



Planning and Access Committee

Meeting: 29 June 2026

Agenda item: 5

SUBMITTED BY: STUART MEARNS, DIRECTOR OF PLACE

APPLICATION NUMBER:	2026/0063/DET
APPLICANT:	Luss Ices Ltd
LOCATION:	Luss Car Park, Luss
PROPOSAL:	Change of use of land for the siting of a mobile snack van
NATIONAL PARK WARD:	Ward 5 - West Loch Lomond and Balloch
COMMUNITY COUNCIL AREA	Luss and Arden
CASE OFFICER:	Name: Alison Williamson Tel: 01389 722 610 E-mail: alison.williamson@lochlomond-trossachs.org

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1. Summary and reason for presentation

- 1.1. This report relates to a planning application for the change of use of land for the siting of a mobile snack van within Luss Car Park. It is proposed to site a mobile snack van within a parking space at the southern end of the car park, adjacent to the public toilets. A second parking space is required for a support vehicle which houses equipment for the snack van.

- 1.2. The application is being presented to Committee, in accordance with the Scheme of Delegation, because an objection has been received from Luss and

Arden Community Council and Argyll and Bute Council Roads Authority have objected to the application.

2. Recommendation

2.1. That Members:

APPROVE the application subject to the imposition of the conditions set out in Appendix 1 of the report.

3. Background

Site Description

3.1. The application site includes two car parking spaces within Luss Car Park in Luss village. The parking spaces are the first two spaces adjacent to the public toilets and an area of extended pavement. There are also established (small scale) food and retail outlets at this location.



Figure 1 Site Location



Figure 3 Photograph of site



Figure 2 Photograph of Ice Cream Van

Proposed Development

- 3.2. The proposed development is the change of use of two parking spaces within Luss car park for the siting of a mobile snack van (ice cream van) and an associated support vehicle.
- 3.3. The snack van is sited in the parking space identified and customers access the vendor's window from the pavement area adjacent. The second parking space is used for a support vehicle.

Planning History

- 3.4. By way of background, ice cream vans have been trading in Luss village for a number of years, located at the pier and car park. These ice cream vans did not benefit from the required planning permission.
- 3.5. Planning permission is required for the change of use of land and would include the siting of a mobile snack van, unless it is only for a short period of time. This is considered on a fact and degree basis and in the National Park is reasonably considered to be anything up to 30 minutes in the same spot. Under Class 15 of the General Permitted Development Order (GPDO) temporary uses of land (for up to 28 days in any year) are permitted without the requirement to obtain planning permission. Luss however, is an area where the permitted development rights for all temporary uses of land under Class 15 have been removed by an Article 4 Direction. This means that planning control does apply to such temporary uses.
- 3.6. Ice cream vans are known to have been trading for periods of time longer than 30 minutes at Luss Pier and the car park which, as above, triggers the requirement for planning permission. This operator was advised by the National Park Authority that planning permission would be required.
- 3.7. In 2023 Argyll and Bute Council as Roads Authority introduced the 'Various Streets, Luss', Traffic Management Order 2023 which prohibits driving and parking vehicles within a controlled zone. As a result, mobile snack van operators are no longer permitted to operate from the location at Luss Pier, Pier Road.
- 3.8. A planning application was submitted in November 2024 (reference 2024/0323/DET) for the siting of a mobile snack van at one parking space in Luss car park. A report was submitted to Planning and Access Committee in February 2025 and planning permission was approved for the siting of the mobile snack van, subject to conditions and a section 69 Minute of Agreement requiring the snack van to be powered by electric batteries and not a petrol/diesel generator. Planning permission was granted on a temporary basis for one year.

- 3.9. The applicant was unable to source an electric mobile snack van and is therefore using a trailer and a separate support vehicle which is used to house the electric batteries. This necessitates the use of the second car parking space.
- 3.10. The temporary planning permission has now expired and the current planning application under consideration has been made for the permanent siting of the mobile snack van and support vehicle in two parking spaces within the car park.

4. Environmental Impact Assessment & Habitat Regulations Appraisal

- 4.1. Environmental Impact Assessment (EIA) is required if a proposed development is of a type listed in Schedule 1, or in Column 1 of Schedule 2 of The Environmental Impact Assessment (Scotland) Regulations 2017 and screening indicates it is likely to have significant effects on the environment. Officer to delete as appropriate: In this instance it has been determined that an EIA is not required as the proposal is not within Schedule 1 or 2.
- 4.2. The Habitats Directive, implemented in Scotland through The Conservation (Natural Habitats, &c.) Regulations 1994, provides protection to European sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). The planning authority must consider whether development will have a 'likely significant effect' on a European site, and if so, carry out an 'appropriate assessment' (AA). This process is known as Habitats Regulations Appraisal (HRA). Officer to delete as appropriate: An AA is not required in this case as the proposed development would not be near to/impact upon any European sites.

5. Consultations and representations

Responses to Consultations

Argyll and Bute Council Roads Authority

- 5.1. Argyll and Bute Council Roads Authority advise that they object and do not support the permanent change of use of both parking spaces and would want to see the use continue on a trial basis and monitor performance before considering any longer-term position. They advised that the parking bays must be secured with a bollard, (which is already the case).
- 5.2. The Roads Authority object to the use of the second parking space, as it represents a material change from the agreed trial arrangement. In addition, several operational compliance concerns have been noted as part of the trial period. This includes complaints about liquids being discarded in drains, the use of advertising boards obstructing the footway, impacting pedestrian movement and accessibility and bollards used to demarcate and secure the parking spaces have been repeatedly damaged and have had to be replaced.

Argyll and Bute Council Environmental Health

- 5.3. Argyll and Bute Council Environmental Health have no objections to the granting of planning permission, subject to conditions regarding food and health, timings of deliveries and waste.

Luss and Arden Community Council

- 5.4. Luss and Arden Community Council object to the application for the following reasons:

- Siting of the snack van is highly inappropriate for the location, with particular concerns about the proximity to the public toilet facilities which has resulted in long queues for food service outlets and toilets mixing together, raising concerns regarding public amenity, hygiene perception and overall visitor experience.
- The unit is an eyesore, which is not in keeping with the character and appearance of Luss village.
- There are already established local businesses providing similar services and the proposal is considered unnecessary and potentially detrimental to existing traders.

Representations Received

- 5.5. 15 representations were received in objection to the proposed development. The following is a summary of the representations **in objection**:

- There are multiple establishments selling refreshments nearby
- Impacts on resident's amenity
- The mobile snack van is an eye sore in the conservation village
- Waste from the mobile snack van has been emptied down the drain in the car park
- Street furniture is a safety hazard
- The mobile snack van is taking up car parking spaces
- The support vehicle has its engine running all day
- Queues for the public toilets and the mobile snack van overlap and this constrains the pavement area
- The use of model ice cream cones and signs on the pavement are an obstruction
- Suggestions of alternative locations for the snack van e.g. at Luss Pier or the other side of the car park
- No community benefit to the snack van

- 5.6. The points made in objection are addressed in the Planning Assessment section below.

- 5.7. The full content of the representations is available to view on the [National Park Authority's Public Access website](#) by entering the reference number 2026/0063/DET.

6. Policy context

The Development Plan

- 6.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises National Planning Framework 4 (NPF4), the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2017) and Supplementary Guidance (SG).

National Planning Framework 4 (NPF4)

- 6.2. NPF4 is the fourth National Planning Framework for Scotland. It sets out the Scottish Governments priorities and policies for the planning system up to 2045 and how the approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. NPF4 contains 33 policies to guide development management decisions. The following NPF4 policies are relevant to this proposal:

- Policy 1- Tackling the climate and nature crises
- Policy 2- Climate mitigation and adaptation
- Policy 4- Natural Places
- Policy 14- Design, quality and place
- Policy 26- Business and industry
- Policy 28- Retail
- Policy 29- Rural development

- 6.3. Full details of the policies can be viewed on the [Scottish Government website](#).

Local Development Plan (2017 to 2022)

- 6.4. The LDP outlines the vision for how the National Park should change over the next 20 years, including the strategy for development and the policy approach for key topics. There remains broad alignment between the LDP and NPF4 policies however, where any incompatibility does arise, then NPF4 prevails as the more recent policy. The following LDP policies are relevant to this proposal:

- Overarching Policy 1: Strategic Principles
- Overarching Policy 2: Development Requirements
- Economic Development Policy 1: Economic Development in Towns and Villages
- Transport Policy 3: Impact Assessment and Design Standards of New Development

- Natural Environment Policy 1: National Park Landscapes, seascape and visual impact
- Retail Policy 1: Development in Towns and Villages

6.5. Full details of the policies can be viewed on the [National Park Website](#).

Supplementary Guidance (SG)

- 6.6. The adopted Supplementary Guidance provides support to the policies of the LDP and carries the same weight in the determination of applications. The Supplementary Guidance of relevance to this application comprises:
- Design and Placemaking
 - West Loch Lomondside Rural Development Framework

Other Material Considerations

Local Place Plans (LPP)

- 6.7. Registered Local Place Plans inform the preparation of Local Development Plans. Although they do not have statutory weight in decision making, they may be a material consideration with the weight to be applied to the relevant considerations determined on a case-by-case basis.
- Luss and Arden Local Place Plan (2022-2030)

National Park Partnership Plan (2024 to 2029) (NPPP)

- 6.8. All planning decisions within the National Park require to be guided by the Partnership Plan, where its aims, objectives and outcomes are considered material, in order to ensure that development is consistent with the National Park's statutory aims. The NPPP aims to achieve nine outcomes by focussing on thirty one objectives which are listed under three themes: 'restoring nature, 'creating a low carbon place' and 'designing a greener way of living'.

National Park Aims

- 6.9. Section 1 of the National Parks (Scotland) Act 2000 sets out the four statutory aims of the National Park which are a material planning consideration:
- to conserve and enhance the natural and cultural heritage of the area;
 - to promote sustainable use of the natural resources of the area;
 - to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
 - to promote sustainable economic and social development of the area's communities.
- 6.10. Section 9 of the Act states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the first aim.

7. Summary of supporting information

- 7.1. The applicant has submitted the following documentation in support of the planning application:
- 7.2. A supporting statement was submitted with the planning application which details the following:
- The applicant has sold ice cream from the pier in Luss for a number of years, however after Argyll and Bute Council introduced the Various Streets, Luss, Traffic Management Order 2023 the applicant was no longer able to trade from there and agreed with Argyll and Bute Council to trade from Luss Car Park.
 - Planning permission was approved on a (1 year) basis in April 2025 (reference 2024/0323/DET) and the applicant has been trading ever since.
 - The original intention was to use an electric ice cream van, however the applicant was unable to source such a vehicle and has been using a trailer and this necessitates the use of the adjacent parking space for a support vehicle.
 - The application seeks a permanent consent for the mobile snack van.
- 7.3. A Sustainability checklist was submitted with the application which details the following:
- The proposal will allow for a continuation of an existing service in a safer manner than in previous years where an ice cream van would serve to pedestrians on a public road
 - The proposal will not impact on the natural environment
 - There are no negative impacts on local residents
 - The application site is within the Loch Lomond National Scenic Area
 - Adjacent businesses may be impacted by competition for trade, however this would be minimal as the ice cream van restricts its trade to a specialised corner of the market
 - The application site is a car park for approximately 200 cars and 6 coaches

8. Planning assessment

- 8.1. This section sets out the planning assessment of the key issues in the determination of this application which are considered under the following headings:
- Principle of Development
 - Roads/car parking
 - Design
 - Impacts on amenity
 - Climate Mitigation

Principle of Development

- 8.2. Mobile snack vans are generally considered under retail planning policies. Retail Policy 1 of the Local Development Plan (Development in Towns and Villages) supports new retail development within towns or villages where they:
- (a) Demonstrate a sequential test has been applied to the choice of location; favouring town and village central areas, and
 - (b) Create no significant adverse impact on vitality and viability of the overall centre, and
 - (c) Supports sustainable transport- access by a range of transport modes
- 8.3. NPF4 Policy 28 Retail also supports the “town centre first” principle and supports new retail proposals in existing local centres. The policy supports proposals for retail that are of an appropriate scale for the location, will have an acceptable impact on the character and amenity of the area and are located to best channel footfall and activity, to benefit the place as a whole. The proposal is for a small-scale retail use which would be within Luss village boundary, the preferred location for retail development. The proposal would therefore meet part (a) of Retail Policy 1.
- 8.4. With regard to the impact on the vitality and viability of the overall village centre, the mobile snack van would not affect the supply or use of existing retail units within the village and would therefore not adversely impact on its viability and vitality. Commercial competition is not a matter which can be taken into account.
- 8.5. The snack van would be accessible by a range of transport modes, as it would be centrally located in the main Luss car park where there is a bus stop and access from nearby footpaths and cycling and walking routes. The proposal would therefore support sustainable transport as required by part (c) of Retail Policy 1.
- 8.6. In terms of NPF4 Policy 28, a mobile snack van is of an appropriate scale for Luss village with its small retail offering, the van and support vehicle are located in an area of high footfall at the car park visitor hub area and do not have an unacceptable impact on the character and amenity of the area, given it is an established visitor hub.
- 8.7. Economic Development Policy 1 (Economic Development in Towns and Villages) provides support for new businesses where they are located in identified sites or appropriate gap sites within town or village maps. The mobile snack van is located at an appropriate site within the village, in accordance within Economic Development Policy 1. NPF4 Policy 26 Business and Industry supports proposals for business uses where they are compatible with the primary business function of the area. The mobile snack van is compatible with the car park area which is a busy visitor hub where the primary business function is visitor orientated.

- 8.8. The development accords with the retail and economic development policies of the Local Development Plan and NPF4 and can therefore be supported in principle.

Roads

- 8.9. Transport Policy 3 of the Local Development Plan requires all development proposals to be of a design and specification that are sensitive to the special qualities of the Park and to be in conformity with the design standards required by the Roads Authority. Argyll and Bute Council Roads Authority have advised that they object to the permanent change of use of both bays and recommend continuing on a trial basis to monitor performance before considering any longer-term position.
- 8.10. The Roads Authority advise that the use of the second car parking space represents a material change to the agreed trial arrangement and they have operational concerns about the disposal of liquid into drains in the car park, the use of advertising boards obstructing the footway and parking bollards being repeatedly damaged.
- 8.11. Concerns were raised by individuals who have submitted representations in objection to the proposal with regard to the safety of the car park and the pedestrian area. The Roads Authority have raised concerns about the use of advertisement signs obstructing the footway but have raised no other concerns in this regard.
- 8.12. Although the development now involves the change of use of two car parking spaces within Luss Car Park, there would still be minimal impacts on the car park capacity, given the overall number of other car parking spaces available. The West Loch Lomondside Rural Development Framework suggests that the gathering of refreshment and other facilities should be adjacent to the car park and the development aligns with this.
- 8.13. Comments have been made by individuals who made representations about car parking, access and road safety. As above, the Roads Authority raised concerns about advertisement signs obstructing the footway, however, have suggested that the operation continues on an extended trial basis, rather than a permanent basis. Conditions have therefore been recommended that advertisement signs are not used on the pedestrian footway and a further trial period (temporary planning permission) is recommended.
- 8.14. Concerns were raised about queues for the snack van and the public toilets converging and the safety of the pedestrian areas. Neither Argyll and Bute Roads Authority, nor Argyll and Bute Environmental Health have raised concerns about queues or hygiene and Planning cannot control queueing behaviour.

- 8.15. Subject to planning permission being on a temporary basis, that no advertisement signs are used and that bollards continue to be used to identify and secure the two parking spaces, the proposal would accord with the specifications of the Roads Authority, in accordance with Transport Policy 3 of the Local Development Plan.

Design

- 8.16. The policies of the Local Development Plan and NPF4 support high quality design which is appropriate to the sense of place. The mobile snack van is a trailer which has colourful illustrations and text, as would be expected for a modern ice cream van. The support vehicle is a transit van, coloured white.
- 8.17. It is acknowledged that a single visiting snack van would be preferable, however this is challenging in Luss, and requires a dedicated parking place, safely off the road.
- 8.18. In the context of the location, within a busy car park and commercial/retail area in the centre of Luss village, it is not considered that the snack van and support vehicle adversely affect the visual amenity of the area. The trailer and support vehicle are parked amongst other vehicles which could also be a range of colours and designs and amongst retail outlets, toilets, a phone box, water syphon, visitor information signage and parking signage, all of which would normally be expected to be present within such a visitor hub area.

Amenity

- 8.19. Concerns have been raised with regard to the potential impacts on the amenity of the area and nearby residents. Overarching Policy 2 of the Local Development Plan requires development proposals to avoid significant adverse amenity and environmental effects including noise and air emissions/odour/fumes. The mobile snack van is run on electric batteries, as required by the planning permission and section 69 agreement. Argyll and Bute Council Environmental Health were consulted and have not raised any concerns with regard to noise or fumes.
- 8.20. Public comments have been made that the operator has been disposing of waste down a drain in the car park. These concerns were also raised by the Roads Authority. The agent has confirmed that the operator has done this on a couple of occasions, in error, believing that the waste would be treated. Now that the operator is aware that the drain discharges directly to Loch Lomond, he is no longer disposing of waste in this way and has arrangements in place for waste to be removed from the site.
- 8.21. Objections referenced the use of street furniture such as 3D model ice cream cones and advertisement signs and these being a potential safety hazard. The applicant is no longer using the model ice cream cones however does have a small freestanding sign on the pavement, similar to other businesses. This is

not unusual in a town/village centre and does not adversely impact on amenity, however the Roads Authority have raised concerns about the advertisement sign causing an obstruction on the public footway. As above, a condition is recommended that no advertisement signs or 3D models are used at the site, in the interests of pedestrian safety.

8.22. In terms of impacts on the Luss Conservation Area, the application site is not located within the conservation area but is close to the boundary. It is not unusual to see parked vehicles in a conservation area and given the context of the application site being a busy car park, there are no concerns with regard to the impact in this instance.

Climate Mitigation

8.23. NPF4 Policy 1 requires significant weight to be given to the global climate and nature crises when considering all development proposals and NPF4 Policy 2 requires development proposals to be designed to minimise lifecycle greenhouse gas emissions as far as possible. Overarching Policy 1 of the Local Development Plan has similar requirements, to reduce greenhouse gas emissions.

8.24. In order to comply with these policies, the existing mobile snack van was approved by Planning and Access Committee subject to a Minute of Agreement requiring that the internal equipment of the snack van is powered by electric batteries. The operator was unable to source an electric ice cream van and is using a mobile snack van (trailer) with a support vehicle which is parked in the adjacent parking space and houses the electric batteries.

8.25. The Minute of Agreement that is in place relates to one car parking space only and is in the previous name of the trading company and applicant (Bluebell Ices). This planning application is for two car parking spaces and has been made in the current trading name of the applicant (Luss Ices). Should members be minded to approve the planning application, in line with the recommendation, a new Minute of Agreement would be required to reflect the current proposal and to ensure that the electric batteries continue to be used.

8.26. Subject to the Minute of Agreement, the proposal would accord with NPF4 Policies 1 and 2 and Overarching Policy 2 of the Local Development Plan.

Local Place Plan

8.27. The Luss Local Place Plan (2023) identifies community issues including excessive tourism with over commercialisation referenced, including ice cream vans. Aspirations include better management of visitors, parking, and traffic and removing ice cream vans. Actions identified include improving visitor behaviour in Luss village- no further ice cream vans and street trading in the village core.

8.28. Whilst the Local Place Plan is a material consideration, the mobile snack van is supported in principle by the policies of the Local Development Plan. The Restricted Parking Zone in Luss was introduced to better manage visitors, parking and traffic and has had the consequence that it is no longer possible for mobile snack vans to park within this area. The application site (public car park) is however, considered a more appropriate location within the village for a mobile snack van than was the previous location down by the pier-head.

Conclusions

8.29. In conclusion, the proposed mobile snack van accords with the retail and economic development policies of the Local Development Plan and NPF4 as it is located at an appropriate site, centrally located within Luss village, amongst other retail outlets and supports economic activity. The mobile snack van does not have significant adverse impacts on the amenity of the area and subject to the conditions recommended would accord with the requirements of the Road Authority, in compliance with Transport Policy 3 of the Local Development Plan.

8.30. It is recognised that the Local Place Plan references the removal of ice cream vans, however an ice cream van is not an inappropriate element within a tourism focused location, indeed it might be expected.

8.31. It is recognised that the trailer and support vehicle arrangement, taking up two spaces is not ideal and it is therefore concluded that planning permission should be granted for a further temporary period as set out in Appendix 1 of this report. This includes a further trial period by means of a temporary consent period of 2 years. This would allow the operator time to seek an electric ice cream van, rather than the trailer and support vehicle arrangement. A further temporary period would also be supported by Argyll and Bute Council Roads Authority, given the operational concerns that they have raised.

8.32. A Minute of Agreement will be required to ensure that electric batteries are used to power the internal equipment of the snack van.

Minute of Agreement

- 8.33. A Minute of Agreement is required to ensure that the Operator undertakes to exclusively use batteries to power the internal equipment of the mobile snack van.

Appendix 1 Conditions

1. **Temporary Planning Permission:** Unless prior permission is sought and obtained for its continued use for a further period, the use of the land for the siting of the mobile snack van shall be discontinued two years from the date of approval and the land shall be restored in accordance with a scheme of work that has been submitted to and approved in writing by the Planning Authority.

REASON: In order that a review of the operation can be undertaken by the Roads Authority, including operational concerns and hazards and any future application can be decided on the basis of this assessment.

2. **Advertisement Signs:** There shall be no advertisement signs or model ice cream cones (or similar models) used to advertise the business on the adjacent pedestrian footway.

REASON: : In the interests of pedestrian safety in accordance with Transport Policy 3 of the Local Development Plan.

3. **Parking Bollards:** The parking bays identified must be secured using a “drop bollard” or similar means.

REASON: To ensure the parking bays are suitably identified and the development meets the standards of the Roads Authority, in accordance with Transport Policy 3 of the Local Development Plan.

Appendix 2 List of Plans

Title	Reference	Date Received
Location Plan	01 Rev 0	1 April 2026