

**PLANNING COMMITTEE – 5 JANUARY 2017**

**PART 3**

Report of the Head of Planning

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 16/506159/FULL</b>			
<b>APPLICATION PROPOSAL</b> Retrospective application for variation of condition 12 of SW/04/1320 to allow for full time year round occupation			
<b>ADDRESS</b> Chesley Oast Bull Lane Newington Kent ME9 7SJ			
<b>RECOMMENDATION</b> Refuse			
<b>SUMMARY OF REASONS FOR REFUSAL</b> <ul style="list-style-type: none"> <li>- The application site lies within an unsustainable countryside location and the applicant has failed to sufficiently demonstrate that there is no demand for an alternative use of the building for employment or community purposes or that the building would be undesirable or unsuitable for a non residential use in its own right.</li> <li>- The units are within extremely close proximity of industrial buildings and uses and the noise impacts upon the residential amenities of occupiers of the dwellings have not been addressed.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cllr John Wright			
<b>WARD</b> Hartlip, Newington And Upchurch	<b>PARISH/TOWN</b> Newington	<b>COUNCIL</b>	<b>APPLICANT</b> Asset Sky Limited <b>AGENT</b> Direct Planning Limited
<b>DECISION DUE DATE</b> 04/11/16	<b>PUBLICITY EXPIRY DATE</b> 28/10/16		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/502418/LDCEX	Lawful development certificate (Existing) use of building as 5 full time residential flats.	Refused	16.05.2016
SW/08/0550 (adjacent site)	Application for deletion of condition (i) of application SW/05/0646, to allow use of building for B8 storage and distribution and ancillary office accommodation without restrictions relating to occupier or type of B8 use.	Approved	11.07.2008
SW/07/0864 (adjacent site)	Change of use from agriculture former cold stores to storage or workshop.	Approved	18.04.2008
SW/04/1320	Change of use of agricultural building to 5,	Approved	28.02.2005

	holiday homes including new works and alterations.		
SW/03/1084	Change of use from agricultural building to six holiday homes and building works including reinstatement of historic features and conversion of part of an adjoining building to provide parking area.	Refused and Dismissed at Appeal	7.11.2003
SW/03/0116	Conversion of barns into two semi-detached houses and demolition of store.	Refused	14.05.2003
SW/02/1406	Conversion of barns into 2 semi-detached houses and creation of new access.	Withdrawn	27.01.2003

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a two storey former agricultural building which was granted planning permission for conversion to holiday lets under SW/04/1320 as set out above.
- 1.02 The footprint of the building is largely rectangular with a projecting element on the eastern side of the building. The footprint measures 19m in depth and 12.9m in width. The projecting element measures a further 6.3m in width and 6.7m in depth. The building measures 5.8m to the eaves and 7.9m in overall height.
- 1.03 Two of the units have an associated private outdoor amenity space and a gravelled parking area is located in the western part of the site. The property also benefits from a shared amenity area and use of a washing line. Cycle storage is also provided.

### 2.0 PROPOSAL

- 2.01 This application seeks to vary condition 12 of SW/04/1320 to allow for full time year round occupation of the units. Condition 12 of SW/04/1320 states:

*“The holiday lets hereby permitted shall be used solely for the purpose of holiday accommodation and shall not be let or occupied by any person or group of persons for more than four weeks in any calendar year.*

*Grounds: In order to prevent the permanent residential use of the building and having regard to rural location of the site in pursuance of Policy E9 of the Swale Borough Local Plan.”*

- 2.02 The application has been submitted retrospectively as the units are currently being occupied on a full time year round basis.
- 2.03 The proposal includes 5 units as follows:
- 1 x 1 bed;
  - 3 x 2 bed;
  - 1 x 3 bed

2.04 No alterations to the building or its associated amenity / parking area are proposed.

### 3.0 PLANNING CONSTRAINTS

3.01 None

### 4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The NPPF at paragraph 14 states that central to the NPPF is “a presumption in favour of sustainable development.

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”*

4.02 At paragraph 49 the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” Further to this, paragraph 17 states that we need to take account of the different roles and characters of different areas.

4.03 Paragraph 109 states that “The planning system should contribute to and enhance the natural and local environment by.... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;”.

#### Swale Borough Local Plan 2008

4.04 The “saved” Local Plan policies have been reviewed by the LDF Panel and assessed for compliance against the National Planning Policy Framework. The below policies are considered to accord with the guidance of the NPPF for the purposes of determining this application.

E1, E6, E7, E19, E24, H2, RC3, RC6 and T3

Policy RC6 – Re-use of rural buildings for housing - is central to this application and I set it out in full as follows:

*“To help secure the diversification of the rural economy, as promoted by Policy RC1, planning permission will not be permitted for the conversion of buildings in the rural area to residential use, or a mixed-use including residential, unless:*

1. *the Borough Council is satisfied that the applicant has made a reasonable and sustained effort to secure an alternative acceptable re-use of the building for employment or community purposes (at a price that reflects that use), and has provided a statement of such action; or*

*2. the Borough Council is satisfied that the building would be undesirable or unsuitable for a non-residential use in its own right or by way of its location or the scale of use that would otherwise result; or*

*3. a residential use, or a mixed-use including residential is the preferred way in which a historic building could be retained and/or restored.*

*In all cases, the building should be suitable for the proposed use, structurally sound and capable of conversion without: (a) the need for significant extension, alteration, or reconstruction; (b) significantly adversely affecting the countryside; and (c) without creating scales of residential use that would lead to unsustainable travel patterns.”*

Emerging Local Plan – Bearing Fruits 2031 (Proposed Main Modifications June 2016)

- 4.05 Due to the current advanced stage of the emerging Local Plan I also consider that policies ST1, ST3 and DM14 are relevant in the determination of this application.

Supplementary Planning Guidance

- 4.06 The Conversion of Buildings into Flats & Houses in Multiple Occupation - This is referred to in the supporting text to saved Policy H2 of the Swale Borough Local Plan 2008 as a material consideration, was subject to public consultation prior to publication and as such is afforded significant weight.

**5.0 LOCAL REPRESENTATIONS**

- 5.01 One letter of support was received from a neighbouring business raising the following summarised points:

- The full time residential occupation of these units provides an additional layer of security;
- If the units were used as holiday rentals then the occupiers would not be familiar with the business which would be to its detriment.

**6.0 CONSULTATIONS**

- 6.01 **Newington Parish Council** wished to make no comment aside from concern that the number of car parking spaces appears to be insufficient.

- 6.02 The **Environmental Protection Team** objects to the proposal due to the close proximity of the industrial buildings to the application site and the impact this could have upon residential amenities.

- 6.03 **Cllr John Wright** made the following comments:

*“Like the parish council I have no objection to this application and sympathise with the applicant. Having 5 holiday lets all together, attached and right next door to a industrial unit and yard does not lend itself for a rate of occupation that would justify the spend in conversion particularly during the down turn.*

*I would not wish those 5 families to be turned out and made homeless, also an issue within Swale. Also I suspect that if not granted this would also occupy the*

*enforcement teams time, at a time when old agricultural buildings are being given permission for housing, which this was prior to the change of use.*

*Therefore I would not wish this be Refused on a technical issue particularly as the probability and evidence already submitted points to the holiday lets not being profitable or sustainable. If it was to be recommended for Refusal I would like to see it come to the planning committee for a final decision. Particularly as there are no objections to this change of use."*

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 Application papers and correspondence related to 15/506513/FULL.

## **8.0 APPLICANT'S SUPPORTING DOCUMENTS**

8.01 The application includes two supporting documents, one entitled "The Resurrection of Chesley Oasts". This sets out the recent history of the building and the restoration works that were carried out to bring the building back into use. There is also photographic evidence of the works that were carried out.

8.02 The document sets out that holiday rentals were unviable and that the only way to break even was to let the units out on a full time residential basis. A 'rental breakeven analysis' is set out and the supporting document states that *"the financial analysis of the building also highlights the case and need to make the change from holiday accommodation to full time residential use. With low occupancy rates and high agent's costs it is very difficult for the holiday lettings to get close to break even."*

8.03 A further point is made that the full time residential occupation of the site means that the residents are able to act as an informal neighbourhood watch scheme and that if the application was refused then the five families will be required to find alternative accommodation.

8.04 A letter from two local sales and lettings agents state that they advertised the units for holidays lettings in 2011. One agent states that *"the response to this offering was almost nil"* whilst the other states that *"we did not receive any requests from potential holiday tenants for these properties during the period for which they were being promoted by us."*

8.05 A letter from a neighbouring stables owner sets out that since the units have been let for full time residential occupation the number of burglaries that the site has been subject to has reduced.

## **9.0 APPRAISAL**

### **Principle of Development**

9.01 The application site lies outside of the defined built up area boundary and is therefore considered to lie within the countryside where the Council's established policies of rural restraint apply. In this case policy RC6 of the Local Plan as set out above relates to the re-use of rural buildings for housing and sets out the criteria that will need to be satisfied in order for this type of development to be considered by the Council to be acceptable.

9.02 Policy RC6 requires that firstly, evidence will need to be provided to demonstrate that there is no demand for the building for employment or community purposes. In this

case the building was granted planning permission for change of use to 5 holiday homes under reference SW/04/1320. However, according to the supporting statement, the building after being converted, despite attempts to, was never let out to holiday makers. As a result, these units have only ever been occupied on a full time residential basis. The application sets out that due to a lack of demand for the units as holiday rentals, full time residential occupation was the only viable option. However, it is notable and surprising that the only marketing which apparently took place, was by two local estate agents (not companies where, I consider, one would normally look for holiday accommodation) and not by any specialist holiday letting firms. Nor is there any evidence that the holiday lets were ever marketed on the internet with any specialist holiday websites. As such, I give this information very little weight.

- 9.03 In any case, regardless of the viability of holiday lets in this location, before full time residential occupation can be considered to be acceptable the proposal is still required to be assessed against the criteria of the policy. In relation to this, no information has been provided to demonstrate that there has been a reasonable and sustained effort to secure an alternative acceptable re-use of the building for employment or community purposes. As a result of this lack of information the application fails to satisfy the first requirement of this policy. In addition, put simply, that holiday let use may not be viable is a matter for the applicant, who should have properly considered this in advance of implementing the planning permission. It is not a material consideration which weighs in favour of the grant of planning permission.
- 9.04 In terms of the second requirement of policy RC6 the site is located adjacent to storage and employment uses. As a result I take the view that both the location of the building and its scale would not be undesirable or unsuitable for a non-residential use as these uses already operate in the vicinity. Therefore, as well as failing to meet criteria 1 of policy RC6, the application also fails to meet criteria 2. Finally, with regards to criteria 3, I pay regard to SW/03/0116 which related to the host property (as set out above). Within the reason for refusal for this scheme it stated that "*the building is not considered to have significant historic or architectural value*". Since this time the building has been largely re-constructed and due to this I take the view that the building is not of historic merit. Therefore I do not believe that this criteria is relevant in this case. As such, I am of the opinion that the application fails to demonstrate that there is no demand for an alternative use of the building or that the building would be unsuitable for non residential use. As a result I am of the view that the application is contrary to policy RC6.
- 9.05 However, it must also be considered as to whether the application can be considered acceptable in light of the Council's current housing supply position. As Members will be aware, the Council can not currently demonstrate a five year housing supply and as such paragraph 49 of the NPPF as set out above is relevant. Although this states that relevant policies for the supply of housing can not be considered up to date it must also be taken into account the advanced stage that the Council has reached in terms of this and the likelihood that this supply will be met in the short to medium term. I also, as required by the NPPF pay regard to whether this proposal constitutes sustainable development. The site is approximately 1.5km away from the centre of Newington (via existing highways and not as the crow flies). It is also noted that Bull Lane, in the area close to the application site does not have a footpath. I do not consider this distance to be sustainable and as such take the view that the harm caused by the location of the proposal, which is for five open market dwellings (nothing has been submitted to state otherwise) would outweigh any benefits that this development would bring. Therefore, with the site outside of the built up area

boundary and due to the above assessment I take the view that the proposal is contrary to paragraph 14 of the NPPF and is unacceptable in principle.

### **Residential Amenity**

- 9.06 The site is set apart from the closest neighbouring residential units. As a result I do not believe that the proposal would have any negative impact upon other existing residential dwellings.
- 9.07 I have assessed the internal floorarea of the dwellings and am of the view that in line with the SPG it would provide adequate living space for the occupants. I also note that two of the units have access to their own private amenity space. There is a separate amount of amenity space which is shared between the other units. These units also have access to an outside washing line in order to dry clothes. As a result I am of the opinion that on balance the proposal provides sufficient amenity space for the occupiers of the units.
- 9.08 I note that there are surrounding industrial units / uses and the closest industrial building abuts Chesley Oast. This building was the subject of planning application SW/08/0550 which granted permission *“to allow use of building for B8 storage and distribution and ancillary office accommodation without restrictions relating to occupier or type of B8 use”*. At the current time the unit is operated by a company called Star Leisure which according to its website provides gaming machines for venues across Kent, Sussex, Surrey, London and Essex. There are also buildings opposite the front elevation of the host property which gained planning permission (under SW/07/0864) for *“change of use from agriculture former cold stores to storage or workshop”*. As a result of the close proximity of these industrial buildings I have consulted with the Council’s Environmental Protection Team. They have raised an objection on the grounds that the industrial buildings and associated uses have the potential to be noisy and have an unacceptable impact upon residential amenities. It is noted that an objection would not have been raised if the application site was being occupied in accordance with its permission (holiday lets) as the occupants would not reside within them for long enough to be unreasonably affected. However, as I am now considering the impact upon year round full time residential occupation I take the view that the impact upon residential amenities has the potential to be significant, this has not been addressed and I believe the application should also be refused on this basis.

### **Visual Amenities**

- 9.09 This application proposes no alterations to the current appearance of the building. I consider that the works to the former agricultural building were carried out in a careful and considered manner with the appropriate choice of materials. As a result I take the view that the impact upon visual amenities is acceptable.

### **Highways**

- 9.10 The application site includes a dedicated parking area. I have paid regard to *Kent Design Guide Review: Interim Guidance Note 3, 20<sup>th</sup> November 2008 – Residential Parking* which divides areas into four categories – town centre, edge of centre, suburbs and rural. I am firmly of the view that the location of the application site is rural. Therefore, as required by the above guidance, the proposal as a whole would be required to provide 6 car parking spaces. Although the car park does not have marked bays (to its visual benefit in my opinion) I am of the view that the car park would be able to adequately accommodate 6 cars. I therefore believe that the

proposal would not give rise to significant harm to highway safety or amenities. It is also noted that a cycle storage area is located on the site which notwithstanding the recommendation is welcomed.

### **Impact upon SPA and Ramsar Sites**

- 9.11 I have for completeness set out a Habitat Regulations Assessment below. This confirms that whilst mitigation could be provided by way of developer contributions, this is not considered appropriate for developments under 10 dwellings. The cost of mitigation will be met by developer contributions on developments over 10 dwellings. In view of this it is not considered that the development will have a harmful impact on the special interests of the SPA and Ramsar sites.

### **Other Matters**

- 9.12 The support received for this application also relates to the reduction of crime, that the refusal of planning permission would result in the current occupiers having to find alternative accommodation and that other agricultural buildings have been converted under permitted development rights.
- 9.13 In terms of the first point, the evidence provided that instances of crime in the locality have reduced is entirely anecdotal. No crime reference numbers of offences that occurred prior to the full time residential occupation of the units have been provided. In any case, I do not consider that this reason should outweigh the harm that the proposal causes to the countryside as set out above.
- 9.14 Secondly, it is of course unfortunate that existing occupiers would be required to find alternative accommodation. However, it is worth reiterating that their occupation of the holiday lets amounts to a breach of planning control, and an intentional breach on the part of the applicant. Members may be aware that intentional unauthorised development now amounts to a material consideration which weighs against the grant of permission, and I do not consider that the fact this breach has occurred should be given any weight whatsoever in favour of the grant of permission. To determine the application on such a basis would fundamentally undermine the planning process and reward and encourage unauthorised development.
- 9.15 Equally, whilst I have sympathy with the occupiers of the holiday lets, the Council would have a responsibility to house them if they were homeless, and beyond this, any responsibility for their situation lies with the applicant, who let these holiday lets to them knowing it amounted to a breach of planning control, and not with the Council. Finally, in this regard, this Planning Committee has in the past had to make difficult decisions relating to the enforcement of holiday occupation periods imposed on many of the holiday sites on the Isle of Sheppey.
- 9.16 This Committee has taken the, at times unpopular, decision to robustly defend the occupancy periods of these sites, and this position has been endorsed and supported time and again by the Planning Inspectorate, with the Council having an almost universally successful record of defending appeals. Action in those cases would have been more likely to result in the occupiers of holiday chalets or caravans having less opportunity to find alternative accommodation, and it is unlikely that the refusal of this application would result in the occupiers of these holiday lets being made homeless overnight. Any action taken to enforce the occupancy period could include a period of time sufficient for the occupiers to seek alternative accommodation. As such, I do not believe that this should have any weight in the decision making process.



- 9.17 Finally, permitted development rights in relation to agricultural buildings are not relevant here and carries no weight as the use of the building on 20<sup>th</sup> March 2013 was residential rather than agricultural (as set out in the application seeking a Lawful Development Certificate - 16/502418/LDCEX).

## **10.0 CONCLUSION**

- 10.01 The application has not provided any information to demonstrate that there is no demand for an alternative use of the building or that the building would be unsuitable for non residential use. As such, as the site lies within the countryside, in an unsustainable location and taking into account the currently advanced stage of the emerging Local Plan I believe that the full time residential occupation would be unacceptable in principle. Further to this, due to the extremely close proximity of industrial buildings I believe that these uses have the potential to cause unacceptable harm to the amenities of the occupiers of the units. For these reasons I recommend that planning permission is refused.

## **11.0 RECOMMENDATION – REFUSE for the following reasons:**

- 1) The development site lies outside of any built up area settlement, as defined by the Swale Borough Local Plan 2008, where policies of rural restraint state that development will not be permitted unless a reasonable and sustained effort to secure an alternative re-use of the site for employment or community purposes has been demonstrated; that the building would be undesirable or unsuitable for a non residential use or where residential use is the preferred way to retain the historic building. Equally, it has not been adequately demonstrated that the use of the properties as holiday lets is not viable. Furthermore, given the currently advanced stage of the Emerging Local Plan, Bearing Fruits 2031, the limited benefits of the development would not outweigh the harm caused and would result in unsustainable and unjustified residential development in the countryside in a manner harmful to its character, appearance and wider amenity value. The proposal is therefore contrary to policies E1, E6, RC6 and H2 of the Swale Borough Local Plan 2008; policies ST1, ST3 and DM14 of the Emerging Local Plan (Bearing Fruits 2031 – Proposed Main Modifications June 2016) and to the wider aim of achieving sustainable development as set out in the National Planning Policy Framework.
- 2) The proposal introduces full time year round residential development within extremely close proximity of industrial buildings and uses and fails to demonstrate that the noise impacts on the residential amenities of the occupiers of the dwellings would be acceptable, contrary to policy E1 of the Swale Borough Local Plan 2008 and bullet point 4 of paragraph 109 of the National Planning Policy Framework.

### **Habitats Regulations Assessment**

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 4.1km south east of the Medway Estuary and Marshes Special Protection Area and Ramsar site which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG); the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is no scope to provide on site mitigation such as an on site dog walking area or signage to prevent the primary causes of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation birds by cats.
- Based on the correspondence with Natural England, I conclude that off site mitigation is required. However, the Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement may cost more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed, however, NE have acknowledged that the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and that questions relating to the cumulated impacts on schemes of 10 or less will need to be addressed in on-going discussions. This will lead to these matters being addressed at a later date to be agreed between NE and the Councils concerned.
- Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds being set by other North Kent Councils of 10 dwellings or more above which developer contributions would be sought. Swale Council is of the opinion that Natural England's suggested approach of seeking developer contributions on minor developments will not be taken forward and that a threshold of 10 or more will be adopted in due course. In the interim, I need to consider the best way forward that complies with legislation, the views of Natural England, and is acceptable to officers as a common route forward. Swale Borough Council intends to adopt a formal policy of seeking developer contributions for larger schemes in the fullness of time and that the tariff amount will take account of

and compensate for the cumulative impacts of the smaller residential schemes such as this application, on the features of interest of the SPA in order to secure the long term strategic mitigation required. Swale Council is of the opinion that when the tariff is formulated it will encapsulate the time period when this application was determined in order that the individual and cumulative impacts of this scheme will be mitigated for.

Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion as this is for five dwellings, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwelling proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

#### **The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.