21 September 2026

Planning
Manchester City Council
P O Box 532
Manchester
M60 2LA

Delivered via Planning Portal

Dear Sir / Madam

Town and Country Planning Act 1990 (as amended)
Application to Discharge Conditions 15(b), 17, 18 and 19 of Planning Permission 125573/FO/2019 (as amended by 138876/NMC/2023)
Commercial Unit 1, Square Gardens, 3 Botanic Avenue, First Street South (Plot 11), Manchester M15 6AE

I write on behalf of Yaowarat Limited, the proposed occupier of Commercial Unit 1 (a Class E(b) restaurant), to seek discharge of the following conditions of planning permission 125573/FO/2019:

- Condition 15(b) (Acoustic insulation of externally mounted plant)
- Condition 17 (Acoustic insulation between commercial units and residential accommodation)
- Condition 18 (Opening hours)
- Condition 19 (Fumes, vapours and odours)

In addition to this covering letter, the application includes:

- Noise Impact Assessment - Conditions 15b and 17
- Kitchen Extraction EMAQ Report - Condition 19
- Kitchen Ventilation Drawings - Condition 19

Condition 15(b)

Condition 15(b) (as amended) states:

> *"15 (b) Prior to occupation of each of the ground floor and first floor commercial units a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with the development to ensure that it achieves a background noise level of 5dB below the existing background (La90) at the nearest noise sensitive location shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.*
>
> *Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy."*

To discharge the condition, please find enclosed the Noise Impact Assessment - Conditions 15b and 17. The assessment is based on an attended background noise survey undertaken on 1 February 2026, supported by the background levels measured for the wider development in 2019, which give a representative night-time background level of 54 dB LA90.

The proposed external plant comprises the kitchen extract system, fitted with silencers to the system inlet and outlet, and two external condenser units at podium level, with no line of sight to the nearest noise sensitive receptors. The predicted cumulative noise level from this plant at the

nearest noise sensitive receptor is 44 dBA, which is 10dB below the representative background level and therefore exceeds the 5dB required by the condition.

Condition 17

Condition 17 (as amended) states:

> *"17) Before each of (a) the residential accommodation and (b) each of the Use Class E a (retail), E b (Cafe / restaurant), E (c) Hairdressers and E (d) (Gym) units within Block A/ B commences a scheme for acoustically insulating the ground and first floor units (defined in b above) to ensure that there is no unacceptable level of noise transfer from the ground floor and first floor uses to the residential accommodation above shall be submitted to and approved in writing by the City Council as local planning authority.*
>
> *Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63HZ and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.*
>
> *The approved noise insulation scheme shall be completed before any of the approved uses commence.*
>
> *Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non-compliance shall be suitably mitigated in accordance with an agreed scheme.*
>
> *Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26."*

Commercial Unit 1 is a single storey unit with an external podium level directly above it. There is therefore no residential accommodation above the restaurant, and noise transfer from the restaurant to residential accommodation above has not been considered further in the enclosed Noise Impact Assessment - Conditions 15b and 17.

Condition 18

Condition 18 (as amended) states:

> *"18) Before each of the Use Class E (a) retail, E (b) (Cafe / restaurant), E (c) Hairdressers and E (d) (Gym) units within the ground and first floor of Block A/ B commence details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.*
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> *Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy."*

The following opening hours are proposed for Yaowarat Limited at Commercial Unit 1:

- Sunday to Thursday: 08:00 to 00:00
- Friday and Saturday: 08:00 to 01:30

Hot food will not be served after 23:00. These hours are those assumed in the enclosed Noise Impact Assessment - Conditions 15b and 17, which assesses plant noise against the night-time background level.

The proposed opening hours will not adversely affect residential amenity and are therefore in accordance with saved policy DC26 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

Condition 19

Condition 19 (as amended) states:

> *"19) Final details of the method of extraction of any fumes, vapours and odours from any kitchen within each of the Use Class E a (retail), E b (Cafe / restaurant), E (c) Hairdressers and E (d)(Gym) units within the ground and first floor of Block A/ B shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.*
>
> *Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (withdrawn but still available via an internet search). It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document (particularly Annex B) or other relevant guidance or documents which superseed this guidance. Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval.*
>
> *Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy"*

To discharge the condition, please find enclosed the Kitchen Extraction EMAQ Report - Condition 19, which applies the odour risk assessment in the EMAQ guidance (the update to the Defra 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'). The assessment scores the kitchen at 30, requiring a high level of odour control.

The proposed system comprises an electrostatic precipitator followed by UV-ozone odour control, serving an island extract hood with an extract volume of approximately 1.86 m^3/s. Replacement air is provided by a supply air system integrated with the hood, at approximately 1.58 m^3/s, as shown on the enclosed Kitchen Ventilation Drawings - Condition 19. Noise from the extract system is addressed in the enclosed Noise Impact Assessment - Conditions 15b and 17.

The approved scheme will be implemented prior to occupation and will remain in situ whilst the use is in operation.

We trust that the enclosed is acceptable and look forward to receiving confirmation that Conditions 15(b), 17, 18 and 19 of planning permission 125573/FO/2019 (as amended) are discharged.

Yours faithfully,

Luckpatson Leese
Yaowarat Ltd