

Date: 2021-10-12

Subject: **Returning Item: Heritage Permit Application within the Village of Churchville Heritage Conservation District – Ward 6 (HE.x 7605 Creditview Road)**

Contact: Pascal Doucet, MCIP, RPP, Heritage Planner

Report Number: Planning, Bld & Ec Dev-2021-1130

Recommendations:

1. That the report titled: **Heritage Permit Application within the Village of Churchville Heritage Conservation District – 7605 Creditview Road – Ward 6 (HE.x 7605 Creditview Road)**, to the Brampton Heritage Board Meeting of October 19, 2021, be received; and
2. That City Council approve the Heritage Permit Application to the heritage property at 7605 Creditview Road, in accordance with section 42 of the *Ontario Heritage Act* for the demolition of the existing buildings and structures occupying the property, the removal of six (6) trees as identified in the application, the construction of a new one-and-a-half storey residence, the construction of a detached garage and the construction of an in-ground pool be approved substantially in accordance in the plans and elevations submitted by the applicant, prepared by ATA Architects Inc. with a material specification attached as Appendix A to this report, and subject to the following additional conditions:
 - a. That prior to the issuance of any permit for all or any part of the heritage permit application as set out in the report titled: **Heritage Permit Application within the Village of Churchville Heritage Conservation District – 7605 Creditview Road – Ward 6 (HE.x 7605 Creditview Road)**, to the Brampton Heritage Board Meeting of October 19, 2021, including a heritage permit or a building permit, but excluding permits for repairs and maintenance, usual and minor works and work that does not require a heritage permit as described in the Village of Churchville Heritage Conservation District Plan in accordance with subsection 41.1(5) of the *Ontario Heritage Act* and as are acceptable to the Director of City Planning & Design, the owner shall:
 - i. Provide building permit drawings in accordance with the plans and drawings required in recommendation 2 and the amendments in recommendations 2.a.ii. and 2.a.iii., including notes and specifications for a description of materials and finishes;

- ii. That that elevation and floor plan drawings of the new detached dwelling be amended to revise the gross floor area within the maximum permitted by the zoning by-law (255 square meters) and without altering the design of the front (west) elevation of the new dwelling;
- iii. That that elevation and floor plan drawings of the new detached garage be amended to revised the gross floor area within the maximum permitted by the zoning by-law (48 square meters) and without altering the design of the front (west) elevation of the new detached garage;
- iv. Obtain approval to injure or destroy a tree in accordance with the City's Tree Preservation By-law 317-2012 and as shown in the arborist report by Stephen Shelton, dated 8 August 2021 and attached as Appendix B to this report;
- v. Provide a complete archaeological assessment for the entire property in accordance with the 2011 Standards and Guidelines for Consultant Archaeologists; and
- vi. Provide a Letter from the Ministry of Heritage, Sport, Tourism and Culture Industries confirming the entry and acceptance of the required stages of archaeological assessment into the Ontario Public Register of Archaeological Assessment Reports, all in accordance with the 2011 Standards and Guidelines for Consultant Archaeologists.

Overview:

- **The property at 7605 Creditview Road is located within the Village of Churchville Heritage Conservation District ("HCD") and is designated under Part V of the *Ontario Heritage Act*.**
- **In accordance with subsection 42 (1) of the *Ontario Heritage Act*, a heritage permit is required for permitting the proposed demolition, new construction and removal of trees as shown in the heritage permit application attached as Appendix A to this report.**
- **The City received a Heritage Permit application for 7605 Creditview Road for the demolition of the existing house and detached garage on the property, the removal of six (6) trees, the construction of a new one-and-a-half-storey residence, the construction of a new in-ground pool and the construction of a new detached garage.**

- **There is no existing building on the subject property identified within the Village of Churchville Heritage Conservation District Plan (“HCD Plan”) as a building of heritage significance for the HCD.**
- **The proposed design of the new house, detached garage and landscaping alterations to the property as shown in the plans and elevations and documents submitted with the heritage permit application are considered to not detract from the heritage character of the district and be compatible with the streetscape of adjacent properties.**
- **The terms and conditions recommended in this report will ensure consistency between the submission materials for the issuance of a heritage permit and building permit. These terms and conditions are also recommended to confirm the application of the City’s Tree Preservation By-law (317-2012) and ensure the conservation of significant archaeological resources in areas or archaeological potential.**
- **At its meeting of September 21, 2021, the Brampton Heritage Board considered this heritage permit application and requested that the application be brought back for further input and consideration concerning the maximum square footage permitted within the HCD for new constructions. The recommendations in this report are responding to the views and input provided by the Brampton Heritage Board.**
- **While the proposed design of the new house is considered to be generally acceptable under the District Design Guidelines of the HCD Plan, the terms and conditions recommended in this report is also confirming the importance of limiting new constructions to the maximum gross floor area permitted within the HCD to ensure consistency with the past decision history of the Brampton Heritage Board and to discourage the prevalence of applications for oversized houses and new constructions that would be incompatible with the size and character of adjacent properties within Churchville.**

Background:

The property at 7605 Creditview Road is located within the Village of Churchville Heritage Conservation District (“HCD”), which is designated under Part V of the *Ontario Heritage Act*, as amended. This property is therefore subject to the District Guidelines of the Village of Churchville Heritage Conservation District Plan (“HCD Plan”).

The purpose of implementing a Heritage Conservation District is to protect and enhance the cultural heritage value and character of a specific area by managing its change over time. A HCD Plan is adopted as part of the designation of the HCD to provide guidance and standards for alterations, new constructions, demolitions, developments and public

works within the District. The HCD Plan is therefore an implementation tool to guide physical change over time in order to ensure the conservation and preservation of the heritage values and character of the HCD.

Decision History

Council adopted the Village of Churchville Heritage Conservation District on October 10, 1990 (By-law 219-90). The HCD Plan did not identify any existing building on the subject property at 7605 Creditview Road as a building of heritage significance for the HCD.

The construction of new single detached houses have been approved by Council within the HCD on properties that do not contain a building of heritage significance as shown and identified within the HCD Plan. It should be noted that the Brampton Heritage Board has consistently recommended against applications for new constructions exceeding the maximum gross permitted floor area. new single detached houses that have been approved by Council are generally within the maximum gross floor area permitted under the zoning by-law (By-law 270-2004). While there have been exceptions to these approvals, these properties were subject to appeals to external provincial administrative land tribunals.

At its meeting of September 21, 2021, the Brampton Heritage Board considered this heritage permit application and requested that the application be brought back for further input and consideration concerning the maximum square footage permitted for new construction within the Village of Churchville Heritage Conservation District.

Applicable Law

The property at 7605 Creditview Road is subject to the Act. Subsection 42(1) of the Act states that:

No owner of property situated in a heritage conservation district that has been designated by a municipality shall do any of the following, unless the owner obtains a permit from the municipality to do so:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure. An application for a heritage permit made under Section 42 shall be accompanied by a detailed plan and include information that the council may require.

The Act provides a period of 90 days for council to make a decision upon receipt of an application.

Policy Framework

The proposed construction and alterations to the heritage property are subject to the following policy framework:

The Planning Act

The Planning Act guides development in the Province of Ontario and states that municipalities must have regard for matters of provincial interest. The conservation of features of significant architectural, cultural, historical archaeological or scientific interest is identified under paragraph 2(d) of the Planning Act as a matter of provincial interest.

Provincial Policy Statement (2020)

Development and Site Alterations on or adjacent to designated heritage properties and within properties containing areas of archaeological potential are required to be consistent with the policies under section 2.6 of the 2020 Provincial Policy Statement.

The Provincial Policy Statement directs municipalities and other planning approval authorities in Ontario to conform to policies 2.6.1 and 2.6.2, which reads as:

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.

City of Brampton Official Plan

The proposed construction and alterations to the heritage property are subject to the Cultural Heritage Policies of the Official Plan. More specifically, the policies that are relevant in the context of this report and heritage permit application made in accordance with Section 42 of the Act are:

4.10.3.7 Minimum standards for the maintenance of the heritage attributes of property situated in a Heritage Conservation District shall be established and enforced.

4.10.3.12 In reviewing permit applications, the City shall be guided by the applicable Heritage Conservation District Plan and following guiding principles:

- Heritage buildings, cultural landscapes and archaeological sites including their environs should be protected from any adverse effects of the proposed alterations, works or development;
- New construction and/or infilling should fit harmoniously with the immediate physical context and streetscape and be consistent with the existing heritage architecture by among other things: being generally of the same height, width, mass bulk and disposition; of similar setback; of like materials and colours; and using similarly proportioned windows, doors and roof shape.

Village of Churchville Heritage Conservation District Plan (HCD Plan)

The Village of Churchville Heritage Conservation District Plan (HCD Plan) provides a list of properties containing a building of heritage significance contributing to the architectural and historic vernacular character of the district (page 49 of the HCD Plan). The subject property is not identified as containing a building of heritage significance. Demolition of buildings within the district that are not rated as building of heritage significance are permitted by the HCD Plan.

Section 5.5.1 of the HCD Plan mentions that the district is typified by low profile development and that: *“it is important that this low profile form of development be encouraged”*.

This section also mentions that:

“Building height of new structures should maintain the building height of adjacent structures and the immediate streetscape and should be neither significantly taller nor lower. Any new infill development, should be lower in profile than existing recent construction on Churchville Road and Creditview Road, which has resulted in excessive building height. The Zoning By-law limits building height to to 28’-7” (8.75 m).

Floor areas (excluding basements and garages) for new residential construction are limited by the Zoning By-law to a maximum gross floor area of 2750 square feet (255 m²).”

Sections 5.5.2 and 5.5.5 of the HCD Plan provides standards and guidelines for the construction of new outbuildings within the district, recommending that garages be located towards the rear of the lot and preferably detached.

The HCD Plan also provides a series of District Design Guidelines for the integration of new infill construction. New buildings, additions and construction to buildings not identified as a building of heritage significance should be designed to be compatible with the heritage buildings, in terms of scale, massing height, setback, material, roof form and fenestration.

Area of Archaeological Potential

The subject property is located within areas of archaeological potential due to its proximity to the Credit River and proximity to registered archaeological sites. The property owner has been notified to complete an archaeological assessment in accordance with the requirements of Archaeology Program Unity of the Ministry of Heritage, Sport, Tourism and Culture Industries.

Tree Preservation

The scenic merit as well as the rural-like and natural character of the HCD is a major heritage attribute of the district that is based on the preservation of mature trees, vegetation and hedgerows. The owner/applicant has provided an arborist report to

confirm and specify the trees that will be preserved and the trees that will be removed as a result of the proposed alterations and new construction.

Current Situation:

On August 17, 2021 the owner and applicant of 7605 Creditview Road submitted a complete Heritage Permit application to demolish the existing buildings on the property, and construct a new one-and-a-half storey detached dwelling with a detached garage and in-ground pool in the backyard. The heritage permit application also proposes the removal of six (6) trees on the property.

Proposed Demolition and New Construction of Dwelling

The new dwelling is proposed beyond the maximum gross floor area permitted of 255 square meters (2750 square feet). Heritage Planning staff raise no objections to the demolition of the existing house on the subject lands as it is categorized as being a property not containing a building of cultural heritage significance within the HCD Plan. The HCD Plan says that the demolition of non-architecturally significant buildings will generally be permissible if the replacement building is acceptable under the guidelines and objectives of the HCD Plan. The design of the proposed new house is not considered to detract from the heritage character of the district because it maintains the tree bays and low profile height and building width of the prevalent low profile houses as seen within the HCD and adjacent properties.

This report is recommending that the set of architectural drawings submitted as part of the heritage permit application for the new house be amended without affecting the design of the front (west) elevation in order to ensure that the new house will be within the maximum square footage permitted under the Zoning By-law (255 square meters, which is equivalent to 2750 square feet) and that the new detached garage will be within the maximum square footage permitted of 48 square meters (517 square feet). These recommendations are made to confirm the importance of limiting new constructions within the maximum gross floor area permitted in order to ensure consistency with the past decision history of the Brampton Heritage Board and as a measure to discourage the prevalence of applications for oversized houses that would be incompatible with the size and character of adjacent properties within Churchville.

The plans, drawings, renderings and drawing indicating the subject property streetscape and properties to either side demonstrate that the gross floor area of the property exceeding the maximum permitted by the zoning by-law does not detract from the heritage character of the district, as seen from the public realm. The design, height, fenestration, construction material, roof configuration are considered by Heritage Planning staff has being acceptable under the objectives and guidelines of the HCD Plan.

Corporate Implications:

Financial Implications:

There are no financial implications resulting from the adoption of the recommendations in this report.

Other Implications:

Not applicable.

Term of Council Priorities:

This report has been prepared in full consideration of the Term of Council Priorities (2019-2020).

This report aligns with a 'Mosaic City' by continuing the preservation of heritage properties and cultural heritage resources to support cultural diversity and expression. A Mosaic City reflects the commitment of the City to preserve and protect its cultural heritage. This report also aligns with a 'City of Opportunities', supporting the creation of complete communities by supporting the diversity and distinctiveness of the City through the preservation and conservation of its cultural heritage resources.

Living the Mosaic – 2040 Vision:

The report aligns with the following vision:

- Vision 5: in 2040, Brampton will be a rich mosaic of cultures and lifestyle, coexisting in social responsibility, respect, enjoyment and justice.

Conclusion:

City Heritage Planning staff is of the opinion that the effectiveness of the designation of the Village of Churchville Heritage Conservation District relies on making decisions that are consistent with the measures that have been adopted to manage change within the area. The successful implementation of the Village of Churchville Heritage Conservation District Plan relies on effective policies, guidelines and procedures that are applied in a consistent manner. Successful implementation will ensure transparency and provide predictable requirements for property owners, applicants and developers.

Heritage staff reviewed the heritage permit application for the proposed demolition, construction and alterations to the heritage property against the applicable policy framework and the Village of Churchville Heritage Conservation District Plan. Heritage staff is concluding that the heritage permit application is supportable and that the new constructions will not detract from the heritage character of the district, provided that the heritage permit is subject to the terms and conditions recommended in this report. The preservation of the existing heritage house at the front of the property is fundamental for supporting the district character of the HCD. This report has also been considered in accordance with the Brampton Heritage Board's input concerning their views and decision history on permitting new constructions within the maximums permitted under the Zoning By-law.

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Attachments:

Appendix A – Heritage Permit Application: 7605 Creditview Road – Registered Survey, Architectural Plans and Drawings and Construction Materials Outline.

Appendix B – Heritage Permit Application: 7605 Creditview Road – Arborist Report.

Appendix C – Heritage Permit Application: 7605 Creditview Road – Heritage Impact Assessment.