CITY OF CAPE TOWN
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# Case ID 1500165091

# Erf 10480, 57 Valley Road, Hout Bay

## Development Management

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# ERF 10480, 57 VALLEY ROAD, HOUT BAY: APPLICATION FOR REZONING, CONSENT OF COUNCIL FOR AN ANIMAL CARE CENTRE & DEPARTURES IN TERMS OF SECTIONS 42(a), 42(i) & 42(b) RESPECTIVELY OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING AMENDMENT BYLAW

*MOTIVATION REPORT*

**Amended 14 October 2026**

Prepared for submission to the City of Cape Town
On behalf of the owner by M A Smith

M A Smith
Town and Regional Planner

3 Earl Street, Hout Bay

## 1. INTRODUCTION AND APPLICATION DETAILS

1.1 Application is hereby made to rezone Erf 10480 Hout Bay from *Residential Zoning 1: Conventional Housing* to *Rural*, for consent of council to run an animal care centre on the property and departures (building lines) in terms of sections 42(a), 42(i) and 42(b) respectively of the Municipal Planning Amendment Bylaw.

1.2 The owners have been operating an animal care centre on the property since June 2020. Although a small-scale animal care centre is permitted on the property with consent of council in terms of its current zoning of *R1*, the animal care centre in question is larger than a small-scale animal care centre as defined in the Development Management Scheme (temporary care of a maximum of 6 pets or animals, operated on a commercial basis). There are on average 13 dogs a day on the property including day care and boarding.

1.3 A separate application will be submitted simultaneously with this application for the determination of an administrative penalty for the unauthorized land use in terms of section 129(1) of the Bylaw.

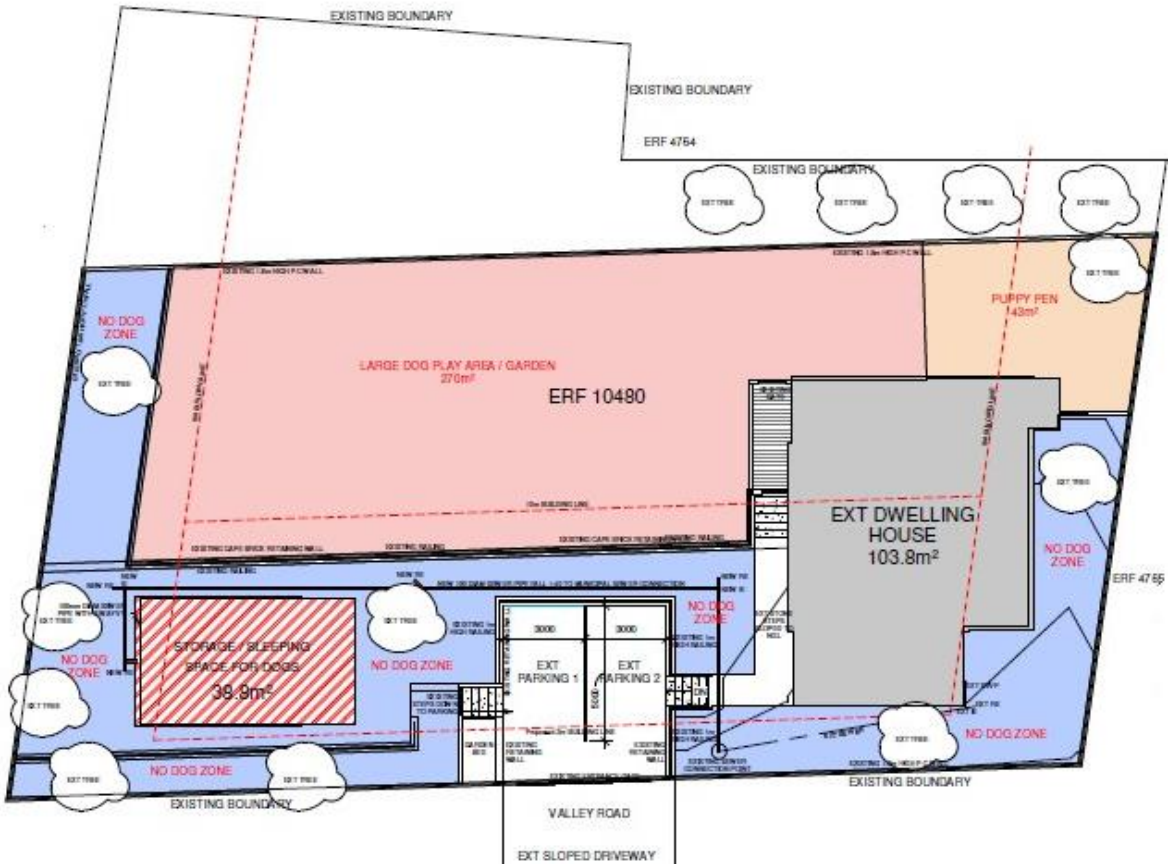



***Figure 1***: Site Plan of the proposed Animal Care Centre

1.4 The following building line departures are applied for in terms of section 42(b) of the Bylaw

Item 113(c)(i) – to permit the existing dwelling and the proposed new studio to be 2,453m and 2,281m respectively in lieu of 10m from Valley Road.

Item 113(c)(ii) – to permit the existing dwelling to be 2,54m in lieu of 5m from the north-eastern common boundary and the proposed new studio to be 4,047m in lieu of 5m from the south-western common boundary.

## 2. OWNERSHIP AND PROPERTY DETAILS

### 2.1 Title Deed Ownership and Extent

The property is owned by held by Deed of Transfer No. . It is 1 000m$^2$ in extent.

### 2.2 Mandate

Michael Allan Smith is authorized to submit this application on behalf of the registered owners by the Power of Attorney submitted with this application.

### 2.3 Locality and Character of the Area

The property is situated at No. 57 Valley Road) in Hout Bay. It is in an area that can be described as a low to medium density residential suburb. There are several similar uses in the immediate area, including other animal care centres, a veterinary practice, a plant nursery, a commercial swimming pool, and a school.




***Figure 2***: Locality of the site on Valley Road showing other commercial uses.

### 2.4 Title Deed & Conveyancer's Certificate

There are no conditions contained in the title deed which are deemed restrictive insofar as this application is concerned. A Conveyancer's Certificate has been submitted which confirms this statement.

### 2.5 SG Diagram

The property is framed by SG Diagram No. 660/2018

## 2.6 Zoning

The subject property and the properties on the northern side of Valley Road are zoned R1 in terms of the DMS. The properties to the south of Valley Road are zoned Rural



***Figure 3***: Extract from Zoning Map showing *R1* erven to the north of Valley Road and *Rural* erven to the south

## 2.7 DMS Development Rules

Reference to the SDP shows that the proposal complies with all the rules in the DMS for *Rural* erven except building lines, for which departures are duly applied for.

| | **Permitted/ Required** | **Actual** |
|---|---|---|
| Floor Space | 1 500m² | 142m² |
| Coverage | 40% | 10,38% |
| Height | 10m | 5,8m (ext.) & 5,1m (proposed) |
| Off-street Parking | 2 bays | 2 bays |

***Figure 4:*** *DMS Development Rules for Rural Zoning*

## 3. THE PROPOSAL (SEE SDP)

3.1. The purpose of this application is to permit the subject property to be used as an animal care centre.

3.2 The facility will include a doggy daycare, home-style boarding, and training space for dogs. It will also provide a foster home for rescued dogs. It is a socially responsible family business which supports local animal rescue shelters.

3.3 There are four separate areas for dogs, which include a puppy & small dog paddock, doggy deck & snooze zone, play zone, and a training area for basic obedience and agility.

3.4 Besides the owners Nadine and Jarryd, there is a staff complement of 3 people who look after and care for the dogs. Only one staff member uses vehicular transport.

3.5 Two of the staff members live in the existing dwelling house permanently.

3.6 The facility caters for doggy day-care as well as a boarding facility. The day-care caters for people who drop their dogs off at the premises and pick them up later during the day, whilst the boarding facility caters for those who go away and leave their dogs at the facility for overnight boarding. There are no kennels on the property, and the boarding dogs simply sleep in the space provided for them in the existing dwelling and the proposed new wooden structure, which will have a storage component and a separate area for boarding dogs to sleep. The day-care facility therefore operates daily between 08h00 – 17h00 and the boarding facility operates daily between 17h30 – 08h00.



***Figure 5:*** *Staff member with dogs*



***Figure 6:*** *Dogs in chill area*

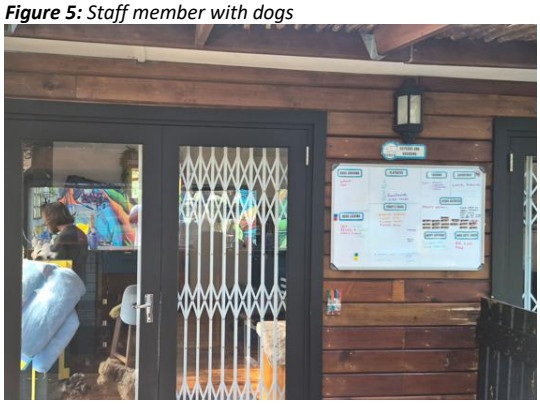


***Figure 7:*** *Admin area of dwelling house*



***Figure8:*** *Existing dwelling house*



***Figure 9:*** *Play area for dogs*



***Figure 10:*** *Dogs with owner*

3.7 The facility accommodates an average of 30 dogs per day (including both day-care and boarding)

3.8 Al the dogs are monitored and always supervised by members of staff. No excessive barking or noise is allowed. Every dog is vetted by the owners and staff before being allowed into either the day-care or boarding facility to make sure that their temperament is suitable for either day-care or home-style boarding.

3.9 The Gross Leasable Area (GLA) **is 448m$^2$**, including the existing dwelling, the proposed new studio, puppy and small dog paddock, snooze zone, play zone and training area – See SDP.

## 4. OFF-STREET PARKING (SEE SDP)

4.1 There are no specific off-street parking requirements for an animal care centre in terms of item 137 of the DMS. The property currently has two off-street parking bays, which are used for people to park, drop off their dogs and then leave the premises.

## 5. ALIGNMENT OF THE PROPOSAL WITH PLANNING POLICIES & LEGISLATION

5.1 *Provincial Spatial Development Framework (PSDF)*

Since the Provincial SDF demarcates the site as being suitable for Urban Development purposes, the proposal is consequently in line with the policies of the Provincial Spatial Development Framework.

5.2 *Municipal Spatial Development Framework (MSDF)*

The MSDF calls for the creation of an efficient urban structure, through encouraging high density, mixed uses and development in appropriate areas

The subject property is situated in a transformation area defined as an "*incremental growth & consolidation area*", as identified in the MSDF, 2023. One of the desired spatial outcome and land use guidelines for these areas is stated as 'consolidation and diversification of land uses in support of city growth',

The proposal involves converting the existing dwelling house and the proposed new studio into an animal care centre. The application is therefore considered to align with the MSDF, 2023.

5.3 *Southern District Plan: Integrated Spatial Development Framework and Environmental Management Framework: Sub-District 3: Hout Bay / Llandudno*

The subject property is situated in an area identified as "Urban Development". One of the supporting development objectives of the sub-district plan states '*The vision strongly encourages bona fide, low impact, home occupation practices*'.

It is therefore clear that the proposal aligns with the District Plan.

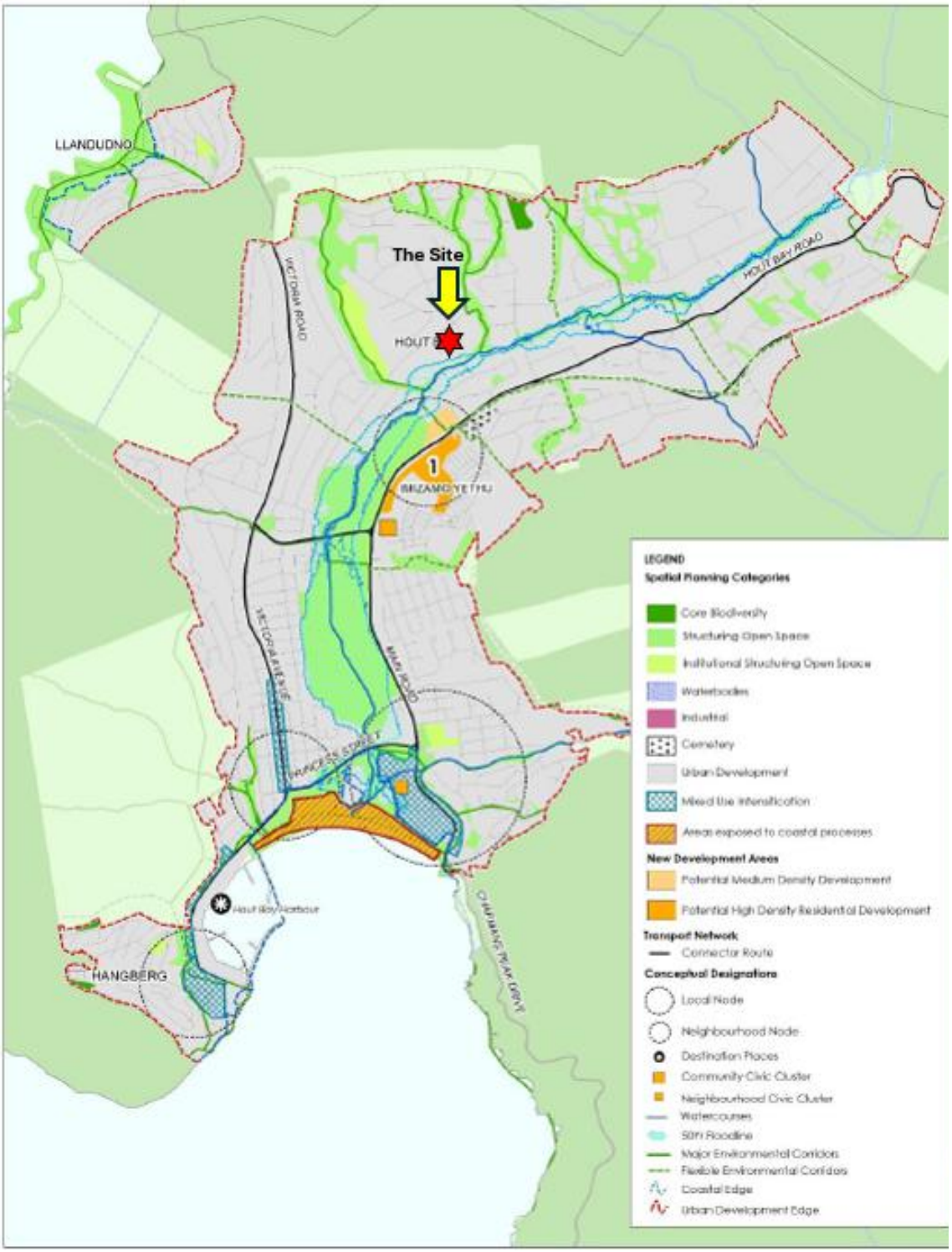



***Figure 11:*** The site is in an area identified for "urban development

## 5.4 *Inclusive Economic Growth Strategy and Social Development Strategy*

The proposal aligns generally with the Inclusive Economic Growth Strategy and Social Development Strategy in that it places no barriers to participation and provides employment opportunities for previously disadvantaged people.

## 6 SECTION 99 OF THE BY-LAW

6.1 It is considered that this application meets the minimum requirements of Section 99 (1) of the MPBL as follows:

(i) "*The proposed use or development of land must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible*."

This application is consistent with the MSDF, as discussed in section 5 of this report.

(ii) "In the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application will not have the effect of granting the property the development rules of the next subzone within a zone and the approval of an application for a departure to alter the development rules relating to permitted floor space or height that does not exceed 10% of the maximum height or floor space of the existing subzone does not trigger the minimum threshold requirement."

This is not applicable.

6.2 Section 99 (2) of the By-law states that "*If an application is not refused under subsection (1), when deciding whether or not to approve the application, the decision-maker must consider all relevant considerations including, where relevant, the following*:"

(a) *Any applicable Spatial Development Framework*

This has been discussed in section 5 of this report.

(b) *Relevant criteria contemplated in the development management scheme*

The relevant criteria in the DMS have been discussed in section 2.7 of this report.

(c) *Any applicable policy or strategy approved by the City to guide land-use decision making*

The proposal is generally compliant with all relevant policies and strategies approved by the City to guide decision making, as discussed in section 5 of this report.

(d) *The desirability of the proposed use or development of land as contemplated in subsection (3)*

See section 5.3 below:

(e) *Impact on existing rights (other than the right to be protected against trade competition)*

The development rules in the DMS will change because of the rezoning from R1 to RU. The street and common boundary building lines will increase from 4,5m and 3m to 10m and 5m respectively. However, the business will operate from the existing dwelling house which complies with all the DMS rules for properties zoned R1.

Even though the development rules will change, the proposed use is considered compatible with R1-zoned properties. There is a clear demand for animal care centres in

this part of Hout Bay. Small-scale animal centres are permitted in terms of the current zoning of R1 with consent of council

(f) *In an application for the consolidation of land unit –*
(i) *the scale and design of the development*
(ii) *the impact of the building massing*
(iii) the impact on surrounding properties; and

This is not applicable.

(g) *Other considerations prescribed in relevant national or provincial legislation, which includes the development principles as contained in section 7 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA).*

This is discussed in section 7 of this report.

(h) *Whether the application complies with the requirements of this By-law*

This application complies with the requirements of this By-law.

8.3 *The following considerations are relevant to the assessment of the desirability of the proposed use or development of land*:

(i) *socio-economic impact*

The socio-economic impact will be positive, providing a specialized boutique business in a well-established sought-after area where there is a proven demand for animal care centres.

(ii) *compatibility with surrounding uses*

Even though the property will be used for an animal care centre, the proposal is nevertheless compatible with the surrounding uses. The business will operate out of an existing dwelling house which conforms to the scale and built form of the neighborhood.

The property is extremely well-screened on all boundaries by well-established trees which help diffuse noise.

The dogs are all monitored and supervised at all times to make sure there is no excessive barking

By all accounts it appears to be a normal residential property.




***Figure 12***: Aerial view of the property. It is well-screened by boundary vegetation (orange arrows)

(iii) *impact on the external engineering services*

There will be no impact on external engineering services.

(iv) *impact on safety, health, and wellbeing of the surrounding community*

There will be no impact on the safety, health and wellbeing of the surrounding community. The dogs at the facility are monitored all day by the staff and no excessive barking takes place.

(v) *impact on heritage*

There will be no impact on heritage. The subject property is not situated in a HPOZ.

(vi) *impact on the biophysical environment*

There will be no adverse impact on the bio-physical environment. The area within which the property is located is not sensitive in terms of the bio-physical environment. No existing trees are affected.

(vii) *traffic impacts, parking, access and other transport-related considerations*

There will be very little impact on traffic, parking and other transport-related considerations. Customers who come to drop off their dogs arrive at staggered times during the day, park inside the property and then leave.

(viii) *whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land*

It is not considered necessary for the council to impose mitigatory conditions since there will be no adverse impact (as demonstrated above).

## 7 DEVELOPMENT PRINCIPLES CONTEMPLATED IN SECTION 47 OF SPLUMA

6.1 The development principles contemplated in section 47 of SPLUMA are discussed below:

(i) *Principle of Spatial Justice* – The approval of this application will permit contextually appropriate land use intensification and will cumulatively contribute to spatial justice in terms of relieving pressure for development elsewhere which drives the poor to the periphery of the city. Low densities close to areas with good opportunities displace other people to worse located land.

(ii) *Principle of Spatial Sustainability* – Contextually appropriate land use intensification such as this proposal will contribute to environmental sustainability by reducing pressure on valuable agricultural and natural land. Applications such as this effectively act to reduce urban sprawl in the long run and result in better use of developed land and existing municipal services.

(iii) *Principle of Efficiency* – Contextually appropriate land use intensification, as is the case with this proposal, results in the more efficient use of land and municipal services and infrastructure.

(iv) *Principle of Spatial Resilience* – Contextually appropriate land use intensification, as is the case with this proposal, facilitates spatial resilience in that it allows better options to citizens.

(v) *Principle of Good Administration – The application will be assessed and processed in accordance with the relevant laws and legislation.*

It is considered that this application has merit, and it is therefore respectfully requested that it be approved.