Report to Planning and Environment Committee

To: Chair and Members

Planning and Environment Committee

From: Scott Mathers, MPA, P. Eng.

Deputy City Manager, Planning and Economic Development

Subject: Heritage Alteration Permit application by S. Rasanu for

1 Cathcart Street and 115 Bruce Street, Wortley Village-Old

South Heritage Conservation District, Ward 11

Date: Monday June 19, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development the application under Section 42 of the *Ontario Heritage Act* seeking approval to for alterations to the existing heritage house on the subject property at 1 Cathcart Street and 115 Bruce Street, and to also construct two, new 2-storey houses on the subject property (specifically on Lot 1 – Bruce Street and Lot 3 – Cathcart Street as shown in Appendix C) within the Wortley Village-Old South Heritage Conservation District, **BE PERMITTED** as described herein and shown in Appendix C, subject to the following terms and conditions:

- a) The Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit;
- b) Detached, single garages proposed on Lot 1 Bruce Street and on Lot 3 Cathcart Street to be clad with a painted wood siding or fiber cement board with a smooth finish, in a colour to match the brick of the respective houses;
- c) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The subject property at 1 Cathcart Street and 115 Bruce Street is located within the Wortley Village-Old South Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act*. In accordance with Section 42 (2.1) of the *Ontario Heritage Act*, and the classes of alterations identified in the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*, a Heritage Alteration Permit is required for the construction of a new house and alterations to an existing house. The proposed two, 2-storey houses and alterations to the existing house at 1 Cathcart Street are compliant with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. The recommended action is to permit the application with terms and conditions.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2023-2027 Strategic Plan area of focus "Wellbeing and Safety":

- London has safe, vibrant, and health neighbourhoods and communities.
 - Londoners have a strong sense of belonging and sense of place.
 - Create cultural opportunities that reflects arts, heritage, and diversity of community.

Analysis

1.0 Background Information

1.1 Location

The subject property at 1 Cathcart Street and 115 Bruce Street is located on the southwest corner of Cathcart and Bruce Streets. (Appendix A).

1.2 Cultural Heritage Status

The subject property at 1 Cathcart Street and 115 Bruce Street is located within the Wortley Village-Old South Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3439-321

1.3 Description

The subject property at 1 Cathcart Street and 115 Bruce Street is an "L-shaped" corner lot with a frontage along Bruce Street of approximately 25.3m (83ft) and 42.5m (139.4ft) along Cathcart Street, with a maximum depth of 37.3m (122.4ft) and an overall lot area of approximately 1222.4m² (13,179ft²). A consent application has been submitted and is currently being processed (B.018/23), to sever the existing subject property into three individual lots; retaining the existing heritage house on the corner lot (Lot 2) and creating an additional lot for each of the two new houses being proposed – noted as Lot 1-Bruce Street and Lot 3-Cathcart Street on the Site Plan in Appendix C, Fig 4. The width and depth of the new lots are reasonably consistent with many of the lots in the surrounding area within the Wortley Village-Old South Heritage Conservation District.

The subject property currently has a 2-storey brick building at the corner, with 1-storey additions extending to the south along Cathcart Street; two separate accesses to the residential portion of the building are from Cathcart Street (Appendix B). The south portion of the building is a combination of 1-storey additions which functioned as a previous commercial business and storage for the business.

The buildings on properties in the surrounding area on Bruce and Cathcart Streets include a mix of 1, 1 ½ and 2-storey frame and brick dwellings dating mainly from 1880 - 1920. A majority are B and C-rated properties that represent and contribute to the heritage character of the Wortley Village-Old South Heritage Conservation District.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies in the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, and *The London Plan*.

2.2 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2020) promotes the wise use and management of cultural heritage resources and directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved" (Policy 2.6.1, *Provincial Policy Statement* 2020).

"Significant" is defined in the *Provincial Policy Statement* (2020) as, "resources that have been determined to have cultural heritage value or interest." Further, "processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*."

Additionally, "conserved" means, "the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained."

2.3 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

2.3.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the Ontario Heritage Act, failure to comply with any order,

direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000 for an individual and \$250,000 for a corporation.

2.3.2 Heritage Alteration Permit

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached. (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the heritage alteration permit application within 90 days, or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.4 The London Plan

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London's cultural heritage resources for future generations. To ensure the conservation of significant cultural heritage resources, including properties located within a Heritage Conservation District, the policies of *The London Plan* provide the following direction:

Policy 594_ Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:

- 1. The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.
- 2. The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.
- 3. Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.

Policy 596_ A property owner may apply to alter a property within a heritage conservation district. The City may, pursuant to the Ontario Heritage Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the City may delegate approvals for such permits to an authority.

2.5 Wortley Village-Old South Heritage Conservation District Plan and Guidelines

The Wortley Village-Old South Heritage Conservation District Plan and Guidelines includes policies and guidelines related to the construction of new buildings within the district. Sections 4.1.1, and 4.4 of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines identify policies for the residential area and new development within the residential area. The policies are intended to ensure the conservation of the heritage character of the Wortley Village-Old South Heritage Conservation District.

In addition, Section 8.3.3 of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* includes design guidelines related to the design of new buildings within the district.

An analysis of the policies and guidelines for the Heritage Alteration Permit application is contained below in Section 4.1 of this Staff Report.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Heritage Alteration Permit application (HAP23-036-L)

A consent application has been submitted (B.018/23) to sever the existing subject property at 1 Cathcart and 115 Bruce Streets into three individual lots; retaining the existing heritage house on the corner lot w/removal of the one-storey commercial/storage portion – noted as Lot 2 on Site Plan SK1-1 (Appendix C). Two (2) new lots will be created from the remaining portion of the subject property, one lot for each of the (2) new houses being proposed; one house on Lot 1-Bruce Street and one house on Lot 3-Cathcart Street (Appendix C). New detached garages are also being proposed at the rear of the newly created lots, accessed by new driveways extending to the rear.

A complete Heritage Alteration Permit (HAP) application was received by the City on May 23, 2023. The application is seeking approval for alterations to the existing heritage house on Lot 2 with alterations, consisting of the removal of an existing deck along with commercial/storage buildings on the southern extent of the house on the subject property. The primary focus of the HAP application is to seek approval for the construction of two, new 2-storey houses on the subject property, as shown in Appendix C and with the following details in Table 1:

Table 1: Design and construction details of proposed two, 2-storey houses on at Lot 1 – Bruce Street and Lot 3 – Cathcart Street

	L	
	Lot 1 – Bruce Street Proposed House	Lot 3 – Cathcart Street Proposed House
Lot – House	 Single detached 2-storey house, clad in red brick Rectangular building footprint, including projecting covered front entrance with upper deck House positioned on lot, with a front setback determined from the average setbacks of neigbouring houses Hip roof clad with asphalt shingles 	 Single detached 2-storey house, clad in buff brick Rectangular building footprint, including covered front entrance with upper deck House positioned on lot to align with the houses on neighbouring properties Hip roof, with projecting front gable, clad with asphalt shingles
Garage	 Separate, detached, single garage located at rear Clad in red brick with hip roof Accessed by new driveway located along side property line 	 Separate, detached, single garage located at rear Clad in buff brick with hip roof Accessed by new driveway located along side property line
Covered Entry	 Projecting covered front entrance area with upper deck Stone veneer base with precast concrete steps Painted wooden trim and posts Painted wood entry with sidelites and transom Painted wood trim detailing surround, capping covered front entrance Decorative metal railings at upper deck and lower porch Metal clad French Doors onto upper deck 	 Covered front entrance area with upper deck Stone veneer base with precast concrete steps Painted wooden trim and posts Painted wood entry with sidelites and transom Painted wood trim detailing surround, capping covered front entrance Decorative metal railings at upper deck and lower covered area Painted wood French Doors with precast trim onto upper deck
Windows	 Aluminum clad windows with precast window surrounds Window type and style indicated (see Appendix C, SK1-2) 	 Aluminum clad windows with precast window surrounds, trim detail at header and sill Window type and style indicated (see Appendix C, SK1-3)
Details	 Pre-cast stone veneer along the base with pre-cast trim work Precast trim bands (locations as indicated on SK1-2) 	 Stone clad projecting chimney (north façade) Painted wood fascia and gutter Precast trim bands (locations as indicated on SK1-3) Pre-cast stone veneer along the base with pre-cast trim work

The 90-day timeline for this Heritage Alteration Permit application legislated under Section 42 of the *Ontario Heritage Act* expires on August 21, 2023.

Included below in Tables 2-4 is a combined analysis of the proposed new houses on Lot 1 – Bruce Street and Lot 3 – Cathcart Street, based on a review of the policies and guidelines of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines.

Table 2: Analysis of the relevant policies of Section 4.1.1 (Residential Area) of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines for the proposed new houses at the subject property 1 Cathcart and 115 Bruce Streets (Lot 1 – Bruce Street and Lot 3 – Cathcart Street)

Section 4.1.1. Policies – Residential Area	Analysis
a) Maintain the residential amenity and human scale by ensuring that the low rise, low density residential character remains dominant within and adjacent to the HCD.	The proposed new, two single detached 2- storey houses on the subject property will retain the low scale, low density residential character within the HCD.
b) New land uses that are not in keeping with the character of the residential area and/or may have a negative impact on the residential area are discouraged.	Removal of the commercial/storage portions of the existing house allows for a new single-family house, returning the subject the property to its original residential use which is more in keeping with the surrounding context.
c) Higher intensity uses, or redevelopment opportunities shall be focused outside of the low rise residential area of the HCD, to areas designated by the City of London for higher density redevelopment (i.e. Ridout Street).	The proposed new houses are an appropriate approach to create new housing while respecting the heritage character of the Wortley Village-Old South HCD.
d) Where new uses or intensification is proposed, adaptive reuse of the existing building stock should be considered, wherever feasible.	Not applicable.
e) Severances which would create new lots are strongly discouraged, unless the resulting lots are compatible with width and depth to adjacent lots.	The proposed lots created by the consent application (B.018/23) will be compatible with the width and depth of adjacent lots. The proposed new houses have been designed to be appropriate to the size of the lots.
f) Where existing detached residential buildings are lost due to circumstances such as severe structural instability, fire or other reasons, the setback of replacement building(s) shall be generally consistent with the original building(s).	Not applicable.
g) Parking for new or replacement dwellings is to be located in the driveways at the side of the dwelling or in garages at the rear of the main building, wherever possible. New attached garages at the front of the building are discouraged. Garages shall not extend beyond the main building façade.	Detached garages for both proposed houses are to be located at rear of the property and accessed by a driveway located along side property line.

Table 3: Analysis of the relevant policies of Section 4.4 (New Development) of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines for the proposed new houses at the subject property 1 Cathcart and 115 Bruce Streets (Lot 1 – Bruce Street and Lot 3 – Cathcart Street)

Section 4.4. Policies – New Development	Analysis
a) New buildings shall respect and be compatible with the cultural heritage value or interest of the Wortley Village-Old South HCD, through attention to height, built form, massing, setbacks, building material and other architectural elements such as doors, windows, roof lines and established cornice lines.	The proposed new houses have been designed to be compatible with the cultural heritage value or interest of the Wortley Village-Old South Heritage Conservation District. See below for further analysis of the design guidelines.
b) The Architectural Design guidelines provided in Section 8 of this Plan will be used	See Table 4 below for analysis of the design guidelines.

Section 4.4. Policies – New Development	Analysis
to review and evaluate proposals for new	
buildings to ensure that new development is	
compatible with the HCD.	
c) The purpose of the HCD is to respect both the age and the quality of design of the heritage properties and cultural heritage resources in the HCD. The City may consider exceptional examples of good current architectural design for integration into the cultural heritage fabric of the HCD if the proposed design exhibits sensitively to the masing and scale of adjacent or nearby heritage properties and textures of the streetscape.	The proposed new houses have been designed to be compatible with the Wortley Village-Old South Heritage Conservation District, as influenced by the design guidelines. See below for further analysis of the design guidelines.
d) Where a new building replaces a	The new house proposed on Lot 3-Cathcart
demolished heritage property, the new building will respect or recapture the mass and building presence of the original building and should avoid having a contemporary purpose-built appearance determined only by the new use. The demolition of any building within the HCD shall require a Heritage Alteration Permit.	Street is predicated on alterations to the existing house on the subject property through the removal of its commercial/ storage portion. The form, massing and positioning of the new house on Lot 3 will be compatible with the heritage context of the surrounding HCD.
e) Evaluation of new buildings adjacent to the	Not applicable. The proposed new houses
Wortley Village-Old South HCD will be required in order to demonstrate that the heritage attributes of the HCD will be conserved, in accordance with the Provincial Policy Statement. A Heritage Impact Assessment may be required.	and new lot creation are included within the Wortley Village-Old South HCD, rather than adjacent to the HCD.
f) A Heritage Impact Assessment, in	A Heritage Impact Assessment (HIA) was
accordance with the policies of the City of London, will be required for any development proposals within and adjacent to the HCD.	submitted as part of the heritage alteration permit application and as a requirement for the consent application (B.018/23) to sever the subject property into (3) separate lots.
g) Where zoning permits taller and/or higher density buildings (i.e in the Wortley Village commercial area), studies on shadowing, potential loss of view, increased traffic, noise and parking congestion should be conducted and measures taken to mitigate significant potential impacts.	Not applicable.
h) To encourage the retention and conservation of existing heritage properties that contribute to the cultural heritage value or interest of the Wortley Village-Old South HCD, the City may consider bonusing where an application for a zoning by-law amendment is required, in accordance with the policies of the Official Plan.	Not applicable.

Table 4: Analysis of the relevant guidelines of Section 8.3.3 (New Buildings – Residential) of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines for the proposed new houses at the subject property 1 Cathcart and 115 Bruce Streets (Lot 1 – Bruce Street and Lot 3 – Cathcart Street)

Section 8.3.3. Policies – New Buildings-	Analysis
Residential, Design Guidelines	
a) Match setback, footprint, size and massing	The setback, footprint, size, and massing of
patterns of the area, particularly to the	the new houses have been designed to be
immediately adjacent neighbours. Match	compatible with the streetscape of both
façade pattern of street or of "street wall" for	Cathcart and Bruce Streets and the heritage
solids and voids, particularly ensure the	character of the Wortley Village-Old South
continuity of the street wall where one exists.	HCD.

Section 8.3.3. Policies – New Buildings- Residential, Design Guidelines	Analysis
b) Setbacks of new development should be consistent with adjacent buildings. Where setbacks are not generally uniform, the new building should be aligned with the building that is most similar to the predominant setbacks on the street.	The proposed house at Lot 1 – Bruce Street is positioned on the lot, with a front setback determined from the average setbacks of neigbouring houses. The proposed house at Lot 3 – Cathcart Street is positioned on the lot to align with the houses on neighbouring properties.
c) New buildings and entrances must be oriented to the street and are encouraged to have architectural interest to contribute to the visual appeal of the HCD.	The new houses and their entrances have been designed to front onto the main street, either Cathcart or Bruce Street. Design details, including the windows, doors, exterior cladding, and covered front entrances with upper decks, have been intentionally incorporated to be consistent with the HCD and add architectural interest to the houses and the HCD.
d) Respond to unique conditions or location, such as corner properties by providing architectural interest and details on both street facing facades.	The existing heritage house on the subject property is located on the corner of Cathcart and Bruce Streets and is being retained. Other than removal of the commercial/storage portion of the existing house, no other alterations are being proposed.
e) Use roof shapes and major design elements that are contemporary to surrounding properties and their heritage attributes.	The use of hipped roofs (and a projecting front gable on the proposed house at Lot 3 – Cathcart Street) is consistent and compatible with the surrounding properties and the Wortley Village-Old South Heritage Conservation District.
f) Respond to continuous horizontal patterns along the street such as roof lines, cornice lines, and the alignment of sills and heads of windows and doors.	The proposed new houses generally respond to the alignment of roof lines, cornice lines, and the alignment of sills and headers of window and doors. The general consistency in height of the houses with the surrounding properties allows these details to respond in a reasonably continuous pattern.
g) Size, shape, proportion, number and placement of windows and doors should reflect common building patterns and styles of other buildings in the immediate area.	The size, shape, proportion, number, and placement of the windows and the doors on the proposed new houses have been appropriately designed to be compatible with the Wortley Village-Old South HCD.
h) Use materials and colours that represent the texture and palette of the Wortley Village-Old South HCD.	The exterior cladding material for the new houses is brick which is consistent with many of the heritage properties found within the Wortley Village-Old South Heritage Conservation District.
i) Where appropriate, incorporate in a contemporary way some of the traditional details that are standard elements in the principal facades of properties in the Wortley Village-Old South HCD. Such details as transoms and sidelights at doors and windows, covered entrances, divided light windows and decorative details to articulate plain and flat surfaces, add character that complements the original appearance of the neighbourhood and add value to the individual property.	The proposed new houses incorporate various details that are contemporary examples of traditional details often found within the Wortley Village-Old South HCD. The use of precast trim banding, stone veneer base, doors with transoms and sidelites, and covered entrance details, all complement the heritage character of the neighbourhood, and support compatibility within the HCD.
j) New buildings should not be any lower in building height than the lowest heritage property on the block or taller than the highest heritage property on the same block.	The height of the proposed new houses is consistent with other 2-storey houses located on Cathcart and Bruce Streets. The proposed new houses are not the shortest or tallest houses in the surrounding area.

The proposed construction of two, new 2-storey houses on the subject property at 1 Cathcart and 115 Bruce Streets, specifically (Lot 1 – Bruce Street and Lot 3 – Cathcart Street), complies with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. Although the proposed new houses are clearly contemporary houses, the consistency in setback, size, scale, massing, and footprint, combined with the attention to detailing of the exterior cladding, windows, doors, and the covered front entrances, allow the new houses to compliment the existing heritage character of the area. The design of the proposed new houses adheres to heritage principles with no pretence to be a historical imitation, but by using traditional details in a contemporary fashion that is compatible with the heritage character of the Wortley Village-Old South Heritage Conservation District. Alterations to the existing heritage house at 1 Cathcart Street – through the removal of the commercial/storage portions of the existing house – allows for a new single-family house, returning the subject property to its original residential use which is more in keeping with the surrounding context.

Conclusion

The design of the proposed two, new 2-storey houses on the subject property at 1 Cathcart Street and 115 Bruce Street specifically (Lot 1-Bruce Street and Lot 3-Cathcart Street) including the setback, footprint, size, massing, finishes, and details, is compliant with the goals and objectives, and the policies and guidelines of the Wortley Village-Old South Heritage Conservation District. Further, alterations to the existing heritage house on 1 Cathcart Street allows for a new single-family house, returning the subject the property to its original residential use which is more in keeping with the surrounding context. The proposed new houses on the subject property at 1 Cathcart Street and 115 Bruce Street and alterations to the existing heritage house should be approved, with terms and conditions.

Prepared by: Laura E. Dent, M.Arch, PhD, RPP, MCIP

Heritage Planner

Reviewed by: Kyle Gonyou, RPP, MCIP, CAHP

Manager, Heritage and Urban Design

Recommended by: Heather McNeely, RPP, MCIP

Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.

Deputy City Manager, Planning and Economic

Development

Appendices

Appendix A Property Location

Appendix B Images Appendix C Drawings

Appendix A - Property Location



Figure 1: Location Map showing the location of subject property at 1 Cathcart Street and 115 Bruce Street, located within the Wortley Village-Old South Heritage Conservation District.

Appendix B – Images



Image 1: Photograph looking southwest showing the corner of the existing house on the subject property at the corner of Cathcart and Bruce Streets within the Wortley Village-Old South Heritage Conservation District.



Image 2: Photograph looking west across Cathcart Street showing part of the front façade of the existing house on the subject property.



Image 3: Photograph looking west across Cathcart Street showing the full front façade of the existing house on the subject property including the one-storey commercial/storage portion to the south to be altered.



Image 4: Photograph looking south across Bruce Street showing the corner of subject property and rear the existing house where one of the new houses is proposed.

Appendix C - Drawings



Figure 2: Drawing package submitted with the Heritage Alteration Permit application for the subject property at 1 Cathcart and 115 Bruce Streets. The above rendering illustrates an oblique side view of the proposed new house on Lot 3-Cathcart Street, along with the adjacent existing retained corner house showing alterations with removal of one-storey commercial/storage portion.

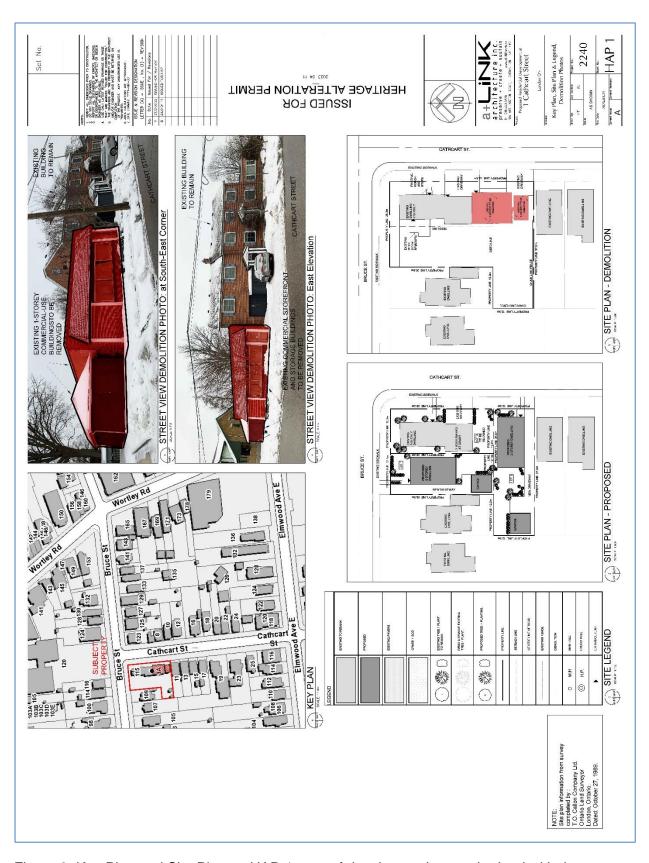


Figure 3: Key Plan and Site Plans – HAP-1, part of drawing package submitted with the Heritage Alteration Permit application for the subject property at 1 Cathcart and 115 Bruce Streets.

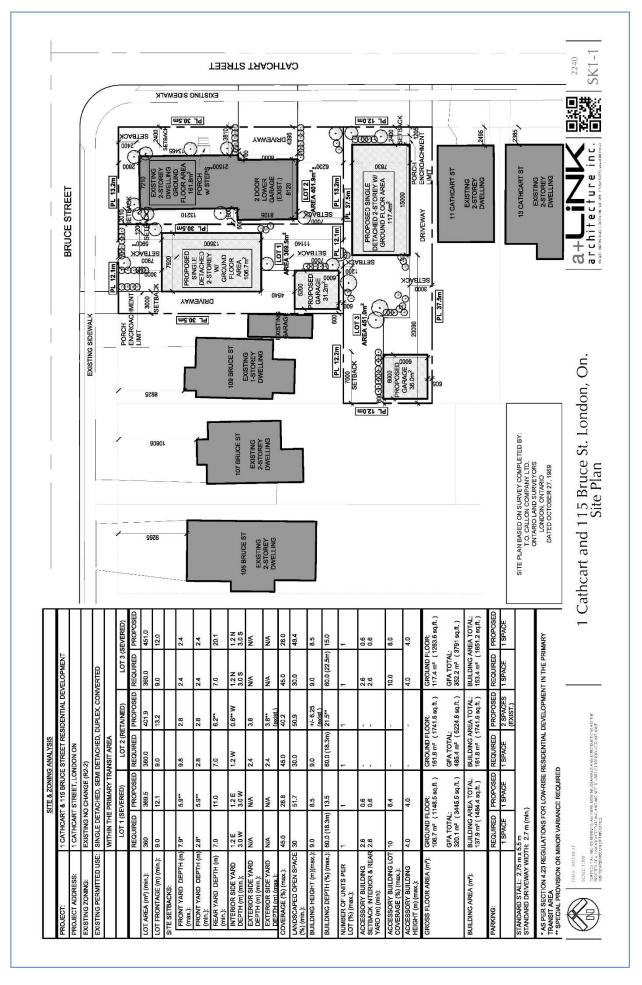


Figure 4: Site Plan – SK1-1, part of drawings package submitted with the Heritage Alteration Permit application for the subject property at 1 Cathcart and 115 Bruce Streets.



Figure 5: Proposal for Lot 1 – Bruce Street house – SK1-2, part of drawing package submitted with the Heritage Alteration Permit application for the subject property at 1 Cathcart and 115 Bruce Streets.



Figure 6: Proposal for Lot 3 – Cathcart Street house – SK1-3, part of drawing package submitted with the Heritage Alteration Permit application for the subject property at 1 Cathcart and 115 Bruce Streets.