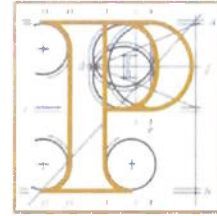


**Our Case Number:** ABP-318772-23

**Planning Authority Reference Number:** R80923



An  
Bord  
Pleanála

Cork City Council  
City Hall  
Anglesea Street  
Cork City  
Co. Cork  
T12 T997

**Date:** 28 JUN 2024

**Re:** Whether the alterations to the facade of the Southern Star involving the upgrade of fenestration and signage fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and are therefore exempted development.

Whether the alterations and improvements to the garden bar of the Southern Star comprising the upgrade of the furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar) are exempted development.

The Southern Star, 9 Southern Road, Cork, T12 WN83

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2022. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,

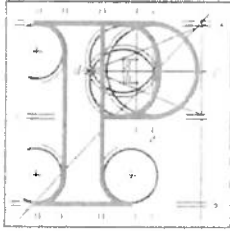
Rory Kelleedy  
Executive Officer

RL100n



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|--------------------|---------|--|
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| D01 V902             | D01 V902              |



An  
Bord  
Pleanála

**Board Order**  
**ABP-318772-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: R80923**

**WHEREAS** a question has arisen as to whether

- (a) the alterations to the façade of the Southern Star Public House involving the upgrade of fenestration and signage fall within the scope of Section (4)(1)(h) of the Planning and Development Act 2000, as amended, and are therefore exempted development
  
- (b) the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar),

at The Southern Star Public House, 9 Southern Road, Cork are or are not development or are or are not exempted development:

**AND WHEREAS** Conor Murphy care of McCutchen Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballinacollig, County Cork requested a declaration on this question from Cork City Council and the

Council issued a declaration on the 27<sup>th</sup> day of November, 2023 stating that (1) the replacement of the windows, doors and the repainting is consistent with the neighbouring properties and these elements can be considered to come under Section (4)(1)(h) of the Planning and Development Act 2000, as amended, and are therefore considered exempted development; (2) the replacement of signs and flags do not fall under Section (4)(1)(h) of the Planning and Development Act 2000, as amended, and are not exempted development; and (3) the alterations and improvements to the garden bar of the Southern Star comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar) do not fall under Section (4)(1)(h) of the Planning and Development Act 2000, as amended, and are not exempted development:

**AND WHEREAS** Conor Murphy care of McCutchen Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork referred this declaration for review to An Bord Pleanála, on the 28<sup>th</sup> December, 2023:

**AND WHEREAS** the Board reformulated the question as follows:

- (a) Whether the alterations to the façade of the Southern Star public house involving (i) repainting, the replacement of windows and doors, and (2) the replacement of pre-existing flags and flagpoles at The Southern Star Public House, 9 Southern Road, Cork, is or is not development and is or is not exempted development, and
- (b) Whether the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section

at the northern end of the garden bar), is or is not development and is or is not exempted development.

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (c) Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (d) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the alterations to the front façade of the Southern Star public house comprising (i) the repainting of the façade and the replacement of windows and doors, is development and is exempted development, and (ii) the replacement of the flagpoles and flags is development and is not exempted development, and
- (b) the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar) is development and is not exempted development,

all at The Southern Star Public House, 9 Southern Road, Cork.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the development as set out at (a)(i) the repainting, and the replacement of windows and doors is development and is exempted development, and that the said development as set out at (a)(ii) the replacement of pre-existing flags and flagpoles and (b) the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar), is development and is not exempted development, all at The Southern Star Public House, 9 Southern Road, Cork.



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**Una Crosse**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this

*27<sup>th</sup>* day of

*June*

**2024.**