

## Heritage Planning Orientation

London Advisory Committee on Heritage

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Heritage planning works to manage change to ensure the conservation of significant cultural heritage resources that we value

## Cultural Heritage Resource

A human work or a place that gives evidence of human activity or has spiritual or cultural meaning, and which has been determined to have cultural heritage value or interest. Cultural heritage resources can include both physical and intangible heritage resources, heritage properties, built heritage resources, cultural heritage landscapes, archaeological resources, paleontological resources, and both documentary and material heritage.

## Why Conserve?

- Retaining what makes our community unique
- Recognition and acknowledgement of cultural heritage values
- Community building
- Promoting cultural tourism, sustainability
- Contributions to cultural identity and sense of place
- Adds to quality of life
- Cultural heritage resources are non-renewable

## Heritage Planning Jargon

- **AMP:** Archaeological Management Plan
- **CHER:** Cultural Heritage Evaluation Report
- **CHL:** Cultural Heritage Landscape
- **CRB:** Conservation Review Board
- **HAP:** Heritage Alteration Permit
- **HCD:** Heritage Conservation District
- **HIA:** Heritage Impact Assessment
- **LACH:** London Advisory Committee on Heritage
- **Listed:** Listed on the Register of Cultural Heritage Resources
- **LPAT:** Local Planning Appeal Tribunal
- **MTCS:** Ministry of Tourism, Culture and Sport
- **OHA:** *Ontario Heritage Act*
- **Part IV:** Individually Designated Property (Section 29, *OHA*)
- **Part V:** Heritage Conservation District (HCD) (Section 41, *OHA*)
- **PEC:** Planning & Environment Committee
- **PPS:** *Provincial Policy Statement*

## Heritage Planning in Practice

- *Provincial Policy Statement*
  - *Ontario Heritage Act*
    - Part IV, Part V, and Part VI
    - Ontario Regulation 9/06
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- *Official Plan/ The London Plan*
  - Register of Cultural Heritage Resources
  - AMP
  - HCD Plans
  - Secondary Plans
  - Cultural Heritage Guidelines
  - Heritage Designating By-laws

provincial

municipal

## Cultural Heritage Conservation in Ontario

- Matter of “Public Interest” – *Planning Act*
- *Provincial Policy Statement* (2014)
  - Issued under Section 3 of the *Planning Act*
  - Sets priorities for Approval Authorities in Ontario (“shall be consistent”)
  - Must be read in its entirety
  - Section 2.6: Cultural Heritage
- *Ontario Heritage Act*

## *Provincial Policy Statement (2014)\**

### 2.6 Cultural Heritage and Archaeology

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 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.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

### *Provincial Policy Statement (2014)\**

#### **Key Terms:**

- Significant
- Built Heritage Resource
- Cultural Heritage Landscape
- Protected Heritage Property
- Conserved

### *Ontario Heritage Act\**

- Part I: Administration
- Part II: Ontario Heritage Trust
- Part III: Conservation Review Board
  - Standards and Guidelines for Provincial Heritage Property (applicable to provincially-owned property)
- **Part IV: Conservation of Property of Cultural Heritage Value or Interest**
  - Section 27: Register
    - 60-day demolition delay
  - Section 28: Municipal Heritage Committee
  - Section 29: Individual Designations
  - Section 33: Alterations to individually-designated properties
  - Section 37: Easements
- **Part V: Heritage Conservation Districts**
  - Section 41: Heritage Conservation Districts Study & Plan
  - Section 42: Alterations to properties within a Heritage Conservation District
- **Part VI: Conservation of Resources of Archaeological Value**
  - Licensing of professional archaeologists, archaeological protocols
- Part VII: General
  - Fines, etc. for contravention of the *Ontario Heritage Act*

### *Ontario Heritage Act\**

- Values-based conservation
- **Real Property**
- Designation is registered on title
- Enabling policies to **municipalities** within provincial framework
  - Implemented by *The London Plan* policies

### *Ontario Heritage Act\**

- Implemented at the Municipal-level
  - Cannot designate Federal property
  - Cannot designate Provincial property
- Owner consent not required
- Appealable to Local Planning Appeal Tribunal or Conservation Review Board

## The London Plan\*

### Guidelines Documents

- Register
- HCD Plans
- *Heritage Places*\*
- CHL Guidelines
- AMP



## London Plan Policies

- **Policy 565\_\***: New development/redevelopment 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
  - HIA required
- **Policy 566\_**: Relocation of cultural heritage resources is discouraged
- **Policy 567\_**: Archival documentation may be required in the event of demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource
- **Policy 568\_**: Retention of façades alone is discouraged; conservation of whole buildings is encouraged
- **Policy 569\_**: In the event of building removal, the retention of architectural or landscape features and the use of other interpretive techniques will be encouraged where appropriate



## Register of Cultural Heritage Resources

### What properties are included on the Register?

- All individually designated properties (Part IV, *Ontario Heritage Act*)
- All properties within a Heritage Conservation District (Part V, *Ontario Heritage Act*)
- Properties Municipal Council believes to be of cultural heritage value or interest (Section 27, *Ontario Heritage Act*)

### How can a property be included on the Register?

- Recommendation from LACH, Municipal Council resolution

### What protection is conveyed to properties in the Register?

- 60-day notice of intention to demolish required

## Listed vs. Designated

### Listed

- Section 27, *Ontario Heritage Act*
- Included on Register
- Recommendation of LACH, added by Municipal Council
- No HAP required
- 60-day delay in issuance of demo permit

### Designated

- Part IV or Part V, *Ontario Heritage Act*
- Designating By-law
- Registered on title
- Recommendation of LACH, Notice of Intention to Designate by Municipal Council
- HAP required for alterations
- 90-day review timeline

## Individual Designations

- Designating by-laws
  - Registered on title
- Eligible for City of London “Blue Plaque”
- First: Eldon House (1977)
- Most Recent: 2442 Oxford Street West (notice of intent to designate)



## How is *significance* determined?

- Part IV: Individual Property/Resource
  - **Ontario Regulation 9/06**
  - Ontario Regulation 10/06
- Part V: Heritage Conservation District
  - Policy 576\_, *The London Plan*

## Ontario Regulation 9/06

A property may be designated under Section 29 of the *Ontario Heritage Act* if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value
2. The property has historical value or associative value, or
3. The property has contextual value

## Cultural Heritage Evaluation Report (CHER)

- Evaluates property using criteria of O. Reg. 9/06
- Determines whether property is of significant cultural heritage value or not
- Often required for demolition request or planning or development application

### What's the difference between a CHER and an HIA?

- CHER evaluates cultural heritage value
- HIA assesses impacts of proposed change

## Heritage Conservation Districts

**Policy 576, The London Plan:** City Council will consider the following criteria in the evaluation of an area for designation as a heritage conservation district:

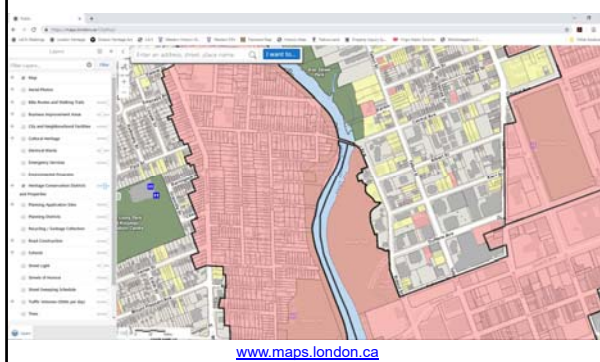
1. The association of the area with a particular historical event or era that is unique to the community.
2. The presence of properties which are considered significant to the community as a result of their location or setting.
3. The presence of properties representing a design or method of construction which is considered to be of cultural heritage value or interest to the community, region, province, or nation.
4. The presence of properties which collectively represent a certain aspect of the development of the city that is worthy of maintaining.
5. The presence of physical, environmental, or aesthetic elements which, individually, may not constitute sufficient grounds for designation as a heritage conservation district, but which collectively are significant to the community.

## Heritage Conservation Districts



- East Woodfield HCD (1992)
- Bishop Hellmuth HCD (2001)
- Old East HCD (2006)
- West Woodfield HCD (2008)
- Downtown HCD (2012)
- Blackfriars/Petersville HCD (2015)
- Wortley Village-Old South HCD (2015)

## CityMap



## Heritage Impact Assessment (HIA)

- Impacts of development or site alteration on or adjacent to cultural heritage resources requires assessment
  - Policy 13.2.3.1, *OP* (1989) (13.2.3.1) and Policy 586, *The London Plan*
  - Demonstrate that the heritage attributes of the heritage designated properties or properties listed on the *Register* will be conserved
- Example of negative impacts can include:
  - **Destruction** of significant heritage attributes or features
  - **Alteration** that is not sympathetic/incompatible, with the historic fabric and appearance
  - **Shadowing**
  - **Isolation** of heritage attribute and **obstruction** of views/vistas
  - **Change** in land use and land disturbances
- Appropriate and compatible, sensitive design can mitigate negative impacts of development

## LACH Comments on HIAs

- Is the LACH satisfied by the research, assessment, and conclusions of the HIA?
- Is the proposed development or change appropriate to conserve the cultural heritage value of the on site resource?
  - Will there be adverse impacts or positive impacts to the cultural heritage resource?
  - Are these impacts mitigated?
  - Are the heritage attributes conserved?
- Is the proposed development appropriate to conserve adjacent cultural heritage resources?
  - Will there be adverse impacts or positive impacts to the cultural heritage resources?
  - Are these impacts mitigated?
  - Are the heritage attributes conserved?

## Alterations to Protected Heritage Properties

### Part IV: Individual Property

- Consent in writing (*OHA*, s.33(1))
- “Likely to affect the property’s heritage attributes”

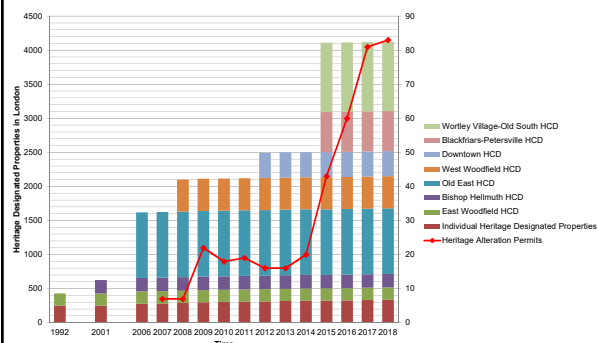
### Part V: Heritage Conservation District

- Permit (*OHA*, s.42(1))
- “Classes of Alterations” defined within applicable HCD Plan

## Heritage Alteration Permit

- Part IV – Section 33(4), *Ontario Heritage Act*
- Part V – Section 42(4), *Ontario Heritage Act*
  - Within 90 days after the receipt is served on the applicant under subsection (3) ..., the council may give the applicant,
    - 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.

## Heritage Alteration Permits



## Archaeology

- Sensitive resources
  - Confidentiality required to ensure conservation
- Municipality as Approval Authority
- AMP (2017)
  - Areas of Archaeological Potential



## Municipally-Owned Heritage Properties

- Eldon House
- Elsie Perrin Williams Estate & Gate House
- Grosvenor Lodge & Coach House
- Flint Cottage
- Flint Shelter
- Park Farm
- Baty House, 700 Pond Mills Road
- 1 Dundas Street
- Springbank Pumphouse
- Labatt Park and Roy MacKay Clubhouse



## London Advisory Committee on Heritage



“The purpose of LACH is to advise the Municipal Council on the conservation of cultural heritage resources in the community and to guide London in the conservation of its cultural heritage resources through planning, education, and stewardship” (LACH TOR)

## LACH Sub-Committees

- Stewardship Sub-Committee
- Education Sub-Committee
- Planning & Policy Sub-Committee
- Archaeology Sub-Committee

## What do Heritage Planners do?

### Development Services

- Review and commenting on all planning applications regarding cultural heritage and archaeological issues – well as reports required as part of applications:
  - Plan of Subdivision
  - Official Plan Amendment
  - Zoning By-law Amendment
  - Site Plan
  - Consents
  - Minor Variances
  - Reports
    - Heritage Impact Assessments (HIA)
    - Archaeological Assessments
    - Cultural Heritage Evaluation Reports (CHER)

### City Planning

- Heritage Alteration Permits
- Municipally-owned properties
- Register
- AMP
- Designations
  - Part IV
  - HCDs
- Demolition Requests
- Municipal projects
- Environmental Assessments and Detailed Design assignments
- London Endowment for Heritage

## Resources

### Ontario Heritage Toolkit

[http://www.mtc.gov.on.ca/en/heritage/heritage\\_toolkit.shtml](http://www.mtc.gov.on.ca/en/heritage/heritage_toolkit.shtml)

- Your Community, Your Heritage, Your Committee  
[http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_Your\\_community\\_Eng.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_Your_community_Eng.pdf)
- Heritage Property Evaluations  
[http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_HPE\\_Eng.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_HPE_Eng.pdf)
- Designating Heritage Properties  
[http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_DHP\\_Eng.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_DHP_Eng.pdf)
- Heritage Conservation Districts  
[http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_HCD\\_English.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_HCD_English.pdf)
- Heritage Resources in the Land Use Planning Process  
[http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_Heritage\\_PPS\\_infoSheet.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_Heritage_PPS_infoSheet.pdf)
- Heritage Places of Worship  
[http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_POW.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_POW.pdf)

## Resources

### MTCS – Info-sheets

- **Why Designate?**  
[http://www.mtc.gov.on.ca/en/publications/InfoSheet\\_Why\\_Designate.pdf](http://www.mtc.gov.on.ca/en/publications/InfoSheet_Why_Designate.pdf)
- **Insurance and Heritage Properties**  
[http://www.mtc.gov.on.ca/en/publications/Heritage\\_Insurance.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Insurance.pdf)
- **Heritage Cemeteries**  
<http://www.mtc.gov.on.ca/en/cemeteries/cemetery.shtml#designating>
- **Provincial Powers to Conserve Properties of Cultural Heritage Value or Interest of Provincial Significance**  
[http://www.mtc.gov.on.ca/en/publications/InfoSheet\\_Provincial\\_Powers.pdf](http://www.mtc.gov.on.ca/en/publications/InfoSheet_Provincial_Powers.pdf)
- **Listing Cultural Heritage Properties on the Municipal Register**  
[http://www.mtc.gov.on.ca/en/publications/InfoSheet\\_Listing\\_Final.pdf](http://www.mtc.gov.on.ca/en/publications/InfoSheet_Listing_Final.pdf)

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## Eight Guiding Principles

in the Conservation of Built Heritage Properties

1. **Respect for documentary evidence:** do not restore based on conjecture.
2. **Respect for original location:** do not move buildings unless there is no other means to save them.
3. **Respect for historic material:** repair/conservé – rather than replace building materials and finishes, except where absolutely necessary.
4. **Respect for original fabric:** repair with like materials.
5. **Respect for the building's history:** do not restore to one period at the expense of another period.
6. **Reversibility:** alterations should be able to be returned to original conditions. This conserves earlier building design and techniques.
7. **Legibility:** new work should be distinguishable from old.
8. **Maintenance:** with continuous care, future restoration will not be necessary.

[http://www.mtc.gov.on.ca/en/publications/InfoSheet\\_8%20Guiding\\_Principles.pdf](http://www.mtc.gov.on.ca/en/publications/InfoSheet_8%20Guiding_Principles.pdf)

## Heritage Conservation Principles for Land Use Planning

- **Timeliness**
- **Value/Significance**
- **Inclusiveness**
- **Respect for Context**
- **Retention**
- **Caution**
- **Public Benefit**

[http://www.mtc.gov.on.ca/en/publications/InfoSheet\\_Principles\\_LandUse\\_Planning.pdf](http://www.mtc.gov.on.ca/en/publications/InfoSheet_Principles_LandUse_Planning.pdf)