

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: Request to Remove Property from the Register of Cultural Heritage Resources by Auburn Developments Inc. for the Property at 2631 Hyde Park Road/1521 Sunningdale Road West

Public Participation Meeting: Monday February 28, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, that the property located at 2361 Hyde Park Road/1521 Sunningdale Road West **BE REMOVED** from the Register of Cultural Heritage Resources.

Executive Summary

All cemeteries in London are included on the Register of Cultural Heritage Resources. The property at 2631 Hyde Park Road/1521 Sunningdale Road West is included on the Register of Cultural Heritage Resources, as it was intended to be used as the future Fox Hollow of Mount Pleasant Cemetery. However, it currently has no interments. Mount Pleasant Cemetery no longer owns the property and the City has received a planning application for the proposed development of the property (39T-21506). The current owner of the property has submitted a request to remove the property from the Register of Cultural Heritage Resources as it is no longer intended to be used as a cemetery.

The property at 2361 Hyde Park Road/1521 Sunningdale Road West should be removed from the Register of Cultural Heritage Resources.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
 - Continue to conserve London's heritage properties and archaeological resources.

Analysis

1.0 Background Information

1.1 Property Location

The property at 2631 Hyde Park Road/1521 Sunningdale Road West is located on the northeast corner of Hyde Park Road and Sunningdale Road West (Appendix A). The property is located in the former London Township, annexed by the City of London in 1993.

1.2 Cultural Heritage Status

All cemeteries in the City of London have been included on the Register of Cultural Heritage Resources (Register), and its predecessors, since 2006 to recognize their potential cultural heritage value or interest.

In 1993 the City of London annexed a large area of land in the former London Township, including the subject lands. Following the annexation and as a result of an extensive public process, Official Plan Amendment 88 established an Urban Growth

Boundary and numerous Community Plan areas which also required additional review and study prior to development.

In 1996, the Fox Hollow Community Plan review was initiated to review land and servicing needs for the areas bound by Sunningdale Road West, Hyde Park Road, Fanshawe Park Road West and Wonderland Road. At the time, the subject property was not included within the Urban Growth Boundary. However, Mount Pleasant Cemetery, the owners of the land at the time appealed the Official Plan Amendment and in 1998 the Ontario Municipal Board (OMB) provided a verbal decision to include the subject property within the Urban Growth Boundary. The lands were originally designated and zoned for the sole purpose of cemetery use.

As the future Fox Hollow of Mount Pleasant Cemetery had been intended for future use as a cemetery since the 1990s, the property was included on the Register of Cultural of Heritage Resources as a heritage listed property, pursuant to Section 27 of the *Ontario Heritage Act*.

1.3 Description

The property at 2631 Hyde Park Road/1521 Sunningdale Road West was previously intended to be used as the Fox Hollow of Mount Pleasant Cemetery. The property consists primarily of cultivated fields, vacant land and a small pond. No burials or interments are currently located on the property. A number of adjacent residential properties abut the property fronting onto Hyde Park Road and Sunningdale Road West.

The subject property is approximately 51 acres in size.

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 of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*.

2.1.1 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.”

2.1.2 Ontario Heritage Act

Section 27 of the *Ontario Heritage Act* requires that a register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2) of the *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council “believes to be of cultural heritage value or interest” on the Register. These properties are not designated, but are considered to have potential cultural heritage value or interest.

The Register of Cultural Heritage Resources states that further research is required to determine the cultural heritage value or interest of heritage listed properties. The subject property is included on the Register of Cultural Heritage Resources.

Section 27(8), *Ontario Heritage Act*, requires that when an objection to a property's inclusion on the Register is received, Municipal Council must make a decision as to whether the property should continue to be included on the Register or whether it should be removed, and provide notice of Municipal Council's decision to owner of the property within 90 day after decision.

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Objections to a Notice of Intention to Designate are referred to Municipal Council. Appeals to the passing of a by-law to designate a property pursuant to the *Ontario Heritage Act* are referred to the Ontario Land Tribunal (OLT).

2.1.3 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our city's unique identity and contribute to its continuing prosperity. It notes, "The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in." Policies 572_ and 573_ of *The London Plan* enable the designation of individual properties under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated. In addition, policies 565_ and 586_ of the London Plan requires that new development or site alteration on and adjacent to heritage designated properties and properties listed on the Register will be designed to conserve the heritage attributes and character of those resources.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

4.1. Request to Remove Property from the Register of Cultural Heritage Resources

A request to remove the property at 2631 Hyde Park Road/1521 Sunningdale Road West from the Register of Cultural Heritage Resources was received by the City on January 24, 2022.

Pursuant to Section 27(8) of the *Ontario Heritage Act*, when considering a request to remove a property from the Register of Cultural Heritage Resources, Municipal Council must make a decision as to whether the property should continue to be included on the register or whether it should be removed and provide notice of decision to the owner of the property within 90 days after the decision.

Cemeteries are included on the Register of Cultural Heritage Resources to recognize their potential cultural heritage value or interest. The property at 2631 Hyde Park Road/1521 Sunningdale Road West was therefore included on the Register of Cultural Heritage Resources, as it was intended to be used as the future Fox Hollow of Mount Pleasant Cemetery. However, it currently has no burials and interments. As a result of high ground water levels the lands are no longer intended for use as a cemetery. A planning application has been received by the City of London (39T21-506). An Archaeological Assessment will be completed as a part of the associated planning application.

Due to the change in the planned land use, the property no longer retains potential cultural heritage value or interest. Therefore, the property at 2631 Hyde Park Road/1521 Sunningdale Road West no longer warrants inclusion on the Register of Cultural Heritage Resources.

4.2 Consultation

Pursuant to the Council Policy Manual, notification of the request to remove the subject property from the Register of Cultural Heritage Resources has been sent to property owners within 120m of the subject property on February 9, 2022, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, London & Middlesex Historical Society, and the Urban League of London. Notice was published in *The Londoner* on February 10, 2022.

The LACH was consulted on this request at their meeting held on February 9, 2022.

Conclusion

The property at 2631 Hyde Park Road/1521 Sunningdale Road West is included on the Register of Cultural Heritage Resources, as it was intended to be used as the future Fox Hollow of Mount Pleasant Cemetery. However, it currently has no interments.

As a result of high ground water levels, the physical conditions of the property were deemed not suitable for a cemetery. Mount Pleasant Cemetery has relinquished their interest in developing the property as a cemetery. The property will no longer be used for future cemetery purposes.

The subject property should be removed from the Register of Cultural Heritage Resources.

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Heritage Planner

Submitted by: Britt O'Hagan, MCIP, RPP
Manager, Community Planning, Urban Design, and Heritage

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: Scott Mathers, P. Eng.
Deputy City Manager, Planning and Economic Development

Appendices

Appendix A Property Location

Appendix B Images

Sources

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.

Corporation of the City of London. *2019-2023 Strategic Plan*.

Corporation of the City of London. *The London Plan*. 2019 (consolidated).

Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 1521 Sunningdale Road in part of Lot 24, Concession 6, Township of London, Now City of London, Middlesex County, Ontario

Report to the Planning and Environment Committee. Auburn Developments Inc. 2361 Hyde Park Road and 1521 Sunningdale Road West Official Plan Amendment. May 2021

Appendix A – Property Location

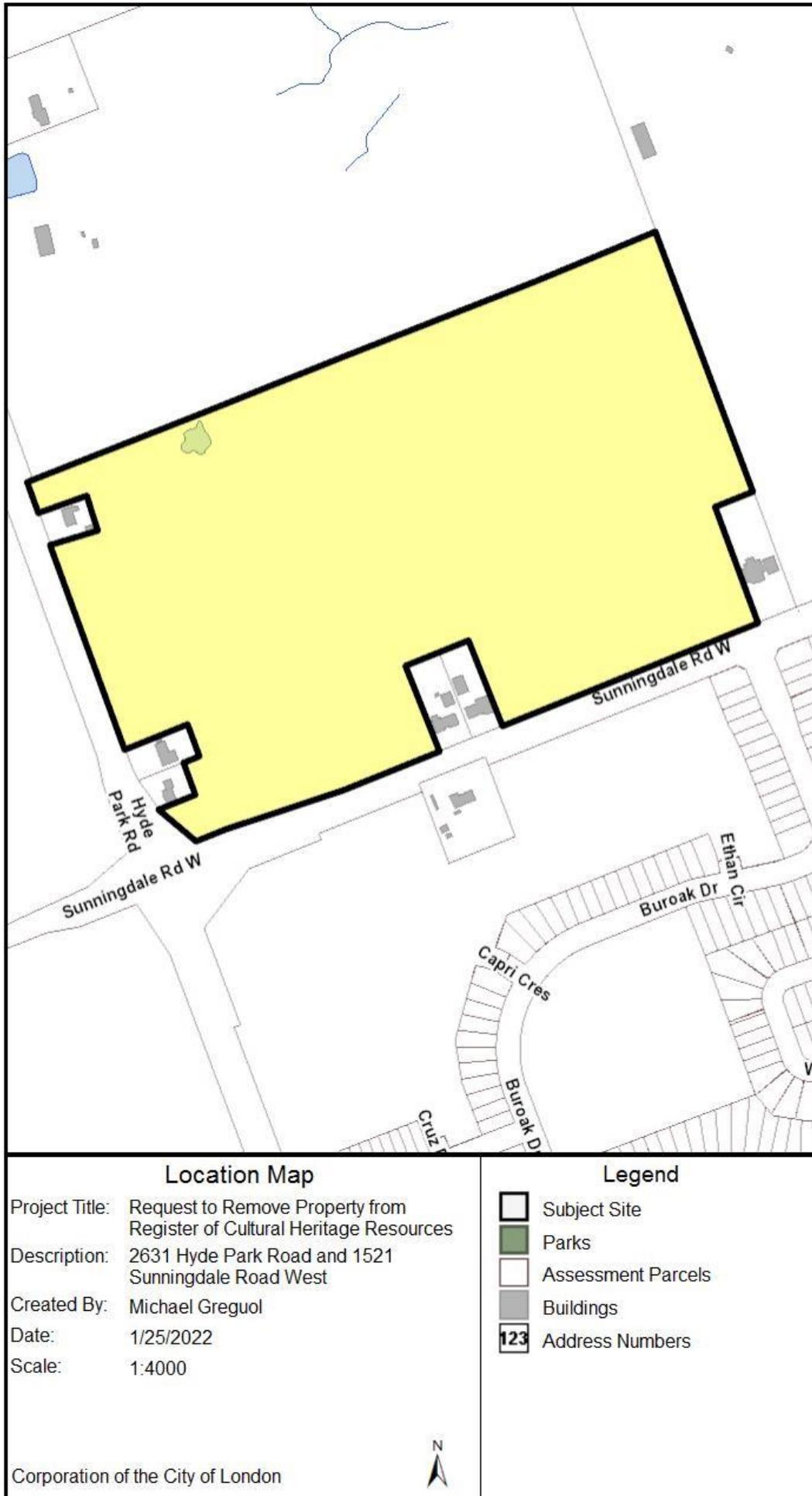


Figure 1: Location map of the subject property at 2631 Hyde Park Road/1521 Sunningdale Road West.

Appendix B - Images



Image 1: Photograph looking east from Hyde Park Road, showing the subject property (2022).



Image 2: Photograph looking north from Sunningdale Road West showing the subject property (2022).