TABLE OF CONTENTS

SECTION 1 - SITE DETAILS
1.1 The Subject Lands

SECTION 2 - MUNICIPAL REGISTER OF HERITAGE PROPERTIES
2.1 Properties designated under Part IV of the OHA
2.2 Non-designated properties listed on the City of London’s Inventory of Heritage (Register)

SECTION 3 - POLICY REVIEW
3.1 Provincial Policy Statement 2014
3.2 The London Plan
3.3 City of London Official Plan
3.4 Ontario Heritage Tool Kit

SECTION 4 - ANALYSIS AND MITIGATION
4.1 Provincial Policy Statement 2014
4.2 The London Plan
4.3 City of London Official Plan
4.4 Ontario Heritage Tool Kit

SECTION 5 - CONCLUSION
APPENDIX 1
SOURCES
SECTION 1 - SITE DETAILS

1.1 The Subject Lands

The subject lands are located at 800, 805, 810 Chelton Road (39T-92020-E, Blocks 150, 151 & 152), north side of Bradley Avenue, east of Highbury Avenue. (Figure 1).

The subject lands are currently vacant; however, the Ironstone Building Company Inc. is seeking approvals for a Zoning By-law Amendment for a residential development.

A Master Plan has been prepared to illustrate how the proposed development should develop, while having regard for the design policy framework set out in the City’s Official Plan and London Plan, see attached.

A Heritage Impact Statement is required as the subject lands are adjacent to 1629 & 1635 Bradley Avenue which are listed on the municipal register (City of London’s Inventory of Heritage) as non-designated properties.

SECTION 2 - MUNICIPAL REGISTER OF HERITAGE PROPERTIES

The municipal register of heritage properties must list all properties in the municipality that are designated under Part IV (individual property designation) and Part V (within a designated heritage conservation district) of the Ontario Heritage Act.

The Ontario Heritage Act (subsection 27(1.2)) also allows a municipality to include properties of cultural heritage value or interest that have not been designated in its municipal register.
Including non-designated properties in the municipal register is a means to identify properties that have cultural heritage value or interest to the community. The municipal register is an important tool in planning for the conservation of heritage properties and provides interim protection from demolition.

Listing a property of cultural heritage value or interest is the first step a municipality should take in the identification and evaluation of a property that may warrant some form of heritage conservation, recognition and/or long-term protection such as designation.

These properties require further research and an assessment using a more comprehensive evaluation that is consistent with Ontario Regulation 9/06 prescribing criteria for determining property of cultural heritage value or interest.

2.1 Listed designated properties under Part IV of the Ontario Heritage Act

The subject lands are not designated under the Ontario Heritage Act, nor are there any designated properties adjacent to the subject lands.

2.2 Listed non-designated properties

The subject lands are not listed on the City of London’s Inventory of Heritage (Registry).

The subject lands are across from two property, 1629 & 1635 Bradley Avenue, that are on the municipal Registry as listed non-designated properties.

The following information was provided about the two properties within a memo from Kyle Gonyou, Heritage Planner City of London, dated April 23, 2018:

1629 & 1635 Bradley Avenue

- Land granted to James Beattie, who emigrated from Annan, Scotland with his family in 1830;
- Purchased 500 acres in Lots 14 and 15 of Concession II of Westminster Township
- Known as castle Hill Farm
- Family is buried in Pond Mills Cemetery
- Notable community involvement
- Angus Beattie, Reeve of Westminster Township (1906-1908)
- Still owned and occupied by the Beattie family
- Annexed by the City of London in 1993.

1629 Bradley Avenue

- Concession II, Pt Lot 15, former Westminster Township
- “A deposit of red clay ran through a part of Lot 15 and from this James’ son, Andrew and his brothers, formed thousands of bricks for their new home. In 1836 the first brick house to be built in Westminster was proudly occupied by the Beattie family” (M.E. Murray, Century Farms of Westminster Township, p.7).
  - Two-storey
  - Thirty-two windows
Heritage Impact Statement

800, 805, 810 Chelton Road

Around 1899, building was altered and stuccoed.

- Appears on the Tremaine Map (1862), Illustrated Historical Atlas of Middlesex County (1878).

Heritage Attributes:

- Farmstead
- 1836 house: form, scale, massing
- Barn with silo, sheds, and out buildings
- Setback of the house and farm buildings from Bradley Avenue with large grassed lawn, driveway and trees
- Stone pillar at driveway
- Relationship between 1629 Bradley Avenue and 1635 Bradley Avenue

1635 Bradley Avenue

- Concession II, Pt Lot 15, former Westminster Township
- Ontario farmhouse building built between 1862-1878 (c.1865)
  - Does not appear on the Tremaine Map (1862), but building appears on the Illustrated Historical Atlas of Middlesex County (1878).
  - “Well over 100 years old” in 1984 (M.E. Murray)
  - Altered around 1968, and c.1990

Heritage Attributes:

- Farmstead
- Ontario farmhouse style building: form, scale, massing
- Barn with silo, sheds, and out buildings
- Setback of the house and farm buildings from Bradley Avenue with large grassed lawn, driveway and trees
- Stone pillar at driveway
- Relationship between 1629 Bradley Avenue and 1635 Bradley Avenue

The full memo is attached.

Section 3 - Policy Review

3.1 Provincial Policy Statement 2014 (PPS)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “provides policy direction on matters of provincial interest related to land use planning” in order to ensure efficient, cost-efficient development and the protection of resources. All planning applications are required to be consistent with these policies.

Policies in the 2014 PPS relevant to the subject lands are as follows:

“Significant built heritage resources and significant cultural heritage landscape shall be conserved.” Section 2.6.1
"Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved." Section 2.6.3

6.0 PPS Definitions:

Built heritage resources: means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

Significant (e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Adjacent lands (d) means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Protected heritage property means property designated under Parts IV, V, or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Site.

Heritage attributes means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property).

3.2 The London Plan

A new City of London Official Plan (The London Plan) has been adopted by Council, but is subject of several appeals to the Ontario Municipal Board. Notwithstanding this, consideration must be given to the following Cultural Heritage policies:

565 “New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts, and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.”
3.3 City of London Official Plan

Since some of the policies of the London Plan are subject to an appeal at the Ontario Municipal Board, Section 13 of the existing Official Plan shall be relied on.

Section 13 provides policies regarding the cultural heritage value of properties in London. The subject lands are adjacent to protected heritage properties and must have regard for the following policies in the Official Plan:

Section 13.2.3. – Alteration, Removal or Demolition

“Where heritage buildings are designated under the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken which would adversely affect the reason(s) for designation except in accordance with the Ontario Heritage Act.”

Section 13.2.3.1 – Alteration or Demolition on Adjacent Lands

“Where a heritage building is protected under Parts IV, V or VI of the Ontario Heritage Act, development, site alteration or demolition may be permitted on adjacent lands where it has been evaluated through a Heritage Impact Statement, and demonstrated to the satisfaction of Council that the heritage values, attributes and integrity of the protected heritage property are retained. For the purposes of this section, adjacent lands shall include lands that are contiguous, and lands that are directly opposite a protected heritage property, separated only by a laneway or municipal road.”

3.4 Ontario Heritage Tool Kit

The Ontario Ministry of Tourism, Culture and Sport developed the Ontario Heritage Tool Kit as a guide to help understand the heritage conservation process in Ontario.

The tool kit provides guidelines for the preparation of heritage studies, such as Heritage Impact Statements and provides a list of possible negative impacts on a cultural heritage resource. These include, but are not limited to, the following impacts:

1. Destruction of any, part of any, significant heritage attributes or features;
2. Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;
3. Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
4. Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;
5. Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;
6. A change in land use where the change in use negates the property’s cultural heritage value; and
7. Land disturbances, such as change in grade that alters soils and drainage patterns that adversely affect cultural heritage resources.

SECTION 4– ANALYSIS AND MITIGATION

4.1 Provincial Policy Statement 2014 (PPS)

The proposed residential development is consistent with the policies of the 2014 Provincial Policy Statement. There are no significant built heritage resources on the subject lands and there are no protected heritage properties adjacent to the subject lands as per the PPS definition of “protected heritage property”.

4.2 The London Plan

The following consideration was given to the London Plan policy 586, however, since policy 565 is subject to an appeal at the Ontario Municipal Board Section 13 of the existing Official Plan shall be relied on for that policy.

Policy 586 was not appealed and is in effect, it states that if a property is adjacent to heritage designated properties or properties listed on the Register the proposal must be evaluated to demonstrate that the heritage attributes of the heritage designated properties and properties listed on the Register are conserved.

There are no heritage designated properties adjacent to the subject lands; and the heritage attributes of the adjacent two listed non-designated properties can only be seen as being draft or potential at this point.

As per the Provincial Policy Statement definition, a heritage attribute means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest. As per the PPS definitions, a non-designated property listed on a local registry is not considered a protected heritage property because it is not designated under the Ontario Heritage Act.

In order to determine heritage attributes a property must be considered first for protection under Section 29 of the Ontario Heritage Act. Listed non-designated properties are only candidates for protection and require further research and an assessment using a comprehensive evaluation that is consistent with Ontario Regulation 9/06.

Once an evaluation is completed, and it is determined the property warrants protection under Section 29 of the Ontario Heritage Act, then a Statement of Cultural Heritage Value or Interest is prepared along with a description of the heritage attributes.

Non-designated listed properties should not be given the same treatment as designated properties under section 29 of the Ontario Heritage Act. Listed properties are candidates for protection. Stating that they have heritage attributes is speculative until an evaluation is completed using Ontario Regulation 9/06, and until the proposed designation goes through the municipal by-law process and the designating by-law is approved and registered on title.
Policy 586 states that “heritage attributes” of properties listed on the Register will be conserved, not “potential heritage attributes”. The heritage attributes identified by City staff for 1629 & 1635 Bradley Avenue can only be interpreted as draft or potential heritage attributes at this time. They have no status and cannot be relied upon.

### 4.3 City of London Official Plan

The proposed residential development is consistent with Section 13.2.3.1 of the City of London Official Plan. There are no lands that are contiguous, or that are directly opposite (separated only by a laneway or municipal road) that are protected under Parts IV, V or VI of the Ontario Heritage Act.

### 4.4 Ontario Heritage Tool Kit

As per the Ontario Heritage Tool Kit, there are no lands that are adjacent to the subject lands that are protected under Parts IV, V or VI of the Ontario Heritage Act. The tool kit states “...listing non-designated properties does not offer any protection under the Ontario Heritage Act...” It does state the Provincial Policy Statement does acknowledge listed properties, however, not adjacent listed properties. It acknowledges adjacent protected heritage property, which does not include listed non-designated properties.

1629 & 1635 Bradley Avenue are not protected under the Ontario Heritage Act, therefore are not considered protected heritage properties as per the PPS.

## Section 5 - Conclusion

It is our opinion, at this time, there are no protected heritage properties adjacent to the subject lands; and the heritage attributes of the adjacent two listed non-designated properties can only be seen as being draft or potential at this point.

Until an evaluation is completed using Ontario Regulation 9/06, and any proposed designations go through the municipal by-law process, the heritage attributes provided by staff for 1629 & 1635 Bradley Avenue have no status.
Sources

Memo from Kyle Gonyou, Heritage Planner City of London, dated April 23, 2018;

Inventory of Heritage Resources 2006, City of London; and

Ontario Heritage Tool Kit, Ministry of Tourism, Culture and Sport:

April 24, 2018

The Ironstone Building Company
1-320 Dundas Street
London, ON
N6B 3R8

Attention: Paul Hinde, Urban Land Planner

Re: Heritage Impact Assessment, Proposed Development 800-810 Chelton Road, London, Ontario

Dear Paul,

While The London Plan Policy 565_ has been appealed to the Ontario Municipal Board, Policy 586_ has not. Policy 586_ states,

"The City shall not permit development and site alteration on adjacent lands to heritage designated properties and properties listed on the Register except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved."

Municipal Council believes the properties at 1629 Bradley Avenue and 1635 Bradley Avenue, adjacent to the property at 800-810 Chelton Road, to be of potential cultural heritage value or interest through their inclusion on the Register (Inventory of Heritage Resources) adopted pursuant to Section 27 of the Ontario Heritage Act.

The intent of the policy is to ensure that the heritage attributes of a heritage listed property are conserved and do not suffer adverse impact as a result of the proposed development or site alteration. The Heritage Impact Assessment can demonstrate that this intent has been achieved, and/or recommend mitigation measures (e.g. landscape buffer, design treatment, materials) to ensure compatibility.

To facilitate the preparation of your Heritage Impact Assessment for 800-810 Chelton Road, staff have provided "InfoSheet #5: Heritage Impact Assessments and Conservation Plans" from the Ministry of Culture (now Ministry of Tourism, Culture and Sport). To supplement these guidelines, staff will also provide additional information related to the properties at 1629 Bradley Avenue and 1635 Bradley Avenue. This is intended to enable you to assess potential impacts and to recommend mitigation
measures to ensure compatibility and conservation of the adjacent properties' heritage attributes with your proposed development and site alteration.

Yours truly,

[Signature]

Gregg Barrett, AICP
Manager, Long Range Planning and Research
Planning Services

Encl. 1629 Bradley Avenue and 1635 Bradley Avenue

cc. Allan Drewlo, The Ironstone Building Company
George Bikas, Drewlo Holdings
Dave Stimac, The Ironstone Building Company
John Fleming, Managing Director Planning Services & City Planner
Michael Tomazincic, Manager, Current Planning
Melissa Campbell, Planner II
Kyle Gonyou, Heritage Planner
MEMO

To: Gregg Barrett, Manager, Long Range Planning and Research

From: Kyle Gonyou, Heritage Planner

Date: April 23, 2018

Re: 1629 Bradley Avenue & 1635 Bradley Avenue

The properties located at 1629 Bradley Avenue and 1635 Bradley Avenue are included on the City's Register (Inventory of Heritage Resources), pursuant to Section 27 of the Ontario Heritage Act. As such, these properties are considered to be of potential cultural heritage value or interest by Municipal Council.

Figure 1: Property location of 1629 Bradley Avenue (highlighted, left) and 1635 Bradley Avenue (highlighted, left).
Both of the properties, 1628 Bradley Avenue and 1635 Bradley Avenue, were added to the Inventory of Heritage Resources following the annexation of this area from the former Town of Westminster in 1993. The Inventory of Heritage Resources was adopted as the Register, pursuant to Section 27 of the Ontario Heritage Act, by Municipal Council in 2007.

1629 Bradley Avenue & 1635 Bradley Avenue
- Land granted to James Beattie, who emigrated from Annan, Scotland with his family in 1830
- Purchased 500 acres in Lots 14 and 15 of Concession II of Westminster Township
- Known as Castle Hill Farm
- Family is buried in Pond Mills Cemetery
- Notable community involvement
- Angus Beattie, Reeve of Westminster Township (1906-1908)
- Still owned and occupied by the Beattie family
- Annexed by the City of London in 1993

1629 Bradley Avenue
- Concession II, Pt Lot 15, former Westminster Township
- “A deposit of red clay ran through a part of Lot 15 and from this James’ son, Andrew and his brothers, formed thousands of bricks for their new home. In 1836 the first brick house to be built in Westminster was proudly occupied by the Beattie family” (M. E. Murray, Century Farms of Westminster Township, p.7).
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Photographs

Figure 2: 1836 house located at 1629 Bradley Avenue (1958, London Free Press)
Figure 3: 1836 house at 1629 Bradley Avenue (December 16, 2016).

Figure 4: Ontario farmhouse at 1635 Bradley Avenue (December 16, 2016).
Further Research