacancy manager). Rather unconventionally the owner became the anti-squat user. Although tolerated, but mostly under the municipal radar, this enabled the owner and his friends to temporarily live in the building and engage in the community-driven activities they were after. In this section a short overview of the events and activities that were undertaken after the purchase will be pointed out and what formalities were needed to do so.

WITHIN THE SAME PUBLIC AND PRIVATE LAWS

- Movie-night (250 people, after the fire)

The official organizer of this event was a non-profit organization called Stichting de Loodsen (Pleinbioscoop Rotterdam). As they had direct contact and experience with the municipality's events-team they had a leading role in communicating with the team. The most forward problem was that due to the fire, new reports were needed for constructiveness and safety. These were done together with new fire regulatory checks that dictated what we needed to do in order to have a safe environment for 250 people during an event (whilst the original church could host 450). These were requirements outside the regular permits for events. It is good to know that there are different event permits depending on the scale and kind of activities undertaken with an increasing amount of regulations that are to be met. If the event only hosts 50 people a permit is not needed/when it is not public not needed. The permits from the municipality of Rotterdam usually take 4-5 weeks. It is wise to do it in time and have close contact with the municipality before-hand. The costs depend on the scale of the event, this event had an initial investigation cost of 53 euro's.

Figure 3.6.5. | Pleinbioscoop Julianakerk

- Non-Profit meeting, 24-hour design contest, exhibition

Figure 3.6.6. | Tostitreffer Julianakerk

For these events a group of young entrepreneurs came together in order to exchange knowledge or came to have a design contest for 24 hours. As it was a group smaller than 50 people, the argument was that the event was handled in a 'private' setting and therefore did not need permits. The issue of liability for the safety of the guests was of course still relevant from the viewpoint of safety regulations. Measures that had to be taken were to have all fire equipment, ehbo-equipment available.

Figure 3.6.7. | 24H STYLOS Julianakerk

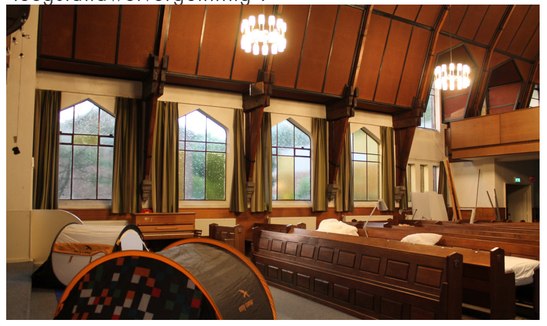
Figure 3.6.8. | Graduation presentation Julianakerk

- Dinner (future)
- Classic music festival (future
- Location for filming

Figure 3.6.9. | Photo shoots Julianakerk

OUTSIDE THE SAME PUBLIC AND PRIVATE LAWS

None of the before mentioned permits - with the exception of a number of events-permits - were applied for. The assumption was that renting out for a profit (such as AIRBNB) was also allowed within the anti-squatting laws, but in hindsight this was not allowed. Another possibility would have been to categorize this as camping or simply apply for a 'leegstandwetvergunning'.



3.6.3 TEMPORALITIES | CONCLUSION & RECOMMENDATIONS

As the Bisdom Haarlem-Amsterdam stated in their publication:

> "Als men nog geen oplossing weet voor duurzaam hergebruik kan tijdelijk gebruik voorlopig uitkomst bieden. Het biedt respijt en beschermt tegen vandalisme. Bovendien geeft tijdelijk gebruik praktisch inzicht in de mogelijkheden van een gebouw met zijn specifieke (neven)ruimten, installaties en omgevingsfactoren. Een tijdelijke invulling kan tevens een nog niet manifeste vraag naar hergebruik mobiliseren. Omdat het bereiken van een haalbaar ontwikkelingsplan langdurige procedures vergt, is het van groot belang bouwkundige gebreken direct aan te pakken om verval en gevolgschade in die tussenfase tegen te gaan."[1]

As trajectories of redevelopment take 6-8 years on average[1] it is of great importance that all vacant religious buildings and the ones that are yet to become vacant have a clear plan and awareness of the possibilities to make full use of the object within the redevelopment time. Even greater than just a temporary situation, these 6-8 years can also become a time of creative try-outs in order to see what kind of program or structure is suitable for the specific redevelopment. The desired order of events is that a preference should be given to having religious activities together with new activities within the building as this gives the strongest basis speaking in terms of public and private laws. This would be to stay within the same public and private laws the object is already in.

The conclusion for this chapter is therefor simple and in is basically in twofold:

- As owners: start with these activities right away exploring the possibilities for temporary use and understand what is best suitable for the specific object, location and community. If possible: renovate from the inside out so spaces can already be used, the outside can be restored later!
- As government, municipalities, stakeholders: make it easier and more transparent to temporarily use the building. To start this could mean that municipalities already identify the buildings that are of risk of getting vacant (but for this one needs a good inventory, see chapter 1) and thereafter take up preventive additions in the zoning-plans of the city for desired temporary use. As the Bisom Haarlem-Amsterdam state[1] *"Als gemeenten binnen het bestemmingsplan meer (tijdelijke) ontheffingen toestaan en meer creativiteit aan de dag leggen dan het alleen toestaan van maatschappelijke bestemmingen, dan ontstaat er ook meer ruimte voor succesvolle herbestemmingen...Maak als gemeente tijdelijke functies mogelijk met een efficiënt ontheffingbeleid en financiële tegemoetkomingen."*[1, p94] Another suggestion is that either the government or one of the vacancy-managers of the Netherlands come up with a clear publication on what to do with (almost) vacant religious heritage before a clear trajectory for the redevelopment has started. A guidebook what to do outside the existing public and private laws the object is in.

Following these points, positive consequences can be that:

- Temporary solutions can lead to involvement of the neighborhood
- Temporary solutions can lead to funding
- Temporary solutions can be a way to test different new "software" for the building "hardware" as every building has different qualities and characteristics, this requires custom investigation

It is very important to consider all alternatives before starting the redevelopment of a building and especially that of a religious building that has had a central location physically and socially speaking. Temporary solutions can help to support and amplify this. Bisdom Haarlem-Amsterdam too concludes:

> *"Er kan niet altijd verwacht worden dat er binnen een bepaalde tijdspanne tot een geschikte functiekeuze gekomen kan worden. De omstandigheden van dat moment kunnen ongunstig zijn. Krampachtig vasthouden en niet ruim denken kan dan fataal zijn. Het kan ook blijken dat er gewoon geen potentiële gebruiker is of dat er te veel concessies moet worden gedaan. Kies desnoods voor een meer geleidelijke ontwikkelingsstrategie, waarbij eerst de marktvraag wordt verkend en getriggerd met een tijdelijke inrichting en tijdelijke voorzieningen. Definitieve voorzieningen worden pas getroffen als er beter zicht is op het toekomstig gebruik. Investeringen kunnen dan beter in relatie worden gebracht tot de te verwachten opbrengsten."*[1, p75]

3.6.A TEMPORALITIES | SOURCES

1. Onderzoek herbestemming kerken en kerklocaties. Een uitgave van het Bisdom van Haarlem, het Bisdom Rotterdam en Projectbureau Belvedere. December 2008. een inventarisatie vanaf 1970 (translation by myself) p.94-113
2. https://www.wolfhuisvestingsgroep.nl/opdrachtgevers/diensten/deels-uitbesteden/herbestemmen-leegstandsbeheer/
2. BOEI
3. https://wetten.overheid.nl/BWBR0006763/2010-07-01
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wordcount: 3466

Figure 3.1.2 | Former Sint-Amelbergakerk Church, transformed into public square with controlled decay in Bossuit | Belgium (2008)

ESSAY 3 (SUMMARY)

REDEVELOPING RELIGIOUS HERITAGE | CONFLICTS AND RECOMMENDATIONS IN PRIVATE AND PUBLIC BUILDING LAW

REDEVELOPING RELIGIOUS HERITAGE | SUMMARY

The goal is that a good understanding is to be formed about (the struggles and possibilities of) redeveloping vacant religious heritage. Herein the essays that were written should be seen as the beginning for sustainable methods and further research. To say, these essays and overall research should at least clarify the inherent problems of re-purposing and redeveloping religious heritage in the Netherlands. The research questions to find these struggles were:

Research Studio: What are the reasons for the (lasting) vacancy of religious heritage to come to such epidemic proportions (in the Netherlands)?

- What are essential moments in private law (purchase and ground lease) in obtaining an object such as a church and what kind of research needs to be done for a feasible trajectory?
- What is the ideal game plan/process plan in terms of procedure when realizing the re-purposing of vacant religious heritage (taking into account the neighbourhood, municipality and other parties)?
- Which segments of the process could use optimizations? And How?
- What are the lessons learned from the case of the redevelopment of the Julianakerk?

These questions have lead to divide this booklet into six separate sub-chapters which can each be considered as essays. Namely:

3.2 The Transfer (De Overdracht)
3.3 Ground Lease (Erfpacht)
3.4 Status of Monumentality (Monumentenstatus)
3.5 Re-purposing (Herbestemmen)
3.6 Temporalities (Tijdelijkheden)

Sub-chapters 2 & 3 relate to the first subquestion. Chapters 4 & 5 to the second subquestion. Chapter 6 is not linked to specific subquestions, but are as the 3th and 4th subquestion desirable to investigate in order to evaluate this topic as a whole. This segment is a general summary/essay covering all topics in a more compact manner.

As the structure of this research already predicts, there is not one singular answer to the 'reasons for lasting vacancy in religious heritage', there are a number of interrelated reasons and there are also a number of interrelated recommendations and conclusions. I will explain these recommendations and conclusions shortly within this summary. One may find that certain parts are very basic in the world of Management in the Built environment, but are new for an graduating architect such as myself.

THE TRANSFER

Essentials moments are:

- Signing the purchase agreement. A purchase agreement is a strong tool for current (church) owners to ensure worthy redevelopments. It is important for municipalities to be aware that it does not become a precedent that many church owners want their church to be demolished for (mainly) emotional reasons. Legal interventions will have to be thought of so that the obligation to demolish cannot be imposed through a purchase agreement.
- Permission from the municipality / ground lease departments is a strong tool to ensure developments that are good for the city. This is already being done by withholding criminals to buy real-estate in certain cases. Perhaps first prove that the property really can not be preserved? I will elaborate on this in the next chapter.

Furthermore, as mentioned much research has already been done, but:

- There must be a clear overview of the current 600 vacant churches, especially the non-monumental buildings as they are more 'in danger' of being demolished.
- There must be a clear overview of the churches that will become empty in the future. Dioceses must be encouraged to help identify them. (In addition, the church community itself may be an unreliable source as it is a question of popularity.

To clarify: it might seem like my main point is not to demolish, I think this is definitely important, but not the most forward point. As with the Julianakerk, but also the overall existing supply of vacant religious heritage, it is important that in the first place it is prevented that the land - which is often located at central and beautiful locations - receives a function/program that has no added social value. That it has some value has for the environment. Secondly, that demolition is prevented as this is often times not necessary.

GROUND LEASE (see figure 3.7.1)

1. Under normal circumstances private law follows whatever happens under public law. So only after a certain permit is given for a certain amount of new program, is it possible for the designated departments to make the calculations of what has to be payed additionally. The calculations for the additional payment should be made before a re-purposing process has started for a healthier process. The redeveloper should be warned for this through the municipal governments. There should be a method of open calculations for new program on specific sites without lengthy and costly processes. (This certainly is possible, but it is a chicken and egg story, for example if you do not yet know how many houses may be realized under public law, a good calculation can not be made).
2. Instead of mentioning demolition costs as deductible items, it is important to include maintenance (and sustainability) as a deductible cost in the policy of the additional payment. This should not depend solely on separate negotiations of individual projects. This must be done in a way that is more attractive than demolition and provide a precedent for the preservation and redevelopment of real estate as a whole.
3. The latter can be taken a step further to see these additional payments in a different light. In order to be able to look out for "good developments" (putting well-being before profit maximization), it is important for the municipality to remember that "this does not mean that it is prohibited to invest in the proceeds of the ground lease in public facilities of which also non-leaseholders profit"[1]

These additional payments are not directly spent by the municipality on the development site itself. Since spatial investments can strengthen social resilience and are very necessary, the next experiment is called preventive development (for now).

Preventive development means that vulnerable redevelopment locations are designated where the value increase in land (subject to special criteria) is spent on that same location. This guarantees the growth of (vulnerable) areas against developments that are only looking for profit maximization to crease a feasible project. This makes certain unattractive development locations more attractive for developers as these 'free' interventions can ensure that the developed project increases in value or potential for exploitation.

The special criteria can be made by the municipality or by an independent party. This seems to be a more valuable approach than going through all the exception processes per development since the problem with religious heritage is also often time-related. An empty building is expensive. The sustainable reuse of existing elements should result in 'ground lease discount' instead of demolition or high construction costs. It is important that the municipality is the first party to do this kind of research/have it done before a redevelopment process starts, to be able to make well-informed decisions for the city.

An example of this is in Hamburg.[6] No locations are designated there, but this spending is a duty with each additional payment of a redevelopment.

This may be exaggerated, but the value and awareness of designating these preventive development locations important so that the city does not spend released funds in the most obvious places.

MONUMENT STATUS

Special architecture has to be protected. Cultural-historical values too. Existing structures that are useful for next generations should not be destroyed just because it is cheaper to demolish and newly build, and the government and its laws should support this as they do at the moment. There are however a few hurdles when vacant religious (monumental) heritage is looking for feasible futures. Through the previous two sub-chapters there are a few afterthoughts that could be considered as recommendations:

- Social Monumentality
  The city has museums, but does not need to be a museum itself. The money spent to brush up an outdated facade is better spent on preserving the social monumentality of religious heritage. Hereby I mean that the highest value of the monumentality does not lie in its aesthetics or historical value, but in its function for society. Protect or enhance the influence of the function, especially for religious heritage. I propose this to be added on the list of responsibilities of cB&W (through local committees) as they could supposedly have the best overview of what a certain building/place had as a function for the area. Just to have a complete description, partly based on my research through the first booklet:

  Social Monument: a function that ties people together, generates events (as described in Essay 1 Ignition), regardless of its aesthetic presence.

  Aesthetics and what is important culturally or historically is half about facts and half about opinions. My personal opinion is that it is more of a crime to replace a social function with a function that is very private and does not add or connect an area as opposed to painting the bricks of a certain monument another color for maintenance purposes.
- Fairly designated monuments
  It is not fair when monuments get appointed in a state of rush or just to bring some action to the table. If a building was not on a list before, it is not fair that a municipality or community tries to use the monument label as a tool or last measure. As the Bisdom Haarlem mentions too, "Establish transparent designation criteria as a municipal authority and avoid ad hoc appointments"[6, p12] This basically means that there has to be (better) preventive research to what is found important in one's city or village before any vacancy, redevelopment or disaster. The process of change in vacant religious heritage can be messy and therefore needs extra attention beforehand. "At the moment, new or different reasons for preservation are being formulated during the divestment procedures by this or that party. As a result, time and time again the framework within which a solution is sought changes. By establishing the core values of the building in advance with professional disciplines and those involved, it becomes clear what development possibilities there are and which components require extra attention. The cultural-historical oriented explanatory description from the Monument Register, with predominantly architectural-historical annotations, is not suitable for this."[6] To add to this, there should be also more clear criteria that backs up situations where changes are allowed more easily in situations where one just can not preserve certain elements of the building. (Adjusted) re-use above the monument-status.

  The appointment of monuments by the municipality itself should perhaps also be reconsidered. As from an ethical point of view it seems like a biased decision. I have not found any research on the ethical aspects of 'the power' of government to appoint monuments. Why is this so integral to the government and not more objective, the value at one point apparently exceeds only the owner and also is important for the city. The advantages for the city to keep this monument may not be the same advantages the owner or area enjoys. Objective and healthy organizations outside government realms might be better suitable to advise MOCW or local governments to appoint monuments. "It happens that municipalities designate church buildings as a municipal monument to meet local residents in their fear of demolition, without an dominating monumental value and without considering other options for conservation. This while the inventory survey shows that many churches are retained and redeployed even without monument status. Moreover, it is often difficult to assess how a municipal designation is established and whether it is justified because it is not customary to include test criteria in municipal regulations. For more transparency in the course of events, it is therefore advisable for municipalities to establish objective criteria in advance, which they can derive, for example, from the criteria that apply to national monuments...The regulations within the designation policy must be transparent and predictable"[6]
- Prevention & Inventory for vacant or delicate buildings
  As mentioned in the first chapter The Transfer, clear inventories of vacant monuments AND non-monuments of religious heritage would help to prevent and anticipate for the next stage in the life of the building. Moreover it would be even better if a suitable re-purpose is found before appointing monuments.
- Live and let die
  Sometimes, re-purposing just does not work. "Dare to conclude that re-purposing and/or transformation sometimes fails."[6, p12] It is important to recognize this on time and look for other options.

RE-PURPOSING

"The government must implement a preventive, condition-creating and stimulating re-use policy."

- Simplify the process
  As the Bisdom Haarlem-Amsterdam state in their publication of 2008, "The municipality can considerably simplify the process of re-purposing by generous application of exemptions, for instance when using Article 3.22 of the Spatial Planning Act, where the exemptions from the zoning plan are concerned. Other permits such as the use and environmental permit can also be involved."[14]
- As a municipality, give priority to re-purpose requests
  As it takes much more time at the moment to have transformation projects going in all phases of the project and has various financial disadvantages, it would greatly benefit projects of this kind to be treated as a priority. Easy examples are that existing buildings have maintenance costs and projects that are about to start from scratch do not.
- Financial advantages instead of disadvantages
  If there is a structural way in which re-purposing projects do not make as much as new projects, there has to be also should be a structural difference in how these projects are being assessed by the municipality. Subsidies can perhaps be integrated within the permit requests of transformation projects to stimulate re-use. It can also be that different percentages can be uphold for 'bouwleges' or leges in general for transformation projects. Without subsidies BOEi already shows that returns go from 4,6% to 2,9% opposed to 6,1% of new projects, after enough cases of no profit, re-purposing and transforming projects will become (and already is) 'a scary thing'.

  During the process of deviating from a zoning plan one is sometimes faced with 'plan schade' or damage that can be caused to neighbors because of things that may cause property to drop in value. There is never talk of 'plan opbrengst' or what the plan causes in rising property values in an area. Especially seeing that urban conservation areas and monuments in an area prove to add value to property values, one should be advantageously treated by municipalities when maintaining or re-purposing important objects.

TEMPORALITIES (see figure 3.7.2)

As trajectories of redevelopment take 6-8 years on average[1] it is of great importance that all vacant religious buildings and the ones that are yet to become vacant have a clear plan and awareness of the possibilities to make full use of the object within the redevelopment time. Even greater than just a temporary situation, these 6-8 years can also become a time of creative try-outs in order to see what kind of program or structure is suitable for the specific redevelopment. The desired order of events is that a preference should be given to having religious activities together with new activities within the building as this gives the strongest basis speaking in terms of public and private laws. This would be to stay within the same public and

private laws the object is already in.

The conclusion for this chapter is therefor simple and in is basically in twofold:

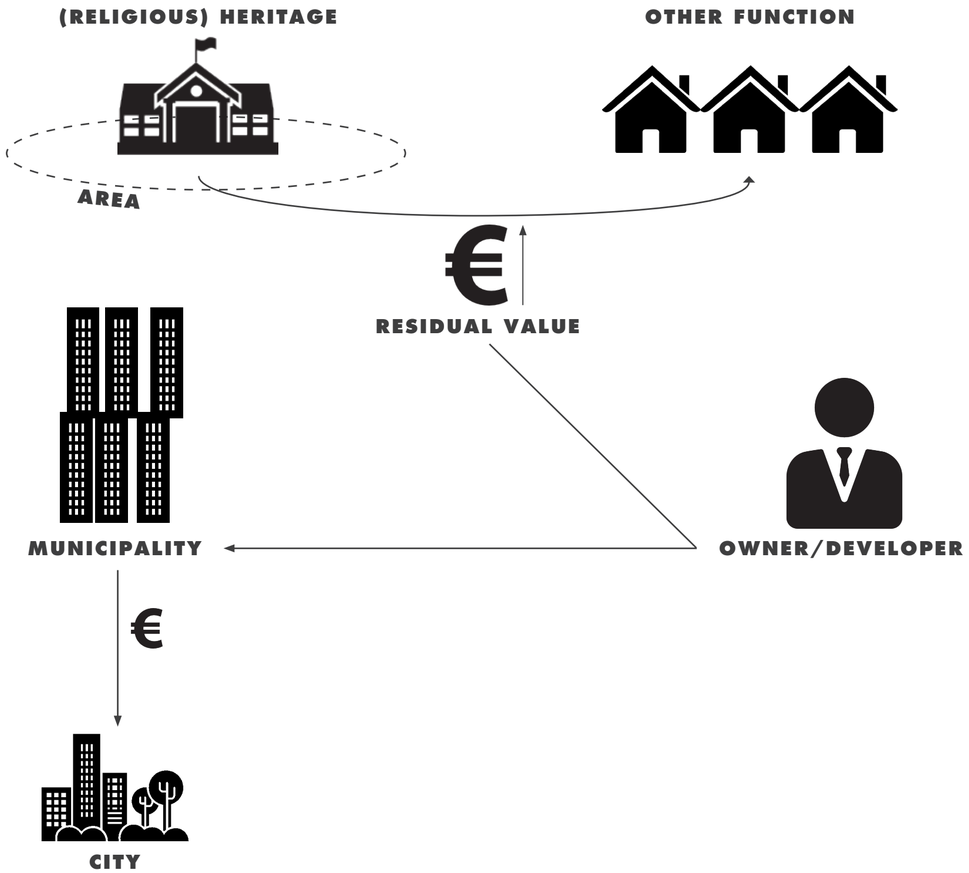
- As owners: start with these activities right away exploring the possibilities for temporary use and understand what is best suitable for the specific object, location and community. If possible: renovate from the inside out so spaces can already be used, the outside can be restored later!
- As government, municipalities, stakeholders: make it easier and more transparent to temporarily use the building. To start this could mean that municipalities already identify the buildings that are of risk of getting vacant (but for this one needs a good inventory, see chapter 1) and thereafter take up preventive additions in the zoning-plans of the city for desired temporary use. As the Bisom Haarlem-Amsterdam state[1] *"Als gemeenten binnen het bestemmingsplan meer (tijdelijke) ontheffingen toestaan en meer creativiteit aan de dag leggen dan het alleen toestaan van maatschappelijke bestemmingen, dan ontstaat er ook meer ruimte voor succesvolle herbestemmingen...Maak als gemeente tijdelijke functies mogelijk met een efficiënt ontheffingbeleid en financiële tegemoetkomingen."*[1, p94] Another suggestion is that either the government or one of the vacancy-managers of the Netherlands come up with a clear publication on what to do with (almost) vacant religious heritage before a clear trajectory for the redevelopment has started. A guidebook what to do outside the existing public and private laws the object is in.

Following these points, positive consequences can be that:

- Temporary solutions can lead to involvement of the neighborhood
- Temporary solutions can lead to funding
- Temporary solutions can be a way to test different new "software" for the building "hardware" as every building has different qualities and characteristics, this requires custom investigation

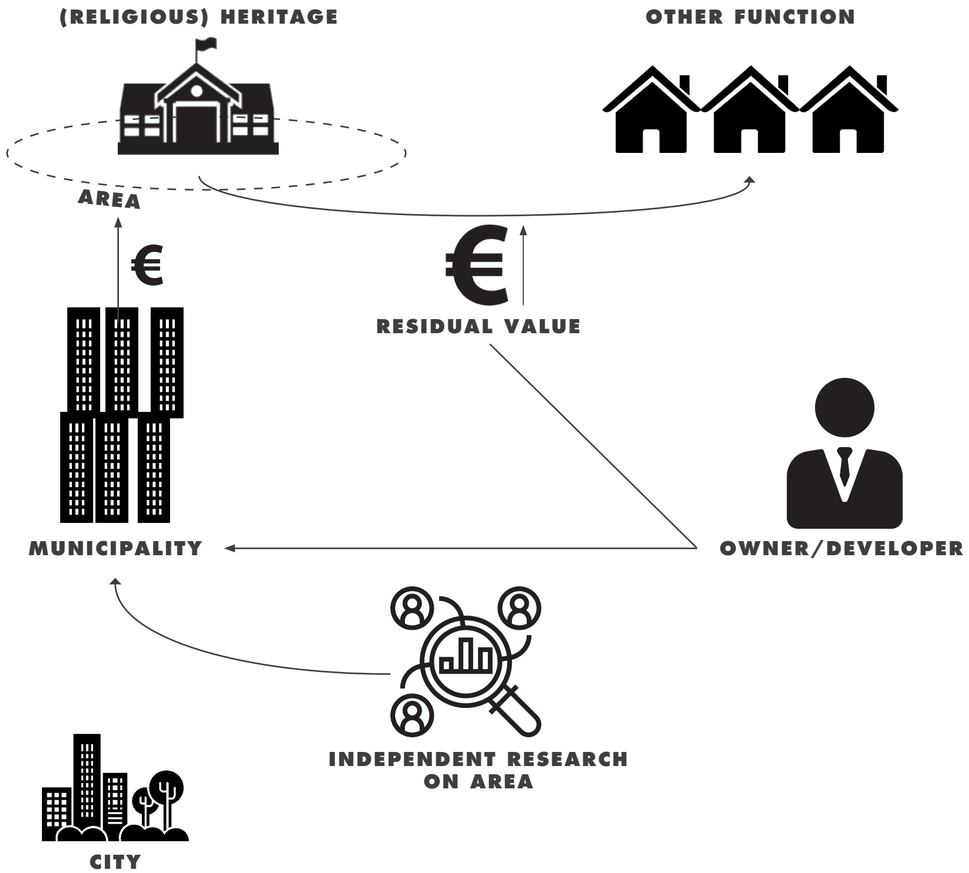
On the following pages there will be a number of figures and schemes to summerize some of the essays in a more clear manner.

CURRENT METHOD
RESIDUAL LAND VALUE METHOD



RESIDUAL LAND VALUE (redevelopments with a change in zoning):
= (New building + land valuation) - (Old building + land valuation).
The difference is ought to be payed to the municipality. If there are costs for demolition, site preperation, remediation of land can be deducted.

RECOMMENDED METHOD
PREVENTIVE DEVELOPMENT



PREVENTIVE DEVELOPMENT
Preventive development means that vulnerable redevelopment locations are designated where the value increase in land (subject to special criteria) is spent on that same location. This guarantees the growth of (vulnerable) areas

Figure 3.7.1 | Conclusions and recommendations on Ground Lease

TEMPORALITIES
TIME FOR EXPERIMENTS

As trajectories of redevelopment take 6-8 years on average[1] it is of great importance that all vacant religious buildings and the ones that are yet to become vacant have a clear plan and awareness of the possibilities to make full use of the object within the redevelopment time.

Following these points, positive consequences can be that:

- Temporary solutions can lead to involvement of the neighborhood
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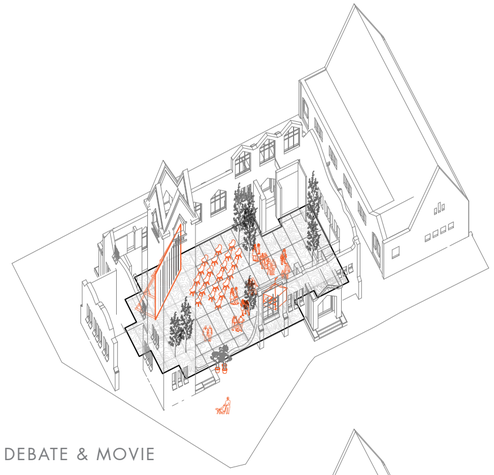
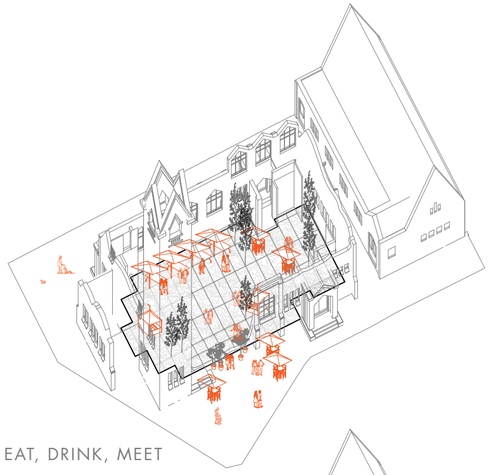
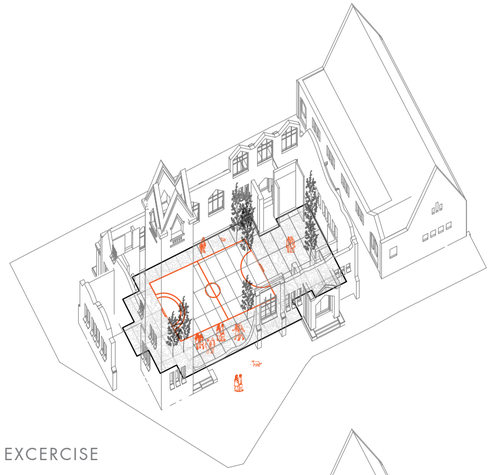


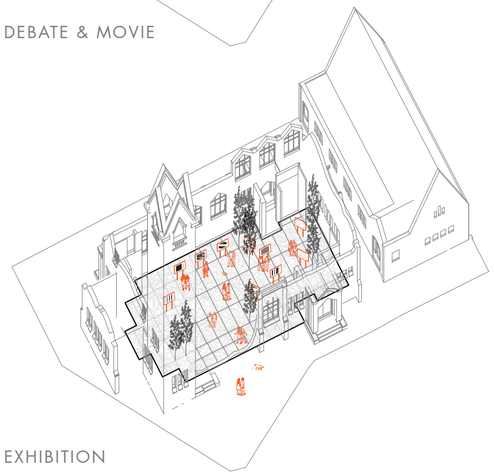
DEBATE & MOVIE



EAT, DRINK, MEET



EXCERCISE



EXHIBITION

CAMPING

FUN

Figure 3.7.5 | Conclusions and recommendations on temporalities